



Brussels, 20 January 2020

To: Dr Helena Dalli  
Commissioner for Equality  
European Commission

**Subject: European Disability Strategy post-2020: contribution from the EU CRPD Monitoring Framework**

Dear Commissioner Dalli,

I am writing to you in my capacity as current chair of the [EU Framework for the UN Convention on the Rights of Persons with Disabilities](#) (EU CRPD Framework).

Firstly, I wish to congratulate you on your appointment as Commissioner for Equality. This important portfolio offers the potential to enact positive and meaningful change, not least for persons with disabilities in Europe. To this end, I welcome the commitment you have already made to turn the EU's obligations under the CRPD into reality.

As a party to the CRPD, the European Union has established a framework to monitor the implementation of the CRPD, in line with Article 33.2 of the Convention. The EU CRPD Framework consists of the European Parliament, the EU Agency for Fundamental Rights, the European Ombudsman, and the European Disability Forum.<sup>1</sup>

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<sup>1</sup> For information concerning the EU CRPD Framework, see [the Concluding Observations of the UN Committee on the Rights of Persons with Disabilities to the European Union \(September 2015\)](#) and the [Note on the revised EU-level Framework Required by Article 33.2 of the UN Convention on the Rights of Persons with Disabilities](#), as adopted by the Council of the European Union at its 3513th meeting held on 16 January 2017.

Secretariat of the EU CRPD Monitoring Framework  
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The current European Disability Strategy, which sets out the EU's approach to empowering people with disabilities and removing barriers, runs for the period 2010-2020. Through this letter and the attached document, the EU CRPD Framework wants to stress to you the importance of adopting a comprehensive strategy for the period post-2020. We were encouraged to note, in the recently published Communication on a Strong Social Europe, that the Commission intends to present a strengthened strategy for disability in 2021. The attached document contains key messages from the Framework on the next strategy, as well as individual contributions from each Framework member.

I trust that you and your staff will find the material useful to draw on as you begin your work on this important matter. We look forward to hearing from you in due course and to engaging with your Task Force for Equality when it comes to CRPD-related matters.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Emily O'Reilly', with a long horizontal flourish extending to the right.

Emily O'Reilly

European Ombudsman

**Annex:** *Shaping the EU agenda on the rights of persons with disabilities – European Disability Strategy post-2020*

# Shaping the EU agenda on the rights of persons with disabilities – Towards a European Disability Strategy post 2020

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## Introduction

As the European Disability Strategy 2010-2020 comes to an end, this document contains the input from the EU Framework for the UN Convention on the Rights of Persons with Disabilities (EU CRPD Framework) to the new European Commission for a post-2020 Strategy. The EU CRPD Framework stresses the importance of adopting a comprehensive new strategy and makes recommendations on what it should include.

As a party to the CRPD and according to article 33.2 CRPD, the EU designated a framework to monitor the implementation of the CRPD. The Framework members are the European Ombudsman, the EU Agency for Fundamental Rights, the European Parliament<sup>2</sup> and the European Disability Forum.

This document contains background information on the European Disability Strategy, key messages from Framework members on the next Strategy, as well as the individual contributions for the next Strategy from each Framework member.

## Background

The EU CRPD Framework welcomes the hard work undertaken by the European Commission on the European Disability Strategy 2010-2020. Since its adoption, advances were made in terms of new legislation on disability rights with a clear impact on the lives of persons with disabilities: the Accessibility Act, the Directive on the accessibility of the websites and mobile applications of public sector bodies, the revision and adoption of legislation related to rail, maritime and road transport and Public Procurement, and the standardisation mandates related to accessibility and Design for All.

However, there was more limited progress on some policy areas addressed by the CRPD and the 2015 recommendations to the EU issued by the UN Committee on the Rights of Persons with Disabilities ('the 2015 recommendations'). There is therefore room for greater progress to be made in a new Strategy. More policy areas from the CRPD and the 2015 recommendations should be addressed. More ambitious policies should be adopted or implemented, for example by extending the scope of application of the Accessibility Act or adopting EU legislation prohibiting discrimination on grounds of disability in all areas of life.

Since March 2018, the EU and all its Member States are parties to the CRPD which increases the importance of the mandate of the EU to ensure the implementation of the Convention. To do so, the EU CRPD Framework urges the Commission to adopt a robust and ambitious

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<sup>2</sup> In the EU CRPD Framework, the European Parliament is represented by the Committee on Employment and Social Affairs (EMPL), the Committee on Civil Liberties, Justice and Home Affairs (LIBE) and the Committee on Petitions (PETI), based on the Conference of Presidents decision of 8 January 2015.

European Disability Strategy post-2020. This Strategy should fill the current gaps and address all provisions of the CRPD and the 2015 recommendations. It should cover all EU initiatives and policies that have an impact on the lives of persons with disabilities. It should mainstream disability rights across all EU laws, policies and programmes.

