



**ANED – Academic Network of European Disability Experts
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2012 Annual Activity Report



**Human European Consultancy and
Centre for Disability Studies – Leeds University**

Reporting Period: 30 November 2011 – 21 December 2012



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Introduction

The Academic Network of European Disability experts (ANED), was established by the European Commission in 2008 to provide academic support and advice for its disability policy Unit. In particular, the activities of the Network support the development of the European Disability Strategy 2010-2020 and implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in Europe. The philosophy and aims of ANED focus on research and policy that support the objectives of full participation and equal opportunities for all disabled people. The Network is co-ordinated by [Human European Consultancy](#) (Netherlands) and the [Centre for Disability Studies at the University of Leeds](#) (UK), with national experts in 34 countries and an additional pool of experts in specific fields.

The results, achieved under previous contracts,¹ have been described in:

- the 2008 Activity Report (in [English](#), [French](#) and [German](#))
- the 2009 Activity Report (in [English](#), [French](#) and [German](#))
- the 2010 Activity Report (in [English](#), [French](#) and [German](#))
- the 2011 Activity Report (in [English](#), [French](#) and [German](#))

The work programme identified the following tasks for 2012:

- Task 1: Network management
- Task 2: Online tool in relation to the EU Disability Strategy
- Task 3: Legal framework and instruments
- Task 4: Accessibility
- Task 5: National strategies and social policies
- Task 6 : Comparative data and indicators
- Task 7: Annual academic meeting

The results of each of these tasks are described in this activity report.

¹ Contract references VC/2007/0043, VC/2008/0916, VC/2009/1348 and VC/2010/1634.



Task 1: Network management

The network tasks were managed by a management team consisting of a Project Director (Piet Leunis), a Scientific Director (Prof. Mark Priestley) and a Support Manager (Andrea Trotter). A content support assistant (Dr. Sarah Woodin) assisted the Scientific Director.

A Core Research Team (Prof. Mark Priestley, Prof. Lisa Waddington, Ms. Anna Lawson and Mr. Stefanos Grammenos) was involved in leading the implementation of the tasks including the drafting of the relevant task Terms of Reference.

Representatives from two European NGOs (AGE Platform Europe and the European Disability Forum) were also consulted throughout the project on Terms of References as well as various task draft reports.

The input in the implementation of the tasks at the country level was delivered by the ANED members and individual national experts:

Table 1: ANED members EU Member States

Country	Member Institution	Name of expert
Bulgaria	Centre for Independent Living (CIL) Sofia	Kapka Panayotova
Denmark	Danish National Institute of Social Research	Steen Bengtsson
Finland	Finnish Association on Intellectual and Developmental Disabilities	Antti Teittinen
France	Institut Fédératif de Recherche sur le Handicap	Catherine Barral
Germany	International Research Unit Disability Studies, Universität zu Köln	Anne Waldschmidt
Ireland	National University of Ireland, Galway	Gerard Quinn
Malta	Kummissjoni Nazzjonali Persuni b'Dizabilità	Jo Camilleri
Portugal	Instituto Superior de Ciências Sociais e Políticas Universidade Técnica de Lisboa Pólo Universitário da Ajuda Rua Almerindo	Paula Pinto
Romania	DISABNET, the Romanian Forum of Service Providers in the disability sector	Diana Chiracescu



Country	Member Institution	Name of expert
Slovakia	The Institute for Labour and Family Research	Kvetoslava Repkova
Spain	Instituto Universitario de Integración en la Comunidad, INICO, University of Salamanca	Miguel Ángel Verdugo
Sweden	The Swedish Institute for Disability Research, University of Örebro	Berth Danermark
UK	Centre for Disability Studies University of Leeds , University of Leeds	Mark Priestley

Table 2: ANED members EFTA Countries

Country	Member Institution	Name of Expert
Iceland	Center for Disability Studies, University of Iceland	Rannveig Traustadottir
Norway	Disability Law and Policy Research Unit, Department of Social Work and Health Science, Norwegian University of Science and Technology (NTNU)	Jan Tøssebro

Table 3: Individual national experts

Country	Names	
Austria	Volker Schönwiese	Universität Innsbruck, Institut für Erziehungswissenschaften
Belgium	Jef Breda	University of Antwerp
Cyprus	Katerina Mavrou	European University of Cyprus, Department of Education
Czech Republic	Jan Siska	Univerzita Karlova v Praze, Pedagogická Fakulta
Estonia	Luule Sakkeus	National Institute for Health Development
Greece	Eleni Strati	
Hungary	Tamás Gyulavári	ELTE University, Labour Law Department
Italy	Andrea Micangeli	Centro Interuniversitario di Ricerca per lo Sviluppo Sostenibile , University of Rome "La Sapienza"



Country	Names	
Latvia	Daina Calite	APEIRONS
Liechtenstein	Wilfried Marxer	Liechtenstein-Institut
Lithuania	Jonas Ruskus	Social Work Department , Kaunas Vytautas Magnus University
Luxemburg	Arthur Limbach-Reich	Luxemburg University
Netherlands	Jose Smits	Various NGOs supporting disabled people and promoting their inclusion
Poland	Ewa Wapiennik	Division of Special Education for Persons with Intellectual Disabilities , Maria Grzegorzewska Academy of Special Education
Slovenia	Darja Zaviršek	Faculty of Social Work, University of Ljubljana

From 2012 Belgium, Cyprus, Greece, Liechtenstein and Portugal were represented by new ANED members.

An up-to-date list of ANED members and experts can be found at the ANED website: <http://disability-europe.net/contact/aned-country-members>.

The Scientific Director kept close contact with the rapporteurs of the various tasks, starting with the preparation of the Terms of Reference and during the implantation of the tasks.

The Support Manager organised the document workflow. In addition to this, the Support Manager organised a review process for the individual country input from Task 3 (consumer protection), Task 4 (accessibility), Task 5 (NRP/NSRs). This greatly improved the overall review process and individual country contributions.

The Scientific Director was in regular contact with the Commission on the definition of and reporting on the tasks.



