

Key rights of persons with disabilities: an introduction

Article 21 and Article 26 falling under the ‘Equality’ Chapter of the Charter of Fundamental Rights of the European Union prohibit discrimination on the ground of disability, and recognise and respect the right to integration of persons with disabilities.

Policy context

Some 80 million people living in the European Union (EU) have a disability. Many face barriers in their daily lives.

The EU has also, for the first time in its history, concluded a United Nations (UN) human rights convention, namely the Convention on the Rights of Persons with Disabilities (CRPD). All EU Member States have signed the Convention and by July 2011, two thirds have also ratified it.

The European Union Agency for Fundamental Rights (FRA) is supporting the efforts of the EU to promote equality and protect the rights of persons with disabilities. It examines laws and policies, as well as how persons with disabilities experience everyday life. The results of this research are published in reports, which look at how well EU Member States are complying with the UN Convention and EU law.

Persons with disabilities: not just an afterthought

The CRPD stresses the importance of inclusion: this means that governments must consider the needs of persons with disabilities in all their policies, programmes and actions. For example, according to the Convention, when policy makers develop a new education policy, they must consider how it might affect young persons with disabilities and ensure that their needs are taken into account. Of course, policy makers must not only apply this thinking in new laws, they must also ensure that existing laws become inclusive and cater for the needs of persons with disabilities.

What are these rights?

The CRPD states what governments must do to protect and promote the rights of persons with disabilities. It does not create any special rights, but tries to ensure that persons with disabilities can enjoy, like everyone else, all human rights. Some of the rights guaranteed by the Convention are described below.

Ending discrimination

According to the CRPD, governments must pass laws that promote equality and end all forms of discrimination, direct and indirect, against persons with disabilities. No one is allowed to discriminate; not the state, companies nor individuals.

Discrimination is not always direct, such as openly refusing to hire someone because of their disability. It can also be indirect, such as the lack of wheelchair access to buildings or the taking of decisions for someone with a disability without consulting them. To avoid indirect discrimination, laws must ensure that there is ‘reasonable accommodation’ for the needs of persons with disabilities. For example, an employer must consider the needs of employees with vision problems by supplying them with a Braille keyboard or an adapted computer screen to enable them to work.

It is important that non-discrimination laws are properly enforced and that persons with disabilities and organisations representing their interests are able to easily access mechanisms that allow them to seek redress.



Securing equal rights under the law

The CRPD also underlines the need to recognise that persons with disabilities should enjoy the same legal rights as everyone else.

In the past it was often *guardians* making decisions for persons with disabilities. The Convention changes this, enabling persons with disabilities to decide for themselves and take charge of their lives. For example, people with mental health problems, rather than their legal guardians, should have the right to manage their own financial affairs or enter legal contracts or, if they wish, be supported in making their decisions. In many countries this will result in changes to existing laws.

Accessing justice

Effective access to justice can be a challenge for many people, but especially for persons with disabilities. They may face problems physically accessing places, problems in communication, or problems with people's attitudes – as some do not accept that persons with disabilities could be credible witnesses or that their views should be considered.

The CRPD requires that governments make sure that persons with disabilities have effective access to the justice system by eliminating any barriers that may prevent them from taking part in legal proceedings as complainants, defendants, witnesses or jury members.



Ensuring humane institutions

Persons with disabilities are particularly vulnerable to violations of basic human rights when living in long-term residential institutions.

The CRPD obliges governments to find ways of effectively protecting persons with disabilities from acts of exploitation, abuse, degrading treatment, violence or torture. For example, by prohibiting any medical or scientific experimentation without their free and informed consent, particularly when it concerns medical interventions forced upon them to deal with an impairment, as well as forced abortion or sterilisation. The Convention calls on governments to end abuse caused by neglect, abandonment, confinement, being hidden away from society or the use of drugs to control behaviour.



Living independently

We all value our independence, which we often take for granted. For persons with disabilities, it is often a luxury.

The CRPD wants to prevent persons with disabilities from being forced because of their impairment to live in a particular living arrangement. Therefore, it reinforces the right of persons with disabilities to live independently and to participate fully in all aspects of life. This means that persons with disabilities should have the possibility to have a home of their own, like everyone else, and equal access to everything from transport to information and communication, as well as to public facilities and services.



Getting politically involved

Participation in political life is a fundamental right of every EU citizen. It is the foundation of democracy.

The CRPD obliges countries to ensure that persons with disabilities can enjoy the right to participate in politics. Persons with disabilities must therefore not just be allowed, but actually be enabled and encouraged to vote and take part in political life, including holding an elected office at any level of government. This could be achieved, for example, by ensuring that voting procedures, facilities and materials are made accessible to persons with disabilities.

Further information:

UN Convention on the Rights of Persons with Disabilities (CRPD): www.un.org/disabilities/

FRA's work on disability: fra.europa.eu/fraWebsite/disability/disability_en.htm.

Email: disability@fra.europa.eu