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European Union Policy Toward People
with Disabilities

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The transformation of the rehabilitation system in Poland and the prospect of Poland's accession to the European Union create a need for familiarizing our society with principle ideas of the European Union. Poland is currently negotiating its access to the Union. At the time of entering the Community, Poland will have to conform to all the standards, principles and patterns that are binding on the Union member countries.

The way the EU has been functioning so far indicates that the Community increasingly emphasizes the so-called social dimension of disablement. Currently, we can witness how the understanding of this term evolves from the statement that disablement has a traumatic physical and psychological effect on people resulting in their difficulty to ensure themselves adequate quality of life (individual model), to realizing that disabled people encounter various economic and social barriers which prevent them from ensuring themselves adequate life quality by their own effort (social model).

The main focus of the studies undertaken on the individual model is on the factors that best favor adaptation of people with disabilities to the conditions they live in whereas in the social model the studies are oriented at the analysis of limitations imposed by the environment. The social

approach is also reflected in its definition of a disabled person - an individual with all the rights who is placed, however, in a situation that makes him/her handicapped - a situation resulting from environmental, economic and social obstacles which they, in contrast to other people, cannot overcome due to their inherent shortcoming.¹

Concrete actions with regard to social policy and rehabilitation of people with disabilities differ among individual member countries while at the Union level care is taken to unify standards and eliminate differences in these areas among individual countries. The EU social policy is thus aimed at equalizing the conditions and actively joining various spheres of social and economic activity by economically weaker population groups of EU member countries. The review of EU activities for people with disabilities does not seem to be a matter of fashion, but rather a social issue which has come to stay in social policy of many countries - a concept of social order affected by experience of various natures, political, cultural, and economic.

The analysis of EU activities justifies the statement that, so far, regulations have been developed on: promoting employment and combating unemployment, equal opportunities, and elimination of discrimination in the labor market and other areas of life such as co-ordination of social insurance systems, Union's labor law, and law on occupational health and safety.² The first general European Community strategy encompassing fifteen countries was published in the Statement of equal opportunities for the disabled.³

The document was not binding in its nature. It relied on social understanding of disablement. The document presented a general idea of the integrating policy toward disablement and needs of people with disabilities as part of the Community's general policy. The statement postulated a civic dialog with non-government organizations.

In December 1996 the Council of Ministers of member countries adopted a document entitled Resolution on equal opportunities for the disabled.⁴ Although not binding in its nature, the document is a sign of approval of the European standard that was established.

The Maastricht Treaty of 1993 does not tackle the issue of disablement. It was only in the Amsterdam Treaty of 19th February 1995 that some changes were made when the issues of disablement were for the first time taken into account in the context of the general clause of non-discrimination.⁶ The bases for the new European legislation are the Standard Principles of Equalizing Opportunities and strong pressure by mutual assistance groups of people with disabilities. The Treaty imposes on the member countries and on the Community institutions the obligation to combat discrimination of people with disabilities. Article 13 reads:

without violating other regulations of this Treaty, and within authorities vested in the Community, the Council, acting in conformity with the Commission's proposals and

in consultation with the European Parliament, can take appropriate actions to combat discrimination for reasons of gender, racial or ethnic background, religion or beliefs, disablement, age or sexual orientation.⁷

The latest communique by the European Commission⁸ defines, inter alia, basic directions of the current EU policy which pertain to hiring people with disabilities, equalizing their opportunities in the society, eliminating barriers, full participation of people with disabilities in social life, unified and coordinated policy toward vocational and social rehabilitation.

The European Parliament, jointly with other EU institutions, is working on developing a unified law regarding the disabled for all its member countries. The main focus is on the following subject groups:⁹ eliminating differences in terminology of "disability" currently in force and its legal consequences; creating durable integration, social, and vocational processes accompanied by building public awareness of their importance for people with disabilities; updating the legislation and new legal solutions concerning the disabled which take into account the ongoing social changes in individual countries; creating a coherent social policy encompassing all concepts of disability. The Communique also emphasizes that 2003 is planned to be the year of disabled people.

As the Commission's data show, about ten percent of Europe's population, i.e., about 37 million people, are disabled and, as EU experts emphasize, this is the most socially marginalized group. In view of the above statement a new action plan is being developed aimed at removing all barriers and combating discrimination in all aspects of life (at the level of all Community countries) for 2000-2006.

Reports on detailed solutions for people with disabilities, which come to the European Council from individual EU countries, indicate that there is an urgent need to undertake joint actions to equalize opportunities of this social group. EU member countries have set similar objectives in that domain (Communiqués of the European Commissions and the Resolution of the European Council¹⁰). In most recent reports by European Commissions of 1998-2000 and in programs for next years, the "equalizing of opportunities" is meant as:¹¹ a process through which various areas of social life and environment become accessible to everyone, in particular to those with disabilities; taking into account the needs of every human; participation in social life by every human; the right of people with disabilities to live within their local community, to receive the requisite assistance as regards education, health care, employment and welfare benefits; equal rights and also equal obligations of people with disabilities who are considered fully able members of the society. Actions for people with disabilities in EU countries are directed, for instance, at¹² prevention, rehabilitation, availability, individual assistance, combating discrimination, vocational

activation.

The European Union, in its desire to overcome the differences in policies toward people with disabilities among individual countries, has begun to implement programs aimed at supporting integration of people with disabilities, co-ordination and concretization of activities for the benefit of this social group, co-operation and partnership among various initiatives in the area of vocational and social rehabilitation, increasing mutual contacts, and informing public opinion about problems of people with disabilities.