Task 2: Mapping tool in relation to the EU Disability Strategy

Work process

Following the piloting and collection of baseline mapping data during the previous ANED work programme, the key objective for 2012 was to validate and publish the tool online in order to fulfill the action identified in the Commission's implementation plan for the European Disability Strategy. Initial data was collected, in total more than 1,500 policy items were reported with supporting web links. A new web-based content management and presentation architecture was designed and piloted, allowing for direct data entry and review process by ANED country authors and core team reviewers. The 2011 policy data from existing ANED countries was imported for system testing. Four new countries (Croatia, FYR Macedonia, Serbia, Turkey) were added to the network in 2012 and data on their national policies was also added using the new data submission process. The fully functioning online system was presented to the Commission and to the Member States representatives of the EU High Level Group, who were invited to comment and validate existing draft entries. After testing, ANED members reviewed the pre-publication data and provided more than 600 updates to national policies and instruments in 2012. In collaboration with the EU Commission, the fully revised dataset was published on the ANED web page in June 2012 as the 'Disability Online Tool of the Commission' (DOTCOM) covering 44 items in eight main themes: UN Convention status; General legal framework; Accessibility; Independent living; Education; Employment; Statistics and data collection; Awareness and external action.

Findings and recommendations

The availability of national mapping data provided by the DOTCOM tool has been widely welcomed by the Member States and by stakeholders in the disability field, as well as by the research community in Europe and internationally. It offers a significant step change in the availability and comparability of national disability policies, and for the first time in a structured reporting tool.

The architecture of DOTCOM adds significant value to policy mapping, monitoring and reporting functions. In particular, it provides a mechanism for more dynamic and concurrent cross-national monitoring. One of the limitations of thematic or country-based document reporting systems, typical of research studies and UN Convention reporting, is that updates to specific laws, programmes or items may only be achieved by updating the entire country report. The transition to a dynamic database system, with document reporting functions, allows new policy developments to be more rapidly incorporated and more accurately reported.



The structured data presentation also facilitates the work of the ANED core research team in other tasks in the work programme. Thus, the thematic reporting tools provide rapid collation of summary evidence on selected policy themes, or for selected countries. This greatly facilitates the preparation of baseline analyses, comparison or identification of relevant examples at the national level without additional requests to country experts.

There would be scope to expand the coverage and functionality of the tool in future years. For example, it would be useful to include a new summary item on the existence of national disability strategy and action plans within the coverage of the general legal framework. However, some caution is needed to avoid proliferation in the number of data items to unmanageable levels.

The process and timing for national updates should be reviewed in 2013. The system provides the facility to provide future data updates in two ways – by ad hoc changes initiated by individual country experts or via comprehensive annual review requests initiated by the management team. A combination of the two approaches is likely to be most effective.

Further discussions are needed to establish how the Commission's online tool, or the data it represents, can be accessed directly from the EU Commission's website (as envisaged in the action plan accompanying the European Disability Strategy)

Deliverables:

The DOTCOM tool was published in a new section of the ANED website.
<http://www.disability-europe.net/dotcom>



Task 3: Legal framework and instruments

Subtask 3.1: Update existing mapping of EU law and policy

Task Leader: Professor Lisa Waddington

Rapporteur: Janina Arsenjeva

The existing mapping of EU law and policy, originally developed in 2008 and 2009, and updated on an annual basis since then, was updated in 2012.

Work process

One of ANED's core functions is to monitor and evaluate laws and policies that affect the 80 million disabled people in the European Union. Under the previous contract ANED carried out an annual systematic mapping review of EU legislation and soft law which made a reference to disability. This review was updated and expanded in 2012, and the most recent mapping provides a public reference resource mapping 264 legal instruments with annotations and expert commentary, organized according to EUR-LEX categories. The 2012 review includes recently adopted instruments, and pays particular attention to the initiatives taken following the conclusion of the UN Convention on the Rights of Persons with Disabilities by the EU.

Findings and recommendations

The largest numbers of instruments (legal acts and policy measures) which include direct reference to disability are found in the fields of: Freedom of movement for workers and social policy (75 instruments); Industrial policy and the internal market (47 instruments); and Transport policy (27 instruments). A significant number of instruments were also identified with regard to External relations (23 instruments – of which only 4 concerned legislation) and Environment, consumers and health protection (21 instruments – of which only 6 concerned legislation). Some other areas, notably science, information, education and culture, also only have few legal acts which explicitly include a disability dimension, while there is a long list of policy instruments referring to a general commitment to disability equality.

Following the entry into force of the Treaty on the Functioning of the European Union, two articles (10 and 19 TFEU) specifically refer to disability. Whereas Article 10 is yet to be linked explicitly to the legislative and policy initiatives of the Commission, Article 19 (ex Article 13 EC Treaty) serves as the legal basis for three of the instruments included in the mapping. All other instruments are based on Treaty articles that make no reference to disability whatsoever (such as articles relating to transport or the internal market). Such Treaty articles are commonly used to provide the basis for legislation



addressing disability. This demonstrates the particular nature of disability as a cross-cutting issue.

It is notable that, following the conclusion by the EU of the UN Convention on the Rights of Persons with Disabilities, and the subsequent adoption of a very comprehensive European Disability Strategy, the number of instruments mentioning disability has greatly increased and become more consistent. This trend has been noted not in what may be the most obvious areas (such as social policy, where the number and significance of the initiatives has not been striking) but in mainstream areas of EU policy, namely industrial policy and the internal market, and external relations. It is submitted that, in order to gain a comprehensive picture of the gaps that still exist with regard to meeting the EU's obligations under the CRPD, a screening of the existing European legislative instruments for compliance with the CRPD is necessary.

In 2012 the Commission Communication on the Single Market Act (COM (2011) 206) has served as the basis for revising the European standardisation measures and public procurement legislation, and the Communication on the Single Market Act II has announced the forthcoming proposal of a European Accessibility Act. These Communications reflect an important trend that recognises the close relationship between the single market and disability policy, and fosters disability mainstreaming in less traditional areas. Many of the policy initiatives adopted since 2010 cross-reference both the European Disability Strategy, Europe 2020 and/or the Single Market Act.

