

Friday 24 April 2009

## United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto

P6\_TA(2009)0334

### European Parliament resolution of 24 April 2009 on the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto

(2010/C 184 E/23)

*The European Parliament,*

- having regard to the proposal for a Council decision (COM(2008)0530),
- having regard to the United Nations Convention on the Rights of Persons with Disabilities ('the Convention'), adopted by the United Nations General Assembly on 13 December 2006,
- having regard to the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities ('the Optional Protocol'), adopted by the United Nations General Assembly on 13 December 2006,
- having regard to its resolution of 3 September 2003 on the Communication from the Commission to the Council and the European Parliament 'Towards a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities' <sup>(1)</sup>,
- having regard to the Commission Communication of 30 October 2003 entitled 'Equal opportunities for people with disabilities: A European Action Plan' (COM(2003)0650), and to Parliament's resolution of 20 April 2004 thereon <sup>(2)</sup>,
- having regard to its resolution of 19 January 2006 on disability and development <sup>(3)</sup>,
- having regard to the Commission Communication of 28 November 2005 entitled 'The situation of disabled people in the enlarged European Union: the European Action Plan 2006-2007' (COM(2005)0604), and to Parliament's resolution of 30 November 2006 thereon <sup>(4)</sup>,
- having regard to its resolution of 26 April 2007 on the situation of women with disabilities in the European Union <sup>(5)</sup>,
- having regard to its resolution of 23 May 2007 on promoting decent work for all <sup>(6)</sup>,
- having regard to the Commission Communication of 26 November 2007 entitled 'The situation of disabled people in the European Union: the European Action Plan 2008-2009' (COM(2007)0738),
- having regard to its position of 17 June 2008 on the proposal for a decision of the European Parliament and of the Council on the European Year for Combating Poverty and Social Exclusion (2010) <sup>(7)</sup>,

<sup>(1)</sup> OJ C 76 E, 25.3.2004, p. 231.

<sup>(2)</sup> OJ C 104 E, 30.4.2004, p. 148.

<sup>(3)</sup> OJ C 287 E, 24.11.2006, p. 336.

<sup>(4)</sup> OJ C 316 E, 22.12.2006, p. 370.

<sup>(5)</sup> OJ C 74 E, 20.3.2008, p. 742.

<sup>(6)</sup> OJ C 102 E, 24.4.2008, p. 321.

<sup>(7)</sup> Texts adopted, P6\_TA(2008)0286.

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- having regard to the Resolution of the Council of the European Union and the representatives of the Governments of the Member States, meeting within the Council of 17 March 2008 on the situation of persons with disabilities in the European Union <sup>(1)</sup>,
  - having regard to its resolution of 20 May 2008 on progress made in equal opportunities and non-discrimination in the EU (the transposition of Directives 2000/43/EC and 2000/78/EC) <sup>(2)</sup>,
  - having regard to its position of 24 April 2009 on the proposal for a Council decision concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities <sup>(3)</sup>,
  - having regard to its position of 24 April 2009 on the proposal for a Council decision concerning the conclusion, by the European Community, of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities <sup>(4)</sup>,
  - having regard to the reports of the Committee on Employment and Social Affairs and the opinions of the Committee on Women's Rights and Gender Equality (A6-0229/2009 and A6-0230/2009),
  - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas all Member States have signed, but so far only seven Member States have ratified, the Convention and the Optional Protocol,
- B. whereas the Convention promotes and protects the human rights of all persons with disabilities, including those who require more intensive support,
- C. whereas the Optional Protocol provides the possibility for (groups of) persons with disabilities, who claim that parties to the Convention have violated rights provided in the Convention, to submit communications to a Committee,
1. Approves the conclusion by the Community of the Convention and the Optional Protocol;
  2. Invites the Commission and the Council, as legal representatives of the Community, to deposit the instrument of ratification with the United Nations before 3 December 2009;
  3. Urges all Member States to proceed rapidly to ratification of the Convention in full, to put its content into effect and to create the necessary material infrastructure;
  4. Calls on the Member States to accede to and/or ratify the Optional Protocol to give persons with disabilities whose rights have been violated any possibility to fight such violation and to ensure their protection against all forms of discrimination;
  5. Urges the Commission to clarify the potential extent of Community competences in respect of the Convention; suggests emphasising the indicative nature of the Community acts listed in the Declarations <sup>(5)</sup>; stresses the importance of highlighting in the Declarations the competence of the Community to support the rights and inclusion of persons with disabilities in development cooperation and humanitarian assistance, health and consumer affairs;

