

## Development of European policy on integration and non-discrimination of disabled

References	The main decisions
1. Olivier, P. (1997)	In the <b>1970s</b> the European Community has begun to assert <b>its concern about people with disabilities</b> , however, there was <b>no very specific provision that addresses discrimination</b> on the ground of age or disability until <b>1981</b> .
2. <b>Council Resolution</b> of 21 on December 1981	In 1981 the Division'Action was created within European Commission and endorsed by Council Resolution <b>on the social integration of handicapped people at Community level</b> , but this action program was launched in January <b>1983</b> only to promote these objectives in practical terms.
3. Report from the <b>European Commission</b> of 24 July <b>1986</b>	February <b>1986</b> the <b>Single European Act</b> completed <b>on the employment of disabled people in the Community</b> . In <b>1988</b> the Council put forward some propositions for promotion the <u>participation of disabled representatives, exchanging the experiences and better co-ordination of actions of vocational integration of disabled</u> within member states. (EC, 1988).
4. Second report of the <b>European Commission</b> 1989	The Article 26 of <b>Community's Social Charter</b> for the <u>fundamental rights</u> of workers (1989) stated <b><u>the right of disabled to vocational training, rehabilitation.</u></b>
5. <b>Council</b> decision of 18 April <b>1988</b> establishing a second Community action program for disabled people (HELIOS).	The HELIOS II (1993-1996) programs and I (1989-1992) covered <u>not only economic integration</u> (including vocational training) of disabled, as it was before, but also the <u>areas of significant importance</u> such as <b>functional rehabilitation</b> <b>educational integration</b> and <b>leisure of disabled</b> . The HELIOS II was designed for improving the exchange and information activities in member states and with NGOs, development of an European co-operation policy in optimisation positive actions of integration of disabled in favour of people with disabilities. (EC, 1993b)
6. Resolution of the <b>Council and the Ministers of Education</b> meeting on the 31 May 1990	For first time the <b><u>policy of integrated education</u></b> in EU was endorsed in <b>1990</b> concerning <b>integration of children and young people with disabilities into ordinary systems of education.</b>

<p>7. Report of the <b>European Commission</b> (1992).</p>	<p>European Commission in <b>1992</b> has made <b>the report</b> regarding <b>integrated education</b> of the disabled on the assessment of the current situation in European Community countries within <u>1988-1991</u>. <u>The necessity of a separate special school system was questioned</u> even the special system was characterised by high quality. <b>So the serious concerns there were expressed about the existence of two separate systems</b> in education.</p>
<p>8. <b>European Commission</b> (1995) Medium-term Social Action Programme 1995-97.</p>	<p>In <b>1995</b> the <u>Medium-term Program of Social Action 1995-1997</u> was made. The Program asserted the need for an <b><i>active society for all, including people with disabilities</i></b>. There were series initiatives <b>to adopt the principles stated in the UN Standard Rules (UN, 1993)</b> for the equalisation of opportunities for people with disabilities and <b>supporting the introduction of a non-discrimination clause</b> in the EU Treaty.</p> <p>Those initiatives were very important because <b>the equal rights and opportunities for disabled in integrated education, recreation and sport</b> mentioned in UN 1993 document <b>has been recognised and promoted by EC</b> as well as <u>has been taken efforts to provide the EU with legal measures to develop disability policies</u>. European policy in favour of people with disabilities so far has <u>been limiting to action programs on subsidiary principle</u> because <b>there has not been any legal basis, which allowed the EU to commit to other types of action</b>.</p>
<p>9. Communication of the <b>European Commission</b> (1996)</p>	<p>Taking into consideration the initiative aimed at the Program of Social Actions the European Union made a crucial policy shift to <u>a rights based approach</u> in the disability field the <b><i>New Community Disability Strategy</i></b> was created by the Commission. The Strategy was <b>politically endorsed and</b> supported by European Parliament in Resolution on the equality of opportunities for people with disabilities (1997).</p> <p>Referring to the <u>New disability strategy</u> it includes <b><i>physical, sensory, mental and intellectual forms of disability</i></b> and envisages a <u>strategy for various social actions</u> <b>including social area of education as one of the priority</b>. <u>The <i>mainstreaming is the main strategic initiative</i></u> to facilitate the full participation and <b>involvement of students with disabilities in educational processes, while respecting personal choice</b>. It means that the <b><i>educational issues of disabled</i></b> should no longer be considered separately from the mainstream policy-making apparatus, but should be clearly seen <b><i>as an integral part of general education</i></b>. The gradual movement away from the traditional response of developing separate special schools has <b><i>to be steadily overtaken by initiatives promoting integration into mainstreamed schools, meeting the specific educational needs eliminating discrimination as well as recognition the equal rights of people with disabilities in the field</i></b>.</p>

10. Resolution of the Council (1996)

The **High Level Group** of Member States' Representatives **on Disability** foreseen in New Strategy was created and its' guidelines set out in the Resolution adopted by government representatives of the Member States during the meeting of the Council of Ministers on 20 December **1996** in a Resolution of the Council of Ministers (*Official Journal C 012 of 13 January 1997*).