The Europe 2020 Strategy has reinforced the disability angle of many social (particularly employment-related) initiatives, and some of its flagships, notably the Platform against Poverty and the Digital Agenda, are directly relevant to future disability policies. The Europe 2020 instruments are of a soft nature, and their effectiveness depends on the correct and timely implementation of EU proposals at the Member State level.

With respect to transport policy, the package is now complete, with four legislative instruments addressing passengers' rights with regard to air, rail, maritime and road transport. In addition, a number of guidance documents have been produced. A number of instruments regulating the physical accessibility of (e.g. maritime and rail) transport also exist.

In many horizontal instruments, persons with disabilities are often covered by the concept of 'vulnerable' users, consumers, or groups. Although the goal is to protect specific groups of people in specific situations, the over-use of the term 'vulnerable' (especially when it is undefined) may be in part detrimental to the notion of equality of persons with disabilities.

The area of external relations has seen a number of important developments following the entry into force of the CRPD that obliges the States Parties to take disability into



account in all international cooperation work. In 2012 alone, disability has been mainstreamed in a number of important strategic documents informing EU development policy and relations with third countries. The Guidance Note on disability-friendly development cooperation has been revised and made more usable for the EU staff.

Deliverables:

Annotated review of European disability law and policy with reference to disability, prepared by Janina Arsenjeva under the direction of Lisa Waddington

This report reviews 264 legal instruments (67 pages), following the structure of the 19 EurLex system classification headings. Individual instruments are listed at the end of each thematic section and annotated in a structured annex (134 pages). For the 2012 report, instruments adopted in the last twelve months were included within the review and mapping, the thematic summaries accompanying each of the classification headings were revised accordingly, and the conclusions and recommendations included within the report were redrafted, taking account of new developments and the relevance of the UN CRPD to EU disability law and policy.

ANED website page on Law and policy:

<http://www.disability-europe.net/theme/law-and-policy>.

Subtask 3.2: Report on the Protection of Consumers with Disabilities in the European Union:

Task Leader and rapporteur: Prof. Lisa Waddington

This report explores the issue of consumer protection of persons with disabilities under European Union law and policy, and under the law and policy of a selection of Member States and associated countries.

Work Process:

Under task 3 ANED carries out research related to legal framework and instruments. In addition to the mapping of EU legal and policy instruments which contain a reference to disability identified above, ANED carries out research on a specific topic or element of European law or policy, as it relates to persons with disabilities, each year. In 2012 this resulted in a report on the protection of consumers with disabilities in the European Union.

The first part of the report explores EU law and policy relating to the protection of consumers with disabilities. Whilst there are a variety of areas in which EU law explicitly provides for protection of consumers with a disability, this report considered three key



areas which have been addressed by the EU legislator: general consumer protection law and policy; Services of General Interest (SGI) and Services of General Economic Interest (SGEI); and other internal market legislation which include provisions relevant to the protection of consumers with disabilities.²

The second part of the report examines the situation in nine EU Member States and associated countries. The research in this part of the report was based on information provided by ANED country reporters, supplemented by additional desk research where appropriate. ANED country reporters provided information on protection of consumers with disabilities in their state in response to a questionnaire. The questionnaire, which consisted of 17 questions in total, included five sections covering: the Law, Consumer Protection in Practice, Assistance available to Disabled Consumers, Good Practice, and Questions related to Specific Areas. The discussion and analysis in the report is based on a similar division or classification. The questionnaire was included as an annex to this report. In general information received from ANED country reporters revealed that the covered Member States were in compliance with EU consumer protection legislation, but rarely went beyond the obligations imposed by providing additional protection for consumers with disabilities, for example, in terms of imposing additional obligations to provide consumer information in disability accessible formats, requiring that products be labelled in Braille, or providing for supported decision making in consumer matters. In some Member States, non-discrimination law protected consumers from discrimination on the grounds of disability. Rules relating to legal capacity imposed limitations on the rights of some individuals with disabilities to enter into contracts, although the limitations were more extensive in some Member States than others. In general neither consumer protection organisations nor Disabled Persons Organisations tended to pay particular attention to the needs of consumers with disabilities, although some examples of good practice were identified, e.g. in Denmark. In some cases, additional financial support was provided to people with disabilities to purchase essential services, such as energy, although this was usually given on the basis of financial need rather than disability status.

Findings and Recommendations:

Consumer protection legislation should take as its starting point the need to allow all consumers with disabilities the same possibilities to participate in the market as other

² The EU instruments examined in the report include: the Unfair Commercial Practices Directive, the Consumer Rights Directive, the General Product Safety Directive, the Advertising Directive, the Credit Agreements for Consumers Directive, the proposal for a Regulation on a Common European Sales Law and the proposal for a Directive on Alternative Resolution for Consumer Disputes, the Universal Service Directive, the Better Regulation Directive, the R&TTE Directive, the Television Without Frontiers Directive, the Postal Services Directive, the Electricity and Gas Market Directives, the Patients' Rights Directive, the Medical Products Directive, as well as a large number of Commission Communications and other soft law instruments, and case law of the Court of Justice.



consumers, and the need to protect consumers with disabilities on an equal basis with others.

It is doubtful whether the concept of ‘vulnerability’, which is the term used in some EU general consumer protection legislation,³ is always appropriate as a vehicle for inserting disability-specific norms in consumer protection legislation. The use of the term may lead to labelling and stigmatisation whilst, at the same time, not focusing on the real causes of disadvantage and the barriers which hamper market access. Alternative models of consumer protection, which recognise the social model of disability and the situational causes of ‘vulnerability’ more generally, may provide more reliable and sustainable ways of facilitating consumer protection of persons with disabilities. No examples of EU consumer protection laws adopting such an approach were identified in the report.

Recognising the ‘diversity’ of consumers, and their needs, would seem to be a far more accurate way of perceiving consumers than a two dimensional categorisation of ‘average’ and ‘vulnerable’ consumers, which is currently found in EU consumer protection legislation.

