

Disability ~ Towards a Common European Technical Agenda

- ◆ A coherent **Policy & Action Programme**, initially covering the short term up to the year 2010 ;
- ◆ A multi-lingual, **Harmonized E.U. Vocabulary** of 'disability' - based on WHO International Classification of Functioning, Disability & Health (adopted 2001-05-22) ;
- ◆ A reliable, **Harmonized E.U. Database** of 'disability' related statistics - concerted action required by Eurostat and national statistical organizations of the Member States - this will require time and resources ;
- ◆ **'Person-Centred' Research and Demonstration** which answers the 'real' participation needs of people with activity limitations, and the practical demands of those who plan, design, construct and manage for accessibility in the European 'built' and 'virtual' environments ;
- ◆ A comprehensive array of 'disability' related **Performance Indicators** - this includes **Benchmarking** ;
- ◆ Incorporation of accessibility requirements into the definition and implementation of all E.U. policies and actions, i.e. **Accessibility Proofing**, in particular with a view to achieving 'social justice and inclusion' [compare with Article 6 / ex Article 3c in the TEC (97/C 340/03)] ;
- ◆ Delegation of responsibility for the inter / intra **E.U. Institutional Co-ordination** of policies and actions concerning 'social justice and inclusion' to the Secretary-General of the European Commission ;
- ◆ An effective E.U. regime of **Performance Monitoring and Technical Control**.

Accessibility

An Essential Attribute of a 'Person-Centred' Sustainable Built Environment

**[which is in harmony and dynamic balance with a
Flourishing Natural Environment !]**

(a) Building Accessibility :

Ease of independent approach, entry and/or use of a building and its services and facilities, by all of the building's potential users ~ with an assurance of individual Health, Safety and Welfare during the course of those activities ;

which must be overlaid by

(b) 'Built' & 'Virtual' Environments ~ Accessibility :

Ease of independent mobility throughout the built and virtual environments, and/or use of the facilities, services and information available in those environments, by any person or group of people ~ with an assurance of individual Health, Safety and Welfare, and group Wellbeing, during the course of those activities ;

..... in order to manifest, and make real, the principle of **Social Justice & Inclusion** for every person in Europe.

... / ...

Sustainable Development

Human & Social Development which meets the responsible needs of this generation - without stealing the life and living resources from future generations, especially our children.

Sustainable Design is the ethical design response to this concept.

'Built' Environment

Anywhere there is, or has been, an intrusion or intervention by a human being in the natural environment, i.e. cities, towns, villages, rural settlements, roads, transport, bridges, tunnels, cultivated lands, lakes, rivers, coasts, and the seas, etc. - including facilities, services, information and the virtual environment.

'Virtual' Environment

A designed environment, electronically-generated from within the built environment, which may have the appearance, form, functionality and impact - to the person perceiving and actually experiencing it - of a real, imagined and/or utopian world.

Social Wellbeing

A general condition - in a community, society or culture - of health, happiness, creativity, responsible fulfilment, and sustainable development.

A Sustainable Europe for a Better World !

An E.U. Strategy for Sustainable Development

[COM(2001) 264 final - Brussels, 2001-05-15]

Agreed at the Göteborg European Council - 15th & 16th June, 2001.

Sustainable development offers the European Union a **positive long-term vision** of a society which is more prosperous and more just, and which promises a cleaner, safer, healthier environment - a society which delivers a better quality of life for us, for our children, and our grandchildren.

The sustainable development strategy should be a **catalyst for policy-makers and public opinion** in the coming years and become a driving force for institutional reform, and for changes in corporate and consumer behaviour.

Tackling unsustainable trends and achieving the vision offered by sustainable development requires **urgent action** ; committed and far-sighted **political leadership** [accountability] ; a **new approach to policymaking** [openness, transparency, accessibility, consensus, and partnership] ; widespread **participation** [meaningful consultation, and accessibility] ; **international responsibility** [human values] ; [and a very high level of innovative and creative **technical input**].

All policies must have sustainable development as their core concern.

E.U. **policies** - internal and external - **must actively support efforts by other countries**, particularly those in the developing world, to achieve development which is sustainable.

At all stages of the E.U. legislative process, policy proposals in individual sectors are developed and discussed without paying sufficient attention to the linkages between different policy areas. The way the Commission, Council and Parliament are organized reinforces this narrow, sectoral approach. All 3 Institutions should consider what steps they can take to overcome this weakness.

A Fundamental Basis for a European Accessibility Policy

The fundamental basis of a policy for 'accessibility' must be the recognition, acceptance, and fostering - at all levels in our society - of the enforceable legal rights (human, social, civil, legal, economic, cultural, political, environmental, institutional, judicial, etc.) of people with activity limitations

..... **in an assured context of high human health and environmental protection** *

with the specific aim of achieving 'Equal Opportunity' and 'Social Justice & Inclusion' for every person in Europe.

*** Reinforced by the 'Precautionary Principle'**

Where there is uncertainty as to the existence or extent of risks of serious or irreversible damage to the environment, or injury to human health, adequate protective measures must be taken without having to wait until the reality and seriousness of those risks become fully apparent.

