

THE PRINCIPLES OF DANISH DISABILITY POLICY

Compensation

Sector responsibility

Solidarity

Equal opportunities

The Danish Disability Council

November 2006

Published by:

The Danish Disability Council
Bredgade 25, Skt. Annæ Passage, opg. F, 4. sal
1260 Copenhagen K
Phone: +45 33 11 10 44
Fax: +45 33 11 10 82
E-mail: dch@dch.dk
Website: www.dch.dk

This publication is published on audio tape and disc
and can also be downloaded from www.dch.dk

Editor: Mogens Wiederholt

Translation: Lissi Berthelsen

Layout: Christine Bendixen

November 2006

Number printed: 1000

ISBN 87-90985-48-6

Printed by: Zeuner Grafisk as

Contents

4	Preface
6	From state-run institutions to local disability councils
11	The concept of disability
14	The principle of compensation
17	The principle of sector responsibility
21	The principle of solidarity
22	The principle of equal opportunities
26	Further literature

Preface

Danish disability policy has got many new and important players because of the reform of the municipal system. We have now become a lot more who work for people with disabilities so that they can get a life with the same opportunities as people without disabilities. And that is of vital importance. There is still a long way to go before we can speak of full equality.

Nevertheless, the reason why we have got as far as we have is first of all a complete consensus on the basic principles of disability policy between the authorities and the disability organisations. There has always been broad agreement on the goals, but not always on the pace.

The Danish Disability Council would like to pass on the knowledge of these principles to the disability councils of the new local governments.

In this publication we introduce four important basic principles: the principle of compensation, the principle of sector responsibility,

the principle of solidarity and the principle of equal opportunities. Since the beginning of the 1980s, these principles have formed the basis of Danish disability policy. Besides, we introduce the concept of disability used today.

I hope this publication will be read and used by the new local disability councils, the decision makers and the staff of the new local governments, whose amount of work in the field of disability will be considerably increased.

We would be pleased to receive your comments and points of view on our website: www.kommunalehandicapraad.dk, where you will also find news relevant to the field of disability.

Ester Larsen
chairwoman

From state-run institutions to local disability councils

In 1980 the tasks belonging under the state for the care of disabled persons were devolved to the counties. 1980 is therefore a crucial year - marking an important step forward in recent disability history. This devolution was the first culmination of disabled persons' long way from the large state-run institutions, where all their needs were looked after within the walls of the institutions. Housing, education, employment, medical treatment, contact with the dentist, the clergyman, the hairdresser – everything was done within the building. In their prime, the large state-run institutions were a copy of society offering everything the residents were supposed to need. The result was that many people with a disability lived most of their lives within the institution – out of contact with the rest of society. And what may be more important: those outside needed, conveniently enough, not be confronted with those inside.

But during the 70s it became evident that the concept of the total care of the state-run institutions was a thing of the past. The wave of prosperity and equality, a characteristic feature of the 60s and 70s, also influenced the attitude to disabled persons. The institutions were increasingly looked upon as outdated, unworthy and not least as an expression of setting aside the equal status of disabled persons as human beings. There was a great need to redefine and reformulate the basic principles of Danish disability policy.

It is a well-known fact that it is easy to be wise after the event. It is historically wrong to look down upon earlier inventions. There is no doubt that the institutions, by the standards of that time, represented a new way of thinking compared with the housing conditions of earlier times. That is why the discussion of loss of specialisation and competence also existed at the time when the large institutions were split up, and new dwellings were established for disabled people. The discussion of that time was hardly distinguishable from the discussion today in connection with the reform of the municipal system.

New principles of disability policy

The devolution was not only an administrative reform. It was also the beginning of a comprehensive reform of the attitude to disability, which, in contrast to earlier times, formed the basis of a new concept of disability and created the fundamental principles on which today's disability policy is built:

- *the principle of equal of opportunities* (or as said at that time: a life as close as possible to normal life) was created in contrast to the limitations of the state-run institutions
- *the principle of sector responsibility* – a contrast to the centralism and isolation of the large institutions and
- *the principle of compensation* – a protest against the power of the medical authorities, who conservatively maintained that disability is a disease to be cured, instead of understanding disability as a state of health that cannot necessarily be cured, but can be compensated for through various services and aids.