In the context of consumers with disabilities, care must be taken not to adopt over-protective measures which in fact restrict choice, where other less intrusive measures may be needed. Examples of such over-protective measures may be a complete prohibition on the purchasing of even cheap and everyday goods for individuals who have been fully incapacitated. Instead, measures are needed to empower consumers with disabilities in the market. One example of such a measure would be the legal obligation to provide consumers with information in disability accessible formats.⁴

As a result of the CRPD, the EU must pay greater attention to the need to remove barriers and obstacles to market participation faced by consumers who are disabled and to providing tailored protection measures where this is needed.

EU consumer protection legislation should impose specific requirements relating to the provision of information in disability accessible formats.

EU consumer protection legislation should take into account the foreseeable behaviour or use of products by persons with disabilities, and oblige manufacturers to design

³ See, e.g. Directive 2005/29/EC of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (‘Unfair Commercial Practices Directive’).

⁴ For such an obligation see the Spanish Law 26/2011, 1 August, on the normative adaptation to the International Convention on the Rights of Persons with Disabilities, Spanish version available at: <http://www.boe.es/buscar/doc.php?id=BOE-A-2011-13241>.



products which are safe for use by persons with disabilities. For this reason the concept of ‘foreseeable use’, rather than ‘intended use’ should be integrated into EU consumer protection legislation, and be extended beyond the General Product Safety Directive,⁵ where it is already recognised.

Moreover, the General Product Safety Directive should be amended to include a reference to consumers with disabilities, in addition to children and elderly people, thereby ensuring that manufacturers are explicitly obliged to consider the safety of all products with regard to this group of consumers. The directive provides for the European Commission to issue standardisation mandates to the European standardisation bodies relating to product safety, and a reference to consumers with disabilities within the directive would stimulate the consideration of safety needs of this group of consumers in safety standards.

Some EU consumer protection directives refer to consumers who are particularly vulnerable ‘because of their mental, physical or psychological infirmity, age or credulity’.⁶ This language is out of tune with global developments with regard to disability rights, and inappropriate following the conclusion of the CRPD by the EU.

With regard to EU legislation on food information for consumers,⁷ there is a need to establish a mandatory floor at EU level, which provides for the provision of an appropriate level of information in disability accessible formats, including Braille.

The proposal for a Directive to establish a system for Alternative Dispute Resolution⁸ currently makes no reference to disabled consumers, or requires that the dispute resolution procedures be available in disability accessible formats, such as providing information in Braille, large print and other formats, and providing sign language interpretation. Nor is there an obligation not to discriminate on the ground of disability, or any other ground, with regard to the procedure. In light of the desirability of providing people with disabilities access to alternative dispute resolution on an equal basis with others, it is suggested that the proposal should be amended in this way.

⁵ Directive 2001/95/EC of 3 December 2001 on general product safety, [2002] O.J. L11/4.

⁶ See See Article 5(3) as well as recital 19 of the Directive’s preamble of the Unfair Commercial Practices Directive.

⁷ Regulation 1169/2011 of 25 October 2011 on the provision of information to consumers, amending Regulation (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) NO 608/2004, [2011] O.J. L304/18.

⁸ Proposal for a Directive of the European Parliament and of the Council on alternative dispute resolution for consumers disputes and amending regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR), Brussels, 29.11.2011, COM(2011) 793 final, 2011/0373(COD).



Deliverables:

Report: The Protection of Consumers with Disabilities in the European Union: Persons with Disabilities as Active Participants in the Internal Market, written by Lisa Waddington

12 country reports based on a questionnaire concerning consumer protection of persons with disabilities, written by ANED country reporters.

ANED website page on Law and policy:

<http://www.disability-europe.net/theme/eu-law-and-policy>.



Task 4: Accessibility

Task Leader and rapporteur: Anna Lawson

This task was designed to contribute evidence relevant to the Commission's work on potential proposals for a European Accessibility Act (an Act contemplated in the European Disability Strategy 2010-2020). In order to avoid duplication of other studies and reports, this task focused on evidence about the impact and effectiveness of various national measures designed to enhance the accessibility of goods and services (particularly in relation to transport, information and communication technology, and the internet) as well as on the effectiveness of relevant enforcement mechanisms.

Work Process

This task was based on the compilation of reports by each of ANED's national experts on the impact and effectiveness of the accessibility measures and enforcement mechanisms which operated within their countries. A template to structure these reports was developed by the task leader after discussion with Commission staff and the scientific director. ANED national experts were issued with these templates and also with accompanying guidance which explained the focus of the task. Key questions included requests that the national experts identify, summarise and comment upon the effectiveness and impact (on achieving greater accessibility) of:

- statutory law relating to accessibility;
- court or tribunal cases relating to accessibility;
- accessibility standards or technical requirements (whether mandatory or non-binding);
- regulatory bodies or systems overseeing the operation or delivery of relevant types of service;
- national (or local) accessibility strategies or plans; and
- obligations deriving from international commitments or EU law.

In addition, they were asked to identify, summarise and comment upon the extent to which accessibility standards in their own country, or in those of other countries, facilitated or impeded inter-State activity by service-providers and service-users.

Relevant sources for the national reports included academic literature, government documents, reports of equality bodies and ombudsman offices, and materials produced by disabled people's and older people's organisations. ANED experts were not asked to collect primary evidence (in the form of interview data, for instance) but it was suggested that useful guidance (eg as to sources) might be provided by conversations with representatives of relevant NGOs, ombudsman offices or government officials.



In July 2012, on the basis of the first drafts from the national experts, an interim synthesis report was compiled and sent to the Commission. The final synthesis report was completed and presented at the ANED Annual Meeting.

Additionally to this task a survey was carried out, covering the ANED countries, concerning national accessibility requirements and standards for products and services in the European single market.

