



Projet ORA (Orienter Autrement)

MANIFESTORA

EUROPEAN CHARTER FOR ACTIVE GUIDANCE OF PERSONS WITH DISABILITIES



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FOREWORD

Persons with disabilities must be able to benefit from the same rights and privileges as any other European citizen in the extent of their possibilities and taking their best interests into consideration. Persons with disabilities account for approximately one sixth of the whole European population and their number increases proportionally to the ageing of the population. From a Community point of view, they benefit from the same rights as other European citizens. From a practical point of view, however, persons with disabilities are not in a position where they can fully take advantage of their rights and their participation in social life still remains very low.

LEGAL BACKGROUND

As per disability-related issues in a human rights perspective, the European Union promotes an active integration policy for persons with disabilities and encourages their full participation in society. Such process is also advocated in several international documents which main objective is to enable persons with disabilities to benefit from those rights:

- **The Universal Declaration of Human Rights**

This document was adopted by the United Nations in 1948 and accepted by all member States. It sets the fundamental rights of each and every individual on this planet. This Declaration stands as the reference base that led to the formulation of norms specifically dedicated to the question of disability. In article 25, the Universal Declaration of Human Rights explicitly mentions the social and economic rights of persons with disabilities: the right to an adequate standard of living including food, clothing, housing, medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood and old age. Article 7 guarantees equal chances and protection before and by the law of all individuals namely against discrimination.

- **The International Covenant on Civil and Political Rights**

Adopted by the United Nations in 1966, the Covenant lists all rights applicable to disability. Article 26 specifies that all individuals are equal before the law and are entitled to equal protection from the law.

- **The Declaration on the Rights of Disabled Persons**

Proclaimed on 9 December 1975, this Declaration from the United Nations was the first international document to try and define the term "disability". The Declaration recalls a certain number of social and economic rights as well as civic and political rights.

- **The Amsterdam Treaty**

Signed in 1997, the Amsterdam Treaty came into force in 1999. Article 13 mentions –for the first time in a European Union Treaty- the term "disabled persons". This article establishes the legal basis for protective measures for the benefit of disabled persons against discrimination. It also places disability along with other major causes of discriminations: gender, skin colour, religious convictions. Integration involves systematically taking disabled persons' priorities and needs into account in a general policy promoting equal chances.

- **The European Union Charter of Fundamental Rights**

This Charter is a declaration of rights adopted on 7 December 2000 by the European Union. In article 26, it recognises the right of disabled persons to "benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community".

- **The Madrid Declaration: "Non-discrimination plus positive action results in social inclusion"**

The European Congress, held in Madrid in March 2002 in the framework of the European Year of People with Disabilities, adopted this Declaration which resulted from a consensus between the European Disability Forum, Spain's Presidency of the European Union and the European Commission. It contains suggestions of actions to be carried out which require the active support of all stakeholders in a wide-scale partnership-based approach.

- **The United Nations Convention on the Rights of Persons with Disabilities**

Its Optional Protocol was adopted on 13 December 2006. It was the first time in history that a convention gathered such significant adherence. This Convention is the first Human Rights Treaty in the 21st century to fully address the issue of disability. It is also the first time that regional unions, such as the European Union, open a convention upon signature. The UN Convention on the Rights of Persons with Disabilities came into force on 3 May 2008 for countries which ratified it. This Convention marks a change of paradigm in terms of attitudes and approaches toward disabled persons. It reverses the trends whereas disabled persons are no longer considered as "passive objects" of charity, medical care and social protection but rather as "active subjects" of rights, capable of claiming

such rights as well as freely and knowledgeably expressing life choices as active members of society.

The Convention stands as an instrument of Human Rights explicitly covering a social development dimension. It adopts a broad vision of disabled persons and reaffirms that any person with a disability, regardless of the disability, must have the possibility to enjoy Human Rights and Fundamental Liberties. The Convention clarifies and defines the extent to which rights categories apply to disabled persons. It identifies areas which must be made accessible to disabled persons -so that they can exercise their rights effectively- and areas where such rights have not been respected and where reinforced protection is in order.

▪ **The Europe 2020 Strategy**

Presented by the European Commission in a statement issued on 3 March 2010, it extends and reforms the previous strategy known as the "Lisbon" strategy. This new 10-year strategy is meant to revitalise the European economy. It aims at developing "smart, sustainable and inclusive growth" by relying on greater coordination between national and European policies. Europe 2020 Strategy's top three priority orientations are: develop a knowledge and innovation-based economy; promote a renewable, greener and more competitive economy generating inclusive growth; sustain an economy that creates employment as well as social and territorial cohesion. One of the Strategy's objectives is to enable disabled persons to exercise their rights and therefore fully enjoy their participation in society and in the European economy namely thanks to the single market.

