

## GUIDANCE NOTE FOR EU STAFF

EuropeAid

### DISABILITY-INCLUSIVE DEVELOPMENT COOPERATION

#### I. INTRODUCTION

People with disabilities are disproportionately represented amongst the world's poorest people. They face many barriers preventing them from fully participating in society on an equal basis with others and are the most likely to face social exclusion. The link between disability and poverty is now widely acknowledged. The 2011 World Report on Disability provides a body of evidence that people with disabilities experience worse socioeconomic outcomes and poverty than those without disabilities.

The onset of disability may lower a person's social and economic status and lead to poverty in a variety of ways, for example by reducing access to education, employment, and earnings or increasing expenses. It also works the other way around: factors associated with poverty, such as low birth-weight, malnutrition, lack of clean water and unsafe work may give rise to health conditions that result in disability. Poverty may also increase the likelihood that a person with an existing health condition will become disabled, for example by making work inaccessible or barring access to appropriate health and rehabilitation services.

According to the 2011 World Report, more than one billion people face some form of disability. Most of them live in low income countries. The number of people with disabilities is rising due to conflict, malnutrition, accidents, violence, communicable and non-communicable diseases including HIV and AIDS, natural disasters, aging, and other causes. Across all countries, vulnerable groups such as women and older people have a higher prevalence of disabilities. Children with disabilities are one of the most marginalised and excluded groups of children, experiencing widespread violation of their rights.

The Commission Communication 'Increasing the impact of EU Development Policy: An agenda for Change', which contains a proposal for the EU's future development cooperation, confirms that the primary objective of development policy is to support the efforts of developing countries to eradicate poverty. The Communication recommends that the EU concentrate its development cooperation on support for (i) human rights, democracy and other key elements of good governance; and (ii) inclusive and sustainable growth for human development. In order to perform successfully in these two broad areas, EU development cooperation needs to be 'disability inclusive', that is, to promote the rights of people with disabilities and to make sure that they can contribute to and benefit from the development efforts of their countries. This is also essential if we want to see progress towards the Millennium Development Goals and beyond.

*This note has been drafted by DEVCO, D3 "Social and Human Development & Migration".*

This Note seeks to raise awareness of the issues among staff working on EU development cooperation at headquarters and in delegations and provide some general guidance on including people with disabilities in development processes. It is informed by the UN Convention on the Rights of Persons with Disabilities and is in line with the European Disability Strategy 2010–2020. It updates the Guidance Note on Disability and Development for EU Delegations and Services (2004).

## **II. WHAT IS DISABILITY?**

There is no single internationally agreed definition of disability. How one defines disability depends on the reason for defining it, and where we choose to put the threshold depends on the context and purpose of the enquiry (e.g. establishing a disability pension programme, making public services accessible or designing an inclusive education programme).

The Convention on the Rights of Persons with Disabilities acknowledges that disability is ‘an evolving concept’, but stresses that:

‘Persons with disabilities include 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’.

This statement, which guides EU disability policies, identifies the four essential elements of disability as a human rights issue, which are: (a) a person, (b) a long-term impairment, (c) barriers to participation created by both the impairment and interaction with the social and physical environment, and (d) equality as the objective.

## **III. THE POLICY FRAMEWORK**

The UN Convention on the Rights of Persons with Disabilities (CRPD) and the Optional Protocol to it were adopted by the UN General Assembly in 2006 and entered into force on 3 May 2008. The Convention is the first internationally legally binding human rights instrument laying down minimum standards for the protection of a full range of civil, cultural, political, social, and economic rights for people with disabilities. Its purpose is to ‘promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities and to promote respect for their inherent dignity’. The Convention does not establish new human rights, but it sets out with much greater clarity the obligations on States to promote, protect and ensure the rights of people with disabilities. The Convention represents a shift in the approach: people with disabilities should not be perceived as objects of charity, medical treatment and social protection, but as ‘holders’ of rights, able to claim these rights and to live their lives in dignity and autonomy as active members of society.

Since 22 January 2011, when it completed the ratification process, the European Union has been a party to the Convention. It is the first comprehensive human rights treaty to be ratified by the EU as a ‘regional integration organisation’, and it has also been ratified by most of its Member States and signed by all 27.

The EU is bound by the Convention in all matters for which it has competence, and these are set out in an Annex to the 2009 Council Decision concerning the conclusion, by the European

Community, of the CRPD. The EU is thereby committed to ensuring that all EU policies, legislation and programmes — including development policy, for which it shares competence with the Member States — comply with the Convention's provisions on disability rights.

