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# REPORT on POLICY and MECHANISMS of EU on DISABILITY



2021







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## REPORT on POLICY and MECHANISMS of EU on DISABILITY

This report has been prepared within the framework of the EUROPEAN and DISABILITY Project. Our project is performed within the scope of the “Turkey - EU Civil Society Dialogue” program carried out by the Directorate of EU Affairs under the EU Instrument for Pre-Accession Financial Assistance Program.

Turkey - EU Civil Society Dialogue Program is being implemented in order to improve the cooperation between Turkey and EU countries’ NGO’s. The Europe and Disability Project is funded by EU like other projects under Turkey - EU Civil Society Dialogue Program.

The project aims to increase the awareness of the general public and the disability community about the positive effects of the European Union process for the people with disabilities and to support them to adopt the EU process in Turkey. The coordinating institution of the project is the Sinop Spastic Children's Association (<https://www.sinopscd.org.tr/>). The co applicants of the project are the NGOs; IPP (<http://cluj.institutphoenix.ro/>) from Romania and CEIPES (<https://ceipes.org/>) from Italy.

The objectives of the project are:

- Analyzing the perception of people with Disabilities in Turkey to EU process from the aspect of disability rights,
- To demonstrate the potential positive effects of EU process on disability rights to people with disability,
- To promote collaboration between EU and Turkish Disability CSO’s,
- You can access the project outputs at this address. <https://en.avrupaveengellilik.org/>





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## FOREWORD

Disability is a complex, evolving and multi-dimensional concept. Disabilities impact on people's lives in many areas, for example in terms of, mobility and the use of transport equipment, access to buildings, participation in education and training, the labour market and leisure pursuits, social contacts and economic independence.

One-sixth of the EU population is predicted as having some form of disability that ranges from mild to severe making around 80 million who are often prevented from taking part fully in society and the economy because of environmental and attitudinal barriers. For people with disabilities the rate of poverty is 70% higher than the average, partly due to limited access to employment.<sup>1</sup>

Disability mostly affects the socio-economical status of the person with disability. According to Eurostat; in 2019, 41.0 % of people in the EU with a disability could not afford a one-week annual holiday, 11.3 % of people in the EU with a disability could not afford to eat meat, fish or a vegetarian equivalent every other day, 40.9 % of people in the EU with a disability could not meet unexpected financial expenses.

Additionally disability causes housing problems for people. According to Eurostat, In 2019, the housing cost overburden rate for people in the EU with a disability was 11 % (ranging from 2 % in Greek Administration of South Cyprus and Malta to over 30 % in Greece), compared with 9 % for those with no disability.

This report aims to collect information about policies and mechanisms of EU on disability subject. European Union is a multi-aspect Union and it influences the lives of people with disabilities in Member and candidate States. It also supports disability policies of some other countries. European Disability Policy is coherent with UN Decisions. EU member states integration is getting deeper day by day in all fields. Disability Policy is one of these policies and EU is trying to increase cooperation between Member States to mitigate the lives of people with disabilities. This report aims to demonstrate EU's policies on people with disabilities. Disability is a horizontal issue and it intersects several fields mainly, employment, health, education so the disability policy is related to all these fields. In this report we mostly focused on policy of (treaties, conventions, Council Resolutions, Action plans, mechanisms, strategies) of European Union institutions on disability. We didn't give information about member countries' specific policies.

<sup>1</sup> European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe





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## EUROPEAN UNION in GENERAL

The European Union is a unique economic and political union between 27 EU countries. The predecessor of the EU has been created in the aftermath of the Second World War. The first steps focus mostly on economic cooperation due to the idea of that countries that has closer relationship with each other will be more economically interdependent and will be more likely to avoid conflict. The European Economic Community (EEC) has been created in 1958, between six countries: Belgium, Germany, France, Italy, Luxembourg and the Netherlands.

Since then, 22 other members joined. On 31 January 2020 the United Kingdom left the European Union. EU started as mostly on economic logic but then it has evolved into an organization spanning policy areas including human rights, environment, health, external relations, security, justice and migration. Name of the Union changed from the European Economic Community (EEC) to the European Union (EU) in 1993 reflecting this evolution.

EU has developed its own values. The EU values are common to the EU countries in a society in which inclusion, tolerance, justice, solidarity and non-discrimination prevail. These values are an integral part of our European way of life:

- **Human Dignity**

Human dignity is inviolable. It must be respected, protected and constitutes the real basis of fundamental rights.

- **Democracy**

The functioning of the EU is founded on representative democracy system. Being a European citizen also means having political rights. Every adult EU citizen has the right to stand as a candidate and to vote in elections to the European Parliament. EU citizens have the right to stand as candidate and to vote in their country of residence, or in their country of origin.

- **Equality**

Equality is about equal rights for all citizens in front of the law. The principle of equality between women and men underpins all European policies and is the basis for European integration. It applies in all areas. The principle of equal pay for equal work became part of the Treaty of Rome in 1957. Although inequalities still exist, the EU has made significant progress.

- **Rule of Law**

The EU is based on the rule of law. Everything the EU does is founded on treaties, voluntarily and democratically agreed by its EU countries. Law and justice are upheld by an independent judiciary. The EU countries gave final jurisdiction to the European Court of Justice which judgements have to be respected by all.

- **Freedom**

Freedom of movement gives citizens the right to move and reside freely within the Union. Individual freedoms such as respect for private life, freedom of thought, religion, assembly, expression and information are protected by the EU Charter of Fundamental Rights.

- **Human Rights**

Human rights are protected by the EU Charter of Fundamental Rights. These cover the right to be free from discrimination on the basis of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, the right to the protection of your personal data, and the right to get access to justice.





