

Who runs the eurozone?

Greece raises the big questions at EU leaders' summit

Pages 6-7



The crusader

Eva Joly's gift for making enemies

Page 10



EuropeanVoice

COMMENT

EuropeanVoice

9

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A great advance stopped in its tracks



REUTERS

Millions of Europeans may have to wait years before they benefit from the EU's ratification of the UN's convention on the rights of people with disabilities, write [Yannis Vardakastanis](#) and [Heidi Hautala](#)

In November, for the first time in its history, the EU as a body, not just its member states, ratified an international human-rights treaty – a treaty that affects around 65 million people in Europe and 650 million worldwide.

So the signature that the EU attached to the United Nations Convention on the Rights of Persons with Disabilities was both historic and of huge practical importance.

Indeed, for the disability community in Europe, its significance is hard to overestimate: never before has the EU made such a public, long-term commitment to issues such as equality and non-discrimination of disabled people in all areas of life, recognised their right to live independently in the community and accepted an obligation to take disability into account in all international co-operation work.

But whether this commitment has a

real impact depends on the EU's member states. The Council of the European Union ratified the convention on 26 November and the convention, which was adopted in 2007, will become binding across the EU when the ratification instrument is formally deposited with the UN – but the Council says it can deposit it only when each member state has ratified the treaty. This is a political decision, rather than a legal requirement: the European Community has previously ratified international agreements without waiting for all of its member states to do so.

It is a decision that is proving far-reaching. Of the 79 countries that have ratified the convention to date, only 13 are EU states (Austria, Belgium, the Czech Republic, Denmark, France, Germany, Hungary, Italy, Portugal, Slovenia, Spain, Sweden and the UK). The talk among officials is that it could take years for the other 14 to put their stamp on the treaty.

This effectively means that disabled people in the 13 member states that have already completed ratification can enjoy only some of the rights granted them under the convention: a disabled Italian woman can complain about violation of her rights if the law or policy in question is based on national law (which must be in accordance with the convention), but not if it is based on EU law (which does not yet have to respect it).

This leaves disabled people across the EU without the benefits of the convention. To date, the disabled have systematically faced barriers, exclusion and discrimination in their daily lives. With the convention in force, EU member states would be obliged to remove barriers, to curb discrimination and to adopt inclusive policies in areas such as transport, cohesion funds and the free movement of goods, persons and services, to name just a few. States and the EU as a body would be obliged to actively involve organisations representing disabled people in the development of legislation and policies, people with disability would be guaranteed a special role in implementation and the EU would submit regular progress reports to the UN Committee on the Rights of

Persons with Disabilities.

As these examples suggest, the convention marks a radical change in thinking about disabilities. In the 2000s, there was a realisation – within the EU, and around the world – that the only sustainable approach to disability was one based on human rights. The old approach – to rely on charity – had limited disabled people's access to ordinary life and limited perceptions of them.

The political reluctance of the EU to proceed with ratification without waiting for the 14 states that have yet to ratify the convention domestically keeps the disabled in their old position, as recipients of charity. It places traditional champions of human rights – EU states – behind many other states. It leaves 65 million Europeans without the respect, defence and promotion of their rights that the EU has a whole says they are entitled to. And, it makes the millions of disabled Europeans who already know about the convention doubtful about their government's good will and commitment to them.

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