

Study on the situation of women with disabilities in light of the UN Convention for the Rights of People with Disabilities (VC/2007/317)

Annexes One, Two and Three of the Final Report for the DG Employment, Social Affairs and Equal Opportunities

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ECOTEC

► Vincent House
Quay Place
92-93 Edward Street
Birmingham
B1 2RA
United Kingdom

T +44 (0)845 313 7455

F +44 (0)845 313 7454

www.ecotec.com

Annex One: UN Convention on the Rights of Persons with Disabilities

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Preamble

The States Parties to the present Convention,

(a) *Recalling* the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

(b) *Recognizing* that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,

(c) *Reaffirming* the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,

(d) *Recalling* the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

(e) *Recognizing* that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others,

(f) *Recognizing* the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities,

(g) *Emphasizing* the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development,

(h) *Recognizing also* that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person,

(i) *Recognizing further* the diversity of persons with disabilities,

(j) *Recognizing* the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support,

(k) *Concerned* that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,

(l) *Recognizing* the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries,

(m) *Recognizing* the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty,

(n) *Recognizing* the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,

(o) *Considering* that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them,

(p) *Concerned* about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status,

(q) *Recognizing* that women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,

(r) *Recognizing* that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis

with other children, and recalling obligations to that end undertaken by States Parties to the Convention on the Rights of the Child,

(s) *Emphasizing* the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,

(t) *Highlighting* the fact that the majority of persons with disabilities live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on persons with disabilities,

(u) *Bearing in mind* that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of persons with disabilities, in particular during armed conflicts and foreign occupation,

(v) *Recognizing* the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,

(w) *Realizing* that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Bill of Human Rights,

(x) *Convinced* that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities,

(y) *Convinced* that a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities will make a significant contribution to redressing the profound social disadvantage of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, in both developing and developed countries,

Have agreed as follows:

Article 1 Purpose

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Article 2 Definitions

For the purposes of the present Convention:

“Communication” includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

“Language” includes spoken and signed languages and other forms of non spoken languages;

“Discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;

“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

“Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Article 3

General principles

The principles of the present Convention shall be:

- (a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- (b) Non-discrimination;
- (c) Full and effective participation and inclusion in society;
- (d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- (e) Equality of opportunity;
- (f) Accessibility;
- (g) Equality between men and women;
- (h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 4

General obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

- (a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
- (b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
- (c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;

(d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;

(e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;

(f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;

(g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;

(h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;

(i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in the present Convention so as to better provide the assistance and services guaranteed by those rights.

2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.

3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

4. Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the

human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.

5. The provisions of the present Convention shall extend to all parts of federal States without any limitations or exceptions.

Article 5 **Equality and non-discrimination**

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

Article 6 **Women with disabilities**

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

Article 7 **Children with disabilities**

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

Article 8 **Awareness-raising**

1. States Parties undertake to adopt immediate, effective and appropriate measures:

(a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;

(b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;

(c) To promote awareness of the capabilities and contributions of persons with disabilities.

2. Measures to this end include:

(a) Initiating and maintaining effective public awareness campaigns designed:

(i) To nurture receptiveness to the rights of persons with disabilities;

(ii) To promote positive perceptions and greater social awareness towards persons with disabilities;

(iii) To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;

(b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;

(c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;

(d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

Article 9 Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

(a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

(b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures:

(a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;

(b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

(c) To provide training for stakeholders on accessibility issues facing persons with disabilities;

(d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;

(e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;

(f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

(g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

(h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Article 10 Right to life

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

Article 11 Situations of risk and humanitarian emergencies

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

Article 12 Equal recognition before the law

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The

safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

Article 13
Access to justice

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

Article 14
Liberty and security of person

1. States Parties shall ensure that persons with disabilities, on an equal basis with others:

(a) Enjoy the right to liberty and security of person;

(b) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.

2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of the present Convention, including by provision of reasonable accommodation.

Article 15
**Freedom from torture or cruel, inhuman or degrading
treatment or punishment**

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.
2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

Article 16
Freedom from exploitation, violence and abuse

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.
2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.
3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.
4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.
5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

Article 17
Protecting the integrity of the person

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

Article 18
Liberty of movement and nationality

1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:

(a) Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;

(b) Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;

(c) Are free to leave any country, including their own;

(d) Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.

2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

Article 19
Living independently and being included in the community

States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

(a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;

(b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;

(c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Article 20 **Personal mobility**

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

(a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;

(b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;

(c) Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;

(d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

Article 21 **Freedom of expression and opinion, and access to information**

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

(a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;

(b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means,

modes and formats of communication of their choice by persons with disabilities in official interactions;

(c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;

(d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;

(e) Recognizing and promoting the use of sign languages.

Article 22 **Respect for privacy**

1. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.

2. States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

Article 23 **Respect for home and the family**

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:

(a) The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;

(b) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;

(c) Persons with disabilities, including children, retain their fertility on an equal basis with others.

2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.

4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

Article 24 **Education**

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

(a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;

(b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;

(c) Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

(a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

(b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;

(c) Reasonable accommodation of the individual's requirements is provided;

(d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;

(e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

(a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;

(b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

(c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

Article 25 **Health**

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

(a) Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;

(b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;

(c) Provide these health services as close as possible to people's own communities, including in rural areas;

(d) Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;

(e) Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;

(f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

Article 26
Habilitation and rehabilitation

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:

(a) Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;

(b) Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.

2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.

3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

Article 27
Work and employment

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

(a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;

(b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy

working conditions, including protection from harassment, and the redress of grievances;

(c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;

(d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;

(e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;

(f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;

(g) Employ persons with disabilities in the public sector;

(h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;

(i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;

(j) Promote the acquisition by persons with disabilities of work experience in the open labour market;

(k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

Article 28 **Adequate standard of living and social protection**

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

(a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;

(b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;

(c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;

(d) To ensure access by persons with disabilities to public housing programmes;

(e) To ensure equal access by persons with disabilities to retirement benefits and programmes.

Article 29 **Participation in political and public life**

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:

(a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

(i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

(ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

(iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

(b) To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

(i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

(ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

Article 30
Participation in cultural life, recreation,
leisure and sport

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

(a) Enjoy access to cultural materials in accessible formats;

(b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;

(c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.

2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.

3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:

(a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;

(b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;

(c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues;

(d) To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;

(e) To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

Article 31 Statistics and data collection

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

(a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;

(b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of

States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.

3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

Article 32 **International cooperation**

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

(a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;

(b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;

(c) Facilitating cooperation in research and access to scientific and technical knowledge;

(d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.

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

Article 33 **National implementation and monitoring**

1. States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.

2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

Article 34 **Committee on the Rights of Persons with Disabilities**

1. There shall be established a Committee on the Rights of Persons with Disabilities (hereafter referred to as “the Committee”), which shall carry out the functions hereinafter provided.

2. The Committee shall consist, at the time of entry into force of the present Convention, of twelve experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of eighteen members.

3. The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention. When nominating their candidates, States Parties are invited to give due consideration to the provision set out in article 4, paragraph 3, of the present Convention.

4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities.

5. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall

address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

7. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of six of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.

8. The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.

9. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.

10. The Committee shall establish its own rules of procedure.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention, and shall convene its initial meeting.

12. With the approval of the General Assembly of the United Nations, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

13. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 35 **Reports by States Parties**

1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress

made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.

2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.

3. The Committee shall decide any guidelines applicable to the content of the reports.

4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4, paragraph 3, of the present Convention.

5. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 36 **Consideration of reports**

1. Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.

2. If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. Should the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.

3. The Secretary-General of the United Nations shall make available the reports to all States Parties.

4. States Parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports.

5. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, funds and programmes of the United Nations, and other competent bodies, reports from States Parties in order to address a request or indication of a need for technical advice or assistance contained therein, along with the Committee's observations and recommendations, if any, on these requests or indications.

Article 37

Cooperation between States Parties and the Committee

1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.

2. In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.

Article 38

Relationship of the Committee with other bodies

In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:

(a) The specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

Article 39

Report of the Committee

The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities, and may make

suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

Article 40
Conference of States Parties

1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.

2. No later than six months after the entry into force of the present Convention, the Conference of States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General biennially or upon the decision of the Conference of States Parties.

Article 41
Depositary

The Secretary-General of the United Nations shall be the depositary of the present Convention.

Article 42
Signature

The present Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 30 March 2007.

Article 43
Consent to be bound

The present Convention shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organizations. It shall be open for accession by any State or regional integration organization which has not signed the Convention.

Article 44
Regional integration organizations

1. “Regional integration organization” shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the present Convention. Such organizations shall declare, in their instruments of formal

confirmation or accession, the extent of their competence with respect to matters governed by the present Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.

2. References to “States Parties” in the present Convention shall apply to such organizations within the limits of their competence.

3. For the purposes of article 45, paragraph 1, and article 47, paragraphs 2 and 3, of the present Convention, any instrument deposited by a regional integration organization shall not be counted.

4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to the present Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 45 **Entry into force**

1. The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.

2. For each State or regional integration organization ratifying, formally confirming or acceding to the present Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.

Article 46 **Reservations**

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.

2. Reservations may be withdrawn at any time.

Article 47 **Amendments**

1. Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of

the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly of the United Nations for approval and thereafter to all States Parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of this article which relates exclusively to articles 34, 38, 39 and 40 shall enter into force for all States Parties on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.

Article 48 Denunciation

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

Article 49 Accessible format

The text of the present Convention shall be made available in accessible formats.

Article 50 Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

Annex Two: Terms of Reference for the Study



Specifications – Tender N° VT/2007/006

Study on the situation of women with disabilities in Europe in light of the UN convention on the Rights of People with Disabilities

1. Title of the contract:

Study on the situation of women with disabilities in Europe in light of the UN convention on the Rights of People with Disabilities – VC/2007/0317

2. Background

In its Social Agenda (2005-2010), the Union has fixed as its overall strategic goal to promote more and better jobs and to offer equal opportunities for all. The realisation of the Social Agenda relies on a combination of instruments comprising EU legislation, the implementation of open methods of coordination in various policy fields and financial incentives such as the European Social Fund.