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These values especially respect to human rights, includes the rights of people with disabilities. Disability field has been also affected from evolution of EU. EU has developed a legislation regarding people with disabilities. It is important to understand chronological legislation base to understand the mechanisms related to people with disability.







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## HISTORY of EU LEGISLATION RELATED to PEOPLE with DISABILITIES

### Treaty of Rome:

Council reserves the right to fight discrimination against disability, age, or sex with Treaty of Rome at 1957. Articles of Treaty indicate that people are equal, and have the same rights, but also deserve equal pay for equal work;<sup>2</sup> Article 151 of the Treaty on the Functioning of the European Union (TFEU) details the EU's social policy objectives: promoting employment, improving working and living conditions, equal treatment of workers, adequate *social protection according to need*, social dialogue, developing human resources aimed at achieving a high and sustainable level of employment, as well as *combating exclusion*.

According to Treaty, The European Parliament and the Council may adopt incentive measures to support and complement the actions of EU countries in certain areas, such as the fight against social exclusion.

### European Convention on Human Rights:

European Convention on Human Rights signed at 1953, people with disabilities are not directly mentioned in the articles of Convention This Convention safeguards human rights of individuals, and thereby implicitly includes those who have disability. However, over the years since the Convention was established (1959), requests and applications contributed by disabled people into the Court of Human Rights, and to the European Commission changed the approach to disability under the Convention;<sup>3</sup>

Article 14 of the Convention declares” Prohibition of discrimination: The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”

### Council Resolution of 27 June 1974 Establishing the Initial Community Action Programme for the Vocational Rehabilitation of Handicapped Persons

It has been accepted at 27 June 1974 and lays down the Joint Program of Activities of the Communities, concentrating on the vocational and social reintegration of people with disabilities<sup>4</sup>. According to the resolution, general aim of Community efforts on behalf of the people with disabilities integrating people with disabilities to community and member countries must help these people to become capable of leading a normal independent life fully integrated into society. This general aim applies to all age groups, all types of people with disabilities and all rehabilitation measures.

Council Resolution of 27 June 1974 has established the initial Community action programme for the vocational rehabilitation of people with disabilities. This programme covers all people with disabilities having the potential capacity for employment in non-sheltered conditions, whether as employees or self-employed workers.<sup>5</sup> The programme as a whole provides a flexible framework designed to enable the different sections of the Community to become aware of their social responsibilities. Public authorities, bodies and services engaged in rehabilitation, labor and management, undertakings, local populations, and especially persons with disabilities themselves, each have a role to play. The programme may be divided into activities of two basic kinds:

<sup>2</sup> EUR-Lex - Official Journal of the European Union". Eur-lex.europa.eu. 1 July 2013. Retrieved 31 July 2017.

<sup>3</sup> "[European Convention on Human Rights](#)" (PDF). Echr.coe.int. Retrieved 31 July 2017.

<sup>4</sup> "Handicapped" term is not used anymore for people with disabilities so we alsodidn't used and changed it with people with disabilities.

<sup>5</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31974Y0709\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31974Y0709(01)&from=EN)





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1. Cooperation between rehabilitation and training bodies, selected in order to encourage the development of, and exchange of information on new ways and means for vocational rehabilitation and the training of persons with disabilities capable of applying them,
2. Short-term demonstration projects aimed at improving the quality of vocational rehabilitation facilities currently in operation,
3. Longer term projects extending the measures referred to in points 1 and 2.

### **Council Resolution of the Representatives of the Governments of the Member States of the European Communities Meeting within the Council of 21 December 1981 on the Social Integration of Handicapped People <sup>6</sup>**

This Council resolution has been designed regarding Council Resolution of 27 June 1974 and the Community Action programme for the vocational rehabilitation of people with disabilities. Council declares people with disabilities should have the same rights as other people to participate in and contribute to all aspects of economic and social life and EU community. The Member States have a responsibility to promote better living and working conditions for people with disabilities.

Council resolution invites Member States to continue, and if possible intensify, their measures to promote the economic and social integration of people with disabilities, in order to enable them to make a productive and creative contribution to society, and in particular to:

- ensure that the need to remove barriers to the full participation of people with disabilities in society;
- facilitate the coordination at national, regional and local levels of services concerned to people with disabilities, and to encourage cooperation in this respect between the different bodies active in the field including associations of people with disabilities. Civil society organizations started to become an important party with this article and had several roles on social integration of people with disabilities in Europe.
- promote the participation of people with disabilities, their representative organizations and, where appropriate their families, in the framing and implementation of measures which directly affect them. This measure is a reflection of participative democracy perspective of European Union.
- ensure that people with disabilities may lead as independent way of life as possible,
- develop and implement measures on the housing and mobility of people with disabilities and to improve access to public buildings, transport and other public facilities.