Among the Community's programs for people with disabilities, two initiatives deserve special attention: Helios I, implemented in 1988-1992, and its successor Helios II (1993-1996). Their objective was to promote economic and social integration as well as independent living for people with disabilities. These programs made it possible for many entities operating at local, national, and community levels to share experience and join the discussion on disability in Europe.

Communities representing people with disabilities have been invited to share in the management of the Helios programs while the European Disablement Forum, which was established as a result of their activity, has continued operating and expressing opinions in matters important to people with disabilities.¹³ Also important to people with disabilities is the Handynet system - a computer database, available in eleven official languages of the European Union, providing miscellaneous information such as available aids and rehabilitation equipment or other services.

Owing to the Helios programs, issues of disablement have begun to be taken into account in creating and implementing various initiatives of the European Union. Due to that, changes were made in such programs as: Socrates, Youth for Europe, Leonardo da Vinci, Daphne, Phare, Tacis, etc. The current versions of some of these programs give greater consideration to needs of people with disabilities. The above-mentioned programs are already available for Poland.

The main objective of the Socrates II program is to promote the idea of European standard of teaching through co-operation between schools and universities. A university participating in the Socrates II, such as the Erasmus program, undertakes, inter alia, to support integration of disabled students. Such students can count on additional grants when they take part in scholarship exchange programs. They can also apply for financing of travel expenses for the person taking care of the disabled student.¹⁴

The Youth program deals with extramural education of young people. It facilitates acquiring of knowledge and new skills, especially for the youth living in difficult conditions, and the youth with disabilities. Disabled young people can count on financing special costs associated with their exchange under this program.¹⁵

The Leonardo da Vinci II program whose objective is to improve the quality of vocational and specialized education

provides similar facilities for the disabled student.

A new initiative of the European Commission that became available for Poland at the end of 2000 is the Access program. Its main objective is to strengthen the civic society. This program's financial resources will be used to finance programs targeted at specially selected groups, including people with disabilities.

Of great importance are also international conferences that set directions for changes in the long-term rehabilitation policy on attaining independence by people with disabilities. Many of these conferences are organized by the European Network on Independent Living (ENIL).

Problems of the disabled people are also tackled by non-government organizations. One of the main instruments of the EU social policy is the European Social Fund.¹⁶ The primary tasks concerning people with disabilities which are financed or subsidized by the Fund are as follows: actions aimed at reducing unemployment among people with disabilities (e.g., creating appropriate conditions for taking up a job, in particular for young people with disabilities); vocational training (e.g., regarding the state-of-the-art information and telecommunication technologies for people with disabilities); organizing international education centers with teleconferencing facilities.

Of the Community's fourteen initiatives financed by the European Social Fund, one initiative - Horizon - was in particular intended for people with disabilities. Funds available under this initiative were used to finance various programs associated with improving qualifications and education of people with mental disability, to organize conferences, and to pay financial aid to those undertaking business activity. In the years 1994-1999 the budget of the Horizon initiative was 500 million Euros which made it possible to finance 1200 programs. Since 2000 the Horizon initiative has become part of the Equal program under which financing will be provided to all programs for people with disabilities concerning improved opportunities for education and employment.

People with disabilities living in large urban areas will be able to take advantage of the Urban initiative whose objective is to promote balanced development of urban areas which also includes adaptation of the municipal infrastructure to the needs of people with disabilities.¹⁷

It is also the European Council that acts in favor of people with disabilities. One of the most important documents prepared by the European Council is the European Social Charter (of 18th October 1961, with later amendments) ratified by Poland on 17th June 1997. The ratification of the Charter imposed on Poland the obligation to develop relevant programs aimed at implementation of the above-mentioned rights. Poland developed a Government Program for People with Disabilities and their Integration with the Society.¹⁸

The European Social Charter provides for an inspection mechanism to check compliance with its provisions by the

member countries. The mechanism involves reporting every two years on implementation of these provisions to the Secretary General of the European Council. These reports are subject of deliberations of the EU Independent Expert Commission and are subsequently submitted to the Governmental Committee of the European Council. Pursuant to the Charter provisions, the member states should furnish information on actual steps taken to implement the decisions, the type and number of main specialized institutions, conditions in which rehabilitation was carried out, criteria, forms, methods, etc.

Currently, the cases of non-observance of the Charter provisions are becoming increasingly rare. In the first reporting cycle, for instance, Ireland and Norway were found not to be complying with the regulations; in subsequent years some shortcomings in legislation concerning employment of people with disabilities were noted in Great Britain and Denmark. The Committee data show that Charter provisions are most reluctantly respected in Italy.¹⁹

In spite of creating new mechanisms to protect rights of people with disabilities, the compliance with these rights is unsatisfactory in many countries. Even in the richest countries people with disabilities do not enjoy the same opportunities and chances as fully able people. A condition for changing this state of affairs is primarily a change in social awareness. One should also bear in mind the many years of gross negligence, difficult to make up in a short time for even the richest countries.

Activities for the benefit of people with disabilities should be the mainstream activities of all countries and institutions representing them. It does not seem to be the right conduct to ignore or marginalize the needs of people with disabilities when pursuing the basic policy of a country or a given institution while creating special aid programs for people with disabilities. Such a way of thinking may solidify the opinion that the disabled should remain separated from the rest of the society. What is important is that disability is treated in the UE as a social problem and as one having consequences for functioning of not only the disabled, but for the whole society, a problem requiring primarily macro-social solutions.²⁰

Endnotes

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Editor's note: Due to technical problems involved in

changing the manuscript from one word processing system to another and sometimes back again, letters with diacritical marks were often misprinted it was not always possible to correct them. The Editor regrets this problem.