Until now, the implementation of the open methods of coordination in the employment and social inclusion/social protection fields relied on two distinct Community programmes. Equally the promotion of gender equality and of the non-discrimination principle was at the core of two distinct Community programmes. And lastly promotion of labour law including health and safety regulations were dealt with by separate interventions.

With the view of fostering greater coherence and simplification in the way Community programmes are delivered, the Commission proposed that all these separate programmes be now integrated into one framework programme, PROGRESS.

The Decision n°1672/2006 establishing a Community Programme for Employment and Social Solidarity – PROGRESS was adopted by the European Parliament and the Council on 24 October 2006 and published in the OJ on 15 November 2006.

PROGRESS overall aim is to financially support the implementation of the objectives of the European Union in the employment and social affairs area, as set out in the Social Agenda, and thereby contribute to the achievement of the Lisbon Strategy goals in these fields.

It aims at supporting the core functions of the European Community towards fulfilling its Treaty-delegated tasks and powers in its respective areas of competence in the employment and social sphere. It will support initiatives aimed at reinforcing the role of the Community in proposing EU strategies; implementing and following-up EU objectives and their translations into national policies; transposing and following-up of EU legislation's application in a coherent way through Europe; promoting the co-operation and co-ordination mechanisms between Member States and cooperating with social partners and organisations that represent civil society.

More specifically, PROGRESS will support:

- (1) the implementation of the European Employment Strategy (section 1);
- (2) the implementation of the open method of coordination in the field of social protection and inclusion (section 2);
- (3) the improvement of the working environment and conditions including health and safety at work and reconciling work and family life (section 3);
- (4) the effective implementation of the principle of non-discrimination and promotion of its mainstreaming in all EU policies (section 4);
- (5) the effective implementation of the principle of gender equality and promotion of its mainstreaming in all EU policies (section 5).

It is divided up into five policy sections which are (1) Employment, (2) Social inclusion and social protection, (3) Working conditions, (4) Non-discrimination and (5) Gender Equality.

Against this background, PROGRESS pursues the following general objectives, as set out in article 2.1 of the Decision:

- (1) to improve the knowledge and understanding of the situation prevailing in the Member States (and in other participating countries) through analysis, evaluation and close monitoring of policies;

- (2) to support the development of statistical tools and methods and common indicators, where appropriate broken down by gender and age group, in the areas covered by the programme;
- (3) to support and monitor the implementation of Community law, where applicable, and policy objectives in the Member States, and assess their effectiveness and impact;
- (4) to promote networking, mutual learning, identification and dissemination of good practice and innovative approaches at EU level;
- (5) to enhance the awareness of the stakeholders and the general public about the EU policies and objectives pursued under each of the policy sections;
- (6) to boost the capacity of key EU networks to promote, support and further develop EU policies and objectives, where applicable.

The present Call for tenders is issued in the context of the implementation of the PROGRESS 2007 annual plan of work which is consultable at: http://ec.europa.eu/employment_social/progress/docs_en.html

3. Subject of the contract

3.1 Background for this contract

The EU Disability Strategy¹ attaches great importance to issues concerning both women and men. The Commission actions concentrate on people with disabilities – including disabled women – and their independent living and equal opportunities in many aspects of life. In this respect, the Commission in its Communication on the EU Disability Action Plan for 2006-2007² set priorities for these years which reflect the citizens' concept of disability as specified in the article 26 of the EU Charter of Fundamental Rights while reflecting the values which are included in the UN Convention on the Rights of People with Disabilities. This concept is to be understood in a way that disabled women and men have the rights to make individual choices and have control over their lives, in particular over their body and sexuality, including reproductive and sexual rights, family planning, motherhood or parenthood –all that on an equal basis as non-disabled persons.

There are inequalities existing in many spheres of life resulting from gender and disability. Women with disabilities are more likely to be exposed to multiple forms of discrimination. When accessing their human rights and fundamental freedoms disabled women face various obstacles, even more than disabled men. According to empirical evidence, they are often marginalised, isolated, abused and are situated at a great risk of poverty. Over the last few years, progress has been achieved but still they experience social prejudice and are discriminated against. Women's participation in employment is affected by their predominant role in the care of children and other dependant persons, including disabled children. The difficulties faced by women in reconciling their professional, private and family life are evidenced by the strong impact of parenthood on employment rates. Concerning the women with disabilities themselves the discrimination against them takes place not only in the area of employment but also in education, training and health services etc. As a result of a cumulative effect of social attitudes based on the interaction of gender and disability it appears that women with disabilities often have less independence, less access to education and less access to employment than both men with disabilities and non-disabled women. In addition, they are also facing a great threat of injury or abuse, including the sexual abuse, violence, neglect or negligent treatment, maltreatment or exploitation – both within and outside the home. The risk of sexual abuse is four times higher in case of disabled women and nearly 80% of disabled women are victims of violence.

The problems of social exclusion, poverty and poor labour market integration experienced by women with disabilities are important examples of how a gender mainstreaming perspective is necessary for exposing inequalities and differences in men's and women's experiences. Disabled men and women have lower educational participation rates and lower labour market participation rates than their non-disabled counterparts, and those who are employed have lower earnings.

According to the 2002 Labour Force Survey special module on people with disabilities some 9.5% of all women of working age (16-64) in the EU are restricted in relation to the work they can do, 6% considerably restricted. Young women who are restricted in the work they can do are much less likely to be in education beyond compulsory schooling than those who are not restricted. Concerning access to education in the EU as a whole, only 61% of women aged 16-19 who reported being considerably restricted were in education or training in 2002, as opposed to 84% of those not restricted. In the age group of 20-24, only 24% of those considerably restricted were in education or training as against 45% of those not restricted. The lower participation rates in education of disabled women are reflected in lower education levels: some 58% of women aged 25-64 who were considerably restricted had only basic schooling, as compared with 38% of those not restricted, and just 10% tertiary or university education, as against 21% of those not restricted. Concerning the employment rates among disabled women, only fewer than 27% of women of working age who were considerably restricted were in employment in the EU in 2002 as compared with almost 59% of those not restricted. The same significant gaps are visible in other areas of

¹ http://ec.europa.eu/employment_social/index/7003_en.html

² http://ec.europa.eu/employment_social/index/comm486_05_en.pdf

everyday life of women with disabilities. They face obstacles in particular in employment, access to the support; they have lower earnings and income levels.

Against this background, the main field of this study will be the collection of the information and its analysis and interpretation on the situation of women and girls with disabilities in the light of provisions of the UN Convention on the Rights of People with Disabilities. This Convention is a comprehensive and integral international convention which promotes and protects the rights of dignity of persons with disabilities, including disabled women and girls, and makes a significant contribution to promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, in both developing and developed countries. The most crucial basis for this study is the Article 6 of the UN Convention (specific article on women with disabilities which recognises the obligation laying down on States Parties to take measures ensuring full and equal enjoyment of all human rights and fundamental freedoms) and other relevant provisions of this Convention which both create the so-called "twin track approach" – providing a solid legal basis for mainstreaming disability and gender in other specific articles of the Convention – including employment, education, statistics and monitoring. The purpose of the UN Convention is to ensure that girls and boys, women and men with disabilities, as well as mothers of disabled children, may exercise the same rights and obligations as others. It is important that the existing instruments on national and EU level will work well in cooperation with the new international human rights instrument and contributes to ensuring that women and girls with disabilities and mothers of disabled children enjoy their human rights as full citizens.

As to existing instruments at EU level please refer to the following European Commission's website on the Implementation of Employment Framework Directive (2000/78/EC) into national law:

http://ec.europa.eu/employment_social/fundamental_rights/legis/lqms_en.htm

As to the information on national provision outside the scope of Employment Framework Directive please refer to the following study giving comparative analyses on national measures to combat discrimination outside employment and occupation inter alia on the basis of disability.

http://ec.europa.eu/employment_social/fundamental_rights/pdf/pubst/stud/mapstrand1_en.pdf

3.2 Purpose of the Contract

The European Commission intends to produce a study which would – on one hand analyse and interpret the available information on the current situation of disabled women and girls in the European Union and – on the other hand will help to specify what still has to be improved to allow them to enjoy their rights and fundamental freedoms.

The general objective is to improve the knowledge and understanding of the situation of women with disabilities in Member States EU-27, EFTA and EU candidate and pre-candidate countries, to monitor the implementation of the non-discrimination principle with regards to the gender and disability dimensions and to pursue and spread across the EU the promotion of mainstreaming of gender and disability issues in all policies. This will also include the acknowledgement of the mainstreaming methodology and tools being used by EU Member States and other participating countries with relation to gender and disability. The analysis conducted under this contract should include the comparison of the situation between disabled and non-disabled women, disabled women and disabled men, as well as between the countries. The analysis of the comparison between countries should lead to the evaluation of differences in Member States and other countries in order to define best methods, methodologies and tools for gender and disability mainstreaming in the future as well as specific actions to positively impact the situation of girls and women with disabilities. Moreover the results of this study will feed into the 3rd Commission biennial report on the situation of people with disabilities which is to be published in 2009.