### **Recommendation on the Employment of People with Disabilities in the Community 24 July 1986**

This recommendation was adopted by the Council of the European Communities at 24 July 1986.<sup>7</sup> It recommends all Member States;

- to take all appropriate measures to promote fair opportunities for people with disabilities in the field of employment and vocational training, including initial training and employment as well as rehabilitation and resettlement.
  - if necessary, to intensify and re-examine their policies to help people with disabilities where appropriate after consulting these people's organizations and both sides of industry. These policies should provide in 2 different ways:
    - a. Elimination of negative discrimination by:
    - b. reviewing laws, regulations and administrative provisions to ensure that they are not contrary to the principle of fair opportunity for people with disabilities,
- I. Taking appropriate measures to avoid as far as possible dismissals linked to a disability,

<sup>6</sup> <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:41981X1231:EN:HTML>

<sup>7</sup> <https://www.aile.gov.tr/uploads/eyhgm/uploads/pages/1986councilrecommendationof24july1986-2.doc>





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- II. limiting exceptions to the principle of equal treatment in access to training or employment to the cases justified on the ground of a specific incompatibility between a particular activity forming part of a job or course of training and a particular disability,
- III. seeking to ensure that any tests before during or at the end of vocational training courses are designed in such a way that candidates with disabilities are not thereby disadvantaged,
- IV. seeking to ensure that people with disabilities can go before the competent bodies to establish their rights and can receive the necessary assistance to do so in accordance with national law and practice.

c. Positive action for people with disabilities, including:

- I. bearing in mind differences in sectors and enterprises, the fixing by Member States, where appropriate and after consultation of people with disabilities' organizations and both sides of industry, of realistic percentage targets for the employment of people with disabilities in public or private enterprises having a minimum number of employees,
- II. making available, a guide or code of good practice for the employment of people with disabilities, incorporating positive measures already adopted in the Member State concerned and corresponding in spirit with the provisions of this Recommendation,
- III. encouraging the public and private enterprises to take all appropriate measures for the employment of people with disabilities which correspond in spirit with the guide or code of good practice by establishing means for making these policies, and the annual progress made in their implementation, informing the public with dissemination activities.

Recommendation also invites the Commission;

- to co-ordinate exchange of information and experience on the rehabilitation and employment of people with disabilities between national authorities. Agencies designated for this purpose by the Member States will also be involved in this exchange,
- to maintain appropriate aid from the European Social Fund to assist people with disabilities whatever age,
- to report to the Council on the implementation of this Recommendation within two years of its adoption.

With this recommendation, concrete measures were advised to Member States. Recommendation focuses on employment of people with disabilities because of the fact that employment is the main tool of social inclusion. The advices to the Commission will be help to create a base for several types of funding mechanisms for people with disabilities.

### European Social Charter<sup>8</sup>

The European Social Charter is a Council of Europe treaty which was opened for signature on October 18, 1961 and initially became effective on February 26, 1965. The Charter was revised in 1996. The Revised Charter came into force in 1999 and is gradually replacing the initial 1961 treaty. Turkey signed the Charter on October 6, 2004 and it has entered into force at August, 01, 2007 in Turkey. The European Social Charter is a treaty that guarantees fundamental social and economic rights as a counterpart to the European Convention on Human Rights, which refers to civil and political rights. It guarantees a broad range of everyday human rights related to employment, housing, health, education, social protection and welfare. The Charter is therefore seen as the Social Constitution of Europe and represents an essential component of Europe's human rights architecture.

All the parties signing the Charter accept that "People with disabilities have the right to independence, social integration and participation in the life of the community"

According to Article 15;

<sup>8</sup> <https://www.coe.int/en/web/european-social-charter/about-the-charter>





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“With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

- to take the necessary measures to provide people with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialized bodies, public or private;
- to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialized placement and support services;
- to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure”

As the result of Charter, people with disabilities gain the right to regulated social resettlements, professional training, and rehabilitation. The Charter also defines that those people should be properly placed in the labor market and also that some steps should be taken to encourage employers to employ disabled people;

### **Treaty of Maastricht<sup>9</sup>**

The Treaty of Maastricht formally established the European Union as the successor of the European Community in 1992. European Union is a new stage in the process of European integration. After this Treaty European Community became a union. This means more effective policies for people with disabilities because the Treaty is the starting point of shared European citizenship concept.

### **Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts<sup>10</sup>**

The conference of the representatives of the governments of the Member States convened in Turin on the twenty-ninth day of March in the year 1996 to adopt by common accord the amendments to be made to the Treaty on European Union. Treaty of Amsterdam amending the EU Treaty, the Treaties establishing the European Communities and certain related acts was signed on 2 October 1997 as a result of this conference. Treaty of Amsterdam entered into force on 1 May 1999. It made substantial changes to the Treaty of Maastricht, which had been signed in 1992.

The Contract agrees that, in drawing up measures under Article 100a of the Treaty establishing the European Community, the institutions of the Community shall take into account the needs of persons with a disability.

An article has been amended to The Treaty establishing the European Community 'Article 6a: Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.’

Treaty of Amsterdam, was the first treaty in which EU directly addressed disability issues. It imposed an obligation to fight against discrimination against persons with disabilities. After the Treaty of Amsterdam, the Union's initiatives to implement a coherent policy for people with disabilities significantly increased.

<sup>9</sup> [https://europa.eu/european-union/sites/default/files/docs/body/treaty\\_on\\_european\\_union\\_en.pdf](https://europa.eu/european-union/sites/default/files/docs/body/treaty_on_european_union_en.pdf)

<sup>10</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:11997D/TXT&from=EN>





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## **Charter of Fundamental Rights of the European Union<sup>11</sup>**

The Charter of Fundamental Rights of the European Union brings together the most important personal freedoms and rights enjoyed by citizens (including citizens with disabilities) of the EU into one legally binding document. The Charter was declared in 2000, and came into force in December 2009 along with the Treaty of Lisbon. The purpose of the Charter is to promote human rights within the territory of the EU.

The Charter of Fundamental Rights of the European Union clarifies that all people are equal, and among other things prohibits discrimination based on disability with Article 21. Charter also recognizes and respects the rights of persons with disabilities with Article 26 “The Union recognizes and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.”

## **Equal Opportunities for People with Disabilities: European Action Plan (2004-2010)<sup>12</sup>**

Action plan consists of 2 phases:

The first phase of this action plan, covering a two-year period (2004-05), will concentrate on creating the conditions necessary to promote the employment of people with disabilities, granting them appropriate autonomy in this regard.

