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Research paper

In search of European disability policy: Between national and global

À la recherche d'une politique européenne du handicap : entre le national et le mondial

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Abstract

This paper examines the development of disability policy at the European level, from the mid 1970s to the present day, based on documentary research. The development of European policy discourses in this period reflects dramatic changes of thinking about disability that are also evident in global policy debates driven by activism from the international disabled people's movement. Early policy, based on discourses care and rehabilitation, aimed to compensate for the presumed limitations of individual disabled people but policy today is more concerned with human rights, citizenship, full participation and the removal of structural barriers to inclusion. The analysis draws on theories of disability, Europeanization, policy transfer and globalisation to explain European Union (EU) policy development and its uneasy relationship with national and global policy regimes. This analysis suggests a characteristically "European" policy project, involving a socially-oriented but legalistic rights-based discourse. Europeanization is challenged on two fronts: by high levels of national subsidiarity in relevant policy domains and by the emergence of new global regimes of governance (including the United Nations Convention in 2007). The most significant policy catalysts are now at the global level while the most significant implementation constraints are at the national level. Yet, European actors remain important, providing strong support for implementation in member states and as policy entrepreneurs on the global stage.

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Résumé

Cet article examine le développement de la politique du handicap au niveau européen, du milieu des années 1970 à ce jour, sur la base d'une recherche documentaire. Le développement du discours sur les

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politiques européennes, tout au long de cette période, reflète d'importants changements dans la manière de concevoir le handicap qui sont également visibles dans les débats de politique générale, changements pilotés par l'activisme issu du mouvement international des personnes handicapées. Les politiques initialement conçues à partir des analyses issues des politiques communautaires de soin et de réadaptation, avaient pour objectif de compenser les limitations supposées des personnes handicapées considérées individuellement. De nos jours, la politique est davantage centrée sur les droits de l'homme, la citoyenneté, la pleine participation et la suppression des barrières structurelles limitant l'inclusion. L'analyse s'appuie sur des théories du handicap et de l'europanisation. Elle esquisse aussi les politiques de transfert et de mondialisation pour expliquer le développement de la politique de l'UE et son rapport difficile aux modalités des politiques nationales et mondiales. Cette analyse suggère qu'il existe un projet « européen » spécifique impliquant un discours tourné vers le social mais fondé sur les droits légaux. L'europanisation est mise au défi sur deux fronts : d'une part, par les niveaux élevés de subsidiarité nationale dans des domaines politiques sensibles et d'autre part, par l'émergence de nouveaux régimes globaux de gouvernance (y compris La Convention des Nations-Unies en 2007). Les catalyseurs les plus significatifs de la politique du handicap se situent maintenant à un niveau mondial tandis que les contraintes les plus importantes pour sa mise en œuvre se situent au niveau national. Cependant, les acteurs européens restent importants, fournissant un soutien puissant à l'exécution de ces politiques dans les États membres et en prenant des initiatives politiques sur la scène mondiale.

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Keywords: Disability; Social policy; European Union; Subsidiarity; Globalisation

Mots clés : Handicap ; Politique sociale ; Union européenne ; Subsidiarité ; Mondialisation

This paper examines the development of disability policy-making at the European level, from its inception in the 1970s to the present day. The first part of the paper outlines a theoretical framework combining key themes from the disability and policy literature (including social interpretations of disability, the emergence of trans-national policy institutions and the role of disabled people's movements in global policy action networks). The remainder of the paper, based on an analysis of diverse policy documents, outlines the development of European policy; the constraints on policy implementation posed by subsidiarity in an enlarged European Union (EU) and Europe's relationship with the emerging global policy regime provided in 2007 by the United Nations Convention on the rights of persons with disabilities.

A framework for analysing European disability policy

For those unfamiliar with European policy process, the EU is a complicated organisation, involving different institutions with different functions and powers. Of particular interest here are the legislature (comprising the Council and the Parliament) and the Executive (represented by the Commission). The judiciary (specifically the Court of Justice) has had an increasing influence on the rights of disabled people but it is not the primary focus for this paper (see Lawson & Gooding, 2005). The primary legislation for the EU exists in treaties agreed between the member states. These confer powers to its various institutions to produce secondary legislation that affects citizens in different countries. These secondary laws may be binding directives and regulations that require changes to national laws (it may be helpful to think of this as “hard” policy) or they may simply be recommendations for action on a particular issue (a kind of “soft” policy).

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