As a result, the aim of the proposed study is to:

- Analyse the social and economic conditions (employment, education, training etc.) of women with disabilities including the comparison of their situation with respect to men with disabilities
- Investigate the availability and quality of scientifically validated information on the situation of people with disabilities in 27 MS and other participating countries and do a mapping of the studies made
- Identify the existence of specific national legislation defining anti-discrimination measures protecting women with disabilities
- Describe the situation of women with disabilities on the basis of the existing data/information for each of the 27 MS and other participating countries
- Issue a summary report, for each of the topic analysed, to be used in the 3rd biennial Commission report on the situation of people with disabilities
- Defining and presenting best practices in Member States and other participating countries in topics requested by this study
- Propose and recommend actions aiming at improving the situation of girls and women with disabilities

3.3 The objective of the contract

The study would collect the information coming from scientifically validated sources in Member States and other countries on the overall situation of women with disabilities in the EU and specific obstacles with which they are confronted. The description notably would cover human rights and fundamental freedoms foreseen in the UN Convention and which will cover the following topics:

- Prevalence of women with disabilities (rates of disability among women and rates of poverty among disabled women);
- Existence in the 27 MS and other participating countries of effective legislation and policies which include women with disabilities to ensure that instances of exploitation, violence and abuse against them are identified, investigated and, where appropriate, prosecuted;
- Employment of women with disabilities and their access to the open labour market (including self-employment, part-time work, flexible forms of work, the support at work, earning/income levels, working conditions at work, reconciliation of professional and family life). It should also include the issue of the realisation of their rights to work;
- Access to and attainment of education and training and life long learning for disabled women (including levels of education, areas of education/training, types of education/training – inclusive, special etc.);
- Independent living, including housing, residential arrangement, community support services and the opportunity to choose their place of residence for women with disabilities on an equal basis with others;
- Accessibility and affordability of the social and health quality services that are gender sensitive (including the information in rural areas, on health professionals, health and life insurance). It should also include the issue of rehabilitation services;
- Access to adequate standard of living and social protection;
- Accessibility to goods and services
- Access to justice and protection from exploitation, violence and abuse or any inhuman treatment;
- Participating in political, public and cultural life, recreation, leisure and sport;
- Examples of good and bad examples on discriminatory/preventing practices on grounds of gender and disability (in areas as employment, education, health etc.).

The following could be used as background information on gender and disability perspective:

UN Convention on the Rights of People with Disabilities:

<http://www.un.org/esa/socdev/enable/rights/convtexte.htm>

The study on the basis of the Open call for Tender VT/2005/026 analysing the 2002 Ad hoc module of the Labour Force Survey and the EU-SILC data on People with Disabilities which is to be published on the Commission website after its validation by the Commission.

Information note on selected findings from the statistical study of people with disabilities - women with disabilities, January 2007

http://ec.europa.eu/employment_social/index/070101_en.pdf

Gender inequalities in the risks of poverty and social exclusion for disadvantaged groups in thirty European countries:

http://ec.europa.eu/employment_social/publications/2006/ke7606201_en.pdf

Report of the European Parliament on the situation of women with disabilities in the European Union:

http://www.europarl.europa.eu/omk/sipade3?PROG=REPORT&SORT_ORDER=D&REF_A=A6-2007-0075&L=EN

The European Parliament is also concerned about the situation of women with disabilities and a motion for a European Parliament resolution on the situation of women with disabilities in the European Union was adopted on 20 April 2007. The report pays also attention to the provisions of the Convention on the Rights of People with disabilities

The contract will cover the 27 EU Member States and the three EFTA/EEA countries³

If necessary, additional contracts concerning similar services in candidate countries participating in the Progress programme may be awarded, following the signature of the respective Memoranda of Understanding, by negotiated procedure, on the basis of Article 126(1)(f) of the Implementing Rules of the Financial Regulation.

4. Participation

Please note that:

- The competition is open to any physical person or legal entity coming within the scope of the Treaties and any other physical person or legal entity from a third country which has concluded with the Communities a specific agreement in the area of public contracts, under the conditions provided for in that agreement.
- Where the Multilateral Agreement on Public Contracts concluded within the framework of the WTO applies, the contracts are also open to nationals of States that have ratified this Agreement, under the conditions provided for therein. It should be noted that research and development services, which come under **category 8 of Annex II A of Directive 2004/18/CE**, are not covered by this Agreement.
- In practice, the participation of applicants from third countries that have concluded a bilateral or multilateral agreement with the Communities in the area of public contracts must be allowed, under the conditions provided for in that agreement. Bids submitted by applicants from third countries that have not concluded such an agreement may be accepted, but may also be rejected.

5. Tasks to be carried out by the contractor

5.1 Description of the tasks

The contractor should be responsible for carrying the tasks in a regular and close co-operation with the European Commission – DG Employment unit G3 – Integration of People with Disabilities.

The work programme will include the following components:

- Establishing contacts with relevant bodies (organisations and public authorities representing the disability and the gender dimensions, relevant bodies of Member States and other countries concerned in the field etc.) in order to investigate appropriate information (source information and the data);
- Evaluating the availability and quality of the information on women and girls with disabilities and mothers of disabled children;
- Identifying scientifically validated sources for disability and gender information in the EU Member States and participating countries, evaluating the information and collecting the information from the potential sources. It is essential that the combined effect of disability and gender be measured and/or assessed;
- Preparing a work plan for analysis of validated information;
- Carrying a detailed analysis of the concerned information in this fields and topics as described in the objective of the contract in order to describe and assess the situation of disabled women and girls and mothers of disabled children;
- Acquiring qualitative knowledge on the situation of women and girls with disabilities and mothers of disabled children;

In order to achieve these aims, an Expert Committee for the project should be set up by the contractor. The contractor should propose to the Commission the names of the members of the Expert Committee (experts and academics with relevant experience in the field, including experts from Member States). The Commission should give its agreement. The Expert Committee will be chaired by the Commission and will include the relevant Commission services specialising both in disability and gender. The contractor should ensure the "secretariat" and animation of the Expert Committee and include the related expenses in the budget.

5.2. Guide and details of how the tasks are to be carried out

The PROGRESS Programme aimed at promoting gender mainstreaming in all its five policy sections and commissioned or supported activities. Consequently, the Contractor will take the necessary steps to ensure that the proposed team and/or staff respect the gender balance at all levels. It will also pay due attention when appropriate to the gender dimension of the service he is asked to deliver as detailed in the description of tasks.

³ Iceland, Norway and Liechtenstein

Equally, needs of disabled people shall be duly acknowledged and met while executing the requested service. This will in particular entail that where the Contractor organises training sessions, conference, issues publications or develops dedicated websites, people with disabilities have equal access to the facilities or the services provided.

Finally, the Contracting Authority encourages the Contractor to promote equal employment opportunities for all its staff and team. This entails that the Contractor shall foster an appropriate mix of people, whatever their ethnic origin, religions, age, and ability.

The Contractor will be required to detail in its activity report accompanying the request for the final instalment the steps and achievements it made towards meeting these contractual provisions.

6. Professional qualifications required

See Annex IV of the draft contract, experts' CVs.

Any replacement of experts during the period covered by the contract has to be submitted as a preliminary to the European Commission for agreement.

7. Time schedule and reporting

See Article I.2. of the contract.

7.1 General Conditions

1. As a matter of principle, with a view to favouring appropriate monitoring and valorisation by the European Commission of all results obtained and outputs delivered under PROGRESS programme, the Contractor will be required to provide for each of the tasks required under the present Call

- Presentation of their key points in one page. Key points should be concise, sharp and easily understandable. They shall be provided in English, French and German. Other Community languages would be welcome even if not compulsory.
- Unless, otherwise more precisely prescribed in the section "tasks to be carried out", an executive summary in 5/6 pages and in English, French and German.

2. In accordance with the General conditions, the Contractor is under the obligation to acknowledge that the present service is delivered on behalf of the Community in all documents and media produced, in particular final delivered outputs, related reports, brochures, press releases, videos, software, etc, including at conferences or seminars, as follows.

This study is supported by the European Community Programme for Employment and Social Solidarity (2007-2013). This programme was established to financially support the implementation of the objectives of the European Union in the employment and social affairs area, as set out in the Social Agenda, and thereby contribute to the achievement of the Lisbon Strategy goals in these fields.

The seven-year Programme targets all stakeholders who can help shape the development of appropriate and effective employment and social legislation and policies, across the EU-27, EFTA and EU candidate and pre-candidate countries.

For more information see:

http://ec.europa.eu/employment_social/progress/index_en.html

For publications it is also necessary to include the following reference: "The information contained in this publication does not necessarily reflect the position or opinion of the European Commission".

With regard to publication and any communication plan linked to the present service, the Contractor will insert the European Union logo, and if any another logo developed for the employment and social solidarity fields, and mention the European Commission as the Contracting Authority in every publication or related material developed under the present service contract.

"Failure for the contractor to respect these obligations could lead the European Commission to reduce by 5% the final amount to be paid under the present service contract."

7.2 Calendar

The duration of the tasks shall not exceed 18 months. The starting date will be the date on which the contract is signed by the last contracting party.

7.3 Reports

The following reporting requirements are expected:

Inception note

An inception note in English - including the methodological and structural part of the work - indicating the scope of research should be delivered **within 1 month** after the starting date on which the contract is signed by the last contracting party.

Interim report

The contractor will prepare an interim report in English, presented as follows:

- summary of the work carried out according to the present contract
- information on the methodological and structural part of the works and the first results obtained throughout the analysis during the first months of work
- work programme planned for the following period
- any comments, suggestions and recommendations judged useful or necessary by the contractor

The interim report should be delivered 9 months after the starting date on which the contract is signed by the last contracting party.

Draft final report

The Contractor will prepare and submit a draft final report in English, within 17 months after the starting date on which the contract is signed by the last contracting party, followed by a final report (see Article I.4 of the draft Contract), presented as follows:

- Full description of the overall work carried out according to the present Contract
- Presentation of the results obtained according to the present Contract for the whole period of performance
- Technical comments on the content, presentation and value of the output realized and submitted for approval to the Commission
- Any comments, suggestions and recommendations judged useful or necessary by the Contractor
- The final version of the output document (final e-report), as well as its summary and conclusions

Final report

The Contractor will prepare a final report, presented as follows:

- Full description of the overall work carried out according to the present Contract
- Presentation of the results obtained according to the present Contract for the whole period of performance
- Technical comments on the content, presentation and value of the output realized and submitted for approval to the Commission
- Any comments, suggestions and recommendations judged useful or necessary by the Contractor
- The final version of the output document (final e-report), as well as its summary and conclusions

8. Payments and standard contract

In drawing up the bid, the tenderer should take into account the provisions of the standard contract comprising the "General terms and conditions applicable to service contracts". In particular, as mentioned in the section on "Guide and details on how the tasks are to be carried out" (point 5.2), the Contractor is required to detail in its final activity report its achievements in meeting the described equal opportunities provisions.