## Key messages for a European Disability Strategy post-2020

The European Commission should build upon and integrate what has been achieved under the current Strategy when preparing the next Strategy. Among the most important matters, as set out below in individual contributions where further detail is given, are that the next Strategy should:

- Cover all the provisions of the CRPD and address the recommendations arising from the Concluding Observations of the CRPD Committee adopted in 2015;
- Allocate sufficient resources to the EU CRPD Framework to ensure the implementation of its monitoring functions, with benchmarks and indicators;
- Have the same legal value as the 2010-2020 Strategy;
- Mainstream disability rights in all relevant areas of EU law, policies and programmes, such as gender equality and the rights of the child, and adapt to emerging policy areas, such as those covering refugees and migrants with disabilities, legal capacity and supported decision-making, and new technologies.

In addition, the future Strategy should provide for specific measures to:

- Ensure the full participation of persons with disabilities, their representative organisations and civil society organisations in the development, implementation and monitoring of the new Strategy. It should ensure that such organisations are closely consulted when drafting the Strategy;
- Designate disability focal points in all EU institutions and agencies, and assign an inter-institutional mechanism to coordinate the implementation of the CRPD in EU institutions and agencies;
- Provide the EU CRPD Framework with adequate resources to ensure its independence and adequate functioning;
- Revise the declaration of competences to include all policy areas in which the EU has legislated or adopted soft law measures that have an impact on persons with disabilities;
- Ensure the collection of robust, disaggregated, comparable data on the situation of persons with disabilities to ensure proper monitoring of progress, broken down by gender and age, in order to take into account how these aspects intersect with disability;
- Ensure the CRPD compliant use of EU funds, in co-operation with relevant national authorities and representative organisations of persons with disabilities. The EU funds should support initiatives to improve the quality of life for persons with disabilities and community-based living. They should continue to foster

deinstitutionalisation as a matter of priority and support services facilitating the right of persons with disabilities to live independently in the community.

- Integrate into the Strategy the follow-up to the Europe 2020 Strategy for smart, sustainable and inclusive growth, initiatives under the European Pillar of Social Rights, and developments relevant to the achievement of the Sustainable Development Goals;
- Include actions on the EU's obligations as a public administration: the EU institutions and agencies should ensure that their internal policies on employment are fully accessible and inclusive for persons with disabilities, including the provision of reasonable accommodation and other forms of employment support, such as smart working for employees. The EU institutions and agencies should ensure that their websites, information and communication formats, and public consultations are fully accessible. The EU administration should provide a comprehensive and CRPD compliant health insurance system for its staff members with disabilities. The European schools, nurseries and after-school centres should provide quality, inclusive and CRPD-compliant education to all children of EU staff, including those with complex or high-level support needs.

## Contributions from each EU CRPD Framework member

Each member of the Framework contributed to this document within the remits of their respective mandate.

### European Ombudsman

The European Ombudsman believes that the European Commission's post-2020 European Disability Strategy should focus on the following areas<sup>[1]</sup>:

- 1. Employment:** The EU administration should become a role model when it comes to employing persons with disabilities. It should promote inclusion and accessibility in all places of work, updating rules and procedures, where necessary, to meet the obligations set out in the CRPD.

The institutions should increase the proportion of employees with disabilities. To this end, they should work closely with the European Personnel Selection Office to ensure recruitment procedures accommodate the special needs of persons with disabilities ('reasonable accommodation').

The Commission should study the effectiveness of quota systems that many Member States use to promote the employment of persons with disabilities, with a view to promoting best practices and potentially introducing such a system for the EU administration.

The Ombudsman also calls on the Commission to promote training and in-house expertise on disability-related matters at the workplace. She also urges the Commission to ensure that all new recruits and existing staff members with disabilities have easy and open access to a specialised social assistant throughout their employment.

All EU institutions, bodies and agencies should have in place a zero tolerance policy on discrimination in the workplace, prohibiting in particular any forms of harassment and discrimination that may affect persons with disabilities.

- 2. Accessibility and digital administration:** The EU administration should strive for the highest accessibility standards both for physical infrastructure and in digital terms. The EU administration's websites and contact forms should be fully accessible to persons with disabilities. The institutions should strive to meet the highest standards and available norms on web accessibility, namely compliance level AAA under the Web Content Accessibility Guidelines (WCAG).

Efforts should be taken to increase significantly the availability of 'easy-to-read' information about the EU administration's work. The Commission and other EU bodies should also make greater efforts to ensure that persons with disabilities can

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<sup>[1]</sup> Full text of the Ombudsman's contribution to the European Disability Strategy post-2020 is available here: <https://www.ombudsman.europa.eu/en/letter/en/123643>

easily participate in public consultations. Finally, the relevant EU institutions should work with national authorities to ensure persons with disabilities face no accessibility problems in voting in the European elections.

**3. EU funds:** The Commission should ensure that the EU budget is spent in a way that complies with the CRPD. The Commission, in co-operation with the relevant national authorities, should ensure that EU funds are channelled towards initiatives to improve the quality of life for persons with disabilities. In case of systemic misuse, the Commission should consider, when appropriate, resorting to infringement proceedings.

