European Yearbook of Disability Law

Editors:

Prof. Lisa Waddington
European Disability Forum Chair in European Disability Law, Maastricht University

Prof. Gerard Quinn
Director, Centre for Disability Law and Policy, National University of Ireland, Galway

Dr. Eilionóir Flynn
Senior Research Fellow, Centre for Disability Law and Policy, National University of Ireland, Galway

Editorial Board:

Prof. Theresia Degener
Evangelische Fachhochschule Rheinland-Westfalen-Lippe, Germany

Prof. Aart Hendriks
Chair in Health Law at Leiden University/Leiden University Medical Centre and Managing Health Law Advisor to the Royal Dutch Medical Association (KNMG), Utrecht, the Netherlands

Prof. Bjørn Hvinden
Head of Research & Deputy Director NOVA, Norway

Dovile Juodkaitė
Board Member of the Lithuanian Disability Forum, Lithuania

Anna Lawson
Senior Lecturer in Law and Member of the Centre for Disability Studies, Leeds University, United Kingdom

Oliver Lewis
Executive Director, Mental Disability Advocacy Center, Budapest, Hungary

John Parry
Director, Commission on Mental & Physical Disability Law, American Bar Association, USA

Shivaun Quinlivan
Director, LLM in International and Comparative Disability Law and Policy, National University of Ireland, Galway, Ireland

Advisory Board:

Prof. Peter Blanck
Chairman, The Burton Blatt Institute, Syracuse University, USA

Prof. Christopher McCrudden
Lincoln College, Oxford University, United Kingdom

Prof. Michael Stein
William & Mary School of Law and Executive Director, Harvard Project on Disability, Harvard Law School, USA

Yannis Vardakastanis
President of the European Disability Forum, EU
ACKNOWLEDGMENTS

We are extremely grateful to the many people who have contributed, in various ways, to Volume 4 of the Yearbook. First, we would like to thank Padraig Hughes and his team at INTERIGHTS, The International Centre for the Protection of Human Rights, who provided a detailed review of the work of the Council of Europe. We are also very grateful to Colm O’Cinneide (University College London), who also contributed to this section of the review. We would also like to thank Maria Ventegodt Liisberg of the Danish Institute of Human Rights for writing a clear overview of relevant and current case law of the Court of Justice of the European Union.

Susan Doyle, Charlotte May-Simera, Conor Newman and Abigail Rekas from the Centre for Disability Law and Policy also provided expert knowledge for which we are grateful. We are much obliged to each representative of the many NGOs and civil society bodies that provided invaluable input to inform our reporting. We would also like to thank the numerous policy and communication officers within the European Commission that provided us with information to assist the editors with their review.

Lastly, we express our thanks to the authors that submitted their articles to this volume, the anonymous, independent peer reviewers who help us to ensure the quality of the articles published, and the members of our editorial and advisory boards.

Lisa Waddington, Gerard Quinn and Eilionóir Flynn
CONTENTS

ACKNOWLEDGMENTS ................................................................. v

EDITORIAL
Lisa Waddington, Gerard Quinn and Eilíonóir Flynn ............... 1

PART I: ARTICLES ................................................................. 5

DISABILITY AND ACCESS TO JUSTICE IN THE EUROPEAN UNION: IMPLICATIONS OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES
Eilíonóir Flynn and Anna Lawson ........................................ 7

1. Introduction ........................................................................ 7
2. Disabling Barriers in Accessing Justice .............................. 9
3. Conceptualizing Access to Justice .................................... 12
3.1. ‘Access’ and ‘justice’ ...................................................... 12
3.2. The Substantive Component ........................................ 13
3.3. The Procedural Component ......................................... 15
3.4. The Symbolic Component ........................................... 16
4. The Development of a Right to Access Justice in International Human Rights Law ......................................................... 17
4.1.1. The Right to an Effective Remedy ............................. 17
4.1.2. The Right to a Fair Hearing ...................................... 19
4.2. The Emergence of a Specific Right to ‘Access Justice’ in the Convention on the Rights of Persons with Disabilities .......... 21
4.3. Interconnections between Article 13 and other Convention Rights ................................................................. 24
4.3.1. Article 13 and Other Articles Affecting its Scope ........ 24
4.3.2. Article 13 and Other Articles Operating to Achieve Access to Justice .............................................................. 26
4.4. Scope of Article 13 ......................................................... 29
5. The Right to Access Justice in European Union Law ............ 30
5.1. The EU and the CRPD .................................................... 30
5.2. Access to Justice as a Fundamental Right in EU law ......... 32
5.2.1. Scope of the Right .................................................... 32
5.2.2. Effect of the Right ................................................... 33
5.2.3. Non-Discriminatory Enjoyment of the Right ............... 34
5.3. Access to Justice in Secondary EU law .......................... 36
5.3.1. Disability Discrimination ......................................... 36
5.3.2. Criminal Justice ...................................................... 37