Payments will be made on receipt of the corresponding invoices, according to the following schedule:

- Prefinancing

Following signature of the Contract by the last contracting party, within 30 days of the receipt by the Commission of a request for pre-financing with a relevant invoice, a pre-financing payment equal to 20% of the total amount referred to in Article I.3.1 of the contract shall be made.

- Interim Payment

Requests for interim payment by the Contractor shall be admissible if accompanied by:

- an interim technical report in accordance with the instructions laid down in Annex I of the contract,
- the relevant invoices,
- statements of reimbursable expenses in accordance with Article II.7 of the contract,

provided the report has been approved by the Commission.

The Commission shall have 45 days from receipt to approve or reject the report, and the Contractor shall have 30 days in which to submit additional information or a new report.

Within 30 days of the date on which the report is approved by the Commission, an interim payment corresponding to the relevant invoices, up to maximum 60% of the total amount referred to in Article I.3.1 of the contract shall be made.

- Payment of the balance

The request for payment of the balance of the Contractor shall be admissible if accompanied by:

- the final technical report in accordance with the instructions laid down in Annex I of the contract,
- the relevant invoices,
- statements of reimbursable expenses in accordance with Article II.7 of the contract,

provided the report has been approved by the Commission.

The Commission shall have 45 days from receipt to approve or reject the report, and the Contractor shall have 30 days in which to submit additional information or a new report.

Within 30 days of the date on which the report is approved by the Commission, payment of the balance of the total amount referred to in Article I.3.1 of the contract shall be made.

9. Prices

Under the terms of Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Communities, the latter are exempt from all charges, taxes and duties, including value added tax; such charges may not therefore be included in the calculation of the price quoted. The amount of VAT is to be indicated separately.

Prices must be indicated in Euro exclusive of VAT⁴ (using, where appropriate, the conversion rates published in the C series of the Official Journal of the European Union on the day when the invitation to tender was issued), and broken down according to the model in Annex III included in the attached standard contract. The prices must be detailed enabling the Commission services to establish the cost and the breakdown by type of cost of the different tasks to be carried out.

Prices must be fixed amounts, and will be firm and final. No price revisions will be accepted during the full duration of the contract.

The maximum amount available for this contract is **€ 325.000**, contingencies included if any. Tenderers should note that any bids exceeding this limit will not be considered.

Part A: Professional fees and direct costs

- Fees, expressed as the number of person-days multiplied by the unit price per working day for each expert proposed. The unit price should cover the experts' fees and administrative expenditure.
- Other direct costs (please specify in detail).
 - - Any translation expenses
 - - Travel expenses (other than local transport costs)
 - - Subsistence expenses of the contractor and his staff or other people involved in the work (covering the expenditure incurred by experts on short-term trips outside their normal place of work).
 - - Expenses for the shipment of equipment or unaccompanied luggage, directly connected with performance of the tasks specified in Article I.1 of this draft contract.

Part B: Reimbursable expenses

- The " Reimbursable Expenses" heading will only take up the expenses related to the travel and accommodation costs of the contractor's personnel to attend a meeting, upon specific request of the Commission and non-anticipated in Part A.

The total price (Maximum € 325.000) = Part A + Part B

10. Groupings of economic operators or consortia

Tenders can be submitted by groupings of service providers/suppliers who will not be required to adopt a particular legal form prior to the contract being awarded, but the consortium selected may be required to assume a given legal form when it has been awarded the contract if this change is necessary for proper performance of

⁴ But including all other taxes and/or duties that the contractor might have to pay according to the fiscal legislation of the relevant country.

the contract⁵. However, a grouping of economic operators must nominate one party to be responsible for the receipt and processing of payments for members of the grouping, for managing the service administration, and for coordination. The documents required and listed in the following points 11 and 12 must be supplied by every member of the grouping.

Each member of the grouping assumes a joint and several liability towards the Commission.

11. Exclusion criteria and supporting documents

1) Bidders must provide a declaration on their honour, duly signed and dated, that they are not in one of the situations referred to in Articles 93 and 94 a) of the Financial Regulation.

Those articles are as follows:

Article 93:

Applicants or tenderers shall be excluded if:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;*
- b) they have been convicted of an offence concerning their professional conduct by a judgement which has the force of res judicata;*
- c) they have been guilty of grave professional misconduct proven by any means which the contracting authority can justify;*
- d) they have not fulfilled their obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the contracting authority or those of the country where the contract is to be performed;*
- e) they have been the subject of a judgement which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;*
- f) following another procurement procedure or grant award procedure financed by the Community budget, they have been declared to be in serious breach of contract for failure to comply with their contractual obligations.*

Article 94 :

Contracts may not be awarded to candidates or tenderers who, during the procurement procedure:

- a) are subject to a conflict of interest;*

2) The tenderer to whom the contract is to be awarded shall provide, within a time limit defined by the contracting authority and preceding the signature of the contract, the evidence referred to in Article 134 of the implementing Rules, confirming the declaration referred to in point 1 above.

Article 134 of the Implementation Arrangements – Supporting documents

1. The contracting authority shall accept, as satisfactory evidence that the candidate or tenderer is not in one of the situations described in points (a), (b) or (e) of Article 93 of the Financial Regulations, production of a recent extract from the judicial record or, failing that, a recent equivalent document issued by a judicial or administrative authority in the country of origin or provenance showing that these requirements are met.

2. The contracting authority shall accept, as satisfactory evidence that the candidate or tenderer is not in the situation described in point (d) of Article 93 of the Financial Regulations, a recent certificate issued by the competent authority of the State concerned.

⁵ These entities can take the form of an entity with or without legal personality but offering sufficient protection of the Commission's contractual interests (depending on the Member State concerned, this may be, for example, a consortium or a temporary association).

The contract has to be signed by all members of the group, or by one of the members, which has been duly authorised by the other members of the grouping (a power of attorney or sufficient authorisation is to be attached to the contract), when the tenderers have not formed a legal entity.

Where no such document or certificate is issued in the country concerned, it may be replaced by a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in his country of origin or provenance.

3. Depending on the national legislation of the country in which the tenderer or applicant is established, the documents referred to in paragraphs 1 and 2 above shall relate to legal entities and/or physical persons, including, where considered necessary by the awarding authority, company directors or any person with powers of representation, decision-making or control in relation to the tenderer.

See Annex I (which may be used as a checklist) for the supporting documents accepted by the European Commission to be provided by applicants, tenderers or tenderers to who the contract will be awarded.

3) The contracting authority may waive the obligation of a candidate or tenderer to submit the documentary evidence referred to in Article 134 of the Implementing Rules, if such evidence has already been submitted to it for the purposes of another procurement procedure launched by DG EMPL and provided that the issuing date of the documents does not exceed one year and that they are still valid.

In such a case, the candidate or tenderer shall declare on his honour that the documentary evidence has already been provided in a previous procurement procedure and confirm that no changes in his situation have occurred.

12. Selection criteria

Economic and financial capacity to carry out the study demonstrated as follows:

A) Economic and financial capacity:

- the tenderer must provide proof of turnover in the last financial year at least equivalent to 100% of the proposed price of the contract;
- balance sheets from the last two financial years, where publication of the balance sheets is required under company law in the country in which the service provider is established;
- if the tenderer cannot provide these documents, his bid must be accompanied by evidence that there is no legal obligation to annually publish the turnover and/or the balance sheet. In this case, a bank declaration providing evidence of good financial standing of the tenderer may be accepted by the contracting authority.

B) Technical capacity for carrying out the evaluation, to be demonstrated by:

- A list of the main works carried out by the tenderer in relation to the subject of this call for tender over the past 3 years proving merits and experience in academic and research activities in the area of gender and/or disability.
- Good experience in the specific field of the study (in particular on academic and research activities in the area of gender and/or disability), as attested by the CVs and related documentation of experts proposed. The details of educational and professional qualifications of all the persons providing the services have to be included.
- A declaration from the contractor that the language skills are sufficient to execute the tasks efficiently. The contractor should demonstrate solid linguistic capability covering at least the 3 working languages of the Commission (English, French and German) and should ensure that the project contains provision for interpretation and translation if this is considered necessary by the contractor.
- A list of co-ordinator(s) and experts proposed, together with their CVs and qualifications and professional capacities including linguistic capabilities.
- Proof of enrolment in one of the professional trade registers or a declaration or certificate, as prescribed in the legislation of the country in which the tenderer is located.
- In the case of tenders from consortia: clear identification of the co-ordinator of the work who will also be responsible for signing the contract, and written confirmation from each member of the consortium that they would be ready and willing to participate in the work, and briefly describing their role.

13. Award criteria

The contract will be awarded to the bid offering the best price/quality ratio, taking account of the following criteria and total price.

The level of understanding of the nature of the assignments, its context and the results to be achieved: 50%:

- Nature of assignment: The lead contractor should explain his conceptual approach for undertaking the study in accordance with the overall purpose and aim as set out in the tender specifications : 20%
- Context and results to be achieved: The lead contractor should clearly define the required analysis, the issues to be addressed and the nature of the outcome to be achieved : 30%

The quality and appropriateness of the methodological approach proposed for the study. This will be assessed through the working methods and strategy proposed by the tenderer: 50%:

- Methodology: The lead contractor should describe the way in which the analyses will be undertaken, i.e. the various steps envisaged, the documentary efforts undertaken, and the collection of data necessary: 30%
- Strategy: The lead contractor should explain how the various parts of the analysis will be integrated into the conceptual approach: 20%

Minimum attainment per criterion

Offers scoring less than 50% for any criterion will be deemed to be of insufficient quality and eliminated from further consideration.