The fourth and last principle – *the principle of solidarity* – is an exception in this context since it was not created in contrast to the

state-run institutions. On the contrary, the principle of solidarity is a product of the policy of redistribution, on which the welfare state is built. The principle of solidarity means that services to people with disabilities are free for the individual as they are financed via the tax system.

The abolition of the state-run institutions and the beginning of a new concept of disability

Also the concept of being disabled changed considerably after the devolution from the state to the counties. Inside the institutions, people with disabilities were still looked upon as sick persons, who needed medical treatment. Being disabled was understood as a defect of the individual that was to be diagnosed and perhaps cured. This point of view was very much challenged as people with disabilities were integrated in society. The more the integration progressed, the more it became evident that the problem could not only be solved individually. The society and the surroundings where people with disabilities were to be integrated were not at all adapted to receive the citizens who were no longer to live at the institutions. Consequently, a successful integration depended on a change of society.

The devolution and the following “de-institutionalisation“ gave rise to a concept of disability highly focusing on the barriers created by society and the surroundings. The local Danish development ran parallel to a corresponding international development that in 1993 led to the adoption of the UN Standard Rules on the Equalisation of Opportunities for Persons with Disabilities. These rules define the so-called environment-based concept of disability – a concept further elaborated by the WHO. The Standard Rules have not only contributed to the development of the concept of disa-

bility, but also formed the basis of the definition of Danish disability policy throughout the 1990s.

Although the principles of modern disability policy are a product of the abolition of the state-run institutions, the principles are still valid. The reform of the municipal system has made it even more important to emphasise the principles of Danish disability policy.

The reform of the municipal system: A further development of Danish disability policy

By passing on the main responsibility for disability policy from the counties to the local authorities, the reform will complete the process of decentralisation started by the devolution from the state to the counties. Danish disability policy will also get many new and important players because of the reform. The decision makers and the staff of the local authorities will get an increased number of tasks within the field of disability, for example within housing and special education. Besides, new local disability councils and VISO, a new information centre, will be established.

The increased decentralisation and the local disability councils are as such an expression of a potential strengthening of the principle of sector responsibility. The work of the local disability councils is a clear opportunity to develop local understanding that they are all responsible for the tasks they solve – within transport, education, culture etc. The tasks should be solved in such a way that people with disabilities are also included.

The greater local responsibility will make it possible to solve disability tasks in a much closer coope-

VISO

VISO is an information centre and a specialist consultancy. VISO is a national organisation – from 1 January 2007 an amalgamation between a number of small centres of information and development.

ration with the authority responsible in general for culture, employment, physical environment etc. Being able to create cohesion and integration between the mainstream area and the disability area will increase the potential for more equal opportunities enormously.

The concept of disability

If you deal with disability policy, it is necessary first to look at the concept of disability. What is disability, and who is disabled?

In Denmark there is not one general and canonised definition of the concept of disability. Colloquially, something like the following definition is typically used:

Being disabled means that the person has a physical, mental or intellectual impairment requiring compensation in order that the person can function on equal terms with other citizens.

But the concept of disability is dynamic and constantly progressing with the development of society. That is why there is not one simple formula. The concept of disability dominating the era of the state-run institutions was, as mentioned above, much different from the concept we use today. Likewise, the concept we use today will hopefully change as we get able to understand disability in a different way and even better than today.

The above simple definition is in fact quite close to the most official definition we have, i.e. the definition of disability and handicap in the UN Standard Rules on the Equalisation of Opportunities for Disabled Persons. Here it says:

The term handicap means the loss or limitation of opportunities to take part in the life of the community on an equal level with others. It describes the encounter between the person with a disability and

the environment. The purpose of this term is to emphasise the focus on the shortcomings in the environment and in many organised activities in society, for example, information, communication and education, which prevent persons with disabilities from participating on equal terms.