Intersentia
vii
Contents


6. Conclusion ......................................................................................... 42

TRACKING THE PROGRESS OF THE PROPOSED WIPO TREATY ON EXCEPTIONS AND LIMITATIONS TO COPYRIGHT TO BENEFIT PERSONS WITH PRINT DISABILITIES
ABIGAIL REKAS, JD .................................................................................. 45

1. Introduction ......................................................................................... 45

2. The Right to Read ................................................................................ 47

3. Accessible Formats ............................................................................. 48

4. Copyright Law ...................................................................................... 50

5. The EU and InfoSoc Directive .............................................................. 53

6. EU Stakeholders’ Platform ................................................................. 56

7. Timeline of the Right to Read for Print Disabled Persons ................. 57

8. First Four Proposals ........................................................................... 60

8.1. Proposal by Brazil, Ecuador and Paraguay, Relating to Limitations and Exceptions: Treaty Proposed by the World Blind Union ........... 60


8.3. Draft Joint Recommendation Concerning the Improved Access to Works Protected by Copyright for Persons with a Print Disability (European Union) ................................................................. 64

8.4. Draft Consensus Instrument (United States) ...................................... 66

9. Towards Consensus ............................................................................. 67

10. WIPO Stakeholders’ Platform and TIGAR ........................................ 68

11. Private Sector ..................................................................................... 70

12. Conclusions ....................................................................................... 71

STAYING THE COURSE: THE EUROPEAN DISABILITY STRATEGY 2010–2020
DAVID L. HOSKING .................................................................................. 73

1. Introduction ......................................................................................... 73

2. EU Disability Policy ........................................................................... 74

3. The 2010–2020 Disability Strategy .................................................... 77

3.1. Locating the Strategy ...................................................................... 77

3.2. The 2010–2020 Strategy ................................................................. 80

3.3. The Implementation Plan ................................................................. 81

4. Resistance and Retreat? .................................................................... 87

4.1. Completing the Anti-discrimination Framework ............................. 87

4.2. A European Accessibility Act ......................................................... 90


6. Conclusion ......................................................................................... 97

US AND EU PERSPECTIVES ON GENETIC DISCRIMINATION IN EMPLOYMENT AND INSURANCE: STRIKING A BALANCE IN A BATTLEFIELD OF COMPETING RIGHTS
AISLING DE PAOR .................................................................................. 99