**The main aim** of the High level group on disability is **to keep the new policy developments and pool information in the Member States** taking into account the activities as following:

- ❖ **Empowering people with disabilities** for participation in society, including the severely disabled
- ❖ **Mainstreaming the disability perspective into all relevant sectors** of policy formulation
- ❖ Enabling people with disabilities to **participate fully in society by removing barriers**
- ❖ Nurturing public opinion to be respectful to the abilities of people with disabilities and toward strategies based on equal opportunities.

11. European Commission Communication (1999)

In the Intergovernmental Conference in June **1997**, the Heads of State and Governments included a **new Article 13** in the Amsterdam Treaty *providing the Community with specific legal powers to take actions to combat discrimination on sex, race or ethnic origin, religion or belief, disability, age and sexual orientation.* (*Communication 1999*)

**Article 13 of the EC Treaty** laid down a *legislative framework has to be implemented by the Member States* and provide for directly enforceable judicial remedies before national courts.

**It is very important for implementation of non-discrimination principle in European disability policy, because the 'disability' is for first time separately mentioned within others in the Article 13 of the EU Treaty**

12. **Compendium on Member States' Policies** on Equality of Opportunity for People with Disabilities (1998).

In order to promote the fulfilling of the principle of non-discrimination of the EU Treaty's Article 13 within the Member States the **Compendium of Member States' Policies** on Equality of Opportunity for People with Disabilities was created in 1998.

The main purpose of this Compendium was to set up the key policy issues common for Member States in implementation and monitoring of equal opportunities for disabled. This approach is fundamentally grounded on an equal opportunity model.

Compendium embrace **fore key areas of disability policy**: Organisational arrangements on disability policies, an Organigram, Action Plans and Co-operation – Consultation Structures.

It is very important for THENAPA to emphasise that referring to **Organisational arrangements** on disability policies in each 15 Member State only one of them, **it is PORTUGAL** that recognised on governmental political level *the disability sport as an important area for social integration of disabled*. The Portugal only included the ministry of Culture Sport and Recreation within the governmental bodies responsible for social integration of disabled.

**So there is one of indispensable proposals that have to be made by THENAPA to European Commission to endorse *the disability sport as a right of disabled and as an important mean of social integration* in order to support non-discrimination principle in European policy of disability.**

Compendium also provided the summary of the governmental action plans of disability policies for **each Member State** in pursuance of the key European policy issues proposed.

Referring to action plans only in **Austria, France, Luxembourg, Italy and United Kingdom** the integrated education of disabled is included into the governmental action plans. The other 10 EU countries planned their activities within Special education without emphasis on integration or emphasising the rehabilitation activities in education of disabled.

The Governments of EU countries *do not recognise the physical education as integral part of general or special education of disabled* at all because in educational area of Action plans of EU countries there were not even mentioned physical education.

So *the area of integrated physical education of disabled* that is one of the main purpose of THENAPA activities *is not known or recognised by national authorities as a right for disabled*.

**There is the another indispensable proposal to European Commission *that physical education being the integral part of general education have to be recognised as the right of disabled* in order to promote the fulfilling of the principle of non-discrimination of the EU Treaty's Article 13**

13. **European Commission  
Communication (1999)**

The European Commission in 1999 has already made the Communication to the Council and the European Parliament on certain ***Community measures to combat discrimination in accordance with the requirements of Article 13.***

The measures of that Communication 1999 embrace the **Constitutional and ordinary national legislation of the Member States**

As it is shown in the Communication **the Constitutions** of most Member states the **disability discrimination ground is explicitly included** in the Constitutions of the three Member states **only: Germany, Austria and Finland**. The **United Kingdom does not have** a written Constitution.

The **ordinary laws** that give the **statutory provision to combat discrimination on the ground of disability** (the legislation which makes it unlawful to discriminate against disabled) **are indicated in the legislation of France, Ireland, Sweden and the United Kingdom on the scope of employment.** **The United Kingdom and Ireland's legislation only covers the area of non-discrimination of disabled in Education.**

14. **European Commission (1999)**

In 1999 the European Commission has made the **Community Action Programme** to combat discrimination that has **been officially published** by Commission and adopted by Council.

The **Council decision** provides **the legal framework for the implementation of non-discrimination principle of European disability policy**. There was **established** the **Programme Committee** made up of representatives of the Member States.

The **Community Action Program** is as a ***major European instrument to prevent and combat direct or indirect discrimination*** as well as eliminate all inequalities **on the grounds** of racial or ethnic origin, religion or belief, age, disability and sexual orientation. It will run from **2001 to 2006** and ***designed to support and complement implementation of the European directives of non-discrimination*** through the **exchange of information, experience and the dissemination of best practices, networking at the European level** in both legislative and non-legislative areas. The Programme includes, in particular, **measures to assist the participation of organisations facing particular difficulties linked to discrimination, especially people with disabilities.**

***The Commission also invites the comments on key policy documents.***

Therefore it is the **unique opportunity** for THENAPA **to declare** the European Commission about the **very important disability sport and physical education fields that produce the discrimination of disabled both on legislative and service provision levels in the Member State as well as associated Countries.** At the same time to propose the European Commission the means of **non-discrimination in the field that have to be included in European policy on disability according to requirements of Article 13 of EU Treaty.**