The Commission, in co-operation with the relevant national authorities, should ensure that EU funds are used to enable persons with disabilities to live independently, and support other initiatives aimed at enhancing their quality of life, employability and access to education, amongst other things. To improve monitoring in this area and encourage information sharing, the Commission should enhance its cooperation with national human rights institutions and national ombudsmen.

**4. Health insurance:** The EU administration should seek to ensure that former, current and future staff members with disabilities, or dependent family members affected by a disability, benefit from comprehensive health insurance that can provide them with the best possible medical care and quality of life.

The rules on the reimbursement of medical expenses must keep up with the progress in medicine. The Ombudsman therefore calls on the Commission to update these rules regularly, with a view to recognising innovative therapies, new treatments and medicines.

**5. Lifelong learning:** The right to lifelong learning is set out in Article 24 of the CRPD. The EU administration should therefore strive to become a role model in facilitating lifelong learning opportunities and career mobility for persons with disabilities. EU-backed initiatives should, in particular, aim to promote equal opportunities for young people with disabilities. The Ombudsman believes that, by facilitating Erasmus+ initiatives, vocational training, research projects and work placements, the EU could offer persons with disabilities a life-changing experience, improving their chances and reducing disparities in access to equal opportunities.

**6. Monitoring:** In order to measure progress over the course of the next strategy, it would be helpful to have in place the relevant benchmarks and indicators from the outset. The absence of comprehensive data on many of the issues affecting persons with disabilities is a serious shortcoming that makes it difficult for monitoring mechanisms to do their work.



## EU Agency for Fundamental Rights

The Agency considers that a robust new EU Disability Strategy should explicitly list specific EU goals in the area of disability and provide clear guidance for the EU's future work in the area of disability, including guidance for mainstreaming disability rights.

The new Strategy should take a human rights approach to disability, addressing the full spectrum of CRPD provisions and mainstreaming gender issues and the rights of the child. It should pay particular attention to the CRPD-compliant use of EU funds and require the collection of robust, disaggregated, comparable data to facilitate a meaningful mid-term review of its implementation. Moreover, the development and implementation of the Strategy should foster the meaningful participation of persons with disabilities, their representative organisations and civil society organisations.

### **FRA believes the new Strategy should consider the following aspects:**

- 1. Ensure that the Strategy is human rights-based.** In order to achieve this, the Strategy should guide EU institutions and Member States in intensifying their efforts to embed CRPD standards in their legal and policy frameworks following a comprehensive review of current legislation for compliance with the CRPD. Moreover, action plans guiding the implementation of laws should incorporate clear targets and timeframes, and identify the actors responsible for reforms. Finally, in order to track progress, the EU should lead the development of common, robust and measurable indicators, as recommended by the Agency in its annual [Fundamental Rights Report 2018](#). The Strategy should make reference to the strong fundamental rights guarantees of the post-2020 ESIF general provision regulation which are necessary to ensure that the EU fully respects its human and fundamental rights obligations under the CRPD and the Charter for Fundamental Rights.
- 2. Strengthen the involvement of people with disabilities and their representative organisations in decision-making processes.** The Strategy should reflect the principle of the disability movement “nothing about us without us” which should be respected when engaging people with disabilities in decision-making processes that affect them. In order to achieve this, the Strategy should require the meaningful involvement of disabled persons' organisations (DPOs), including by setting up advisory or consultation bodies, as recommended by the Agency in its annual [Fundamental Rights Report 2019](#). In particular, the Strategy should include reference to the effective participation of disabled persons' organisations in monitoring committees of the European Structural and Investment Funds, as recommended by the Agency in its report on [Independent Living-part II Funding and Budgeting](#) and in its annual [Fundamental Rights Report 2019](#).
- 3. Use the full potential of the European Pillar of Social Rights in the area of disability.** The Pillar specifically recognises the right of people with disabilities to inclusion under principle 17. The Strategy should include proposals for legal

initiatives that can breathe life into this principle and the other rights and principles of the Social Rights Pillar, as recommended by FRA in its Report [Perspectives from the Ground](#).

**4. Promote minimum standards on accessibility of facilities and services.** The Strategy should promote and raise awareness on minimum standards and guidelines for the accessibility of facilities and services that are open or provided to the public for all persons with disabilities, as recommended by the Agency in its Independent Living Report ([Part III: outcomes for persons with disabilities](#)).

**5. Promote measures to fulfil the right to independent living.** The Strategy should promote the right to independent living through comprehensive measures, as the Agency recommended in its report [Perspectives from the Ground](#). The Strategy should highlight the need for awareness raising campaigns at national and local level on the right of persons with disabilities to live independently and be included in the community. The Strategy should also invite the media who can be very effective in reshaping perceptions of disability, promoting diversity and tackling the stigma around disability, as recommended by the Agency in its Independent Living Report ([Part III: outcomes for persons with disabilities](#)).

**6. Call for prompt deinstitutionalisation.** The Strategy should acknowledge the need for adequate resources for the prompt deinstitutionalisation of persons with disabilities. Member States are required to phase out investment in institutions and instead sufficiently fund services in the community that persons with disabilities guide and control. The Strategy should propose specific measures for prompt deinstitutionalisation measures that can be supported by EU funds with clear timelines and subject to robust and independent monitoring, as recommended by the Agency in its Independent Living Report ([Part III: outcomes for persons with disabilities](#)).