The priority action areas come under four headings:

- Access to, and remaining in, employment
- Lifelong learning
- Harnessing the potential of new Technologies
- Accessibility to the public built environment

The second phase of the action plan, covering a two-year period (2006-07), will focus on active inclusion and autonomy (right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community). It proposes four priorities:

- Encouraging activity
- Promoting access to quality support and care services
- Fostering accessibility of goods and services for all
- Increasing the EU's analytical capacity

## **Treaty of Lisbon<sup>13</sup>**

The Treaty of Lisbon started as a constitutional project at the end of 2001 and was followed up in 2002 and 2003 by the European Convention which drafted the Treaty establishing a Constitution for Europe. The process leading to the Treaty of Lisbon is a result of the negative outcome of two referenda on the Constitutional Treaty in 2005, and entered into force on 1 December 2009.

The Treaty of Lisbon gave the Member States tools and mechanisms for working together on policies such as those for people with disabilities. The treaty gives the responsibility of combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation to Union.

## **United Nations Convention on the Rights of Persons with Disabilities**

The United Nations (UN) Convention on the Rights of Persons with Disabilities (UNCRPD) is a Convention that doesn't belong to EU but it is important for all EU documents. EU is a party of that Convention and all legislation related to disability take into account this Convention. We can see the Convention as the main base of the European disability policy.

<sup>11</sup> [https://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](https://www.europarl.europa.eu/charter/pdf/text_en.pdf)

<sup>12</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:c11414&from=EN>

<sup>13</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12007L/TXT&from=EN>





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Convention was adopted in December 2006, opened for signature in March 2007, and entered into force in May 2008. The Convention is intended as a human rights instrument, with an explicit social development dimension. Its purpose is to ‘promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.’”

Main articles from the Convention are:

In Article 1, the Convention defines persons with disabilities as ‘those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others’.

Article 10 foresees that countries are to guarantee that persons with disabilities enjoy their inherent right to life on an equal basis with others.

On the fundamental issue of accessibility (Article 9), the Convention requires countries to identify and eliminate obstacles and barriers and ensure that persons with disabilities can access their environment, transportation, public facilities and services, and information and communications technologies.

The Convention also requires persons with disabilities to be afforded equal access to education and training (Article 24), equal rights to work and to gain a living without discrimination (Article 27), to participate in political and public life (Article 29) and to participate in cultural life, recreation, leisure and sport (Article 30).

People with disabilities must be able to live independently, to be included in the society, to choose where and with whom to live and to have access to in-home, residential and community support services (Article 19). Signatory countries should promote personal mobility and independence (Article 20) and these countries should recognize the right of persons with disabilities to an adequate standard of living and social protection (Article 28).

Convention also requires to combat against stereotypes and prejudices and to promote the awareness of the capabilities of persons with disabilities (Article 8). The Convention is the first international, legally binding instrument setting minimum standards for rights of people with disabilities. It was also the first human rights convention to which the EU has become a party.

### **European Disability Strategy (2010-2020)<sup>14</sup>**

The European Commission's 2010-2020 European Disability Strategy, adopted in 2010, It has been built on UNCRPD (United Nations Convention on the Rights of Persons with Disabilities). The European Union and all its Member States are party to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). EU take into account the disability policy of United Nations and make effort to be coherent with United Nations conventions. European Disability Strategy takes into account the experience of the Disability Action Plan (2004-2010) that we mentioned before.

The overall aim of this Strategy is empowering people with disabilities so that they can enjoy their full rights, and benefit fully from participating in society. It sets in motion a process to empower people with disabilities, so that they can participate fully in society on an equal basis with others. As Europe’s population ages, these actions will have a tangible impact on the quality of life of an increasingly large proportion of European citizens.

<sup>14</sup> <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM%3A2010%3A0636%3AFIN%3Aen%3APDF>





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This Strategy focuses on eliminating barriers. The Commission has identified eight main areas for action:

1. Accessibility : making goods and services accessible to people with disabilities and promoting the market of assistive devices.
2. Participation : ensuring that people with disabilities use all benefits and rights which belong to them from EU citizenship, that are guaranteed in legal documents, treaties and others.
3. Equality : combat discrimination based on disability and promote equal opportunities.
4. Employment : increasing the share of people with disabilities who work in the labor market.
5. Education, training : education-promoting actions and lifelong learning for young people with disabilities, ensuring equal access to education which leads to full participation in society and the overall increased quality of life.
6. Social protection : promoting decent living conditions, combating poverty and social exclusion.
7. Health : equal access to health services and related facilities.
8. External action : promoting the rights of people with disabilities in the EU enlargement and international development programmes.

This Strategy requires a joint and renewed commitment of the EU bodies, organizations and Member States. EU will reach its objectives with some instruments:

1. Awareness-raising: Raise society's awareness of disability issues and foster greater knowledge among people with disabilities of their rights and how to exercise them.
2. Financial support: Optimize use of EU funding instruments for accessibility and non-discrimination and increase visibility of disability-relevant funding possibilities in post-2013 programmes.
3. Statistics and data collection and monitoring: Supplement the collection of periodic disability-related statistics with a view to monitoring the situation of persons with disabilities.
4. Mechanisms required by the UN Convention: The governance framework required under Article 33 of the UN Convention (needs to be addressed on two levels: vis-à-vis the Member States in a wide range of EU policies, and within EU institutions.) At EU level, mechanisms for coordination based on existing facilities will be established both between the Commission services and the EU institutions, and between the EU and the Member States.