Legal Base in the European Union

- ◆ Treaties of the European Union ;
- ◆ Judgements of the Court of Justice of the European Communities ;
- ◆ 'The Precautionary Principle'. Communication from the Commission of the European Communities. COM(2000) 1 final. Brussels 2000-02-02 ;
- ◆ The Charter of Fundamental Rights (2000/C 364/01) was proclaimed by the E.U. Institutions in December 2000 ; as yet, it has no legal status. However, **Article 26** merely recognises that people with activity limitations have a right to benefit from unspecified 'measures'.

European Union (E.U.) Treaties

High Level of Health Protection is Mandated

* Extracts from Article 174 (ex Article 130r) of the Treaty Establishing the European Community (TEC) state

1. Community policy on the environment shall contribute to pursuit of the following objectives :

- **preserving, protecting and improving the quality of the environment ;**
- **protecting human health ;**

2. Community policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Community. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.

* Article 6 (ex Article 3c) of the TEC states

Environmental protection requirements must be integrated into the definition and implementation of the Community policies and activities referred to in Article 3, in particular with a view to promoting sustainable development.

* Extract from Article 95 (ex Article 100a) of the Treaty Establishing the European Community states

3. The Commission, in its proposals envisaged in paragraph 1 concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection, taking account in particular of any new development based on scientific facts. Within their respective powers, the European Parliament and the Council will also seek to achieve this objective.

* Extract from Article 152 (ex Article 129) of the Treaty Establishing the European Community states

1. A high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities.

* All Extracts are taken from the 1997 Amsterdam Treaty / Consolidated Version
of the Treaty Establishing the European Community (97/C 340/03)

Note - A consolidated version of an EU legal text, in this case 97/C 340/01, has no legal status.

World Health Organization

International Classification of Functioning, Disability & Health (ICF)

Adopted 22nd May 2001

ICIDH (1980) Terms 'Impairment' / 'Disability' / 'Handicap'.

ICIDH-2 Early ICF Drafts. See term 'Health' below.

Globally, population health has traditionally been measured from mortality data. ICF signals the importance of 'non-fatal health outcomes' (e.g. functioning and disability in different life and living situations) as the primary indicator of a living population's health status.

'Disability' is now a generic term, which is only used when reference to the three dimensions of the 2001 WHO International Classification of Functioning, Disability & Health (ICF) - Body Functions & Structures , Activity and Participation - is intended.

There is a widely held misunderstanding that ICIDH - 2 is only about people with disabilities ; in fact, it is about all people . [Section 3.1 on Page 5 - ICF Final Draft, Full Version, April 2001.]

'Activity Limitation' replaces the term **'Disability'** used in the 1980 version of ICIDH. [Footnote 1 on Page 159 - ICF Final Draft, Full Version, April 2001.]

[**'Health'** is a state of complete physical, mental and social wellbeing, and not merely the absence of disease or infirmity. (WHO)]

People with Activity Limitations

Personnes à Performances Réduites

Those people, of all ages, who are unable to perform, independently and without aid, basic human activities or tasks - because of a health condition or physical / mental / cognitive / psychological impairment of a permanent or temporary nature.

This definition is derived from the 2001 World Health Organization's International Classification of Functioning, Disability & Health (ICF).

The above **terms** may include

- wheelchair users ;
- people who experience difficulty in walking, with or without aid, e.g. stick, crutch, calliper or walking frame ;
- frail, older people ;
- the very young (people under the age of 5 years) ;
- people who suffer from arthritis, asthma, or a heart condition ;
- the visually and/or hearing impaired ;
- people who have a cognitive impairment disorder, including dementia, amnesia, brain injury, or delirium ;
- women in the later stages of pregnancy ;
- people impaired following the use of alcohol, other 'social' drugs, e.g. cocaine and heroin, and some medicines ;
- people who suffer any partial or complete loss of language related abilities, i.e. aphasia ;
- people impaired following exposure to environmental pollution and/or irresponsible human activity ;

and

- people who panic in a fire situation or other emergency ;
- people, including firefighters, who suffer incapacitation as a result of exposure, during a fire, to poisonous or toxic substances, and/or elevated temperatures.

Special Attention Required in Europe

In the context of **Social Justice & Inclusion**, special attention must be directed at the disability / accessibility / participation / equal opportunity needs of

Children ;
Older People ;
Women ;
the Poor, the Disadvantaged, and the Isolated ;
Migrant Workers ;
Refugees, and Asylum Seekers ;
Ethnic Minorities ;
Immigrants ;
Indigenous Peoples ;
the Homeless ;
Single Parents ;
People with Dual or Multiple Activity Limitations ;
People with Mental / Cognitive Impairments.

Use of the term '**citizen**' in E.U. Policymaking excludes some of the above social groups.

Physical Participation Restriction

Refers not only to an architectural barrier which prevents a wheelchair user from entering a building, e.g. approach steps or a narrow door opening, but also to an institutional barrier which limits the opportunity of employment for a single parent, e.g. lack of childcare facilities in a place of work.