**7. Support transition from institutional to community-based support.** The Strategy should make specific reference to the potential of the full range of EU financial tools to support the transition from institutional to community-based support. This should include training and capacity building for staff, developing individual support plans and funding home adaptations and other infrastructure.

## European Parliament

The European Parliament expressed its position and expectations on the future European Disability Strategy in its resolution of 30 November 2017 on implementation of the European Disability Strategy.

### 1. General expectations

In this resolution, the Parliament recalled that Articles 21 and 26 of the Charter of Fundamental Rights of the European Union explicitly prohibit discrimination on the grounds of disability and provide for equal participation of persons with disabilities in society and pointed out that the future Disability Strategy should aim at fully implementing the UNCRPD in all areas of EU policy and at mainstreaming accessibility, participation, non-discrimination and equality, encompassing all articles of the UNCRPD.

It should also include an adequate budget, a timeframe for implementation and a monitoring mechanism, as well as have the same legal value as the current strategy. The Commission should propose an accessible assessment tool with ongoing monitoring, including specific indicators and tangible goals.

The Parliament stressed that the 2020-2030 strategy should be based on a cross-cutting, comprehensive review of all EU legislation and policy in order to ensure full harmonisation with the provisions of the UNCRPD, and that it should include a revised declaration of competences. The future Disability Strategy should be coherent with other EU initiatives and strategies, also with a view to foster the employment and inclusion of persons with disabilities, in particular women. The European Disability Strategy should be mainstreamed across all EU legislation and the EU Semester process.

The Parliament called, in this connection, for a genuine structured dialogue between the EU and organisations representing persons with disabilities for the drafting of the post-2020 strategy. The Parliament took the view that the Commission should ensure that any future strategy and the consultation process related to it should be transparent, understandable and fully accessible, and include clear indicators and benchmarks. The strategy can be a success only if all stakeholders, including civil society, are involved.

The Parliament noted that the EU Sustainable Development Goals' (SDGs) set of indicators are not inclusive of persons with disabilities when it comes to goal 4 (education), goal 5 (gender equality) and goal 8 (decent work and economic growth). It called for the future strategy to use global SDGs' indicators to monitor the implementation of the main EU actions and policies in the field of employment. The Parliament stressed the need for measurable and comparable quantitative and qualitative indicators, including on accessibility, equality, employment, social protection, health, school outcomes and the numbers of students in inclusive education, in order to assess the implementation of the UNCRPD by the EU and the Member States. It urged the EU to develop a human rights-based indicator system in cooperation with persons with disabilities and their representative organisations, as well as a comparable comprehensive data collection system, with data disaggregated by gender, age, rural or urban population and impairment type. The Parliament called on the Commission to ensure that the work of the European Union High Level Group on combating racism, xenophobia and other forms of intolerance in relation to improving the recording and collection of data on hate crime fully includes hate crime against persons with disabilities. It strongly urged the Member States to disaggregate data by types of disability, and to work closely with Eurostat to collect comparable data on

disability in different fields, which includes persons living in institutions, while linking the disability strategy to the SDGs process and the 2030 Agenda for Sustainable Development.

The Committee on Petitions (PETI) receives a considerable number of petitions each year referring to the difficulties encountered by persons with disabilities across the EU in their everyday activities in relation to the eight main areas of action identified in the European Disability Strategy and other accessibility issues, such as access to healthcare and social protection, education and training, the labour market, the built environment and transport, goods and services, information and communication, and participation in political, public and cultural life. Most of the petitions submitted by European citizens concern the difficulties involved in the application procedures, in obtaining recognition and in relation to late payments of invalidity pensions by the relevant administrations. The Parliament underlines that the implementation of the European Disability Strategy and its social protection area for action should pay special attention to these issues, in accordance with Article 28 of the UNCRPD on an adequate standard of living and social protection.

## **2. Specific fields**

### **2.1. Decision-making process**

The Parliament called on the Commission to promote the structural involvement of persons with disabilities and their representative organisations in all decision-making processes, both nationally and at EU level, to fully comply with the principle of *nothing about us without us* and to fund capacity building of organisations of persons with disabilities to enable persons with disabilities to engage in structural participation in all decisions that concern them.

### **2.2. Legal capacity, liberty and security**

The Parliament recognised that legal capacity is one of the prerequisites for the enjoyment of human rights, including the right to vote, and that any new strategy must work towards no one being denied legal capacity on the basis of disability in all areas of life. It stressed, to this end, that the EU should adopt appropriate measures to ensure that all persons with disabilities can exercise all the rights enshrined in European Union treaties and legislation, such as access to justice, goods and services, including banking, employment and health care, as well as voting in European elections and consumer rights in line with the Convention, and encourage non-coercive measures and supported-decision making in line with the UNCRPD. Furthermore, it strongly urged the Commission to include all possible measures in the new strategy to ensure the liberty and security of all persons with all types of disabilities in line with the Convention and the UNCRPD Committee.