The definition is important because it makes the difference quite clear between the two key concepts: handicap and disability. Disability is what can be directly observed, for example impaired vision, impaired hearing or a mental or cognitive impairment. On the contrary, handicap is, so to speak, what is outside the person. It is not an impairment of the individual, but an impairment of the environment. Handicap is in other words the limitations to taking part in the activities of society: a consequence of the disability, because society is not adjusted to the needs and requirements of people with disabilities.

The distinction between disability and handicap is the basis of the so-called environment-based concept of disability.

The environment-based concept of disability

- disability + barrier = handicap
- disability + compensation = equal opportunities

The environment-based concept of disability moves the focus from the individual to the organisation of society. Disability policy is to a smaller extent a question of diagnoses, fault finding and “repair“ of the individual and increasingly a question of compensation and

adjustment of the environment, so that regard is paid to people with disabilities to the widest possible extent.

That is why the broad concept of accessibility – i.e. both physical, intellectual and mental accessibility – plays quite a crucial role in today's disability policy.

The concept of accessibility

In Denmark as well as internationally, the concept of accessibility has become an important subject of discussion in disability politics during the last ten years. The concept of accessibility has changed as the general accessibility to society has been brought more and more into focus. Earlier, accessibility meant physical accessibility. Now it is a broad and comprehensive concept. Accessibility describes the great variety of complex processes involved in adapting and planning all activities of society so that they include the needs of people with disabilities – no matter whether the impairment is physical, mental or intellectual.

The principle of compensation

The principle of compensation is rooted in the change of attitude following the era of the state-run institutions. These institutions were dominated by doctors, just as the concept of disability was very much medically based building upon the attitude that disabled persons were ill, i.e. patients that were to be cured. It was therefore an important element of the following change of attitude that disabled persons could define themselves with an identity – as persons with a disability, and not as patients with an illness.

If disability is caused by an illness that can be cured, it has to be cured. Equally, medical research has to be carried out in order to prevent or cure the illnesses that can lead to various kinds of disabilities. But treatment and research are today only a small part of a disability policy which is just as much based on disability being a constant state. Consequently, efforts must focus on solutions based on this point of view. It has been of vital importance to change the attitude to disability from being an illness to a condition you live with and can be compensated for, so that you can function in everyday life just like everybody else.

Today the principle of compensation and the principle of sector responsibility form the core of the efforts to obtain equal opportunities.

The principle of compensation means that society offers disabled persons a number of services and aids in order to limit or offset the consequences of their disabilities as much as possible.

As far as at all possible, compensation is to prevent situations limiting opportunities in society for disabled persons.

The purpose of the principle of compensation is to create a basis, which is as equal as at all possible. Compensation is not a privilege or preferential treatment, but an attempt to equalise an unequal basis.

A way to equal opportunities

If the principle of compensation is understood as a bridge – a bridge over the gap between the limitations caused by disability and the demands and expectations made by society, it is clear that the gap must be approached from both sides. The bridge must be built, both from the side of the individual and from the side of society.

Consequently, there are many different kinds of compensation:

- Compensation can be *individual personal aids*, for example a hearing aid or a support and contact person.
- Compensation can also be *parallel offers*, for example written material being published in a parallel version on audio tape. Parallel offers can also be individual transport schemes for persons who cannot make use of ordinary public transport.
- Finally compensation can be joint initiatives, i.e. society is organised so that regard is paid to people with disabilities to the widest possible extent. In some situations it can be very concrete and practical initiatives – in other situations measures affecting people's attitudes. The initiatives can for example be

to make websites so that they can be directly used by blind people, to establish free access to buildings without any differences in level for wheelchair users, and to make public transport accessible for people with disabilities. But it is also important that places of work have a policy for e.g. spaciousness and prevention of stress and injury at work and that, through information and dialogue, public authorities encourage tolerance and combat taboos so that for example the location of institutions will not be met with resistance from the surroundings.

