



Do we still need a disability  
equality directive?

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CRPD

Paradigme shift

Requirement under article 5: Effective  
protection against discrimination

## OUTLINE

- EU legislation
- EU Court of Justice
- Conclusion

## EU LEGISLATION

- Equality Framework Directive
- Directive on accessibility to public sector websites
- Directive on equal access to goods and services
- Horizontal Equal Treatment Directive
- European Accessibility Act

## FEAR OF ECONOMIC COSTS

Problem areas:

- Legislation on social benefits
- Goods and services
- Buildings open to the public

Little talk of economic benefits:

- Inclusive educational system
- More general inclusion: more consumers with disabilities, more persons on the labour market, less dependence on individual assistance

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EU COURT OF  
JUSTICE

Could the Court interpret the Equality Framework Directive or other legal sources in such a manner that we don't need EU legislation on equal treatment of persons with disabilities?

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## EU COURT OF JUSTICE: CRPD

Ring/Werge case: The UN CRPD is "an integral part of the European Union legal order"

EC Directive must be interpreted in a manner consistent with the CRPD

Not the same as extending scope of application

PROHIBITION  
AGAINST  
DISCRIMINATION –  
GENERAL  
PRINCIPLE OF EU  
LAW

Interpretation of EU Equality Directive

- C-391/09 Runevic-Vardin: scope of application of directive 2000/43 (race)
- C-236/09 Test-Achats: limitation contained in Directive 2004/113 (gender)

Again unlikely to extend scope of application significantly



## CONCLUSION

EU Directives: Steps in right direction, but big hole out side of labour market (and education)

EU Court of Justice: limited possibilities

Political will must be mobilised!