1. Introduction ......................................................................................... 99

viii

Intersentia
## Contents

1.1. The Background: Advances in Genetic Science ......................................... 100  
2. Ethical and Legal Dilemmas Arising from Third Party Use of Genetic Information ................................................................. 102  
2.1. Genetic Discrimination ........................................................................ 103  
3. Genetic Discrimination in Employment – Exploring the Balance of Rights .................................................................................... 104  
3.1. The Desire for Healthy, Productive Workers ........................................ 105  
3.2. Genetic Testing to Advance Health and Safety .................................. 106  
3.3. Consequences of Misuse of Genetic Information in Employment 107  
3.4. Towards a Balance of Rights ............................................................... 109  
4.1. Arguments in Favour of Using Genetic Information: Perspectives from the Insurance Industry .................................................. 113  
4.2. Arguments Against Using Genetic Information: Perspectives from the Insured ................................................................. 115  
4.2.1. The Social Purpose of Insurance ....................................................... 117  
4.3. Insurer versus Insured ......................................................................... 118  
5. The Need for Regulation ........................................................................ 119  
6. The US Position – A Robust Approach to Genetic Discrimination? ............ 120  
6.1. Legislative History – The Trials and Tribulations ................................. 122  
6.2. Legislative Position Prior to GINA – Limited Protections ................. 124  
6.3. The Arrival of GINA ........................................................................... 124  
6.3.1. GINA's Exceptions ....................................................................... 125  
6.4. Does GINA Live up to Expectations? .................................................... 127  
7. The Current European Position – A Patchwork of Laws ........................... 130  
7.1. Legal Basis for Action – A Combined Non-Discrimination and Privacy Approach ................................................................. 131  
7.1.1. Building a Case for EU-Level Regulation of Genetic Information ...... 131  
7.1.2. EU Charter of Fundamental Rights ................................................ 132  
7.1.3. Non-Discrimination in the EU ....................................................... 133  
7.1.4. Protection of Privacy in the EU ..................................................... 134  
7.2. Potential Obstacles to EU action ........................................................... 135  
7.3.1. Current Data Protection Law in the EU .......................................... 137  
7.3.2. Current Non-Discrimination Law in the EU .................................. 138  
8. The UN Convention on the Rights of Persons with Disabilities – Can the Conclusion of the CRPD shape EU Regulation of Genetic Information? ............................................................................... 139  
8.1. EU Obligations under the CRPD ........................................................ 142  
9. Conclusion – What Next for the EU? ...................................................... 143  

**Flexicurity and Employment of Persons with Disability in Europe in a Contemporary Disability Human Rights Perspective**  
MARIA VENTEGÖDT LIISBERG. ................................................................. 145  

1. Introduction ......................................................................................... 145  
2. The Contemporary Disability Human Rights Approach ....................... 146  
2.1. Models of Disability and Equality .................................................. 147  

Intersentia ix
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2.</td>
<td>An Open, Inclusive and Accessible Labour Market</td>
<td>149</td>
</tr>
<tr>
<td>2.3.</td>
<td>Anti-Discrimination Protection</td>
<td>152</td>
</tr>
<tr>
<td>2.4.</td>
<td>Employment Promotion</td>
<td>153</td>
</tr>
<tr>
<td>2.5.</td>
<td>The Involvement of Disability Organizations</td>
<td>156</td>
</tr>
<tr>
<td>2.6.</td>
<td>Conclusion</td>
<td>157</td>
</tr>
<tr>
<td>3.</td>
<td>Danish Flexicurity</td>
<td>158</td>
</tr>
<tr>
<td>3.1.</td>
<td>An Open, Inclusive and Accessible Labour Market</td>
<td>159</td>
</tr>
<tr>
<td>3.2.</td>
<td>Anti-Discrimination</td>
<td>162</td>
</tr>
<tr>
<td>3.3.</td>
<td>Employment Promotion</td>
<td>165</td>
</tr>
<tr>
<td>3.4.</td>
<td>Civil Society</td>
<td>167</td>
</tr>
<tr>
<td>4.</td>
<td>Conclusion</td>
<td>168</td>
</tr>
</tbody>
</table>


Lisa Waddington ........................................... 169

1. Introduction .................................................................. 169
2. The Status of the CRPD under EU law .............................. 170
3. The CRPD, the Social Model of Disability and the Principles of Non-Discrimination and Equality ......................... 175
4. EU Disability Non-Discrimination and Equality Law .......... 178
4.1. General Overview .................................................. 178
4.2. The Employment Equality Directive ............................. 180
4.2.1. Definition of Discrimination ................................ 181
4.2.2. Reasonable Accommodation .................................... 183
5. Possible Tensions Between the CRPD and EU Non-Discrimination and Equality Law .................................................. 188
5.1. Prohibition of Discrimination – Direct and Indirect Discrimination .......................................................... 188
5.2. Reasonable Accommodation ........................................ 190
5.3. The Definition of Disability ...................................... 192
5.4. Protection from Discrimination on the Grounds of Disability for People who Associate with a Person with a Disability .......................................................... 195
5.5. Material Scope of the Protection from Discrimination ........ 197
6. Conclusion .............................................................. 198