Please note that the contract will not be awarded to any bid that receives ***less than 70 %*** in the award criteria.

The points total will then be divided by the price, with the highest-scoring bid being chosen.

14. Content and presentation of bids

14.1. Content of bids

Tenders must include:

- A signed and dated letter of introduction;
- The tenderer's name, full address, telephone and fax numbers and e-mail address;
- the name and function of the contractor's legal representative (i.e. the person authorised to act on behalf of the contractor in any legal dealings with third parties);
- all information and documents necessary to enable the Commission to appraise the bid on the basis of the selection and award criteria (see points 12 and 13 above), and to take the exclusion criteria into account (see point 11 above);
- Detailed information on the work programme and on the methodology as described in points 5 and 13
- a "legal entity" form duly completed;
- The full statutes, which must also demonstrate proof of eligibility; tenderers must indicate the State in which they have their headquarters and must provide the evidence required under their national law;
- VAT number or proof of exemption
- a bank ID form duly completed and signed by the bank;
- The details of the price proposed, presented in accordance with point 9 above
- Documents demonstrating economic and financial capacity as specified in point 12 above

14.2. Presentation of bids

- Bids must be submitted in triplicate (one original and two copies).
- Bids must include all the information required by the Commission (see points 9, 10, 11 and 12 above)
- Bids must be clear and concise
- Bids must be signed by the legal representative. **Unsigned bids will be rejected**
- Bids must be submitted in accordance with the specific requirements of the invitation to tender, within the deadlines laid down

Annex Three: Supplementary Data Tables

Table A1 Anti-discrimination legislation

Country	Legislation
Austria	<p>Disability Equality Package (Behindertengleichstellungspaket) came into force on 1 January 2006. It includes: Federal Disability Equality Act (Bundes-Behindertengleichstellungsgesetz)¹, amendment of the Federal Act on the Employment of Persons with disabilities (Behinderteneinstellungsgesetz; BEinstG)², amendment of the Federal Disability Act (Bundesbehindertengesetz; BBG)³, Federal Equal Treatment Act (Bundesgleichbehandlungsgesetz; BGIBG)⁴</p> <p>Austrian legislation on disability issues is cross-sectional; more than 90 federal and regional (at the level of the federal provinces) laws include legal standards that affect persons with disabilities and impairments⁵.</p>
Belgium	<p>On 10 May 2007 new federal anti-discrimination legislation was put in place, replacing the legislation of 25 February 2003.</p>
Bulgaria	<p>Law on Integration of Persons with Disabilities (2005) Anti-discrimination Act (2003) 2008 – 2009 National Plan on Equality between Women and Men Strategy for Ensuring Equal Opportunities for Persons with Disabilities 2008-2015⁶.</p>
Croatia	<p>Law on Croatian Register of Persons with Disabilities (2001) National Strategy of Coherent Policy for the Disabled 2003 – 2006 (2003) National Strategy of Equalisation of Possibilities for Persons with Disabilities 2007 – 2015 (2007) Declaration on the Rights of Persons with Disabilities (2005)</p>
Cyprus	<p>Disabled Person's Act (N.127(I)/2000) 2004 Disabled People's (Amended) Act (N.57 (I)/2004)</p>
Czech Republic	<p>Charter of Fundamental Rights and Freedoms National Plan of the Support to Persons with Disabilities (1992) National Plan of Equalisation of Opportunities for Persons with Disabilities (1998) Strategy of the National Policy towards Persons with Disabilities (2004)</p>

¹ BGBl. I Nr. 82/2005, Federal Law Gazette I Nr. 82/2005

² BGBl. I Nr. 22/1970, as amended by Federal Law Gazette I Nr. 82/2005

³ BGBl. I Nr. 283/1990, as amended by Federal Law Gazette I Nr. 82/2005

⁴ BGBl. I Nr. 108/1979 and BGBl. I Nr. 66/2004

⁵ Steingruber, 2000 in Buchinger, Birgit / Gschwandtner, Ulrike (2008), *Frauen mit Behinderungen und Beeinträchtigungen am Salzburger Arbeitsmarkt. Eine qualitative Studie (Women with Disabilities and Impairments in the Salzburg Labour Market. A Qualitative Study)*, Salzburg, Solution Sozialforschung & Entwicklung.

⁶ National Report on strategies for Social Protection and Social Inclusion (2008-2010) of Bulgaria

Country	Legislation
Denmark	The national research did not identify general anti-discrimination legislation. The specific legislation related to employment, education, independent living etc. is presented in the relevant chapters.
Estonia	Law of Equal Treatment is going through the second reading in the Riigikogu (Estonian parliament).
Finland	Equality Act (2004) Non-Discrimination Act (2004) Act on Equality between Women and Men (reformed 2005) Gender Equality Action Plan (2008) The National Action Plan on Disability was formulated in 1995 There are legislative protections targeting specific populations such as the Act on Special Care of the Mentally Handicapped (519/1977).
France	Law on the Equality of Rights and Opportunities, Participations and Citizenship of Persons with Disabilities ¹ (Law on Disability) of 11 February 2005
Germany	Act on Equal Opportunities for Disabled Persons (2002) General Equal Treatment Act (2006) Book 9 of the Social Code In the 16 federal states of Germany there are 16 Acts on Equal Opportunities for Persons with Disabilities.
Greece	The national research did not identify general anti-discrimination legislation. The specific legislation related to employment, education, independent living etc. is presented in the relevant chapters.
Hungary	Act XXVI of 1998 on the rights of persons with disability and ensuring their equality of opportunity Anti-discrimination Act: Act 2003 CXXV on Equal Treatment and Promoting Equal Opportunities Act CLXVI of 1997 on public purpose organisations.
Iceland	Act on the Affairs of Persons with Disabilities (1992) The Icelandic Parliament recently passed a new gender equality law, replacing the Act on the Equal Status and Equal Rights of Women and Men from 2000.
Ireland	National Disability Strategy (2004) Disability Act 2005 Sectoral Plans prepared by six government Departments during 2006 Citizens Information Act 2007 Multi-annual disability support investment programme Equality Act (2004).
Italy	National Law n.104/92 provides full implementation of the principle of equal

¹ Loi No. 2005-102 du 11 février 2005 pour l'égalité des droits et des chances, la participation et la citoyenneté des personnes handicapées, JORF no. 36 du 12 février 2005, pp. 2353, texte no.1

Country	Legislation
	treatment established generally by the Constitution The Law n.67/2006 is the major Italian anti-discrimination law concerning disability.
Latvia	Protection of the Rights of the Child Law ¹ Law on the Medical and Social Protection of Disabled Persons ²
Lithuania	Law on Equal Opportunities for Women and Men (1999) Law on Equal Treatment (2005) Law on Social Integration of the Disabled (2005)
Luxembourg	Anti-discrimination legislation: Law of 15 May 2003 including an approval of the amendment of paragraph 1 of Article 20 of the Convention on the elimination of all forms of discrimination against women Security and health for working women: Law of 26 May 2000 concerned protection against sexual harassment at work and modified previous laws Equal treatment: Law of 28 Nov 2006 concerning the implementation of the principle of equal treatment and establishing a centre for equal treatment
Macedonia	Law on old-age and disability pension Law on rights of the disabled veterans, their family members and family members of the fallen soldiers Law on the civil disabled veterans Regulations on the specifically needs of the disabled with physical and psychical development Law on equal opportunities for women and men
Malta	Equal Opportunities (Persons with a Disability) Act in 2000.
Netherlands	The Action Plan of equal treatment in practice (Actieplan gelijke behandeling in de praktijk) of 2003 Equal Treatment Act on the ground of Disability and Chronic Illness (Wet gelijke behandeling op grond van handicap of chronische ziekte, WGBH/CZ) (2003/04)
Norway	Act relating to prohibition of discrimination on the basis of disability (2009) Anti-Discrimination and Accessibility Act (2009)
Poland	Charter of the Rights of Persons with Disabilities (1997) ³
Portugal	Law no. 46/2006 which forbids disabled and health-based discrimination ¹ Ministries' Council Resolution no. 9/2007, approving the National Plan for the Promotion of Accessibility (PNPA) ² 3rd National Plan for Equal Opportunities and Citizenship (PNI)

¹ The Protection of the Rights of the Child Law, adopted 19 June 1998, LV No. 199/200 of 8 July 1998, last amended 20 May 2004, available (in English) at <http://www.ttc.lv/New/lv/tulkojumi/E0103.doc> (last accessed 8 December 2004).

² Law on the Medical and Social Protection of Disabled Persons, adopted 29 September 1992, Zinotajs No. 42 of 29 October 1992, last amended 31 March 2004, available at <http://pro.nais.dati.lv>

³ Polish Monitor, no. 50, item 475.

Country	Legislation
	1st National Action Plan for the Integration of Persons with disabilities or Incapacities (PAIPDI)
Romania	National Strategy for Protection, Integration and Social Inclusion of Disabled Persons 2006-2013 Law no. 448/2006 on protection and promotion of disabled persons' rights Law no.48/2002 on the prevention and sanction of all forms of discrimination Law nr.272 on the protection and promotion of the rights of the child
Slovakia	Act on Equal Treatment in Certain Areas and Protection against Discrimination (2004)
Slovenia	Principles of Equal Treatment Act (IPETA) in 2004. A number of anti-discrimination provisions are also included into Employment Relationship Act (ERA) ³ Programme for training and employment of persons with disabilities by 2002 and Employment and Rehabilitation of Persons with Disabilities Act in 2004 National guidelines to improve the built environment, information and communications accessibility for persons with disabilities, adopted by the Government in 2005; Slovenian building standards for the needs of persons with disabilities and other functionally impaired persons. Use of Slovenian Sign Language Act (2002) in which the state provides equal opportunities to the deaf in the area of communications Children with Special Needs Act (2000) Disabled People's Organisations Act (2002) ⁴
Spain	Law 51/2003, of 2nd December 2003, on Equal Opportunities, non-Discrimination, and Universal Access for Persons with Disabilities (Ley 51/2003, de 2 de Diciembre 2003 de Igualdad de Oportunidades, No Discriminación y Accesibilidad Universal de las personas con discapacidad) aims to guarantee the rights and to make equal opportunities for persons with disabilities effective and real. A reference to women with disabilities can be found in Article 8.2 of the act referring to positive action measures: "public powers shall adopt additional positive action measures for those people who objectively suffer from a higher degree of discrimination or enjoy less equal opportunities, such as women with disabilities". Royal-Decree 1414/2006 of 1 December on the procedure for the official recognition of disability and its rating complemented Law 51/2003. Law 51/2003 was also supplemented as regards sanctions by the Law 49/2007, of 6 December, on offences and sanctions in the field of equality for disabled

¹ *Portuguese Republic Diary*, no. 165, 28/08/2006, 6210-6213 (available at www.inr.pt/content/1/7/direitos-fundamentais). Accessed September 2008.