The UN Convention promotes measures for international cooperation that include, and are accessible to, people with disabilities. All of the Convention applies to development partners that have ratified it, but the following articles are of particular importance for EU staff working in development cooperation: Article 32 on international cooperation, Article 11 on situations of risk and humanitarian emergencies, Article 4(3) on participation and Article 28(2b) on access to poverty eradication programmes. All other specific articles (e.g. education, health) need to be taken into account in sector-specific initiatives.

#### Article 32

##### International cooperation

1. States Parties recognise the importance of international cooperation and its promotion, in support of national efforts for the realisation of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organisations and civil society, in particular organisations of persons with disabilities. Such measures could include, inter alia:

- (a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;
- (b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
- (c) Facilitating cooperation in research and access to scientific and technical knowledge;
- (d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.

2. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

By January 2012 the Convention had 153 signatories, of which 109 had ratified it (the figures for the Optional Protocol were 90 and 63 respectively). This means that an increasing number of governments around the world have committed themselves to aligning their legislation, policies and programmes with the Convention. This is a new factor that has to be taken into account in the EU's development policy and cooperation programmes.

In November 2010, the Commission adopted the European Disability Strategy 2010–2020, which aims to ensure that people with disabilities can access their rights and to help implement the CRPD. The strategy focuses on eliminating barriers in eight main areas: accessibility, participation, equality, employment, education and training, social protection, health, and external action.

With regard to external action, the strategy aims to promote the rights of people with disabilities, including in its development programmes and humanitarian aid and in international fora (e.g. the UN, the Council of Europe, the OECD).

The ‘Initial plan to implement the European Disability Strategy’ identifies a timeline (2010–2015) to begin implementing the strategy and key actions, which include the following:

- Ensure that EU development cooperation reaches persons with disabilities, both through projects/programmes specifically targeting persons with disabilities and by improving the mainstreaming of disability concerns.
- Support the national efforts of partner countries for the signature, ratification and implementation of the CRPD.
- Support where appropriate the institutional strengthening of Disabled Peoples’ Organisations in partner countries and organisations dealing with disability and development.
- Ensure that infrastructure financed in the framework of EU development projects meets the accessibility requirements of people with disabilities.
- Highlight disability where appropriate as a human rights issue in the EU human rights dialogues with third countries, based on the principles of the CRPD.

The implementation of the CRPD and of the European Disability Strategy will be monitored regularly. By the end of 2013 the EU will submit to the UN Committee on the Rights of Persons with Disabilities an initial comprehensive report on the measures taken to meet its obligations under the Convention and the progress made. After that, reports will be submitted at least every four years. To facilitate reporting, progress made at country level should be included in the External Assistance Management Reports (EAMR) and could also be published in the Disability and Development Network in Capacity4dev.

#### **IV. MAIN CHALLENGES**

In 2010, EuropeAid commissioned a ‘Study of Disability in EC Development Cooperation’<sup>1</sup> which analysed the Commission’s work in disability and development and provided a series of recommendations for the EU to better align its cooperation to the UN Convention.

The study found that the EU has been very active in funding disability-specific projects through NGOs and DPOs (disabled people’s organisations) — for instance, promoting human rights, social inclusion (employment, education, health) and community-based rehabilitation.<sup>2</sup> However, despite these efforts, the EU was still not systematically mainstreaming disability in its bilateral cooperation, that is, in the cooperation agreements it directly signs and implements in direct partnership with the governments of partner countries. Some of the reasons why disability is not included in bilateral cooperation may be:

- Little awareness and understanding of disability issues among partners and EU staff.
- A lack of clear technical guidelines on how to mainstream disability in specific sectors.

---

<sup>1</sup> [http://ec.europa.eu/europeaid/what/social-protection/documents/223185\\_disability\\_study\\_en.pdf](http://ec.europa.eu/europeaid/what/social-protection/documents/223185_disability_study_en.pdf).

<sup>2</sup> Since 2005, the EU has financed over 395 disability-specific projects in 81 countries through NGOs (with an estimate budget of €175 million). The main sources of funding have been the thematic budget lines NSAPVD, HUM and EIDHR, but also the DCI, ENPI, IPA, ECHO, and EDF.

- The absence of accessibility requirements in the tender documents and general conditions of standard contracts.
- The fact that disability was not identified as a ‘cross-cutting issue’ in the European Consensus.