Findings and Recommendations

It is clear from the evidence gathered in this task that accessibility has risen up the political agenda of the vast majority of EU and neighbouring countries in recent years. The Convention on the Rights of Persons with Disabilities (CRPD) and accessibility obligations imposed by EU law are significant drivers of this trend. Accessibility constitutes an important part of the disability strategies adopted by a significant number of EU countries and provides the key focus of accessibility or universal design strategies. Although there were examples of progress, factors which commonly reduced the effectiveness of these strategies included:

- Inadequate resourcing;
- Inadequate supervision or monitoring;
- Lack of timeframes and concrete targets or actions;
- Low political prioritisation and change in the political climate;
- Inadequate co-ordination and embedding across different departments and levels of government;
- Inadequate co-ordination between countries;
- Inadequate guidance to and training of professionals required to deliver or monitor accessibility.

The survey responses convey a variable picture of European accessibility standards. The general obligations of national law (e.g. non-discrimination law) frequently place a broad duty of accessibility or reasonable adjustment. However, there is much greater specificity of accessibility requirements for some products and services than for others, and in some countries more than others. There is more evidence of detailed technical specification in relation to the built environment and public transport than for ICTs, for example. Specific requirements are more likely to exist for services than for products, for public sector provision than for private sector provision, and for those areas subject to existing EU regulation or standardisation. Technical standards are more likely to be voluntary than compulsory. This varied landscape presents a number of uncertainties for manufacturers and suppliers of products and services in the single market, as well as for those in public procurement.



Despite evidence of some excellent evaluations of accessibility measures, this research identified a surprising lack of rigorous on-going monitoring and policy evaluation systems. Strong monitoring and reporting mechanisms are required if accessibility measures are to be taken seriously. Co-ordination of such monitoring processes at the EU level would facilitate comparability and co-operation between Member States and help to ensure that accessibility is perceived as a political priority within national governments. It would also constitute a clear commitment by the EU to taking measures to implement its obligations under Article 9 of the United Nations Convention on the Rights of Persons with Disabilities.

Under the laws of many EU countries, it is now possible for individuals who have been disadvantaged by the inaccessibility of a service (including goods used as part of that service) to bring cases for unlawful disability discrimination. While anti-discrimination law has an important role to play in challenging failures to provide accessibility, its role is inevitably limited as accessibility often demands long-term programmes of investment and planning. Discrimination claims based on access barriers are therefore generally subject to some sort of justification or reasonableness defence – although the impact of such a defence can be considerably mitigated by linking non-discrimination obligations to specific accessibility standards (as is being done in Norway). In this way, technical accessibility standards perform an important role in fleshing out the substantive content of duties not to discriminate as failure to comply with them will be judged to be ‘unjustified’ or ‘unreasonable’ or otherwise to fall short of the actions required of service-providers in order to avoid liability for discrimination claims. Such explicit linkage between accessibility standards and non-discrimination laws is, however, currently not a common practice in EU Member States.

Further, while the possibility of bringing individual complaints represents an important means by which to give disabled people themselves an opportunity to challenge their exclusion, the traditional dependence of anti-discrimination systems on individual complaints inevitably makes the pace of change slow. This is particularly true of systems such as that in the UK where cases have to be taken to court and are thus likely to be slow and expensive. Other countries (including Bulgaria, Hungary, Ireland and Norway) have facilitated the bringing of complaints by offering faster and cheaper alternatives to court. However, the effectiveness of these alternative systems may be hampered, as is suggested in the Bulgarian report, if they are perceived to lack necessary enforcement powers. In addition, traditional anti-discrimination law is often not well placed to offer disabled people challenging access barriers the remedies they seek, even if they can establish unlawful discrimination. Monetary compensation for the exclusion in question (although important) may not be their principal concern. In many legal systems, however, it is impossible or extremely difficult to gain a court order requiring the removal of an access barrier or the development and implementation of an accessibility plan. Nevertheless, the Italian report contains some interesting examples of cases in which such accessibility plans were ordered. .



Much greater use could be made of technical accessibility standards, both by making them binding through non-discrimination law (as in Norway) and by insisting upon conformity with them in processes of procurement, licensing and industry and service regulation and inspection. There is also considerable scope to simplify the current situation and generate greater harmonisation of standards and approaches. The development of more EU-wide standards would help achieve the benefit of greater simplicity and also reduce the risk of disruption to business where different standards operate in different countries. However, this benefit is not likely to be achieved if those standards are not made mandatory or legally enforceable.

There is thus great potential to increase the pace of progress toward accessibility by creating incentives or requirements for service providers and manufacturers to conform to accessibility standards. This would help to ensure a basic level of accessibility, although it should not be forgotten that equal access to services requires more than compliance with technical accessibility standards. There will inevitably be gaps in the coverage of technical accessibility standards - hence the need to complement accessibility obligations with the requirements to provide reasonable accommodations (eg where personal assistance is required). It is thus important to ensure that efforts are continually made to provide fully equal access to services.

Finally, it was clear from the research carried out for this task that disabled people's organisations and equality or human rights bodies have vital roles to play in ensuring the effectiveness of accessibility measures. While it appeared that many governments were recognising the importance of involving disabled people's organisations in the design and implementation of national disability or accessibility strategies, some of the country reports raised concerns about the impact of funding cuts on the strength and functionality of such organisations. Similar concerns were also raised in a number of reports about the impact which funding cuts were likely to have on the ability of equality and human rights bodies to contribute to monitoring and oversight of accessibility strategies and other measures. In efforts to ensure that accessibility measures are effective, attention should be given to the monitoring and enforcement mechanisms and to empowering appropriate bodies to perform these roles.

Deliverables:

Synthesis report – ‘Maximising the Impact and Effectiveness of Accessibility Measures for Goods and Services: Learning from National Experiences’ by Anna Lawson.

National reports on the impact and effectiveness of accessibility measures for goods and services by ANED national experts.

ANED web page: <http://disability-europe.net/accessibility>



Task 5: National Strategies and social policies

Task Leader: Professor Mark Priestley

ANED was again able to make direct inputs to EU2020 strategy process⁹ via the 2012 Annual Growth Survey and the open co-ordination methods of the Social Protection Committee. As in previous years, the work focused on review of the Member States' National Reform Programmes (NRPs) and National Social Reports (NSRs), supporting Commission inputs to staff working papers and country-specific recommendations.