**Part II: Annual Review of European Law and Policy** ............ 201

**The European Union** .................................................. 203

1. Background to the European Union and Disability .............. 203
1.1. Strategic Direction .................................................. 205
1.1.1. Previous Strategies ............................................. 205
1.1.2.1. Implementation of the Strategy ............................ 207

Intersentia
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1.3.</td>
<td>Europe 2020: A Strategy for Smart, Sustainable and Inclusive Growth</td>
<td>207</td>
</tr>
<tr>
<td>1.2.</td>
<td>Legislative Measures</td>
<td>209</td>
</tr>
<tr>
<td>1.2.3.</td>
<td>The European Accessibility Act</td>
<td>213</td>
</tr>
<tr>
<td>1.2.4.</td>
<td>TU Structural Funds</td>
<td>216</td>
</tr>
<tr>
<td>1.3.</td>
<td>The EU and International Legal Developments</td>
<td>222</td>
</tr>
<tr>
<td>1.3.1.</td>
<td>European Union Conclusion of the UN CRPD</td>
<td>222</td>
</tr>
<tr>
<td>1.3.2.</td>
<td>European Union Implementation of the UN CRPD</td>
<td>224</td>
</tr>
<tr>
<td>1.3.3.</td>
<td>The Framework to Promote, Protect and Monitor the Implementation of the UN CRPD</td>
<td>225</td>
</tr>
<tr>
<td>1.3.4.</td>
<td>Other Developments</td>
<td>228</td>
</tr>
<tr>
<td>1.4.</td>
<td>EU Accession to the European Convention on Human Rights</td>
<td>228</td>
</tr>
<tr>
<td>1.4.1.</td>
<td>Negotiation of the EU Accession</td>
<td>229</td>
</tr>
<tr>
<td>2.</td>
<td>Activities of the European Commission</td>
<td>233</td>
</tr>
<tr>
<td>2.1.</td>
<td>Directorate General for Justice</td>
<td>233</td>
</tr>
<tr>
<td>2.1.1.</td>
<td>Unit for the Rights of Persons with Disabilities</td>
<td>233</td>
</tr>
<tr>
<td>2.1.2.</td>
<td>Equal Treatment Legislation Unit</td>
<td>240</td>
</tr>
<tr>
<td>2.1.3.</td>
<td>Non-discrimination Policies and Roma Co-ordination Unit</td>
<td>241</td>
</tr>
<tr>
<td>2.1.4.</td>
<td>Other Activities</td>
<td>244</td>
</tr>
<tr>
<td>2.2.</td>
<td>Directorate General for Health and Consumers</td>
<td>246</td>
</tr>
<tr>
<td>2.3.</td>
<td>Directorate General for Competition</td>
<td>248</td>
</tr>
<tr>
<td>2.4.</td>
<td>Directorate General for Internal Market and Services</td>
<td>255</td>
</tr>
<tr>
<td>2.5.</td>
<td>Directorate General for Mobility and Transport</td>
<td>262</td>
</tr>
<tr>
<td>2.6.</td>
<td>Directorate General for Enterprise and Industry</td>
<td>269</td>
</tr>
<tr>
<td>2.7.</td>
<td>Eurostat</td>
<td>274</td>
</tr>
<tr>
<td>2.8.</td>
<td>The Information Society and Media Directorate General</td>
<td>279</td>
</tr>
<tr>
<td>2.9.</td>
<td>Directorate General for Employment, Social Affairs and Inclusion</td>
<td>283</td>
</tr>
<tr>
<td>2.10.</td>
<td>Research and Innovation Directorate General</td>
<td>288</td>
</tr>
<tr>
<td>2.11.</td>
<td>Directorate General Education and Culture</td>
<td>290</td>
</tr>
<tr>
<td>2.12.</td>
<td>Directorate General for Regional Policy</td>
<td>291</td>
</tr>
<tr>
<td>3.</td>
<td>Activities of the Council of the European Union</td>
<td>295</td>
</tr>
<tr>
<td>3.1.</td>
<td>Activities under the Open Method of Coordination</td>
<td>295</td>
</tr>
<tr>
<td>3.1.1.</td>
<td>Open Method of Coordination – Social Protection and Social Inclusion</td>
<td>295</td>
</tr>
<tr>
<td>3.1.2.</td>
<td>Open Method of Coordination – European Employment Strategy</td>
<td>296</td>
</tr>
<tr>
<td>3.2.</td>
<td>EU Presidency and Ministerial Conferences on Disability</td>
<td>298</td>
</tr>
<tr>
<td>4.</td>
<td>Current Activities of the European Parliament</td>
<td>301</td>
</tr>
<tr>
<td>4.1.</td>
<td>Activities of the Disability Intergroup of the European Parliament</td>
<td>302</td>
</tr>
<tr>
<td>5.</td>