European Commission staff developed an initial plan to implement the European Disability Strategy 2010-2020<sup>15</sup>. This plan had List of Actions. These Actions are mostly focus on more concrete key actions to reach 8 objectives and 4 instruments of the Strategy.

EU prepared an evaluation document for European Disability Strategy 2010-2020 to review the implementation of the European Disability Strategy 2010-2020 and to provide conclusions that can be used as a basis for future policy development.<sup>16</sup> Strategy is the main document of EU on disability between 2010 -2020 so this evaluation will be a basis for the policy development of EU after 2020. This evaluation focuses on the actions taken by the EU and the Commission in particular, in relation to the Strategy and, to some extent, on actions taken at Member State level to implement EU decisions.

The Strategy aimed to mobilize or establish several policy instruments and governance structures (inputs) for achieving its goals. According to this evaluation document; 101 actions of the Strategy (67% of total) were fully implemented throughout the whole implementation period. 40 actions (27% of total) were partially implemented and 9 actions (6% of total) were not implemented. The areas with the highest level of implementation were Participation, Equality and Employment. The area with the lowest level of implementation was External action.<sup>17</sup>

<sup>15</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010SC1324&from=EN>

<sup>16</sup> [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/1929-European-Disability-Strategy-2010-20-evaluation\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/1929-European-Disability-Strategy-2010-20-evaluation_en)

<sup>17</sup> COMMISSION STAFF WORKING DOCUMENT EVALUATION of the European Disability Strategy 2010-2020, Brussels, 27.11.2020 file:///C:/Users/alptug.calik/Downloads/090166e5d65da8b3.pdf





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## **Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the Accessibility of the Websites and Mobile Applications of Public Sector Bodies<sup>18</sup>**

Directive describes accessibility as principles and techniques to be observed when designing, constructing, maintaining, and updating websites and mobile applications in order to make them more accessible to users, in particular persons with disabilities. This is a directive not regulation means it doesn't automatically becomes a law in EU Member States but binds the states to adopt its content into their national law.

### **European Accessibility Act (2019)<sup>19</sup>:**

The European Accessibility Act was an anticipated legislative action of the EU to ensure that goods and services that people with disability need, to be more accessible. All stakeholders (EU, people with disabilities, CSO's, public organizations etc...) considered the Act as an important achievement of the European Disability Strategy and a positive step for improving the level of accessibility throughout the Union. Some stakeholders, especially people with disabilities and disability CSO's, criticize the voluntary approach (accessibility of the built environment is subject to voluntary adoption by the Member States) to the application of the accessibility requirements for the built environment. They think this will decrease the potential positive impact of the Act on accessibility.

EU accepts that the disparities between the laws, regulations and administrative provisions of Member States on accessibility of products and services for people with disabilities, is barrier for the free movement of products and services and distort effective competition in the internal market with the Act.

The European accessibility act covers products and services that have been identified as being most important for persons with disabilities while being most likely to have diverging accessibility requirements across EU countries.

These products and services include:

- computers and operating systems
- ATMs, ticketing and check-in machines
- smartphones
- TV equipment related to digital television services
- telephony services and related equipment
- access to audio-visual media services such as television broadcast and related consumer equipment
- services related to air, bus, rail and waterborne passenger transport
- banking services
- e-books
- e-commerce

The adoption of the European Accessibility Act in 2019 is beginning to the next phase of accessibility momentum.

### **The European Pillar of Social Rights in 20 Principles<sup>20</sup>**

The 20 principles of the European Pillar of Social Rights are the beacon guiding us towards a strong social Europe that is fair, inclusive and full of opportunity. 17th principle is Inclusion of people with disabilities. According to this principal "People with disabilities have the right to income support that ensures living in dignity, services that enable them to participate in the labor market and in society, and a work environment adapted to their needs."

<sup>18</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016L2102&from=EN>

<sup>19</sup> <file:///C:/Users/alptug.calik/Downloads/090166e5d65da8b3.pdf>

<sup>20</sup> [https://ec.europa.eu/info/Strategy/priorities-2019-2024/economy-works-people/jobs-growth-and-investment/european-pillar-social-rights/european-pillar-social-rights-20-principles\\_en](https://ec.europa.eu/info/Strategy/priorities-2019-2024/economy-works-people/jobs-growth-and-investment/european-pillar-social-rights/european-pillar-social-rights-20-principles_en)







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## Strategy for the Rights of Persons with Disabilities 2021-2030<sup>21</sup>

In March 2021, the European Commission adopted the Strategy for the rights of persons with disabilities 2021-2030. The Strategy has been built on the results of the previous European Disability Strategy 2010-2020. Despite the progress made between 2010-2020, persons with disabilities still face considerable barriers and have a higher risk of poverty and social exclusion. The objective of this Strategy is to progress towards ensuring that all persons with disabilities in Europe;

- enjoy their human rights
- have equal opportunities, equal access to participate in society and economy
- are able to decide where, how and with whom they live
- move freely in the EU regardless of their support needs
- and no longer experience discrimination.

The new Strategy therefore has numerous priorities, such as;

- accessibility: being able to move and reside freely but also to participate in the democratic process
- having a decent quality of life and to live independently as it focuses notably on the de-institutionalisation process, social protection and non-discrimination at work
- equal participation as it aims to effectively protect persons with disabilities from any form of discrimination and violence, to ensure equal opportunities in and access to justice, education, culture, sport and tourism, but also equal access to all health services
- the role of the EU to lead by example
- the EU's intention to deliver on that Strategy
- promoting the rights of persons with disabilities globally

The Commission will support Member States in shaping their national strategies and action plans to implement the UNCRPD and the EU legislation in the field.