Work process

The 2011 Annual Growth Survey was completed in December and a Joint Employment Report and conclusions were adopted by the Council in February 2012. In early 2012, ANED country experts (from Member, Candidate and Associate countries) were invited to prepare preliminary comments on these three areas, prior to the anticipated submission of Member States' NRPs. Where applicable, experts were then provided with access to the NRP package documents (for those Member States submitting) and asked to add commentary on the content from a disability perspective. The country briefings were reviewed by Commission staff and used to prepare inputs for Country Specific Recommendations and Staff Working Documents prior to the completion of this synthesis overview. Following the reviews of the NRP submissions and ANED country fiches, accompanying this report, a subsequent review was undertaken of disability targeting and mainstreaming in these Annual Growth Survey actions for 2012. These provide a benchmark for future analysis in the 2013 reporting cycles.

Findings and recommendations

In 2012, the Annual Growth Survey focused, unsurprisingly, on responses to the economic crisis¹⁰. In particular, the Commission expressed concerns that Member States lagged behind commitments they had made to the EU. The Council conclusions emphasised the need to make job creation more attractive for employers but highlighted the importance of tackling persistent unemployment and social exclusion through skills, targeted support services and reform of social protection systems¹¹.

As in previous years, the ANED reviews raised concerns about the variable level of disability mainstreaming in the NRP packages. This pattern remains rather similar to that previously reported. Where examples of good practice exist they remain inconsistent either between countries, or for the same countries in different years of reporting. For

⁹ http://ec.europa.eu/europe2020/index_en.htm

¹⁰ http://ec.europa.eu/europe2020/making-it-happen/annual-growth-surveys/2012/index_en.htm

¹¹ http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/lsa/128036.pdf



those countries focused on economic crisis reporting in this NRP cycle there was little if any acknowledgement of the impact or risk of fiscal consolidation or austerity measures on the poverty and social exclusion of disabled people (e.g. EL, ES, PT). There were examples of targeted actions on employment in most countries and some relevant actions on poverty reduction but many fewer specific actions on education and training.

There is evidence of some decrease in the employment, while those with more severe impairments remain much less likely to be employed and less likely to be affected by change in general employment trends. There was surprisingly little concrete evidence of substantial or ambitious reform at the national level towards full participation in employment for disabled people in 2012.

Given the considerable equality gaps in employment outcomes for disabled people, and the high strategic priority placed on labour market engagement as a means to social inclusion, this raises challenging policy questions. Content analysis of the NRPs and ANED county fiches indicates few references to investments and actions to address the equality gaps for young disabled people or in educational initiatives within the context of EU2020. The low participation of the disabled people in the labour market is compounded by substantial equality gaps in educational progression at tertiary level and in indicators of relative and absolute risk of household poverty (relevant to the EU2020 targets in those areas). Economic crisis, fiscal consolidation and austerity measures have the potential to further inhibit the full participation of disabled women and men, younger disabled people and older disabled workers, particularly for those with more severe, lifelong or fluctuating impairments and health conditions.

As a result of the 2012 Survey, disability was highlighted in the CSRs for four countries (DK, EE, NL). Denmark received a recommendation to enhance long-term labour supply by reforming the disability pension and to better target subsidised employment schemes (the 'flex-job' system) towards people with reduced work capacity (signalled in the ANED review). Estonia was recommended to improve incentives to work by streamlining the social benefits system and increasing flexibility in the allocation of disability, unemployment and parental benefits, while ensuring adequate social protection (remarked on in the ANED review). The Netherlands received a recommendation to enhance participation in the labour market, particularly of older people, women, and people with disabilities (highlighted in the ANED review). Several of the 2012 SWDs also commented on disability issues, typically in the need to control social spending or to create incentives to work (e.g. the need to tackle 'abuse' in disability benefit schemes in BE or CZ).

The following policy challenges may be highlighted from the 2012 review:



- Significantly reduced eligibility to disability pensions and supports (with more medicalised assessments) are generating a real risk of consolidated disadvantage and positive measures are needed to counter this risk;
- Reductions in spending on public support services, particularly in localised support are likely to impact on routes into employment, education, training and out of poverty for disabled people (e.g. in employment services, social services, education support services; transport; civil society and advocacy organisations);
- Implementing accessibility in open labour markets is a key element of the European Disability Strategy and investment in this area offers an opportunity to remove structural bottlenecks (including accessibility the built environment, transport and ICTs);
- Active and personalised support and training facilitates pathways into work (including greater access to universities and to user-controlled personal assistance in educational and work settings);
- An effective disability support system requires adequate and flexible benefits that support secure and flexible work that addresses additional impairment-related costs of living, studying and working (including support for flexible working arrangements);
- A more trans-sectoral approach to disability strategy co-ordination would facilitate participation for disabled people through linkages between accessible environments, transport, education, housing and employment.

While the EU2020 process has resulted in a more restrictive reporting model there is still significant opportunity for a greater level of visibility for disability issues in three areas - reference to disability-specific data or indicators from national or comparative sources; reference to national disability strategies and action plans; and, reference to targeted actions at the national level beyond isolated examples of local or regional pilot projects. In addition, there is scope to report on the disability dimensions of actions funded by European Structural Funds, including the European Social Fund. In an attempt to facilitate greater disability mainstreaming in the 2013 cycle, consideration should be given to the development of a thematic fiche on disability and labour market participation in the Annual Growth Survey package.

It is recommended that ANED input on national policy developments be prepared early in the 2013 cycle prior to the submission of the NRPs. This would enable experts to make rapid response at the outset of the reporting cycle to inform Commission interactions with the Member States. At the same time, an increased focus on the issues raised in the 2012 CSRs and SWDs would facilitate prioritisation and targeting of responses in the policy process.



Deliverables:

Targeting and mainstreaming disability in the context of EU2020 and the 2012 Annual Growth Survey

National disability policies in European countries in the context of the 2012 National Social Reports (NSRs)

ANED country flash reports responding to the 2012 NRP and NSR packages.