² *Portuguese Republic Diary*, no. 366, 17/01/2007, 366-377 (available at www.dre.pt). Accessed September 2008.

³ European Commission (2007), Report on Measures to Combat Discrimination, Slovenia.

⁴ The Government of the Republic of Slovenia (2006), Action Programme for Persons with Disabilities 2007-2013.

Country	Legislation
	people ¹ Law 39/2006, of 14th December, for the Promotion of Personal Autonomy and Attention to dependence people ² Law 27/2007, of 23rd October, for the recognition of sign language and speech aid systems ³ Organic Law 3/2007, of 23rd October, on effective equality of women and men ⁴
Sweden	Prohibition of Discrimination in Working Life of People with Disability Act (1999) The Act on Equal Treatment of Students at Universities (2002) Prohibition of Discrimination Act (2003) The law prohibiting the discrimination and other degrading treatment of children and pupils (2006) Equal Opportunities Act.
Turkey	Disabled People Act (2005) ⁵
UK	Disability Discrimination Act (DDA) (1995) Human Rights Act (1998) Disability Equality Duty (2006) The Gender Equality Duty (2007) Single Equality Act (2009)

Source: National correspondents

¹ Official Journal, BOE num 310, 27/12/2007.

² Official Journal BOE num 299, 15/12/2006.

³ Official Journal BOE num 255, 24/12/2007.

⁴ Official Journal BOE num 71, 23/03/2007.

⁵ *Act on Disabled People and on making amendments in some laws and decree laws*, Act No. 5378, Official Gazzette, 7 July 2005, No: 25868

Table A2 Participation of women and girls with disabilities in education and training

Country	Data available	Information source
Austria	<p>Numbers of school children with special educational needs in general education in 2006/07 were:</p> <ul style="list-style-type: none"> • Primary schools: female 2,127; male 3,465; • Lower secondary education: female 3,134; male 5,015; • Special schools and special (SEN) classes: female 4,748; male 8,410; • Pre-vocational schools: female 210; male 379. 	<p>Federal Ministry for Education, the Arts and Culture (BMUKK) (2008) <i>Statistical Guide 2007 – Key facts and figures about schools and adult education in Austria</i>, Vienna, BMUKK; and Statistics Austria (2008), <i>Education documentation (Bildungsdokumentation)</i>, Vienna, BMUKK.</p>
Belgium	<p>French Community (2006-2007) Specialised pre-primary education (enseignement maternel): female 305, male 568; Specialised primary education (enseignement primaire): female 5,635, male 9,561; Specialised secondary education (enseignement secondaire): female 5,142, male 9,519.</p> <p>Flemish Community (2007-2008) Specialised pre-primary education (buitengewoon kleuteronderwijs): female 635, male 1,315; Specialised primary education (buitengewoon lager onderwijs): female 10,189, male 16,951; Specialised secondary education (buitengewoon secundair onderwijs): female 6,744, male 11,519.</p>	<p>ETNIC, statistiques rapides communauté française de Belgique, 2006-2007 Enseignement de plein exercice, répartition hommes-femmes.</p> <p>Vlaams onderwijs in cijfers, 2007-2008, Vlaamse overheid. Retrieved October 2008: http://www.ond.vlaanderen.be/publicaties/eDocs/pdf/78.pdf To avoid double counting, students who are following specialised education due to a long-term illness (type 5 students: education in hospitals) are not included in the participation rate of specialised education.</p>
Croatia	<p>In 2006-2007 the participation rates of children in schools for children with special needs: Primary education: female 838, male 1367, non-disabled female 184,607; Secondary education: female 647, male 980, non-disabled female 92,259.</p>	<p><i>Central Bureau of Statistics</i>, for the end of school year 2006/2007, on children educated in schools for children with special needs.</p>
Cyprus	<p>Number of pupils in special education in 2005-2006: female 137, male 231.</p>	<p>Eurydice country description for Cyprus http://www.eurydice.org/portal/page/portal/Eurydice/EuryCountry</p>
Iceland	<ul style="list-style-type: none"> • Number of girls in pre-primary institutions with special needs (defined as those who have a disability or need special assistance by experts because of emotional or social problems) in 2007 were 420 (4.9%) compared to 764 (8.6%) boys. • Number of girls in compulsory education receiving special education or support in 2006-07 (no definitions provided) were 4,147 (9.5%) compared to 6,655 	<p>Statistics Iceland website: http://www.statice.is/Statistics/Education accessed 04/09/08.</p>

Country	Data available	Information source
	(15.2%) boys.	
Ireland	Participation rates of persons with disabilities in general education (age 15 or over in full-time education): female 8.6%, male 9.5% .	2006, Central Statistics Office Ireland
Latvia	Participation of girls with disabilities in primary education. Special schools: 2,875 (out of total 7,759 students); Special classes: 415 (out of total 1,045 students); Mainstream schools: 230 (out of total 651 students). Participation of girls with disabilities in secondary education. Special schools: 76 (out of total 132 students); Mainstream schools: 2 (out of total 3 students).	Information from national country fiche.
Luxembourg	Number of pupils by gender in specialised centres and institutes in the academic year 2004/2005: Female 37.3%, male 62.7% .	Education préscolaire, éducation primaire et éducation différenciée, Statistiques générales, Année Scolaire 2004/2005, Ministry of National Education and Vocational Training, Luxembourg, September 2005.
Malta	Participation in education. <ul style="list-style-type: none"> • 4.1% within disabled population had attended special schools. Only 3 non-disabled individuals had attended a special school. • 5.6% had attended post-secondary institutions. Non-disabled people completing this level stood at 14.4%. • Women with disabilities were more likely not to have attended special schools with 3.1% of disabled women having attended them, compared to 5.1% of men with disabilities. 	NSO 2005 Census
Netherlands	In 2007-2008, participation rates for persons with disabilities were: <ul style="list-style-type: none"> • Number of students in special primary schools: female 10,520, male 25,920; • Number of students in special secondary schools: female 8,420, male 19,800; • Number of students in special primary schools with multiple disabilities: female 1,810, male 2,920; • Number of students in special secondary schools with multiple disabilities: female 450, male 740; • Number of students in special primary schools who are long term ill: female 1,570, male 5,400; • Number of students in special secondary schools who are long term ill: female 710, male 1,970; • Number of students in primary special schools per cluster: <ul style="list-style-type: none"> • Cluster 1 for children with a visual disability: female 	CBS Statline (Education in specialist schools).

Country	Data available	Information source
	<p>210, male 280;</p> <ul style="list-style-type: none"> • Cluster 2 for children with a hearing disability: female 2,180, male 4,910; • Cluster 3 for children with (multiple) physical disabilities, a mental learning problem (difficulty with learning) or a chronic illness: female 5,980, male 10,340; • Cluster 4 for children with severe behavioural problems or psychiatric problems: female 2,150, male 10,390. <p>Number of students in secondary special schools per cluster:</p> <ul style="list-style-type: none"> • Cluster 1: female 110, male 140; • Cluster 2: female 630, male 1,470; • Cluster 3: female 4,320, male 6420; • Cluster 4: female 3,360, male 11,770. 	
Macedonia	<p>Participation rates for the year 2005-2006 in special primary and lower secondary schools:</p> <ul style="list-style-type: none"> • Schools for students with mental disabilities: female 366, total 1019; • Schools for students with sight disabilities: female 8, total 22; • Schools for students with hearing disabilities: female 3, total 14; • Schools for students with physical disabilities: female 6, male 18. <p>Participation rates for the year 2005-2006 in special upper secondary schools:</p> <ul style="list-style-type: none"> • Schools for students with hearing disabilities: female 20, total 49; • Schools for students with sight disabilities: female 7, total 14; • Schools for students with mental disabilities: female 79, total 254. 	<p>State Statistical Office, www.stat.gov.mk</p>
Poland	<p>Participation of pupils with special needs in education system in 2006-2007:</p> <ul style="list-style-type: none"> • Primary schools: female 11,542; male 19,678; • High schools: female 12,322, male 22,280; • Secondary schools: female 598, male 699; • Vocational schools: female 7,856, male 11,296; • Technical schools: female 821, male 929. <p>Participation of disabled children in regular education system:</p> <ul style="list-style-type: none"> • Primary schools: pupils total 2,484,891; girls total 1,206,383; disabled pupils 43,740; disabled girls 16,077; 	<p>Oświata i wychowanie w roku szkolnym 2006/2007, GUS, Warszawa 2007.</p>