It is generally acknowledged that including people with disabilities is relevant in almost all sectors (e.g. education, infrastructure, climate change) and that their needs and concerns should be specifically taken into account whenever programmes mention ‘vulnerable’ or ‘disadvantaged’ groups. However, experience shows that whenever the specific exclusion mechanisms and specific needs of people with disabilities are not explicitly identified, the related strategies also miss this specific target.

Many development partners are starting to realise that people with disabilities have until recently been overlooked by national and international development processes.<sup>3</sup> It is therefore essential to combine efforts to make disability ‘visible’ in development cooperation policies and financial instruments.

## V. GUIDING PRINCIPLES

In the light of the above-mentioned commitments and challenges, it is proposed that EU staff working in Headquarters and in Delegations follow the following guiding principles:

Adopt and advocate the human rights approach to disability.
---

EU development cooperation in the field of disability has to be guided by the principles of the UN Convention on the Rights of Persons with Disabilities and aim to support its implementation.

The human rights approach aims to build an inclusive, rights-based society that is committed to diversity, equality, and the participation of all. People with disabilities have the same needs as everybody else but special action may be required for them to meet these needs and to participate in society on an equal basis with others and take advantage of their fundamental rights. Addressing these needs is part of the process of granting rights. Consequently, society (i.e. attitudes, the physical environment) has to change to ensure that all people — including people with disabilities — have equal opportunities to participate. Laws and policies need to ensure that barriers created by society are removed.

The two main elements of the rights-based approach are empowerment and accountability. Empowerment means that people with disabilities should be able to participate as active stakeholders, while accountability means that public institutions and structures must justify what they do to uphold these rights and how they do it.

In line with the UN Convention, the EU should continue to uphold and advocate respect for the

---

<sup>3</sup> See the 2011 Report of the UN Secretary General ‘Realisation of the Millennium Development Goals and other internationally agreed development goals for persons with disabilities’ (A/66/128).

human rights of people with disabilities in the relevant international fora and in its dialogues with partner countries and development cooperation programmes.

Gather country-based analysis of the situation of people with disabilities and incorporate it in country poverty assessments.

A good country analysis should uncover and highlight development trends and disparities between people with disabilities and people without disabilities in the country. This includes gathering and analysing relevant information on such matters as the number of people with disabilities in the population, the main causes of disability (disaggregated by age and gender), the extent to which their participation is restricted (e.g. in employment, school attendance, use of public transport), the country's status in signing and ratifying the CRPD and governance, which includes the Government office responsible for disabilities policy, the policy framework and budget, and the monitoring mechanisms in place.

Article 31 of the Convention requires signatories to collect appropriate statistical and research data at national level to help parties to formulate and implement policies to achieve the Convention's objectives.

For the EU, a good understanding of the numbers and circumstances of people with disabilities is essential at the programme design, implementation and evaluation phases in any sector. This information is generally obtainable from locally researched statistical data and disabled peoples' organisations. If the information is not available, the EU could encourage partner countries to implement Article 31 of the UNCRPD and could consider providing support, for instance through technical assistance to build the capacity of national statistical offices or relevant departments in sector ministries, to collect up-to-date, accurate, disaggregated statistics on disability.

Pursue a twin-track approach in support of the implementation of the CRPD

The twin-track approach underlines the fact that disability is a cross-cutting issue: the perspectives of people with disabilities have to be included in all relevant programmes, but their specific problems and needs also have to be addressed to allow them to participate. Special attention should be paid to women and girls with disabilities, as they are often subject to multiple discrimination. The EU should take appropriate measures to ensure that its development cooperation promotes their development and empowerment so that they can take advantage of their rights and fully participate in society.

➤ Mainstreaming disability

By signing and ratifying the UN Convention, the EU commits itself to adopting disability as a cross-cutting issue; that is, disability concerns have to be systematically mainstreamed in all programmes, regardless of the aid modality.

Mainstreaming disability is a process in which development policy and programmes designed to benefit everyone in a specific geographical area explicitly include people with disabilities in

their design, taking into account their specific needs at all relevant levels. The underlying philosophy is the human rights approach, as it seeks to ensure that the same rights and opportunities accorded to others should be available to people with disabilities, making any necessary accommodation.

Governments have the primary responsibility for ensuring their countries' development. As many partner countries have now signed and ratified the UN Convention and are examining how to align their sector policies with it, there is a real opportunity for the EU to support the move towards more inclusive societies.