The success of Europe 2020 Strategy depends on the adoption of an integrated and consistent approach between all policies concerned and more especially the social, economic and employment policies, as well as on the initiation of close cooperation between all government levels, social partners and the civil society.

EUROPE'S REALITY

Despite all the legal provisions, respect of persons with disabilities' rights is far from being a reality in Europe. This is namely pointed out by the European Disability Forum and the European Commission:

- A disabled person has twice as less chance to reach the same level of school and university education as other individuals;
- Persons with disabilities' income is less likely to come from remuneration than from an allowance system and such income is generally significantly lower than that of non-disabled persons;
- Employment rate of persons with disabilities is twice lower than that of non-disabled persons. The risk for persons with disabilities of remaining unemployed is two to three times higher than for non-disabled persons;

- Persons with disabilities are also more likely to remain unemployed for longer periods of time and have a higher risk of losing their job than non-disabled persons;
- At present, 78 % of persons with disabilities are totally excluded from the labour market. Most of them are down to depending on social allowances to survive and, as a consequence, their income is considerably lower than that of non disabled people;
- Persons with disabilities live in a nearly inaccessible social environment. One in two persons with disabilities has no possibility of taking part in leisure, sports or cultural activities nor do they have access to theatres, cinemas, concerts and libraries;
- Persons with disabilities are confronted with isolation and biases. Over 200,000 persons with disabilities live –against their will- in closed institutions deprived of their fundamental human rights as well as their right to chose where and how they live;
- Too many hurdles hinder persons with disabilities' physical mobility. Indeed, adaptations and improvements remain insufficient or even inadequate as soon as they want to get out of their home or travel. Adding to this are the psychic hurdles to their mobility and the hurdles originating from environmental impact on their own representations.

ORA PROJECT OBJECTIVES

The ORA project aims at improving the support and guidance provided to persons with disabilities as well as their active guidance to open new professional possibilities and perspectives for them. This is to be achieved via territorial network-based work on securing their professional path, on the professional practices of supervising staff and on making mentalities evolve by considering persons with disabilities as capable people, by valuing their skills and by encouraging close interaction between an accessible and inclusive education and professional training system and the workplace.

This Charter has been drawn up from the results and recommendations generated by the ORA project. Its purpose is to give marks, set general principles and common values to raise the awareness of all stakeholders involved in guidance-employment-training on the needs and expectations of persons with disabilities.

This **ManifestORA** militates to promote active guidance of persons with disabilities in Europe as a step toward their actual social inclusion.

COMMON DEFINITIONS OF THE ORA CONSORTIUM

▪ **Lifelong guidance**

The common definition of guidance quotes the text from the European Union Council Resolution of 21 November 2008 (2008/319/02): *“A continuous process that enables citizens at any age and at any point in their lives to identify their capacities, competences and interests, to make educational, training and occupational decisions and to manage their individual life paths in learning, work and other settings in which those capacities and competences are learned and/or used. Guidance covers a range of individual and collective activities relating to information-giving, counselling, competence assessment, support, and the teaching of decision-making and career management skills”*.

This definition applies to all and any European citizens.

The lifelong active guidance process of persons with disabilities places the latter in a position where they become the authors and actors of “their own” choices by benefiting from personalised guidance, adapted material and financial aids and total care which are essential components to carry out such process.

▪ **Disability**

The common definition is inspired from the definition of disability set out in French Act 2005-102 of 11 February 2005 and from Quebec model known as the “Disability Creation Process” (DCP) *“Is considered to be a disability any limitation of activity or restriction of participation in social life resulting from an environment unsuited to a person suffering from substantial, durable or permanent alteration of one or several physical, sensorial, mental, cognitive or psychic functions or from any incapacitating health disorder”*.

Highlighted aspects:

- Disability is an issue directly related to the environment
- Disability can occur at any point in a person's life
- It can progress and be time-limited or not
- Disability can cover several types of limitations and alterations
- Disability can require compensatory measures.

GENERAL PRINCIPLES OF ORA'S ACTIVE GUIDANCE

- Active guidance gives persons with disabilities and their family members the freedom to express themselves
- Active guidance requires personalised guidance from a network of stakeholders
- Active guidance requires constant commitment and professionalization of professionals as well as network-based work
- Active guidance must take account of the person's wishes, capacities and socio-economic context in the achievement of their project and the person must not only be an actor but also the author of such project

- Active guidance requires that each and everyone's awareness be raised on guidance education, on education and on autonomy
- Active guidance requires political will, territorial dynamism and change of mentalities.

PERSONS WITH DISABILITIES MUST BENEFIT FROM THE RIGHTS RECOGNISED FOR HUMANS:

- Right to fully participate in social life
- Right to non discrimination
- Right to information
- Right to freedom of choice
- Right to autonomy.