Country	Data available	Information source
	<ul style="list-style-type: none"> • High schools: pupils total 1,541,466; girls total 741,195; disabled pupils 27,735; disabled girls 10,384; • Secondary schools: pupils total 904,565; girls total 515,385; disabled pupils 208; disabled girls 82; • Vocational and technical schools: pupils total 1,036,014; girls total 291,147; disabled pupils 4,717; disabled girls n/a. 	
Slovakia	<p>Participation in general education in 2005-2006 in special needs schools and special needs classrooms in mainstream schools:</p> <ul style="list-style-type: none"> • ISCED 0: female 468, male 730; • ISCED 1: female 4,359, male 6,014; • ISCED 2: female 5,928, male 8,214; • ISCED 3: female 1,972, male 2,801; • ISCED 4: female 8, male 7 • ISCED 5B, 5A and 6: female and male 0. <p>Participation in general education in 2005-2006 in individual integration in common classrooms of mainstream schools:</p> <ul style="list-style-type: none"> • ISCED 0: female 360, male 532; • ISCED 1: female 1,921, male 2,985; • ISCED 2: female 2,247, male 4,664; • ISCED 3: female 337, male 672; • ISCED 4: female 3, male 2; • ISCED 5B: female 3, male 4. 	Institute of Information and Prognosis in Education, www.uips.sk
Spain	<p>Percentage of pupils with SEN of the total student population: 2.2% of pupils with SEN of total students (136,075 pupils, of which 2.7% are men and 1.7% are women).</p> <p>Distribution of pupils with SEN by gender, by type of educational facility (in % of total student population): (Note that pupils attending special units for special education in ordinary schools or mainstream schools are counted as pupils attending special education schools):</p> <ul style="list-style-type: none"> • All educational facilities: female 37.7%, male 62.3%; • Special centres: female 38%, male 62%; • Mainstream centres: female 37.6%, male 62.4%. 	The Ministry of Education, Social Affairs and Sports publishes an annual educational statistics report on the annual performance indicators of the educational system and the pupils (" <i>Las Cifras de la Educación en España</i> ", last available corresponds to the academic year 2005-2006: http://www.mepsyd.es/mecd/jsp/plantilla.jsp?id=3131&area=estadisticas&contenido=estadisticas/educativas/cee/2007A/cee-2007A.html)
Sweden	<p>The following data is available by type of school.</p> <ul style="list-style-type: none"> • Pre-schools: female 45,281; male 48,112. • Compulsory schools: female 456,412; male 479,457. • Compulsory special schools: female 5,515; male 8,369. • Special schools: female 239; male 275. 	Swedish National Agency for Education based on data from Statistics Sweden (SCB) (Funktionshinderades situation på arbetsmarknaden – fjärde kvartalet 2006, (2007) Statistics Sweden (SCB)).

Country	Data available	Information source
	<ul style="list-style-type: none"> • Upper secondary schools: female 189,295; male 200,763. • Upper secondary special schools: female 3,604; male 5,089. • Adult education for disabled people: female 2,430; male 2,559. 	

Source: National fiches and website of the European Agency for Development in Special Needs Education.

Table A3 Educational attainment levels for women and girls with disabilities.

Country	Data available	Information source
Austria	<p>Attainment levels: distribution per age, gender, disability type and ISCED 0-6 levels:</p> <p>Primary schools – Pre-primary level: female 15, male 31;</p> <p>Primary schools – Grade 1: female 271, male 572;</p> <p>Primary schools – Grade 2: female 416, male 689;</p> <p>Primary schools – Grade 3: female 629, male 1,060;</p> <p>Primary schools – Grade 4: female 795, male 1,111;</p> <p>Primary schools – Grade 5: female n/a, male 1;</p> <p>Primary schools – Grade 6: female n/a, male n/a;</p> <p>Primary schools – Grade 7: female 1, male 1;</p> <p>Primary schools – Grade 8: female n/a, male n/a;</p> <p>Lower secondary schools – Grade 5: female 775, male 1,131;</p> <p>Lower secondary schools – Grade 6: female 783, male 1,323;</p> <p>Lower secondary schools – Grade 7: female 818, male 1,349;</p> <p>Lower secondary schools – Grade 8: female 758, male 1,212;</p> <p>Special schools and special (SEN) classes – Pre-primary level: female 12, male 44;</p> <p>Special schools and special (SEN) classes – Grade 1: female 241, male 421;</p> <p>Special schools and special (SEN) classes – Grade 2: female 322, male 580;</p> <p>Special schools and special (SEN) classes – Grade 3: female 402, male 700;</p> <p>Special schools and special (SEN) classes – Grade 4: female 473, male 924;</p> <p>Special schools and special (SEN) classes – Grade 5: female 556, male 991;</p> <p>Special schools and special (SEN) classes – Grade 6: female 607, male 1,169;</p> <p>Special schools and special (SEN) classes – Grade 7: female 616, male 1,119;</p> <p>Special schools and special (SEN) classes – Grade 8: female 801, male 1,436;</p> <p>Special schools and special (SEN) classes – Grade 9: female 718, male 1,026;</p> <p>Pre-vocational schools – Grade 7: female -, male 1;</p> <p>Pre-vocational schools – Grade 8: female -, male -;</p> <p>Pre-vocational schools – Grade 9: female 210, male 378.</p>	<p>Federal Ministry for Education, the Arts and Culture (BMUKK) (2008) <i>Statistical Guide 2007 – Key facts and figures about schools and adult education in Austria</i>, Vienna, BMUKK; and Statistics Austria (2008), <i>Education documentation (Bildungsdokumentation)</i>, Vienna, BMUKK.</p>
Bulgaria	<p>Completed primary education: female 49%, male 51%;</p> <p>Completed secondary education: female 42%, male 43%;</p> <p>Studied higher education: female 10%, male 6%</p>	<p>National Council of Persons with Disabilities In Bulgaria (NCDPB), Report presented at the European Conference: <i>Recognising the Rights of Girls and Women with Disabilities – An Added Value for Tomorrow’s Society</i>, Madrid, November 2007.</p>
Hungary	<p>The education attainment level for Roma with disabilities are</p>	<p>CERMI 2008, <i>Recognising the</i></p>

Country	Data available	Information source
	<p>the following:</p> <p>Lower than 8th class in elementary school: female 72.2%, male 58.8%;</p> <p>8th class elementary school: female 25.2%, male 35.2%;</p> <p>Secondary school with professional certificate only: female 1.6%, male 4.1%;</p> <p>Secondary school with final exam: female 0.9%, male 1.5%;</p> <p>High school, University: female 0.1%, male 0.4%.</p>	<p><i>Rights of Girls and Women with Disabilities: an Added Value for Tomorrow's Society</i>, European Conference Report, Madrid.</p>
Ireland	<p>Disabled females aged 15 and over, highest level of education completed:</p> <ul style="list-style-type: none"> -Primary (including no formal qualifications)- 36% -Lower secondary- 18% -Upper secondary- 17% -Third level: Non degree- 6% -Third level: Degree or higher- 8% <p>Disabled males aged 15 and over, highest level of education completed:</p> <ul style="list-style-type: none"> -Primary (including no formal qualifications)- 37% -Lower secondary- 18% -Upper secondary- 17% -Third level: Non degree- 5% -Third level: Degree or higher- 9% 	<p>2006, Central Statistics Office Ireland</p>
Italy	<p>Proportion of people without any qualifications among the following age groups:</p> <p>15-44 years old: women with disability 15.3%, men with disability 17.7%, women without disability 0.6%, men without disability 0.4%.</p> <p>45-64 years old: women with disability 22.5%, men with disability 12.6%, women without disability 5.7%, men without disability 2.6%.</p> <p>Attainment levels broken down by gender and age for the years 2004-2005.</p> <p>Women and girls with disabilities:</p> <p>15-44 years: 18.5 (no title), 46.6 (primary and secondary school-leaving certificate), 34.9 (Higher secondary and university diploma)</p> <p>45-64 years: 12.8 (no title), 72.0 (primary and secondary school-leaving certificate), 15.2 (Higher secondary and university diploma)</p> <p>Over 65 years: 26.7 (no title), 67.0 (primary and secondary school-leaving certificate), 6.3(Higher secondary and university diploma)</p> <p>Women and girls without disabilities:</p> <p>15-44 years: 1.7 (no title), 40.0 (primary and secondary school-leaving certificate), 58.3 (Higher secondary and university diploma)</p> <p>45-64 years: 4.4 (no title), 61.3 (primary and secondary school-leaving certificate), 34.3 (Higher secondary and university diploma)</p> <p>Over 65 years: 15.5 (no title), 71.8 (primary and secondary school-leaving certificate), 12.6(Higher secondary and university diploma)</p> <p>Men with disabilities:</p>	<p>CERMI (2008) <i>European Conference Recognising the Rights of Girls and Women with Disabilities: An Added Value for Tomorrow's Society</i>, Madrid: November 2007, Madrid: CERMI</p> <p>Source of data: http://www.disabilitaincifre.it</p>

Country	Data available	Information source
	<p>15-44 years: 13.8 (no title), 69.6 (primary and secondary school-leaving certificate), 16.6 (Higher secondary and university diploma)</p> <p>45-64 years: 7.3 (no title), 66.5 (primary and secondary school-leaving certificate), 26.2 (Higher secondary and university diploma)</p> <p>Over 65 years: 13.5 (no title), 75.1 (primary and secondary school-leaving certificate), 11.5 (Higher secondary and university diploma)</p>	
Malta	<p>The education attainment levels for persons with disabilities</p> <ul style="list-style-type: none"> • 9.8% within the disabled population had received no schooling at all. The rate within the non-disabled population was of 1.9%. • 1.7% had finished pre-primary level. The rate for non-disabled people was 0.3%. • 42.3% had completed primary level. This percentage is higher than that for non-disabled people with 24.3% completing primary level. • 31.3% of disabled people finished secondary level. In contrast, 46.3% of non-disabled people attained this level. • 0.9% had completed non-tertiary level education. The rate amongst non-disabled people was 2.8%. • 4.4% had completed tertiary level education. The rate for non-disabled people was two times higher with 10% completing this level. • Disabled women were more likely to have received no schooling with 12.4%, compared to 7.2% of disabled men receiving no schooling. • A high rate of disabled women had completed primary education with 47.4% reaching this level. The rate for disabled men was 36.9%. • In contrast, the rate of disabled women completing secondary level education was lower with 26.5% of disabled women finishing this level when compared with 36.2% of disabled men. • Disabled women tend not to have compared post-secondary level with 4.3% having done so when compared with disabled men who are represented by 7%. • 0.7% of disabled women completed non-tertiary level education while 1% of disabled men reached this level. • A lower rate of disabled women can also be found in the tertiary level with 3.2% of disabled women achieving this level compared to 5.6% of disabled men. 	NSO 2005 Census
Netherlands	Year 2000 - People with a physical restriction (lichamelijke beperking) according to the OECD indicator. Physical restrictions are observed using two measurement instruments: the OECD indicator for persons older than 16	CBS Statline (

