



# ***WISE-event***

18&19/05 2015

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# Setting the Scene



People with disabilities:

- **29%** of people with disabilities have a job (compared to 69% of all Europeans)
- **62%** of people with disabilities are among the poorest in Europe
- At least **1.2 million** people with disabilities live in institutions in the European Union (in place with 30+ residents)
- The majority of people in institutions do not work, some provide free labour

# Disability Policies

## 3 scene setting documents

- UN Convention 2006  
(into force on 01.05.08)  
<http://www.un.org/esa/socdev/enable/documents/tccconve.pdf>
- Council of Europe Action Plan on disabilities 2006-2015  
[http://www.coe.int/t/e/social\\_cohesion/soc-sp/Rec\\_2006\\_5%20Disability%20Action%20Plan.pdf](http://www.coe.int/t/e/social_cohesion/soc-sp/Rec_2006_5%20Disability%20Action%20Plan.pdf)
- New Disability Strategy  
(following the EU Actionplan 2004-2010)  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SEC:2010:1323:FIN:EN:PDF>

# UN Convention



## Art. 1

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.



## Art. 3: Principles

- Respect
- Non-discrimination
- Participation
- Equality and Opportunity
- Accessibility
- Equality between men and women
- Respect for evolving capacities



## Follow-up of the Standard Rules

- Disability: no longer a medical but a social and citizens definition
- Disability is an evolving concept
- Persons with disabilities (PWD)
  - Faced with huge barriers
  - Risk of poverty
  - Multi-layered discrimination
- Holistic approach is needed
- PWD should enjoy and contribute like everybody else

## Article 12



# Equal recognition before the law

1. States Parties reaffirm that persons with disabilities have the right to **recognition everywhere as persons before the law.**
2. States Parties shall recognize that persons with disabilities **enjoy legal capacity on an equal basis** with others in all aspects of life.
3. State Parties shall take appropriate measures to provide access by persons with disabilities to **the support they may require in exercising their legal capacity.**



4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law.

5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs.



# EASPDUN General Comment Article 12

## Equal recognition before the law



- No denials of legal capacity – it is universal
- Definitions of ‘ support’ and ‘substituted’
- Mental capacity cannot be used to deny or restrict legal capacity
- Will and preferences replace ‘best interests’
- Support must fully replace substituted- cannot introduce support but retain substituted decision-making regimes.

# UNCRPD Article. 19



Article 19 – ‘Living independently and being included in the community’

Persons with disabilities have the right to:

- Choose their place of residence and are not obliged to live in particular living arrangement.
- Have a full range of access to community services and facilities on an equal basis.
- Be included in the community, free from social segregation and discrimination

# Deinstitutionalisation



## Institutional Care VS. Community-based

Institutional Care	Community-based Care
Isolation from outside community	Inclusion to the community
Clients don't have sufficient control over their lives	Clients have control over their lives
Paternalistic relationship	Friendship & Partnership
Routine Rigidity	Flexibility
Block treatment	Individual approach
Clients have less priority than the rules of the institution	Client is the priority
Clients tend to become stressed and depressed	Clients are more happy and content

# UNCRPD Article. 24



Persons with disabilities have the right to:

- Receive education on the equal basis with others in the absence of discrimination and social segregation
- Receive assistance and full access to facilitate their effective education
- Fully enhance self-regard and bring our best in individual potentials
- Strengthen respect for human rights, and fundamental freedoms



- What is **Inclusive Education**?
- A Right to Education is key in allowing persons with disabilities to reach their human potential and enabling them to fully participate in a free society like everybody else. Teachers and staff are ensured to apply inclusive practice to all students in their classroom.

# UNCRPD Article. 27



- People with disabilities have the right to work on an equal basis with others
- Prohibit discrimination concerning all forms of employment and promote equal treatment of all workers
- Open labour market
- Facilitated by specific measures
- Valid employment contract and pay equity
- Labour and trade union rights
- Endure reasonable accommodation
- Promote vocational guidance programme & professional rehabilitation

# *SUCCESSFUL EMPLOYMENT?*

- Freely chosen
- Real contract
- Workers rights
- Decent job
- Fair remuneration
- On the open labour market
- =art.27 UNCRPD





## MAIN BARRIERS



- Focus on disabilities instead of abilities
- Low quality education and VET
- Accessibility : Public transport  
Recruitment procedures/Information  
Working methods  
Working environment
- Work must pay: benefit trap
- Lack of holistic support
- Blaming language: People far away from the labour market  
or...labour market far away from the people





# Challenges in the Sector

- Benefit trap
- Shift from sheltered to open employment
- Access to and full implementation of assistive technology
- Job carving: people furthest away from the labour market or labour market too far away from the people...
- Awareness raising amongst employers

## Conclusions

### 10 key quality requirements for effective interventions



1. To facilitate full participation, inclusion and equal citizenship
2. To be built around people with disabilities and their changing needs: tailor made - person centered
3. To be community based and rooted in society
4. To be set up in , and in close cooperation with the mainstream
5. Holistic approach → multi faceted

## Conclusions

### 10 key quality requirements for effective interventions



6. Be provided by well trained and managed staff
7. Respect the social network around the person
8. Be based on stakeholder cooperation
9. Ensure security to all people with support needs
10. Allow real and informed choices

# CONCLUSION



- Object is clear = art. 27 UNCRPD
- Successful employment = result of successful inclusion
- More away from blaming language or policies
- Multi – layered approach = **S T A R**





# Thank You for Your Attention

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