In addition, in its resolution of 7 July 2016 *on the implementation of the UN Convention on the Rights of Persons with Disabilities, with special regard to the Concluding Observations of the UN CRPD Committee*, the Parliament considered full and complete access to the political system for all persons with disabilities to be a priority and recognised that this access must be more than mere physical access to cast a vote. It took the view that this should include signed, Braille and easy-to-read election material, complete provision of the necessary assistance to persons with disabilities during voting procedures, the promotion of postal and

proxy voting when possible, and the removal of barriers to those citizens with disabilities wishing to stand for election.

### **2.3. Equality, gender and non-discrimination**

The Parliament highlighted that equality and non-discrimination are at the core of the Disability Strategy, regretted the prolonged deadlock in the European Council on progress towards the horizontal anti-discrimination directive and called on the Member States to contribute to the adoption of the directive, moving towards a pragmatic solution, which should extend to the protection against discrimination in all areas of life of persons with disabilities, including the recognition of the denial of reasonable accommodation as a form of discrimination, and of multiple and intersectional discrimination. Parliament called on the Commission to address disability in its Strategic Engagement for Gender Equality 2016-2019 and regretted that the Commission had not made progress in mainstreaming the rights of women and girls with disabilities in all its gender equality policies and programmes, and in including a gender perspective in its disability strategies. It called on the Commission and the Member States to promote campaigns and training courses to raise awareness of the UNCRPD and of the need for respect of diversity in order to combat discrimination, stigma and prejudices against persons with disabilities, persons with psychosocial disabilities, learning disabilities or autism.

### **2.4. Social protection systems**

The Parliament called on the Commission to ensure that the 2030 EU Disability Strategy includes specific actions to promote inclusive social protection systems across the EU, which would guarantee access to benefits and services to persons with disabilities across the life cycle. At the same time, it called on the Member States to set a social protection floor for persons with disabilities that would guarantee their adequate standard of living.

### **2.5. Independent living and support services**

The Parliament took the view that the European Structural and Investment Funds must, particularly in the next programming period, adhere to the UNCRPD and should continue to foster deinstitutionalisation as a matter of priority and that they should, moreover, finance support services to enable persons with disabilities to realise the right to live independently in the community. The future strategy should include the essential role of support services for the enjoyment of human rights of persons with disabilities. The Parliament recommended that the future strategy include issues related to staff training, which are fundamental if support according to the UNCRPD principles is to be provided. The Parliament underlined that, in order to ensure independent living for persons with disabilities, it is necessary to support research and innovation aimed at developing products to help persons with disabilities in their everyday activities.

### **2.6. Accessibility**

The Parliament recognised the importance of a holistic definition and application of accessibility and reminded the Commission of its obligation to mainstream disability and

develop and promote accessibility in all policy areas. It recalled that the implementation of all accessibility-related obligations require sufficient funding at EU, national and local level and called on the EU to ensure that all funding programmes are accessible, that they follow a universal design approach and include a separate budget for accessibility. The Parliament emphasised that barrier-free accessibility to transport services, vehicles, infrastructure and intermodal connecting hubs, in particular in rural areas, is the key to securing mobility systems free from built-in discrimination. It stressed that further effort has to be made to make transport and tourism services, vehicles and infrastructure accessible. The Parliament recommended making the passenger rights complaints procedures fully accessible and disability-friendly.

### **2.7. Public procurement and standardisation**

The Parliament recommended that the post-2020 strategy include public procurement and standardisation as horizontal issues to increase the employability of persons with disabilities, as well as to favour the compilation and exchange of good practices among Member States.

### **2.8. Children**

The Parliament called on the Commission, in accordance with the UNCRPD and in line with the UN Convention on the Rights of the Child (UNCRC), to pay particular attention to children with disabilities. The Parliament urged the EU to mainstream the rights of children with disabilities into all areas of the future strategy. The Parliament has concerns that many children with disabilities remain excluded from quality inclusive education, and it highlighted that preparing teachers and trainers to work with children with disabilities and providing them with adequate support is essential.

### **2.9. Violence and abuse**

A comprehensive European disability strategy should contribute to the fight against violence against women, with particular emphasis on women and girls with disabilities. The Parliament stressed the need to further accommodate implementation of the European Disability Strategy that allow preventive measures aimed at avoiding all types of abuses and to provide high-quality, accessible and tailor-made support for victims of violence.

### **2.10. Homeless persons**

The Parliament strongly urged the Commission and the Member States to take additional measures to reach out to the most vulnerable, such as homeless persons with disabilities.

### **2.11. Migration**

The UNCRPD Committee has expressed its deep concern with the precarious situation of persons with disabilities in the current migration crisis in the EU. The Parliament strongly urged the Commission to mainstream disability in its migration and refugee policies and to ensure that all EU funding directed towards tackling this humanitarian crisis is disability-inclusive.