The principle of sector responsibility

Disabled persons are of course individuals and citizens on equal terms with other citizens. Consequently, they have the same rights and duties as others. In order that society can live up to this view of disability, and in order that people with disabilities can enjoy their rights and live up to their duties, every part of society must pay regard to the fact that some people have some kind of impairment. Every sector, every authority, organisation or company must take their part of responsibility that their corner of the world is accessible to people with a disability.

Consequently, the principle of sector responsible means:

that the authority, organisation or company responsible for the supply of services or aids to citizens in general has the same responsibility to ensure and finance these services for people with a disability.

The principle of sector responsibility was just like the principle of compensation created in contrast to the idea of the total care of the large institutions. The principle of sector responsibility is connected with the principle of compensation in such a way that the principle of sector responsibility regulates who is responsible for making the necessary compensation available for the citizens.

The principle of sector responsibility is not a fixed legal term. There is not one Act of Parliament defining and laying down the frames of the principle of sector responsibility. But over the last 20 years the principle has been integrated continuously and increasingly in the legislation of the different sectors. For example, legislation on education, building, employment and public transport today includes provisions laying down the responsibility of the sector for people with disabilities. The principle of sector responsibility is part of the parliamentary resolution on equal opportunities of 1993 (B43). It is emphasised in the resolution that the principle also includes private players. Besides, the principle is described in the guidelines of the Act on Social Service, just as The National Social Appeals Board has used the principle as an important argument in several decisions.

Sector responsibility in practice

What does the principle of sector responsibility mean in practice? It simply means that in principle every player – for example a library or a cinema – is bound to see to it that the services available for the population as a whole are also made available for people with disabilities.

The library and the local authority responsible for the library have to take the responsibility that wheelchair users can enter the library, that there are easily read books for people with a reading disability, that there is a sign language interpreter at the arrangements of the library etc. Equally, if the principle is to be followed, the cinema owners have to take on the responsibility to ensure such physical conditions that wheelchair users can go to the cinema and sit there together with their friends/family. Likewise, the cinemas and the film industry are bound to show Danish films with subtitles for

people with hearing impairments and arrange performances with a sign language interpreter etc.

Financing of the sector responsibility

Basically, it is part of the principle of sector responsibility that the authority, organisation or company responsible in general is also responsible for paying the expenses of following the principle of sector responsibility. People with disabilities are – like everybody else – part of the population who are to live and function in this country. Consequently, people with disabilities should neither be financed through a certain pool nor have their visit to the cinema sponsored by the social authorities. It must be part of running a library or a cinema that they also serve people with disabilities without being compensated by another authority.

Why is the principle of sector responsibility so important?

It is important for two reasons: Firstly, considering equal opportunities and respect, it is important that people with a disability receive the same services at the same place as everybody else. Disabled persons should not have to go to special “disability cinemas“ or mobile libraries because the library is not accessible. Equally, people with a disability should not have transport delivered from the social services department when everybody else gets it from the traffic company.

Secondly – in practice – the principle of sector responsibility is the only possible principle. In a modern decentralised society, where responsibility and the power of decision are delegated onto an infinite number of decision-makers, any idea that disability policy is run and financed by one central authority is impracticable. Only by telling each and every decision-maker that their decisions have

consequences for people with a disability, you can create a more accessible and equal society. No matter whether the decision-maker is the prime minister or the carpenter who installs the sink in the school kitchen, the decisions they make will have consequences.

The principle of sector responsibility is thus an attempt to formulate a principle of disability policy just as dynamic and flexible as the society where the principle is to function. Disability policy cannot be organised in a centralistic way when society is decentralised.

The principle of solidarity

The principle of solidarity means that support measures and benefits compensating for disabilities are financed jointly via the tax system. It means that in principle the allocation of compensation is free for the individual and in that way independent of income and capital.