ANED website pages on employment and social protection and social inclusion:

<http://www.disability-europe.net/theme/employment>.

<http://www.disability-europe.net/theme/social-inclusion>.



Task6: Comparative data and indicators

Task Leader and rapporteur: Stefanos Grammenos

The main objective was to elaborate quantitative indicators with a view to monitoring the situation of persons with disabilities. This activity aims to support the European Disability Strategy, notably the axe of 'Statistics and data collection and monitoring'. The indicators help also to monitor the EU 2020 targets. The EU strategy builds notably on the UNCRPD (Article 31 covering statistics and data collection).

Work process

Data analysis was conducted using the EU-SILC 2010 survey micro-data. This survey includes all EU27 Member States and samples those aged 16 years old and over living in private households. The discussion of accessibility indicators valorizes the EU SILC 2007 ad hoc module on housing conditions.

The items selected for analysis focused on Europe 2020 targets, labour market indicators and accessibility issues. These indicators were further analysed by gender, degree of disability, age group and change over time, as appropriate. New items were piloted notably on the satisfaction on availability/ reachability and other variables from a family unit perspective of grocery services, public transport, postal and banking services). The EU-SILC 2007 ad hoc module presents housing conditions. The respondent ought to give an answer for the household as a whole and the interviewed person had to assess the accessibility of the household as a unit. In certain cases, a disabled person might declare no accessibility problems if the non-disabled partner assumes tasks related to these services. Also, it is important to note that accessibility is used to indicate several factors not relating to obstacles and architectural barriers. Consequently, the results ought to be treated and interpreted with caution. The methods are further described in the task report, published on the ANED web page. The preliminary findings were discussed at the ANED Annual Meeting in December 2012.

Findings and recommendations

In the European Union, in 2010, about 25% of persons aged 16 and over declared an activity limitation. Elderly disabled people represent 46% of all people with disabilities (aged 16 and over). The percentage of persons with a severe disability is about 8%. About 4,8% of persons aged 16 to 64 receive a disability related benefit. In the majority of countries, women have a lower recipiency rate compared to men.



1. Europe 2020 and related indicators

Europe 2020 is a new strategy for the EU to develop as a smarter, knowledge based, greener economy, and delivering high levels of employment, productivity and social cohesion. Monitoring achievements through statistics is integral part of the Europe 2020 strategy. The headline indicators measure the progress made by the EU and the Member States towards achieving the headline targets of the strategy.

The indicators covering persons with disabilities refer to 2010 and valorize the EU-SILC 2010 survey. They cover 25 Member States and include persons aged 16 or more.

At European level, about 45,5% of persons with disabilities are employed compared to 71,7% of persons without disabilities. This represents an employment gap of about 26 percentage points. Europe 2020 target is 75%. The employment rate of women with disabilities (42%) is significantly lower compared to women without (65%) disabilities. Countries with similar employment rates for non-disabled people present big differences for people with disabilities. This means that there is a potential for increasing the employment rate of people with disabilities. The employment rate of persons with disabilities decreased from 45,8% in 2008 to 45,5% in 2010. The evolution between 2009 and 2010 indicates a decrease of the employment rate for both persons with and without limitations.

The EU unemployment rate of people with disabilities (18,3%) is almost the double of the unemployment rate of people without disabilities (9,9%). The unemployment rate increased from 16,3% in 2008 to 18,3% in 2010. Following the financial crisis, we observe an increase of the unemployment rate both for people with and without disabilities. Age and the degree of disability increase the unemployment rate.

Countries with similar activity rates for non-disabled people present big differences in the activity rate of people with disabilities. The activity rate of women with disabilities is 52% and for women without disabilities is 72%. The respective rates for men are 61% and 87%. The activity rate increased from 54,8% in 2008 to 55,8% in 2010.

At the EU level, 22% of young disabled aged 18-24 are early school leavers compared to 12% for non-disabled young persons. Europe 2020 target is to attain a rate of less than 10%. The degree of disability increases significantly the rate of early school leavers. These high rates might reveal barriers and non-adapted curricula. This constitutes an important disadvantage for their integration into the labour market. The share of early school leavers among young persons with disabilities decreased from 25,2% in 2008 to 22,1% in 2010. We find a small improvement of the situation of young persons with disabilities at the EU level between 2009 and 2010.



At the European level, 23% of persons with disabilities aged 30-34 have completed a tertiary or equivalent education. The equivalent percentage for persons without disabilities is 37%. The target for Europe 2020 is 40%. The degree of disability decreases significantly the rate. The proportion of persons with disabilities aged 30-34 who completed a tertiary education increased from 19,8% in 2008 to 22,5% in 2010. We may observe a similar improvement of the situation between 2009 and 2010.

At the EU level, 24,5% of persons with disabilities live in households with a low work intensity (<20) compared to 7,8% of persons without disabilities. This represents a difference of about 17 percentage points. The degree of disability is an important disadvantaging factor. The gap between persons with severe disabilities and persons without disabilities increases with age.

At the EU level, 19,1% (19,9% in 2009) of persons with disabilities and 14,7% (14,3% in 2009) of persons without disabilities are at risk of financial poverty. The proportion of persons with disabilities at risk of poverty decreased from 21,2% in 2008 to 19,1%. About 27% of persons with severe disabilities are at risk of financial poverty. The situation of women is slightly worse compared to men for both disabled and non-disabled women. The percentage of elderly at risk of poverty is less compared to persons aged 16-64.

About 11,2% (10,8% in 2009) of people with disabilities were severely materially deprived compared to 7,0% (7,1% in 2009) of people without disabilities. There is a wide diversity of situations in the Member States. The proportion of persons with disabilities severely materially deprived decreased from 12,0% in 2008 to 11,2% in 2010.

People at risk of poverty or social exclusion (union of 3 previous indicators) is a headline indicator of Europe 2020. At the European level, 36% of people with disabilities aged 16 to 64 are at risk of poverty or social exclusion compared to 21,4% of persons without a disability of the same age group. Employment is an important factor for going out of poverty risk but at the same time, we find a high percentage of working poor, notably among people with disabilities. The degree of disability increases significantly the risk of poverty in all Member states.