<td>Case Law of the Court of Justice of the European Union</td>
<td>304</td>
</tr>
<tr>
<td>5.1.</td>
<td>The Powers of the Court of Justice of the European Union</td>
<td>304</td>
</tr>
<tr>
<td>5.2.</td>
<td>Recently Decided Cases</td>
<td>305</td>
</tr>
<tr>
<td>5.2.1.</td>
<td>Social Security</td>
<td>305</td>
</tr>
</tbody>
</table>
5.2.1.1. Juan Perez Garcia, Jose Arias Neira, Fernando Barrera Castro, Dolores Verdín Espinosa v. Familienkasse Nürnberg ............... 305
5.2.1.2. Salemink v. Raad van bestuur het Uitvoeringsinstituut werknemersverzekeringen ........................................... 307
5.2.2. Cross-Border Healthcare ............................................. 308
5.2.2.1. European Commission v. Portuguese Republic ................. 308
5.2.3. Annual Paid Leave ..................................................... 309
5.2.3.1. KHS AG v. Winfried Schulte .................................... 309
5.2.3.2. Maribel Dominguez v. Centre informatique du Centre Ouest Atlantique and Préfet de la région Centre ......................... 310
5.2.4. Discrimination on the Ground of Age .............................. 311
5.2.4.1. Sabine Hennigs v. Eisenbahn-Bundesamt and Land Berlin v. Alexander Mai .......................................................... 312
5.2.4.2. Reinhard Prigge, Michael Fromm, Volker Lambach v. Deutsche Lufthansa AG ......................................................... 313
5.2.4.3. Galina Meister v. Speech Design Carrier Systems GmbH ................................. 314
5.2.5. Jurisdiction and Enforcement of Judgments ......................... 315
5.2.5.1. Health Service Executive v. S.C. and A.C. .......................... 315
5.3. Cases Pending .............................................................. 316
5.3.1. Johann Odar v. Baxter Deutschland GmbH ............................ 316
5.3.2. K. v. Bundesasylamt ..................................................... 317
5.3.3. European Commission v. Italian Republic ......................... 317
5.3.4. HK Danmark, acting on behalf of Lone Skouboe Werge v. Pro Display A/S and Jette Ring v. Dansk almennyttigt Boligselskab DAB ......................................................... 318
6. European Economic and Social Committee ............................ 319
6.1. 2011 Opinions with a Disability Dimension .............................. 320
7. Activities of the European Union Fundamental Rights Agency .... 324
8. Studies and Reports ........................................................... 327
8.1. Study on Long-Term Care ................................................. 327
8.2. Report on Persons Placed in Institutions ............................... 328
8.3. Getting a Life: Living Independently and Being Included in the Community ................................................................. 329
8.4. The European Union and the Right to Community Living – Structural Funds and the European Union’s Obligations under the Convention on the Rights of Persons with Disabilities ............. 329
8.7. Report on the Coordination of Long-term Care Benefits .......... 331
8.8. World Report on Disability .................................................. 331
8.9. Reports Published by the Academic Network of European Disability Experts (ANED) ......................................................... 332
8.10. ICTs in Education for People with Disabilities Review ............ 333
8.11. Making Television Accessible Report .................................... 333
8.12. Making Mobile Phones and Services Accessible for Persons with Disabilities Report ...................................................... 334
8.13. Best Practice Guidelines for Accessible Publishing .................. 335
8.14. Web Accessibility Policy Making: An International Perspective ... 335