This Strategy has been built on United Nations Convention on the Rights of Persons with Disabilities (UNCRPD or Convention) too. Strategy mainly focus on accessibility (an enabler of rights, autonomy and equality). EU regard Accessibility as access to the built and virtual environments, to information and communication technologies (ICT), goods and services, including transport and infrastructure. Accessibility is an enabler of rights and a prerequisite for the full participation of persons with disabilities on an equal basis with others. According to this priority, Commission will launch a European resource centre AccessibleEU to increase coherence in accessibility policies and facilitate access to relevant knowledge at 2022. This cooperation framework will bring together national authorities responsible for implementing and enforcing accessibility rules with experts and professionals from all areas of accessibility, to share good practices across sectors, to inspire policy development at national and EU level, as well as to develop tools and standards aiming to facilitate implementation of EU law. This will be the next level for Europe on accessibility of people with disabilities.

According to Strategy, The Commission will propose creating a European Disability Card by end of 2023 with a view to be recognized in all Member States.

EU wants to develop independent living and reinforcing community-based services and Commission will present, by 2024, a specific framework for Social Services of Excellence for persons with disabilities, by the purpose of improving service delivery for persons with disabilities and to enhance the attractiveness of jobs in this area including through upskilling and reskilling of service providers. Strategy focus on employment of people with disabilities by developing vocational education opportunities for people with disabilities and by fostering access to quality and sustainable jobs. Strategy has a path to develop inclusive and accessible education for people with disabilities by supporting the implementation of Article 24 UNCRPD in the European schools.

<sup>21</sup> <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8376&furtherPubs=yes>





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The Commission calls on Member States to improve access for persons with disabilities to the entire healthcare portfolio.

Strategy also focus on rights of persons with disabilities globally. The EU will continue to uphold the human rights of persons with disabilities and support their social inclusion in all international relations, and as part of all external action, policy planning, funding programmes and activities. Attention must also be paid to children and young people with disabilities, especially in conflict and post-conflict societies or developing countries, where protection, access to school and basic services are often lacking.

In order to reinforce UNCRPD implementation and to better reflect the commitment taken by the EU as a party to the Convention, the European Commission will invest in strengthening coordination at EU level. The Commission will work with the European Parliament and the Council to ensure that disability matters are adequately taken into account in inter-institutional negotiations and will work together to identify gaps in existing legislation. The Commission will call on all EU institutions and bodies, agencies and delegations to designate disability coordinators for their institutions and for their disability strategies. Commission will organize regular high-level meetings between the European Parliament, the Council, the Commission and the EEAS, involving representative organizations of persons with disabilities and will arrange an annual exchange of views with the European Economic and Social Committee and the Committee of Regions.

To support the implementation of this Strategy and of the UNCRPD, the EU will continue to support implementation through EU funding as provided for in the Multiannual financial framework 2021-2027 and by new funding opportunities under NextGenerationEU, the Recovery Plan which will lead the way out of the current crisis and lay the foundations for a modern and more sustainable Europe. Other funds can also play role in achieving the objectives of this Strategy. The Erasmus+ programme will foster financial support and other inclusion measures for participants with disabilities. The Citizenship, Equality, Rights and Values Programme (CERV) will support the implementation and governance of this Strategy. The Commission will foster a disability-inclusive implementation of other financial instruments and programmes such as InvestEU, Horizon Europe<sup>104</sup>. The Neighbourhood, Development and International Cooperation Instrument 2021-2027 will contribute to the implementation of the external objectives of the Strategy. Funds such as SOCIEUX+, the technical cooperation programme focusing on short-term missions, the Technical Assistance and Information Exchange instrument (TAIEX) and TWINNING programmes will help to implement EU disability policies worldwide.

Strategy includes some concrete measure for accessibility of buildings and communication. The Commission has been continuously improving the accessibility of its buildings, digital environments and communications and will scale up efforts to ensure accessibility, including innovative projects, increasing the accessibility of publications, notably of EU law and policies, providing training for staff and supporting learning of interpretation in International Sign Language.

With this Strategy, the Commission aims to deliver further significant improvements to all areas of the lives of persons with disabilities within the EU. This Strategy will contribute to reduce discrimination, inequalities and supporting persons with disabilities to fully enjoy their human rights, fundamental freedoms and EU rights on an equal basis with others, by 2030 and will maximize their independence, participation and decent living conditions.

Strategy will be main guide for EU mechanisms and initiatives for people with disabilities.





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## KEY DISABILITY INITIATIVES in EU

Strategy for the Rights of Persons with Disabilities 2021-2030 will be the main document on disability for next 10 years. Disability is a subject that is related all parts of the lives of people with disabilities so shall be taken into account at most policies. EU planning to develop some initiatives for better social inclusion of people with disabilities.

### Disability Platform:

Implementation of the Strategy for the Rights of Persons with Disabilities 2021-2030 will be guided by Disability Platform. Disability Platform will consist of EU, the Member States, National Focal Points, and Civil Society. Participation of the civil society is important for developing more participative policies. Commission will appoint disability coordinators to all EU institutions and bodies. This shows that EU sees disability as a horizontal priority and will take into account at disability matters in all kinds of policy developments. The Commission will integrate disability matters into all EU policies and major initiatives.

Disability Platform will support the implementation of the Strategy as well as national disability strategies at Member States. All Member States are parties of Convention on the Rights of Persons with Disabilities (UNCRPD) and The Commission calls on Member States to adopt ambitious national strategies to foster the implementation of the UNCRPD and of this Strategy at national, regional and local level. EU's disability policy will be parallel with United Nations. Turkey as a candidate State has also signed the Convention in 2007 so is responsible of adopt its national strategies to the Convention like other EU countries.