The principle of solidarity is, as already mentioned, not a particular principle of disability policy, but a general principle of welfare policy. Nevertheless, the reason for mentioning the principle of solidarity among the basic principles of disability policy is that the principle of solidarity is closely connected to the principle of compensation as a way of obtaining equal opportunities. It helps maintaining the principle of compensation as a mere act of obtaining equal opportunities. It is not a means-tested act. Rich or poor – you need compensation in order to get an equal starting point.

The principle of equal opportunities

Formally speaking, the principle of equal opportunities has been the basis of Danish disability policy since 1993 when the Danish Parliament passed the resolution B43 on the equalisation of opportunities and equal treatment of persons with disabilities with other citizens. In this resolution the Danish Parliament recommends all state and municipal authorities as well as private enterprises to comply with the principle of equalisation. Besides, B 43 is quite in conformity with the UN Standard Rules on the Equalisation of Opportunities for Persons with Disabilities, which were also published in 1993.

The resolution B 43 says:

The Danish Parliament recommends all state and municipal authorities as well as private enterprises, whether subsidised or not

- *to comply with the principle of equalisation of opportunities and equal treatment of disabled persons and other citizens, and*
- *in all relevant areas to take into account and create opportunities for appropriate solutions having regard to the needs of disabled persons in connection with the preparation of resolutions.*
(from B43, 2 April 1993)

The principle of equal opportunities arises from the combination of the principle of sector responsibility, the principle of compensation and the principle of solidarity.

It is a precondition of equal opportunities:

- that all sectors of society take their part of the responsibility in order to make particularly their area accessible so that people with disabilities can make use of the same services from the same supplier as everybody else
- that society takes on a joint responsibility to compensate for the disability – either individually or collectively – so that an equal starting point is ensured via compensation.

Thus, equalisation does **not** mean treating everybody in the same way. On the contrary, equalisation means ensuring everybody equal opportunities – equal opportunities to develop and make use of one's potentials and develop skills in accordance with the abilities of the individual. Consequently, equalisation will often mean preferential treatment, because people with disabilities have another starting point than other people, and because people with disabilities are widely different.

The very understanding that disabled persons are widely different is important. Basically, the principle of equal opportunities applies to all, irrespective of their kind of disability. But it must be taken into account that there is a wide difference between being blind and being multi-disabled.

One thing is equal opportunities on the labour market if you employ a blind legal adviser who has no other problems than not being able to see. It is quite different to speak of equal opportunities if

people are mentally ill, multi-disabled or have learning disabilities. In that case compensation is more complicated.

The concept of equal opportunities should include all kinds of disabilities. It must not be too exclusive and only have relevance where compensation is easy. In order to include all, we have to base our definition of the principle of equal opportunities on some less mechanic, but perhaps rather moral concepts of quality of life and the good life, i.e. the right to live your life on your own terms no matter what kind of disability you have, and no matter whether you are very dependent on services from the public sector. The principle of equal opportunities is in other words much broader than the concept of an equal basis defined under the principle of compensation. When it is not possible to obtain full equal opportunities, equalisation is to ensure “the good life“.

Further literature

- **Danish disability policy – equal opportunities through dialogue.**
The Danish Disability Council (2002). www.dch.dk
- **The Standardrules on Equalization of Opportunities for Persons with Disabilities.** The United Nations (1993). www.un.org

WWW.

- The Equal Opportunities Centre for Disabled Persons:
www.clh.dk
- The Danish Disability Council: www.dch.dk
- The Danish Council of Organisations of Disabled People (DSI):
www.handicap.dk

Danish disability policy is based on a few, but very crucial principles, which anyone dealing with disability will come across and need to know about. This publication introduces the principles of compensation, sector responsibility, solidarity and equal opportunities and connects the principles with disability policy in general. The publication also has a chapter on the definition of the disability concept.