EQUAL CHANCES FOR PERSONS WITH DISABILITIES INVOLVE:

- Equal access to the education system
- Equal access to housing
- Equality in employment and occupational training
- Access to culture, sports, leisure
- Access to public establishments.

ON THE BASIS OF THIS MANIFESTORA, THE MEMBERS OF THE CONSORTIUM HIGHLIGHT GENERAL PRINCIPLES AND EUROPEAN RECOMMENDATIONS FOR THE ACTIVE GUIDANCE OF PERSONS WITH DISABILITIES:

Reorient public policies and make the logic of social responsibility progress

By contributing to the public debate around the issue of disability, by emphasising equal chances, training and the right to employment, by promoting a **personalised approach**. This must ensure guidance solutions suited to persons with disabilities at any time and therefore develop a forward-looking management system for active guidance to foresee career blockings and gaps.

Prioritise implementation of an inclusive approach

By taking needs and individual capacities into account but also by publicly recognising all organisations who have made efforts in terms of recruiting, training or sustaining employment for the benefit of persons with disabilities.

Respect the right to citizenship and the integrity of persons with disabilities

By supporting the **active involvement** of all stakeholders, of persons with disabilities and their organisations, by creating places for concerting, by including persons with disabilities –equitably and systematically- in institutional structures, in decision-making processes, in all guidance and social inclusion actions. Each and everyone must show clear will and constant efforts to develop persons with disabilities' self-confidence and motivation, to allow them to get familiar with their environment, to develop their autonomy.

Enable a progress process

By encouraging more qualitative than quantitative assessment of employment policies: in terms of training, quality and sustainability of the positions held.

Promote skills recognition and development

By encouraging access to training and by valuing acquisitions via the diversification of the training offer and guidance solutions. Persons with disabilities must have their skills recognised and get personalised support when they move from education to occupational training by sharing the responsibility for planning such transition from school to active life.

Encourage international cooperation and action-research on active guidance

By supporting experience sharing between all stakeholders involved who operate in a defined context. This will enable all to step back from national and local issues and have a more general and wider vision of the solutions implemented; as well as to better foresee the measures to be carried out in all areas of the daily life: work, family, sports, culture, leisure, citizenship.

Ensure quality personalised guidance

The active guidance process requires constant commitment and in-depth involvement from all stakeholders to spend more time and better understand the disabled person during the guidance process when defining and building the person's personal and professional project.

Respect the right of accessibility for all and to all

Make the social representation of disability evolve by supporting awareness-raising and information actions on the specificities of the different disability types, by supporting adequate adaptation of public and work places that may be arranged to ensure equal access and suited accommodation to their needs, by guarantying clear, understandable and adequate information on recruitment conditions, occupational training, guidance and insertion services. All new information and communication technologies as well as mobile internet solutions must be mobilised to make access to information and knowledge easier.

Support network-based work

By encouraging the creation and functioning of pluridisciplinary stakeholder networks serving active guidance. Such network organisation requires and involves the participation of all partners engaged in persons with disabilities' guidance path to employment and fair participation in social life.

IN CONCLUSION

Persons with disabilities, more than any other citizens, are subject to the influence of the various economic, social, political and cultural factors interacting as inhibitors or enablers in their professional guidance and in the achievement of their personal projects. In this logic, European and national legal provisions are insufficient. A new global vision of disabled people must be enforced.

This new vision must reaffirm their human rights and fundamental liberties by initiating an in-depth change of attitudes and approaches, it must inverse the trends whereas disabled people shall no longer be considered as "passive objects" of charity, medical care and social protection but rather as genuine "active subjects" of rights, capable of claiming such rights and freely and knowledgeably expressing life choices as active members of society.

That is to say

GUIDING DIFFERENTLY

This Charter is the result of the European project ORA-Orienter Autrement (Guiding Differently), led by a consortium of seven partner organisations established in four countries (Belgium, Bulgaria, France, Romania) in the framework of the Leonardo da Vinci-Transfer of Innovation programme, from November 2011 to December 2013. The project aimed to improve the active guidance process of persons with disabilities.

For more information, please contact ORA partners :

- European Think Tank Pour la Solidarité – Belgium (www.pourlasolidarite.eu)
- Walloon federation of adapted-work enterprises (EWETA) – Belgium (www.eweta.be)
- University of Southern Brittany (Bretagne-Sud) – France (www.univ-ubs.fr)
- Association of parents and friends of people with intellectual disabilities of Valenciennes (APEI du Valenciennois) – France (www.apei-valenciennes.com)
- Institutions and services assistance by work (ESAT) of the French association for the paralysed (APF) “Les Ateliers du Haut Vinage” – France (www.apf.asso.fr)
- Ploiesti Petrol-Gaz University – Romania (www.upg-ploiesti.ro)
- PODKREPA Labour confederation – Bulgaria (www.podkrepa.org)

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