### Accessible EU:

In 2022, the Commission will start a European resource center AccessibleEU to increase coherence in accessibility policies and facilitate access to relevant knowledge. This cooperation framework will bring together national authorities responsible of implementing and enforcing accessibility rules with experts and professionals from all areas of accessibility, to share good practices across sectors, to inspire policy development at national and EU level. Accessible Act (Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services) will be the main legislative base of this mechanism. The Directive promotes full and effective equal participation by improving access to mainstream products and services that, through their initial design or subsequent adaptation, address the particular needs of persons with disabilities.

### EU Disability Card

EU is developing a voluntary system of mutual recognition of disability status and some benefits related to this status based on an EU disability card by the purpose of helping people with disabilities to be able travel more easily between member countries. Currently, there is no mutual recognition of disability status between Member countries and this situation leads difficulties for people with disabilities in other EU countries. Because their national disability cards might not be recognized in other EU country. The EU disability card ensures equal access to benefits across borders for people with disabilities Especially in the areas of culture, leisure, sport and transport in European union. The card is now mutually recognized between some EU countries that are participating in the EU Disability Card system. This system works voluntary basis. Project still continues and launched at February 2016. The countries in the system at the beginning are:

- Belgium
- Greek Administration of South Cyprus
- Estonia
- Finland
- Italy
- Malta
- Romania
- Slovenia





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The Commission will propose creating a European Disability Card by end of 2023 with a view to be recognized in all Member States according to EU Disability Strategy for the Rights of Persons with Disabilities 2021-2030. Mechanism will be established on results of the pilot implementation in 6 countries.

### **EU Parking Card:**

People with disability that leads to reduced mobility, might be entitled to an EU disability parking card in their own country of residence, which should be recognized in all EU countries. According to EU Disability Strategy for the Rights of Persons with Disabilities 2021-2030, Commission will propose creating a European Disability Card by end of 2023.

### **EU Funding Mechanisms:**

EU has a 7 year based budget system and according to 2021-2027 Multiannual Financial Framework there more than 40 programmes under 6 different headings. Disability is horizontal issue in most of these fundings. These funds are the EU main financial instruments to strengthen economic and social cohesion. They help ensure social inclusion of the most vulnerable citizens, including those with disabilities. For example, the biggest fund is Erasmus+ (program on training) and Erasmus+ gives priority to the projects targeting people with disabilities. Erasmus+ gives opportunity to people with disabilities to benefit from this funding. According to Erasmus+ guide 2021-2027<sup>22</sup> “In order to implement these principles, an Inclusion and Diversity Strategy covering all programme fields is devised to support an easier access to funding for a wider range of organizations, and to better reach out to more participants with fewer opportunities including people with disabilities” This means that projects that are related to people with disabilities are preferred in Erasmus+ programme. Other funding mechanisms also have similar prioritization according to their field.

### **European Day of Persons with Disabilities:**

The European Commission is committed to raise awareness about the living conditions of persons with disabilities, the challenges they encounter in everyday life and tools to improve their lives. According to 2021-2030 EU Disability Strategy for the Rights of Persons with Disabilities, The Commission will work with Member States to complement and support national campaigns, to strengthen awareness-raising and to combat stereotypes around disability. It will continue organizing dedicated events, notably the European Day of Persons with Disabilities celebrating the UN International Day of Persons with Disabilities.

The European Day of Persons with Disabilities conference is an annual event hosted by the European Commission (DG EMPL), in partnership with the European Disability Forum, to mainstream disability issues and raise awareness of the challenges faced by persons with disabilities in their everyday lives.

The 2020 conference, took place on 1-2 December, included discussions on the COVID-19 pandemic and its impact on persons with disabilities and it was an opportunity to put forward the results of the evaluation of the European Disability Strategy 2010-2020. At the conference, the 2021-2030 Disability Rights Strategy was subjected to a final evaluation.

### **European Year of People with Disabilities:**

European Council declared 2003 the “European Year of People with Disabilities” in December 2001. The Madrid declaration, adopted in March 2002, presents the vision of activities in 2003 in the European Union and associate members, on the national, regional and local levels. The fundamental principle of the declaration is the merging of two approaches: “non-discrimination + positive steps = social inclusion”. By creating a society without barriers and prejudices for all and through respect of difference, a world will be formed that will suit everyone: Motto of the year was “What is done on behalf of the disabled today, will tomorrow be important for everyone.”

### **Access City Award**

<sup>22</sup> [https://ec.europa.eu/programmes/erasmus-plus/resources/documents/erasmus-programme-guide-2021\\_en](https://ec.europa.eu/programmes/erasmus-plus/resources/documents/erasmus-programme-guide-2021_en)





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The Access City Award is a prize for Europe's most accessible cities. All EU cities more than 50.000 population are eligible to apply for this award. This is a great opportunity for cities to showcase their initiatives to become barrier-free, and to be better places for everyone to work and live in. The winner of the 2021 Access City Award is the city of Jönköping, in Sweden. Jönköping made continuous improvements in both the new and old areas of the city, in collaboration with disability organizations. The 2020 Access City Award had went to the city of Warsaw, in Poland.