15. **Parliament resolution (2001)**

The European Parliament in **2001** has made a Resolution and **welcomed the Commission communication 2000** entitled 'Towards the barrier free Europe for people with disabilities'. In the Resolution there was insisted that creating of barrier free Europe **required specific measures** in favour of people with disabilities accompanied by operational implementation, monitoring and assessment provisions, as well as **declared the year 2003 as the European Year Disabled Citizens.**

The Parliament also called on the Commission to submit a *proposal for a directive based on Article 13 of EC Treaty* covering **all the European Union's fields of jurisdiction**, with a view to ensuring equal treatment for people with disabilities.

**The European Parliament resolution (2001) takes the opportunity for THENAPA to ask the Commission to justify the disabled peoples right in participation in all levels of disability sport including elite level in order to ensure the European principle of non-discrimination of disabled according to Article13 in the field.**

## Disability sport and physical education for disabled in European policy

1. (1987) European Charter on sport for all: disabled persons'.

European Community countries have organised conferences and seminars in the field of sport for disabled people. Since 1984 the **Commission for sports Development of the Council of Europe (CDDS)** has been obliged to produce recommendations for member Governments in order to make sport for disabled people more popular. The results of such activities were published in '**European Charter for sport for all: disabled persons**'

2. Resolution No.1 (1986) on the European Charter for Sport for All: Disabled Persons.

The '**Spot for All Charter**' has been adopted by the Committee of Ministers of the Council of Europe in 1986. The Ministers committee of the Council recognised the Charter *as a recommendation to governments of Member states* referred to all kinds of disabilities that can be covered within the sport

3. Recommendation No. R (1986) 18 of the Committee of Ministers to member states on the European Charter on sport for

Referring to the Recommendations there has been recognised once more that **every individual should have the right to participate in sport**. The development of sport and physical recreation for all disabled persons is **an important means of improving the quality of their life, as well as contributing to their rehabilitation and integration in society.**

The Governments of member states were recommended:

- ❖ to orient their policies toward the **adequate opportunities** to take part in recreational physical activities for disabled persons;
- ❖ to encourage educational authorities to take sufficient steps to provide **adequate and real physical education** for disabled children in schools and to train to the required level those who may teach these children;
- ❖ to encourage **co-operation between various public authorities** involved in sport for disabled, such as health, social welfare, education and sport departments, and their policies and actions.

The Governments of member states working together with the sports organisations were recommended:

- ❖ to develop appropriate activities **at all levels of sport** (*top level, organised and recreational sport and health sport for medical reasons or for fitness purposes*) for disabled persons;
- ❖ to recognise that disabled persons **may aspire to elite sport** and to participate in it according to their abilities without any exploitation, whether physical, psychological or financial.

4. Sport for Disabled People in Europe (2000) ENGSO seminar Lisbon-April 2000.

Following the initiative of Directorates General and replying to the increased interest in sport for disabled people, the **European Committee on Sports for People with Disabilities (ECSPD)** was established in November 1993. The Committee consists of two people from each country (one in the field of mental and one in field of physical disability) and works out the development strategy of sport for disabled people in Europe. It also initiates the activities aimed at unification and integration in the field as well as passes its opinion on the applications for financial support for European union funds by the different countries. The **European non-governmental sports or organisation (ENGSO) have been obliged by ECSPD to include disability sports programmes in their activities** and its' General Assembly in 1998 made a decision investigate the situation in this field and published the results. The **ENGSO after the investigation of disability sport situation in European countries revealed a lot of problems facing sport for disabled in Europe.**

Taking into consideration, that the disability sport problems in European countries could be solved by the coordinated work between **governmental and non-governmental organisations** only, the **THENAPA on the basis of the investigations is able to propose the European Commission to declare the governmental political commitment for disability sport development in European countries seeking for non-discrimination principle of European disability policy.**

5. Soriano, V. (ed.) (1998,1999)  
6. Meijer, J. W. (ed.) (1998, 1999)

The **European Agency for Development in Special Needs Education** on the basis of HELIOS and its own comparative investigations supported by European Commission and UNESCO **has issued four publications** regarding integrated special needs education of disabled. The comparative investigations between EU countries have been made in the areas of **Early intervention of disabled children (Soriano, 1998), Provision for pupils with special educational needs (Meijer, 1998), Organisation of support for teachers working with special needs in Mainstream education (Soriano, 1999) and Financing of special needs education (Meijer, 1999).**

A lot of aspects of integrated and **inclusive intellectual education** of children with various kinds of disabilities there were discussed. But **physical education of disabled students was not even mentioned in the results or conclusions of comparative investigations** despite that physical education sometimes especially for severely disabled is more important of improving the quality of their life.

**So the THENAPA investigations regarding the physical education of disabled in mainstreamed education are very important and could fill in that gap in special needs education. The European Agency for Development in Special Needs Education has to recognise the physical education of disabled as inseparable part of general one taking into consideration the holistic approach of education.**