xii

Intersentia
9. Disability Awareness Events ................................. 336
   9.1. European Day of Persons with Disabilities 2011 .... 336
   9.2. Access City Award ........................................ 336
   9.3. Vodafone Foundation Smart Accessibility Awards .... 337

THE COUNCIL OF EUROPE ........................................... 339

1. Background to the Council of Europe and Disability .. 339
   1.1. The Role and Institutions of the Council of Europe ... 339
   1.2. The Strategic Direction of the Council of Europe on Disability .... 341
2. The European Court of Human Rights and Recent Case Law on Disability ........................................ 342
   2.1. The Convention and the Court ............................ 342
   2.2. Background, Proceedings and Jurisdiction of the Court ... 342
   2.3. Court Reform ............................................. 345
   2.3.1. Reform of the Court .................................. 345
   2.3.2. EU Accession ........................................ 347
   2.4. Disability and the Court .................................. 348
   2.5. Recently Decided Disability-Related Case Law .......... 350
   2.5.1. General Disability-Related Case Law .................. 350
       2.5.1.1. Stanov v. Bulgaria ................................ 350
       2.5.1.2. D.D. v. Lithuania .................................. 355
       2.5.1.3. M.S. v. the United Kingdom ....................... 359
       2.5.2. Case Law Concerning Conditions of Detention for People with Disabilities ........................................ 362
       2.5.2.1. Arutyunyan v. Russia ................................ 362
   2.5.3. Cases Involving Family Rights .......................... 367
       2.5.3.1. Assunção Chaves v. Portugal ....................... 367
   2.5.4. Interesting Pending Applications ....................... 370
       2.5.4.1. Djordjevic and Djordjevic v. Croatia ............. 370
       2.5.4.2. Malacu and others v. Romania ..................... 372
       2.5.4.3. Gauer v. France ................................... 372
       2.5.4.4. R.P. v. UK ......................................... 373
       2.5.4.5. Ryabov v. Russia .................................. 374
3. European Social Charter ....................................... 375
   3.1. Background of the European Social Charter and Committee .... 375
   3.2. Recent Conclusions of the European Committee of Social Rights on State Party Reports on Disability .......... 377
   3.3. Recent decisions of the European Committee of Social Rights in Collective Complaints that Relate to Disability ........................................ 379
       3.3.1. International Federation of Human Rights (FIDH) v. Belgium ... 380
4. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) ........ 381
   4.1. Background of the CPT ................................... 381
   4.2. The CPT Standards and Disability .......................... 382
   4.3. The 2011 CPT General Report ................................ 382
   4.4. Country visits of the CPT and Disability .................. 383
       4.4.1. CPT visit to Ukraine (2009) ......................... 384
       4.4.2. CPT visit to Poland (2009) ......................... 387

Intercontinenta xiii
### Contents

4.4.3. CPT visit to Latvia (2009) ................................................. 390  
4.4.4. CPT visit to Albania (2010) .............................................. 391  
4.4.5. Visit to Armenia (2010) ...................................................... 394  
4.4.6. CPT visit to Kosovo (2010) .................................................. 399  
4.4.7. CPT visit to Romania (2010) .............................................. 401  
4.4.8. CPT visit to Macedonia (2010) .......................................... 405  
4.4.9. CPT visit to Bulgaria (2010) ............................................... 409  
4.4.10. CPT visit to Germany (2010) ........................................... 414  
4.4.11. CPT visit to Greece (2011) ............................................... 417  
4.4.12. CPT visit to Norway (2011) ............................................... 419  
4.4.13. CPT visit to Moldova (2011) .............................................. 422  

5. The Council of Europe Human Rights Commissioner .......................... 426  
5.1. Background ........................................................................... 426  
5.2. Recent Activities of the Human Rights Commissioner on Disability ... 427  
5.2.1. Annual Activity Report 2011 ............................................... 427  
5.2.2. Position Papers and Speeches ............................................. 428  
5.2.2.1. ‘Who Gets to Decide? Right to Legal Capacity for Persons with Intellectual and Psychosocial Disabilities’ ........................................ 428  
5.2.2.2. ‘The Right of People with Disabilities to Live Indpendently and Be Included in the Community’ ................................................. 431  
5.3. Country Visits ....................................................................... 435  
5.3.1. Report on Visit to Italy .......................................................... 435  
5.3.2. Report on Visit to Ireland ...................................................... 435  
5.3.3. Report on Visit to Serbia ...................................................... 436  
5.3.4. Report on Visit to Slovakia ................................................... 436  
5.3.5. Letter to the Prime Minister of the Republic of Moldova ............. 437  
5.3.6. Letter to the Minister for Foreign Affairs of Bulgaria ............... 438  
5.3.7. Letter to the Head of the Federal Department of Foreign Affairs of Switzerland ................................................................. 439  
5.3.8. Interventions and Hearings .................................................... 439  