### **Supporting Civil Society Mechanisms:**

One of the main roles for Civil Society Organizations (CSOs) within the EU is indeed the facilitation of citizens' participation in decision-making processes, whether they be at the local, provincial, national or even international level. European Union is also open the participation of disability CSO's to decision making processes. EU provides financial support through an annual grant to a number of EU-level disabled people's organizations and NGOs (under the rights, equality and citizenship programme) to make their participation in EU-level processes easier. Disability CSO's provide views on the development of EU legislation and policies. EU directly supports some umbrella bodies of the disability organizations. These bodies are really active at different levels. These organizations are:

#### ***-European Disability Forum:***

It is an umbrella organization of persons with disabilities that defends the interests of over 100 million persons with disabilities in Europe. It is an independent non-governmental organization (NGO) that brings together representative organizations of persons with disabilities from across Europe. The main activity of the Forum is advocating for the inclusion of persons with disabilities within European Union (EU) policy and beyond. They track EU policy and coordinate comprehensive guidance with our members to advocate for disability rights by working closely with EU institutions and agencies including the European Parliament, the European Commission, the Council of the EU and the European Economic and Social Committee (EESC). Forum aims to achieve equal opportunities for all men, women and children with disabilities.

#### ***-Inclusion Europe***

Inclusion Europe is set up under the name ILSMH-EA, which is the acronym for "International League of Societies for the Mentally Handicapped – European Association" in 1988. ILSMH-EA changes its name to Inclusion Europe in 2000. Inclusion Europe developed an easy-to-read version of the new European Union Disability Strategy 2010- 2020, a key document for the European Union's work in the field of disability. It is supported by EU. Its mission declared as "We fight for equal rights and full inclusion of people with intellectual disabilities and their families in all aspects of society." It aims to bring the voice of people with intellectual disabilities and their families where decisions about their future are made. It organizes campaigns, events, carries out projects, make publications.

#### ***-International Federation for Spina Bifida and Hydrocephalus***

The International Federation for Spina Bifida and Hydrocephalus (IF) was founded by people with spina bifida and hydrocephalus (SBH) and their families in 1979. Over the years, it has grown from a voluntary association into a professional disabled people's organization (DPO) with global coverage, democratic structure and transparent and accountable processes.

#### ***-European Blind Union***

The European Blind Union is a non-governmental, non profit-making European organization founded in 1984. It is registered in France under the laws of the French Republic. EBU aims to protect and promote the interests of all blind and partially-sighted people in Europe. Its objectives and powers are set out in Article II of its Constitution. EBU currently has 41 member countries, each represented by a national delegation. Each EBU member organization is represented by a national delegation that participates in the EBU General Assembly held every four years.

#### ***-European Union of the Deaf (EUD)***





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EUD is a not-for-profit European non-Governmental organization whose members comprise of National Associations of the Deaf (NADs). It is the only supranational organization representing deaf people at European level and is one of the few European level non-Governmental organization representing associations from all of the 27 EU Member States, in addition to Iceland, Norway, Switzerland and the United Kingdom. They don't have a member from Turkey. EUD aims to establish and maintain EU level dialogue with its relative institutions and officials, in consultation and co-operation with its member NADs. EUD is a full member of the European Disability Forum (EDF) and is a Regional Co-operating Member of the World Federation of the Deaf (WFD) to tackle issues of global importance, and also has participatory status with the Council of Europe (CoE).

### ***-Autism Europe***

Autism-Europe is an international association whose main objective is to advance the rights of autistic people and their families and to help them improve their quality of life. Autism-Europe is the only European organization gathering almost 90 national and regional associations advocating for the rights of people with autism from more than 30 European countries including Turkey.

Autism-Europe operates as an umbrella organization, representing an estimated 5 million people throughout Europe. It brings together almost 90 member associations, individual members and/or self-advocates advocating for the rights of people with autism from 38 European countries and beyond. Autism-Europe plays a key role in raising public awareness, and in influencing the European decision-makers on all issues relating to the rights of autistic people.

### ***-Mental Health Europe***

Mental Health Europe (MHE) advocates for positive mental health and wellbeing and for the rights of people with mental ill health. MHE is an umbrella organization for organizations working on people with mental ill. It aims to raise awareness to end mental health stigma and discrimination. MHE ensures a human rights-based and recovery-centered approach to mental health. It has not a Turkish member organization. MHE raises awareness of stigma and discrimination around mental health through communication tools, makes lobbying for review and reform of diagnostic models which are not human rights or recovery compliant and supports the empowerment of people with lived experience of mental ill health.





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## CONCLUSION

EU's disability policy is a living and developing continuum and integration of disability policies is increasing year by year. EU carries out disability policies in line with United Nations. United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) is the main reference document of EU policies.

EU is trying to carry out disability policies with long term programming. 10-year strategies are the main tool of this perspective. Disability Strategy 2010-2020 has finished previous year and Disability Strategy 2021-2030 is in force now. EU gives importance to the evaluation of finished Strategy and prepared an evaluation about that Strategy and according to that Strategy 67 % of the objectives were fully achieved and 27% of the objectives partially achieved until the end of the period.<sup>23</sup> EU Disability Strategy has also concrete objectives and achievement of these objectives will create a better Europe for people with disabilities.

EU is working with people with disabilities at the design and implementation of policies. The main stakeholders of this process is the disability civil society organizations. EU institutions work with these CSO's at disability platform and the views of people with disabilities will be reflected to the EU policies by this way.

EU policies guide the EU Member States for a better Europe for people with disabilities. Increasing cooperation between Member States on disability policies will contribute Europe citizenship.

Turkey is an EU candidate country. Turkey is also signatory party of United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and trying to develop its disability policy in line with this Convention. Turkey needs to increase cooperation with EU institutions on disability policies. Cooperation between Turkish and European civil society organizations is a way of sharing knowledge and experiences between member countries and Turkey. Turkey -at all levels including civil society- shall understand the European Disability Strategy 2021-2030 and try to adapt its mechanisms according to this Strategy.

<sup>23</sup> COMMISSION STAFF WORKING DOCUMENT EVALUATION of the European Disability Strategy 2010-2020