Disability concerns need to be systematically incorporated in the policy dialogue between the EU and the partner government in any priority sector of cooperation, and subsequently in Country Strategy Papers and National/Regional Indicative Programmes. Development programmes aiming at the provision of services and support such as vocational training, water and sanitation, social protection, and microcredit can include most people with disabilities with little adaptation. When relevant and needed, the EU should support technical assistance to inform decisions, so that people with disabilities participate in and benefit from development programmes.

➤ Disability-specific projects and programmes

To enable full inclusion and participation, it is often necessary to provide specific support for people with disabilities, to ensure that they can participate on an equal basis with others. An example of a disability-specific project could be the delivery of technical assistance to reform the legal and policy framework to incorporate the rights of people with disabilities.

An example of the twin track approach would be supporting a Ministry of Education and ensuring access to school for children with disabilities (in planning, budgeting, monitoring, teacher training), while also providing specific support services for children with disabilities (for instance, accessible infrastructure, accessible books in Braille).

Promote and enable active participation and contributions by disabled peoples' organisations (DPOs) and disability-focused organisations.

When supporting partner countries in the implementation of the Convention, the EU should act in partnership with relevant civil society organisations, in particular 'organisations of persons with disabilities'<sup>4</sup> and disability-focused organisations.

The motto 'Nothing about us without us' has been used by disabled peoples' organisations throughout the years as part of the global movement to achieve full participation and equalisation of opportunities for, by and with people with disabilities.

Given that strong DPOs, able to dialogue with the public authorities, are essential to influence national decision making and to guarantee sustainability of the protection and promotion of the human rights of people with disabilities, where possible the EU should facilitate communication between DPOs and governments.

---

<sup>4</sup> Article 32 of the UNCRPD.

DPOs are often the best advocates of the cause of people with disabilities. DPOs and disability-focused organisations have the expertise to help analyse the situation of people with disabilities and propose lines of action. It is therefore necessary that EU staff involve them at all stages of the programme cycle. Collaboration is understood both ways. The EU may benefit from better understanding of disability-specific issues, and the DPOs may be supported in their advocacy and service delivery work.

Whenever DPOs' lack of capacity is an obstacle to their involvement, the EU should consider supporting the development of management and organisation capabilities, in addition to effective advocacy skills. This will contribute to raising decision makers' awareness of issues to do with the rights of people with disabilities, ensure that the issue is put on the political agenda and provide an opportunity to inform decision makers.

Promote accessibility and ensure that EU-funded programmes and services are accessible.

Many people with disabilities cannot access schools, workplaces, or basic services nor participate fully in their communities because of inaccessible buildings, roads, transport services, and information. Access to the physical environment, to transportation, to information and communications (including information and communication technologies) is essential to enable people with disabilities to live independently and fully participate in all aspects of life. At the same time, governments should provide appropriate and accessible social services and social protection that ensure a minimum of well-being for all. Not the least important is the development of participatory, democratic and accountable institutions that promote fundamental freedoms for all.

Accessibility should be one of the criteria to be complied with when defining projects and programmes to be financed by the EU, and this should be explicitly mentioned in tenders and call for proposals. It should also be part of the policy dialogue for budget support programmes. Wherever possible, the EU will promote accessibility following 'universal design', that is, the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design. This does not exclude the provision of assistive devices for particular groups of people with disabilities where these are needed (Article 2 of the CRPD).

An example of such action could be providing support to ensure that elections are accessible (e.g. accessible polling stations, Braille polling cards, etc.) when election observation missions are organised.

At the same time, all EU premises and services (in HQ and Delegations) should be accessible to people with disabilities to enable them to actively participate in consultations, training activities and employment.<sup>5</sup> DPOs can be consulted in order to identify relevant accessibility requirements.

---

<sup>5</sup> See the EU Code of good practice for the employment of the people with disabilities (2003): [http://myintracomm.ec.europa.eu/hr\\_admin/en/equal\\_opportunities/talent\\_management/disability/Documents/pwd\\_c\\_2003\\_4362\\_1\\_en.pdf](http://myintracomm.ec.europa.eu/hr_admin/en/equal_opportunities/talent_management/disability/Documents/pwd_c_2003_4362_1_en.pdf).

### Promote donor coordination and multi-stakeholder partnerships

Many bilateral and multilateral development agencies have formal commitments to mainstreaming disability in their development work and are stepping up their cooperation in this field. At the same time, it is essential to acknowledge the role that other actors play or could play in promoting the rights of people with disabilities.

In line with the principles of the Busan Partnership for Effective Development Cooperation, the EU should promote the creation of partnerships among governments, DPOs and other civil society organisations (particularly, but not only, those working for people with disabilities or those focusing on human rights), the private sector, parliaments, Member States, and other donors and development partners.