2. Indicators concerning housing conditions

In 2007, the EU-SILC survey was supplemented with an ad hoc module on housing conditions. Several questions cover “accessibility” issues. Accessibility of different services here refers to housing conditions and the interviewed person has to assess the accessibility of the household as a unit. It is important to note that accessibility is used to indicate several factors like distance from house, diversity of services, economic factors, etc. Issues related to disability are only one dimension among different determinants. Furthermore, in certain cases, a disabled person might declare no accessibility problems



if the non-disabled partner assumes tasks related to these services. There is no explicit reference to obstacles and architectural barriers in the questionnaire, although the survey guidelines refer explicitly to disability.

Disability in a family member decreases overall dwelling satisfaction in all Member States. Also, disability increases significantly difficulty to access grocery services. About 20% of persons with severe disabilities declare facing difficulties to access grocery services. This is an average rate for all persons with severe disabilities. In the big majority of countries, disabled women declare more often difficulties in accessing grocery services. Also, age increases significantly problems. Similar results are found for banking services and postal services.

A question concerns accessibility of public transport. Accessibility here includes criteria relating to distance from housing, timetable, disability, etc. Consequently, the use of the term accessibility of public transport here ought to be taken with caution. The survey does not refer to barriers. The response rate is not independent from disability and the indicators might underestimate the real problems. About 28% of persons with severe disabilities face difficulties to access public transport compared to 18% of persons without disabilities. The degree of disability increases the difference between disabled and non-disabled. Also, difficulties increase with age. A simple estimation model indicates that 48% of persons aged 65 and over with severe mobility problems might experience difficulties in accessing public transport. Similarly, disability increases difficulties to access health services.

3. Econometric analysis

Probit regressions¹² indicate that material deprivation, poverty, low education and living alone increase the probability to report an activity limitation. Longitudinal analysis provides similar results. The existence of a causality running from poverty to disability means that our policies ought to focus among others on the eradication of poverty as a mean to reduce the prevalence of disability. A unique causality running from disability to poverty presents the person as the centre of the 'problem'. The existence of a two directions causality helps to understand how the socio-economic situation affects the individual and the reverse.

¹² Probit fits a maximum-likelihood probit model. In our case, we take the prevalence of disability as the endogenous variable and we try to identify the factors which affect this prevalence. We considered, notably, the following factors: gender, age, educational level (a proxy for lifestyles), marital status (a proxy for social capital), origin, urbanisation rate (proxy for the availability of accessible services), relative income and financial poverty risk (proxies for income and poverty effects), material deprivation (proxy for material living conditions), housing tenure (proxy for wealth effects), occupation (proxy for working conditions) and dummy variables (proxies for national specificities).



The analysis of employment indicates that controlling for education, personal characteristics and skills, disability decreases significantly the employment probability. Increasing the level of education of persons with disabilities increases significantly the employment probability. However, the results concerning occupations are mixed.

The econometric results indicate that improving education and certain skills of persons with disabilities reduces significantly the poverty risk. This is in accordance with research presented above indicating that persons with disabilities may expect high returns from education and skills on the labour market. This is complementary to the findings that the rate of early school leavers is high among youth with disabilities.

Probit regressions indicate that disability, notably severe disability, is a major factor affecting dwelling satisfaction. Similarly, age, disability, poverty and low urbanisation reduce accessibility of grocery services. Severe disability appears to be the most disadvantaging factors. Similar results are found for health care services.

Deliverables:

European comparative data on Europe 2020 & Accessibility; full report; ANED – Academic Network of European Disability Experts 2012-2014: Task 6: Comparative data and indicators, Year 1 – 2012.

Europe 2020 and Housing conditions; Presentation to the annual ANED conference.

ANED web page on comparative data and indicators:

<http://www.disability-europe.net/theme/data-and-indicators>



Task7: Annual academic meeting and conference

On 14 December 2012, ANED organised a conference in Brussels, bringing together its academic members from the 30 EU and EU/EEA Member States with representatives from the Commission staff and key invited guests. The meeting provided an important opportunity for members to share expertise, to reflect on all of the work completed over the past 4 years of the Network's existence and to discuss the possibilities for the future of the Network.

The meeting provided an opportunity to review and discuss the tasks carried out during 2012 and to introduce new country members to the network.

Johan Ten Geuzendam (Head of the European Commission's Disability Unit) opened the meeting, identifying how ANED's work contributes to the Commission work and to the European Disability Strategy 2010-2020), including the role of the DOTCOM tool.

Professor Mark Priestley (the Scientific Director) outlined the 2012 work programme in relation to the key tasks (described earlier in this report) and gave an overview of developments for disabled people in the EU, based on evidence from the ANED reviews of National Reform Programmes, National Strategic Reports and DOTCOM

Tihomir Žiljak, Zvonko Shavreski and Bojan Stanojlović (ANED country experts) presented introductions to the national situation, disability strategy and implementation in Croatia, FYR Macedonia and Serbia.

Professor Stefanos Grammenos (Centre for European Social and Economic Policy) presented a summary report of key findings from ANED's updated Indicators of Disability Equality in Europe, including those most relevant to the EU2020 strategy targets.

Martha Stickings (EU Fundamental Rights Agency) talked about the priorities for disability data and indicator development in the work programme of the Fundamental Rights Agency (FRA), complementing the work of ANED.

Anna Lawson (School of Law, University of Leeds) presented summary findings from the ANED reviews of national accessibility law, policy and implementation.

Inmaculada Placencia-Porrero (Deputy Head of the European Commission's Disability Unit) outlined how the EU could help to promote accessibility of benefit to disabled people through improving the operation of the market.



A presentation delivered on behalf of **Professor Lisa Waddington** (Maastricht University) considered EU consumer protection law (including the national law in nine example Member States).

Heidrun Mollenkopf (Age Platform Europe) presented the perspective of older people in Europe as consumers.

A summary from the proceedings and links to the presentations are available on the ANED website: <http://disability-europe.net/seminar>