Country	Data available	Information source
	<p>year and the ADL¹ indicator for persons from the age of 55. Primary education (OECD): female 36.2%, male 19.9%; Secondary vocational education (mavo, lbo, vmbo) (OECD): female 16.7%, male 12.4%; Secondary general education (havo, vwo) (OECD): female 10.5%, male 7.9%; Higher education (hbo, universiteit) (OECD): female 4.9%, male 5%.</p> <p>Disaggregation by age and education level</p> <p>55 years and older primary education: female 24.3%, male 12.6%; 55 years and older secondary vocational education: female 12.5%, male 7.5%; 55 years and older secondary general education: female 12.4%, male 6.2%; 55 years and older higher education: female 6.7%, male 2.6%.</p>	<p>11)-I&VW=T) – Gezondheidstoestand van de Nederlandse bevolking</p>
Slovakia	<p>Education attainment levels in 2005-2006: ISCED 3: female 475, male 985.</p>	<p>Institute of Information and Prognosis in Education, www.uips.sk</p>
Spain	<p>Education attainment levels (percentage out of total number of persons with disabilities): Illiterate: female 69.55%, male 30.45%; Without any studies: female 61.27%, male 38.47%; Primary school level or equivalent: female 57.25%, male 42.75%; Secondary school level: female 46.62%, male 53.38%; Professional training: female 39.44%, male 60.56%; Higher education level or equivalent: female 47.77%, male 52.23%.</p>	<p>Survey on Disabilities, Impairments and State of Health (1999), carried out by INE (National Statistical Institute) in collaboration with IMSERSO ("Institute of Elderly and Social Services") and the ONCE Foundation; Annual educational statistics report on the annual performance indicators of the educational system and the pupils ("Las Cifras de la Educación en España", last available corresponds to the academic year 2005-2006: http://www.mepsyd.es/mecd/jsp/plantilla.jsp?id=3131&area=estadisticas&contenido=estadisticas/educativas/cee/2007A/cee-2007A.html).</p> <p>National Page for Spain of the European Agency for</p>

¹ The ADL indicator refers to restrictions in carrying out general daily activities. From 1989 onwards, respondents are asked whether they can execute the following activities: eat and drink; to sit and get up from a chair; to go in and out of bed; to dress and undress; to move to another room on the same floor; to walk up and down the stairs; to leave the house and enter; to wash face and hands; to wash everything; to move outside the house. The data includes persons who have difficulties with one or more of these activities or need help to carry them out (source: CBS Statline)

Country	Data available	Information source
Turkey	<p>Education attainment levels for: Orthopedically, seeing, hearing, speaking and mentally disabled population Illiterate: female 51.26%, male 25.75%; Literate: female 48.74%, male 74.22%; Literate but no school completed: female 7.32%, male 7.95%; Primary school: female 32.22%, male 47.21%; Junior high school and equivalent: female 3.78%, male 6.98%; High school and equivalent: female 3.97%, male 8.98%; Higher education: female 1.45%, male 3.1%.</p> <p>Population having chronic illnesses. Illiterate: female 37.33%, male 10.16%; Literate: female 62.67%, male 89.84%; Literate but no school completed: female 8.54%, male 7.42%; Primary school: female 42.35%, male 54.41%; Junior high school and equivalent: female 4.25%, male 9.5%; High school and equivalent: female 5.14%, male 11.43%; Higher education: female 2.39%, male 7.07%.</p>	<p>Development in Special Needs Education: http://www.european-agency.org/nat_ovs/spain/9.html</p> <p>TurkStat, Social Security and Health Statistics, Proportion of disabled population by the status of literacy, 2002.</p>

Source: *The national fiches prepared during the project; the information from website of the European Agency for Development in Special Needs Education.*

Table A4 Number of disability-related benefit recipients by sex in European countries (excluding occupational and war pensions)**

Country	Type of benefit	Gender	Number of recipients
BE	Invalidity allowance (duration > 1 year)	Men	112,016 (2006 data)
		Women	103,806 (2006 data)
	Disability allowance	Men	66,533
		Women	70,190
CZ	Disability pensions	Men	286,345
		Women	228,483
DK	Early retirement pension	Men	111,419
		Women	135,417
	Provision for disabled adults	Men	-
		Women	-
DE	Pensions due to reduced working capacity (<65)	Men	891,749
		Women	758,018
	Basic security (reduction of work capacity)	Men	158,582
		Women	128,860
EE	Disabled adult allowance	Men	-
		Women	-
	Persons receiving pension for incapacity for work	Men	32,365 (2004 data)
		Women	26,809 (2004 data)
IE	Recipients of invalidity pensions (<65)	Men	23,992
		Women	23,365
	Recipients of disability allowance (16-66)	Men	47,265
		Women	31,988
EL	Invalidity pensions	Men	72,799
		Women	48,886
ES	Beneficiaries of contributory invalidity pensions	Men	564,400
		Women	263,900
	Number of non contributory invalidity pensions	Men	87,447
		Women	116,157
	Beneficiaries of other disability benefits	Men	11,138
		Women	47,686
FR	Invalidity pensions	Men	271,884 (2002 data)
		Women	241,105 (2002 data)
	Persons receiving Allowance to Disabled Adult	Men	377,000
		Women	371,000
IT	Incapacity/invalidity allowance and personal assistance	Men	275,149
		Women	149,573
	Disability benefits (social assistance) (<65)	Men	457,960
		Women	495,065
CY	Invalidity pensions	Men	4,728
		Women	2,356
	Disability pensioners	Men	2,352

Country	Type of benefit	Gender	Number of recipients
		Women	1,606
LV	Invalidity pensions (+25)	Men	31,900 (2007 data)
		Women	34,100 (2007 data)
	State social security benefit beneficiaries with disability (18-65)	Men	8,043
		Women	5,877
LT	People receiving Disability pensions / Incapacity for work	Men	69,900
		Women	68,300
LU	Beneficiaries of invalidity pensions	Men	11,567
		Women	6,461
HU	Disability pension (<65)	Men	243,502
		Women	210,846
	Disability benefit	Men	99,270
		Women	143,858
IS	Disability benefit	Men	4,709
		Women	7,302
MT	Registered disabled	Men	2,476
		Women	1,727
NL	Invalidity benefits	Men	479,720
		Women	397,810
AT	Pensions for reduced working capability (<65)	Men	132,626
		Women	76,911
PL	Disability pensions resulting from an inability to work (>1 year; 18+)	Men	544,519
		Women	391,081
	Social pensions	Men	120,539
		Women	102,827
PT	Beneficiaries of invalidity pensions (<65)	Men	157,294
		Women	160,728
SI	Disability pensions (25-64) (includes work-related)	Men	30,973
		Women	21,638
SK	Invalidity pensions receivers (includes work-related)	Men	101,808
		Women	81,048
FI	Ordinary disability pensions	Men	141,876 (2006 data)
		Women	125,507 (2006 data)
	Recipients of disability allowance	Men	5,827 (2004 data)
		Women	6,626 (2004 data)
SE	Beneficiaries of Permanent Activity / Sickness compensation (19-64)	Men	187,662
		Women	257,389
UK	Long-term incapacity benefit recipients ((16-64)	Men	824,240
		Women	481,910
	Severe Disablement Allowance (16-65)	Men	122,640
		Women	164,060
	Careers Allowance	Men	124,280 (2008 data)
		Women	353,720 (2008 data)

**Data from 2005 unless stated otherwise*

*** Occupational and war pensions have been excluded as they are overrepresented by disabled men. Therefore, a more comparable view of disability benefits recipients by gender is possible.*

KEY		<i>Gender group with higher number of recipients</i>
		<i>Gender group with lower number of recipients</i>

Source: ECOTEC national correspondents & Study of compilation of disability statistical data from the administrative registers of the Member States (Contract No VC/2006/0229)

Table A5 Examples of criteria for claiming/receiving disability benefits in EU countries

Criteria for claiming benefits	Country examples	
Duration of the impairment (difference between disability as a sickness condition and as a consequence of an accident)	Countries explicitly mentioning time limits	Austria, Netherlands
	Countries referring to 'permanent' or 'prolonged' disability	Austria, Hungary, Iceland, Norway, Sweden
Degree of disability or degree of invalidity	Denmark, Finland, France, Germany, Liechtenstein, Luxembourg	
Cause or type of disability	Finland, France, Luxembourg	
Decrease in or the loss of autonomy amongst old age persons	Belgium, France	
Impaired physical and mental abilities	Belgium, Denmark, France, Luxembourg	
Impaired ability to carry out everyday tasks, which also include impaired mobility or the need for assistance in the form of a companion	Liechtenstein, Luxembourg, United Kingdom	
Age of the person with a disability	Finland, Ireland, Luxembourg	
Incapacity [unable to work] or earning incapacity [having a disability]	Cyprus, Denmark, Finland, France, Liechtenstein, Luxembourg, Norway, Spain, Switzerland, United Kingdom	
Differentiation between pensions for persons incapable of gainful employment / invalid, on the one hand, and allowances for persons with disabilities on the other hand	Denmark, France, Liechtenstein, Norway	
Care of children with disabilities or parents with disabilities carers of children.	Austria, Belgium, Czech Republic, Estonia, France, Luxembourg, Slovak Republic, Sweden	

Source: National correspondents, MISSOC.