## **2.12. Monitoring of the UNCRPD**

The Parliament stressed the need for continuous monitoring of the implementation of the UNCRPD in line with Article 33 thereof and in consultation with disability organisations. It urged the Commission to provide adequate resources to the EU Monitoring Framework to enable it to perform its functions independently and adequately and to propose an accessible assessment tool with ongoing monitoring, including specific indicators and tangible goals. Furthermore, it urged all Member States to allocate sufficient and stable financial and human resources to the monitoring frameworks established under Article 33(2) of the UNCRPD to carry out their functions independently.

## **2.13. Education and training**

The Parliament recalled the need to bridge the digital gap and to ensure that persons with disabilities benefit fully from the Digital Union. It stressed in this context, the importance of improving the digital skills and competences of persons with disabilities, notably through projects financed by the Erasmus+ programme, providing more education in digital and media literacy as part of both non-formal and formal education. The Parliament urged the Member States to make appropriate technological educational tools available free of charge to children with disabilities, to allow them to fully join in with educational and training activities. Furthermore, the Parliament urged the European schools, nurseries and after-school centres to provide quality inclusive and UNCRPD-compliant education to all children of EU staff, including those with complex or high-level support needs.

## **2.14. Employment**

The Parliament emphasised that education and vocational training are essential for the employability of persons with disabilities and that employers should be engaged in the process in order to mainstream the needs of persons with disabilities, also, but not exclusively, by taking into account the possible benefits of new technologies in areas such as job searching, personal development and greater independence. The Parliament has been particularly concerned about young persons with disabilities and those who have been unemployed over a longer period and called on the Commission to further promote diversity as a business case and encourage diversity charters that advocate the added value of persons with disabilities in the workplace.

### **European Disability Forum**

EDF is calling for the adoption of a European Disability Rights Agenda 2020-2030, to address all Articles of the CRPD, as well as the Sustainable Development Goals (SDGs) and the European Pillar of Social Rights.

### **Why do we need a follow-up to the European Disability Strategy 2010-2020?**

First and foremost, with all Member States having now signed and ratified the CRPD, the EU has a clear obligation to uphold the rights enshrined in the Convention throughout the Union, as well as to address the issues raised in the CRPD Committee's concluding observations to the EU.



Since the launch of the European Disability Strategy in 2010, we have seen a conscious effort from the Commission to push for policies and legislation with an aim of implementing the CRPD. Unfortunately, despite good intentions from the Commission, the final outcomes have often fallen short of expectations. This was the case for the European Accessibility Act, in which the Directive's final scope sadly leaves out vital products, services and infrastructure, such as transport stations and vehicles, the built environment, health care, education, housing, or household appliances.

Now, as the current strategy draws to a close and the time to devise a new strategy presents itself, we must take stock of how vastly different the policy-making context is now than it was 10 years ago. Not only have the EU and all Member States now signed and ratified the CRPD, but they have also signed up to the SDGs and proclaimed the European Pillar of Social Rights.

Furthermore, the composition of the European Commission has undergone a significant change with the appointment of a new President and College of Commissioners, altering the EU's political priorities. For example, the new Commission 2019-2024 sees the creation of a Commissioner for Equality, whose mandate includes the implementation of the CRPD.

The commitment to act on the needs of the more-than 100 million persons with disabilities in the EU is stronger than ever. It is for this reason that we need a new Disability Rights Agenda that shows ambition and commitment in line with these obligations, one that far surpasses the Strategy of 2010-2020 and proposes funding and mechanism that will ensure effective implementation.

### **A commitment to implementing and monitoring the Disability Rights Agenda**

Even more central to the Disability Rights Agenda than the proposed actions, should be the measures and structures foreseen to implement and monitor it. Implementation and monitoring mechanisms cannot simply be an afterthought. Adequate measures need to be planned out and committed to in the text of the Disability Rights Agenda itself.

In the Agenda, the EU institutions must react to the Concluding Observations of the CRPD Committee and commit to placing disability focal points in all Commission DGs and Agencies, in all EU institutions, including the Council and Parliament, and in all Member States. Quality implementation of the Agenda and of the CRPD will be dependent on representatives from the focal points convening on a regular basis.

We also want to see the Agenda commit to an inter-institutional mechanism that not only involves representatives from the focal points, but also convenes meeting between the Presidents of the Commission, the Council and the Parliament at least once during each mandate, to show commitment to interests of the more than 80 million persons with disabilities in the EU.

At EDF we are also openly calling for the main disability focal point to be placed in the Commission's Secretary General, to reflect the transversality of disability issues and for the focal point for the CRPD to have the human and financial resources needed to implement the CRPD.



Of course, monitoring and implementation requires money. The Agenda therefore needs to include a clear commitment to funding implementation and monitoring mechanisms. The budget set aside for this should be decentralised and shared between all the disability focal points, to ensure their shared ownership in ensuring the Agenda achieves what it sets out to do.

Monitoring also relies heavily on quality data collection. The new Agenda therefore needs to focus heavily on improving the type of data collected by Eurostat and see the Commission work alongside the Member States to ensure we have disaggregated data on disability. Without this, we cannot understand the extent to which the Agenda is having an impact and the CRPD is being implemented. It should also be in the Commission's interest to be able to clearly show the progress it is making through disability policies at the EU level.