The Global Partnership for Disability and Development is an example where a multi-stakeholder partnership is contributing to the advancement of people with disabilities by sharing resources and knowledge at global, regional and national levels.<sup>6</sup>

### Raise awareness and reinforce communication strategies

In line with Article 8 of the UN Convention, the EU should undertake appropriate measures to raise awareness throughout society regarding people with disabilities and to foster respect for the rights and dignity of people with disabilities; to combat stereotypes, prejudices and harmful practices relating to people with disabilities, including those based on sex and age, in all areas of life; and to promote awareness of the capabilities and contributions of people with disabilities.

There are many possible ways of doing this, for instance, by ensuring that the allocations for ‘communication activities’ provided for in projects and programmes are used along these lines; by promoting the rights of people with disabilities in international fora; by issuing statements to mark relevant dates (e.g. the International Day of Persons with Disabilities). Cooperating with the media and strengthening the capacity of local media to deliver disability-sensitive messages can contribute to raising public awareness and fighting discrimination.

An example of the use of media for this purpose is the employment campaign launched by the NGO Comprehensive Community Based Rehabilitation in Tanzania (CCBRT) and partly funded by the EU, which focuses on the potential and abilities of people with disabilities and the added value they bring to the work place.<sup>7</sup>

## **VI. SERVICES DEALING WITH DISABILITY IN DEVELOPMENT COOPERATION**

Socioeconomic inclusion of people with disabilities and respect for and promotion of their rights are matters for all services and staff working on development cooperation. However, the following services could provide or facilitate specialised support:

---

<sup>6</sup> <http://www.gpdd-online.org/>.

<sup>7</sup> <http://www.youtube.com/watch?v=6eNNiBuQBq8>.

DEVCO Unit D.3 ‘Employment, Social Inclusion, Migration’ is the focal point for the inclusion of people with disabilities in the DG for Development and Cooperation.

DEVCO Unit D.1 ‘Governance, Democracy, Gender, Human Rights’ is the Unit in charge of ensuring the external dimension of democratic governance and human rights, including through the management of the European Instrument for Democracy and Human Rights programme.

Justice DG Unit D.3 ‘Rights of Persons with Disabilities’ is the Focal Point for the implementation of the UN Convention on the Rights of Persons with Disabilities. The Unit is in charge of the European Disability Strategy 2010-2020 and the mainstreaming of disability policies in the Commission.

EEAS VI.B ‘Human Rights — Policy Guidelines Division’. The Division is one of two human rights divisions in the European External Action Service, and has a policy officer responsible for anti-discrimination policy in EU external action, including the human rights of people with disabilities.

EU Delegations. Most EU Delegations have appointed one or two contact persons for disability issues among their staff working in the cooperation and/or political sections. Disability contact persons in Delegations should help their colleagues to take on board the needs and concerns of people with disabilities in their work.

A network of contact persons dealing with disability issues in Headquarters and Delegations was set up in 2009. The Capacity4Dev Group ‘Disability and Development Network’ (<http://capacity4dev.ec.europa.eu/disability-and-development-network/>) is an internet platform available to EC/EEAS staff which allows development practitioners dealing with or interested in disability to share information and experience.

## VII. FURTHER READING

UN Convention on the Rights of Persons with Disabilities	<a href="http://www.un.org/disabilities/">http://www.un.org/disabilities/</a>
European Disability Strategy 2010–2020	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0636:FIN:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0636:FIN:EN:PDF</a>
Initial plan to implement the European Disability Strategy 2010–2020	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SEC:2010:1324:FIN:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SEC:2010:1324:FIN:EN:PDF</a>
Study of Disability in EC Development Cooperation, European Commission (2010)	<a href="http://ec.europa.eu/europeaid/what/social-protection/documents/223185_disability_study_en.pdf">http://ec.europa.eu/europeaid/what/social-protection/documents/223185_disability_study_en.pdf</a>
World Report on Disability, World Bank and World Health Organisation (2011)	<a href="http://www.who.int/disabilities/world_report/2011/en/index.html">http://www.who.int/disabilities/world_report/2011/en/index.html</a>
Community Based Rehabilitation Guidelines, WHO (2010)	<a href="http://www.who.int/disabilities/cbr/guidelines/en/index.html">http://www.who.int/disabilities/cbr/guidelines/en/index.html</a>

Make Development Inclusive Project resources/tools to mainstream disability.	<a href="http://www.make-development-inclusive.org/">http://www.make-development-inclusive.org/</a>
--	---