6. The Parliamentary Assembly and the Committee of Ministers ............ 440  
6.1. Recent Activities of the Parliamentary Assembly on Disability ...... 440  
6.1.2. Resolution 1845 (2011): Fundamental Rights and Responsibilities .. 441  
6.1.3. Recommendation 1990 (2012): The Right of Everyone to Take Part in Cultural Life ................................................................. 442  

6.2. Recent Activities of the Committee of Ministers on Disability ...... 444  
6.2.1. Recommendation CM/Rec(2011)14 of the Committee of Ministers to Member States on the Participation of Persons with Disabilities in Political and Public Life .................................................. 444  
6.2.2. Building a Europe for and with Children Programme ................ 445  
6.2.3. Guidelines on Child-Friendly Health Care ................................ 446
6.2.4. Recommendation CM/Rec(2011)12 of the Committee of Ministers to Member States on Children’s Rights and Social Services Friendly to Children and Families ........................................ 446
6.2.5. Recommendation CM/Rec(2012)2 of the Committee of Ministers to Member States on the Participation of Children and Young People under the Age of 18 ........................................ 447
7. European Co-ordination Forum for the Council of Europe Disability Action Plan (CAHPAH) ........................................ 447
8. The European Commission of Democracy Through Law (the Venice Commission) ........................................ 448
8.1. Other Activities ........................................ 450
8.1.2. Opinion on the Draft Law on Judges and Prosecutors of Turkey .... 450

**OTHER EUROPEAN INTERGOVERNMENTAL ORGANIZATIONS AND CIVIL SOCIETY GROUPS** ........................................ 451

1. European Intergovernmental Organizations ........................................ 451
1.1. Organization for Economic Co-operation and Development (OECD) 451
1.2. World Health Organization – Regional Office for Europe .......... 455
1.3. International Labour Organization ........................................ 459
1.3.1. ILO Regional Office for Europe and Central Asia ................ 462
1.3.2. The ILO Office for the European Union and the Benelux .... 463
1.4. World Bank ........................................ 465
1.4.1. The World Bank and Disability ........................................ 466
1.4.2. Europe and Central Asia Region ........................................ 468
1.4.3. The World Bank and the European Union ...................... 469
2. European Civil Society Organizations ........................................ 470
2.1. The European Disability Forum ........................................ 470
2.1.1. General Activities ........................................ 471
2.1.2. Papers/Reports/Publications ........................................ 474
2.1.3. Commission Activities ........................................ 477
2.1.4. European Parliament ........................................ 480
2.2. Inclusion Europe ........................................ 483
2.3. European Network on Independent Living (ENIL) ................ 485
2.4. Mental Disability Advocacy Center (MDAC) ......................... 487
2.4.1. Legislative Reform ........................................ 488
2.5. Mental Health Europe (MHE) ........................................ 492
2.6. INTERIGHTS ........................................ 497
2.6.1. Strategic Litigation ........................................ 497
2.6.2. Publications ........................................ 500

**PART III: LITERATURE REVIEW** ........................................ 503

**LITERATURE REVIEW** ........................................ 505

1. Disability Law and Policy Books ........................................ 505
2. Disability Law and Policy Book Chapters ................................ 511
3. Disability Law and Policy journal Articles ................................ 513

Inter сентenia
PART IV: ANNEX OF KEY DOCUMENTATION ............................ 537

Commission Staff Working Document

Choice and Control: The Right to Independent Living
Report of the European Union Agency for Fundamental Rights on the experiences of persons with intellectual disabilities and persons with mental health problems in nine EU Member States .......................... 561

Extract from the Judgment of the European Court of Human Rights (First Section) of 24 July 2012 in the Case of Đorđević v. Croatia ............. 569