Finally, the Commission naturally needs to meaningfully involve persons with disabilities through their representative organisations in the entire process of planning, putting into place and monitoring the European Disability Rights Agenda 2020-2030.

## **What areas do we want the Agenda to focus on?**

### **1. Equality**

Figures show that half of all Europeans consider discrimination on grounds of disability to be widespread in the EU. This figure continues to increase<sup>3</sup>.

We are therefore calling on the on the EU to make equality a central part of the Agenda, focusing particularly on finally ensuring the adoption of anti-discrimination legislation protecting persons with disabilities in all fields, and promoting equality and non-discrimination, and accessibility through the use of EU funds.

#### **What are the EU's obligations to act on equality for persons with disabilities?**

- Articles 1, 21 and 26 of the EU Charter of Fundamental Rights;
- Articles 10 and 19 of the Treaty on the Functioning of the EU;
- the CRPD as a whole, but in particular Articles 5 – Equality and Non-Discrimination, 6 – Women with Disabilities, 7 – Children with Disabilities, as well as General Comment No 3 on Women and Girls with Disabilities and General Comment No 6 on Equality and Non-Discrimination;
- European Pillar of Social Rights principles 2 on gender equality, 3 on equal opportunities and 17 on inclusion of persons with disabilities;
- Sustainable Development Goals 6 on gender equality and 10 on reduced inequality.

### **2. Participation, mobility and free movement**

Institutional care settings, insufficient investment in community-based services, and the inaccessibility of mainstream services, continue to hinder the social participation of persons with disabilities in the EU. Furthermore, lack of harmonised recognition of disability assessment and the inability to transfer entitlement to support services and allocations

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<sup>3</sup> Special Eurobarometer 437. Available at: [https://data.europa.eu/euodp/data/dataset/S2077\\_83\\_4\\_437\\_ENG](https://data.europa.eu/euodp/data/dataset/S2077_83_4_437_ENG)

when moving to another Member State is denying persons with disabilities their right to free movement. Persons with disabilities still cannot travel to live, work or study within the union due to these barriers.

At EDF we call for the EU Disability Rights Agenda 2020-2030 to address the issue of passengers' rights regarding persons with disabilities, focus on the harmonisation and recognition of disability assessment across the EU and focus on the implementation of the EU Disability Card and EU Disability Parking Card. The Agenda should also address barriers faced by persons with disabilities in exercising their right to vote and to stand for election.

#### **What are the EU's obligations to act on mobility and free movement for persons with disabilities?**

- Article 3(2) of the Treaty on European Union (TEU) and Articles 4(2)(a), 20, 26 and 45-48 of the Treaty on the Functioning of the European Union (TFEU).
- CRPD Articles 18 – Liberty of Movement and Nationality, 19 – Living Independently and being Included in the Community, 29 – Participation in Political and Public Life, and 30 – Participation in Cultural Life, Recreation, Leisure and Sport, as well as General Comments No 5 and No 7.
- Pillar of Social Rights principles 8 on social dialogue and involvement of workers, 20 on access to essential services and 17 on inclusion of persons with disabilities.
- Sustainable Development Goal 10 on reduced inequalities.

### **3. Accessibility**

Countless persons with disabilities in the EU are still prevented from being able to play an active role in social, economic, political and cultural life because of inaccessible public spaces, buildings, transport and technology. While the EU Disability Strategy 2010-2020 made progress on accessibility through the adoption of the European Accessibility Act, its reduced scope means that a lot more needs to be done.

We are calling for a Disability Rights Agenda that works to fill the gaps left by the European Accessibility Act, particularly by focusing on the accessibility of the built environment and transport. Attention must also be paid to ensuring accessibility is an absolute requirement for investment of EU funds, and that funds are invested in research and development of assistive technology. The Agenda should also show commitment to keeping the cost of assistive technology affordable for persons with disabilities.

#### **What are the EU's obligations to ensure accessibility for persons with disabilities?**

- CRPD Articles 9 - Accessibility, 13 - Access to Justice, and 20 - Personal Mobility, as well as General Comment No 2 on accessibility.
- Principle 17 of the European Pillar of Social Rights on the inclusion of persons with disabilities.
- Goal 9 of the Sustainable Development Goals on industry, innovation and infrastructure.

### **4. Employment and training**

Eurostat figures attest that persons with disabilities are far more affected by unemployment than those without disabilities. On average, only 48.1% of persons with disabilities in the EU are employed compared to 73.9% among the general population. Women with disabilities and persons with high support needs are shown to have even lower employment rates<sup>4</sup>.

At EDF, we are therefore calling for an Agenda that focuses on strengthening obligations for offering reasonable accommodation in the workplace, takes ambitious steps to stop persons with disabilities being paid below minimum wage, and works to better implement existing directives on non-discrimination in employment. We also want to see the Agenda focus the use of EU funds for facilitating employment of persons with disabilities in the open labour market, in part through investing in professional training. It is also crucial to have an Agenda that explores how paid work can be complemented by disability benefits to counterbalance disproportionate outgoings of persons with disabilities and avoid in-work poverty.