<sup>(1)</sup> OJ C 75, 26.3.2008, p. 1.

<sup>(2)</sup> Texts adopted, P6\_TA(2008)0212.

<sup>(3)</sup> Texts adopted, P6\_TA(2009)0312.

<sup>(4)</sup> Texts adopted, P6\_TA(2009)0313.

<sup>(5)</sup> Declaration of the European Community in application of Article 44(1) of the Convention (Annex 2 to the draft Council decision, Vol. I) and Declaration of the European Community in application of Article 12(1) of the Optional Protocol (Annex 2 to the draft Council decision, Vol. II).

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6. Calls on the Commission to use Article 3 of the EC Treaty as a basis for defining the extent of the Community competences in respect of the Convention that are listed in the Declaration of the European Community in application of Article 44(1) of the Convention, set out in Annex 2 to the draft Council decision; stresses the utmost importance of highlighting development cooperation, health and consumer affairs in the application of that Declaration;

#### ***Implementation of the Convention and the Optional Protocol***

7. Supports the Member States which have started the process of progressive implementation of the Convention and the Optional Protocol, and calls on the remaining Member States to do so;

8. Calls on the Community and the Member States to incorporate all the provisions of the Convention into law, to take the measures and provide financial means necessary for their application within specific deadlines and to set quantitative objectives for this; encourages the Member States to exchange information and best practices on the implementation;

9. Calls on the Member States to apply gender mainstreaming in decisions about policies and measures for women and men, girls and boys with disabilities and in their implementation in all areas, especially regarding integration in the workplace, education and anti-discrimination, and to introduce legislation to protect the rights of women and girls with disabilities in cases of sexual abuse and psychological and physical violence in public and within their home environments and to support the recovery of women and girls with disabilities who have been subjected to such violence;

10. Calls on the Member States and the Community institutions to ensure free access for citizens of the Union and for organisations of persons with disabilities to information about their rights under the Convention and the Optional Protocol, and to ensure dissemination of that information to such citizens and organisations in a form that is accessible to citizens;

11. Underlines the importance of equipping the Commission with all the necessary financial and human resources to enable it to serve as a focal point in respect of matters falling within the Community's competence relating to the implementation of the Convention; calls for the establishment of a procedure that would enable an adequate overview of all European and national policies that have an impact on the implementation of the Convention; requests the Commission to regularly report to Parliament and the Council on the progress of the implementation;

12. Calls on the Member States, in accordance with their system of organisation, to designate one or more focal points within their respective governments for matters relating to the national implementation and monitoring of the Convention and to consider the establishment or designation of a coordination mechanism within the government to facilitate action in different sectors and at different levels, in accordance with Article 33(1) of the Convention; requests that special attention be paid to the establishment of an appropriate independent monitoring mechanism pursuant to Article 33(2) of the Convention and in accordance with the principles relating to the status of national institutions – the Paris Principles – as adopted in UN General Assembly resolution 48/134 of 20 December 1993;

13. Urges the Community and the Member States to promote a well coordinated social dialogue between the interested partners and to actively involve organisations of persons with disabilities in monitoring and implementing the Convention, pursuant to Articles 4 and 33(2) of the Convention;

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14. Instructs its President to forward this resolution to the Council, the Commission, the European Economic and Social Committee and the governments and parliaments of the Member States.

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