**What are the EU's obligations to foster employment for persons with disabilities in the open labour market?**

- CRPD Article 27 – Work and Employment;
- Social Pillar principles 3 on equal opportunities, 4 on active support for employment, 5 for secure and adaptable employment, 6 on wages, 7 on information about employment conditions and protection in case of dismissals, 8 on social dialogue and involvement of workers, 10 on healthy, safe and well-adapted work environments and data protection and 17 on inclusion of PWD;
- Sustainable development Goals 8 on good jobs and economic growth, and 10 on reduced inequality.

## **5. Education**

Currently large numbers of children and young people with disabilities are in segregated educational settings, without access to mainstream schools. Persons with disabilities in the EU are on average 13 percentage points more likely to be early school leavers than their non-disabled peers and 14 percentage points less likely to access tertiary education<sup>5</sup>.

We want to see Disability rights Agenda that focuses on implementing the right of pupils and students with disabilities to inclusive education and helps properly equip teachers and mainstream schools to welcome people with all kinds of support needs. The Agenda should also focus on inclusivity of further education and lifelong-learning, not least through increasing the accessibility of Erasmus+ and the Solidarity Corps for persons with disabilities.

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<sup>4</sup> <https://www.disability-europe.net/theme/employment>

<sup>5</sup> ANED based on Eurostat 2016, persons with and without disabilities (age: 30-34 years), difference in percentage points

## 6. Poverty and social exclusion

### **What are the EU's obligations on inclusive education for persons with disabilities in the open labour market?**

- CRPD Article 24 – Education, as well as General Comment No 4 on the Right to Inclusive Education;
- European Pillar of Social Rights principles 1 on education, training and lifelong learning, 11 on support to children and 17 on inclusion of persons with disabilities;
- Goal 4 of the Sustainable Development Goals on education.

Eurostat figures show that persons with disabilities in the EU are nine percentage points more likely to experience poverty and social exclusion than the general population<sup>6</sup>.

We call for a Disability Rights Agenda that focuses on how social protection can help improve the quality of life of persons with disabilities. We urge the EU to focus particularly on harmonising standards for adequate social protection provided by Member States, as well as pushing for more flexible eligibility criteria for support in a way that facilitates the transition from full dependency on benefits to employment.

### **What are the EU's obligations on fighting poverty and social exclusion of persons with disabilities?**

- CRPD Articles 28 – Adequate Standard of Living and Social Protection, 25 – Health and 26 – Habilitation and Rehabilitation;
- European Pillar of Social Rights principles 12 on social protection, 14 on minimum income, 15 on old age income and pensions, 16 on healthcare and 17 on inclusion of PWD. Finally, it addresses;
- Sustainable Development Goals 1 on poverty, 2 on hunger and 3 on health.

## 7. External action

As the biggest development donor in the world, the EU must live up to its obligations under the CRPD and promote the rights of persons with disabilities in all EU-funded external action.

We are therefore calling for a Disability Rights Agenda that invests seriously in disability rights in third countries, upholding the principles of accessibility, dignity and the inclusion of persons with disabilities in the community. The Agenda must also address the need to

### **What are the EU's obligations to uphold the rights of persons with disabilities in its external action?**

- CRPD Articles 32 – International Cooperation and 11 – Situations of Risk and Humanitarian Emergencies.
- Sustainable Development Goals 1 on poverty, 2 on hunger, 3 on health, 9 on infrastructure and 10 on reduced inequalities.

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<sup>6</sup> EU SILC 2016

involve local, national and regional disability organisations and ensure they are consulted and involved where relevant.

### **Mainstreaming disability across all EU initiatives**

The European Disability Rights Agenda needs to look not only at proposing action in areas that are specific to persons with disabilities. It also needs to explore how to mainstream addressing the needs of persons with disabilities in other EU initiatives.

It will be of key importance that the Disability Rights Agenda explore how to integrate disability issues into the work of the High-Level Group on Gender Mainstreaming and the European Institute for Gender Equality. The needs of persons with disabilities also need to be mainstreamed into the Green New Deal for Europe, the Youth Guarantee, the EU Youth Strategy and the Child Guarantee.

### **Awareness raising**

In line with Article 8 of the CRPD, the Disability Rights Agenda should foresee actions to raise awareness of the rights of persons with disabilities and support DPOs in raising awareness of the barriers still faced by persons with disabilities, including invisible disabilities, and to break stereotypes. Campaigns should underline multiple and intersectional discrimination faced by certain groups of persons with disabilities, particularly with regards to women and girls, LGBTI people and ethnic minorities.

The Commission should also support and work alongside DPOs to ensure information on the rights of persons with disabilities and the implementation of the CRPD reaches national and regional decision-makers, as well as other stakeholders in a position to implement changes.

## About the EU CRPD Framework and its members

### EU CRPD Framework

As a party to the CRPD, the EU has designated a framework to promote, protect and monitor the implementation of the Convention in matters of EU competences, including:

- EU legislation and policy: non-discrimination, passengers' rights, EU funding, etc.
- EU public administration : personnel selection, access to documents, etc.

The [EU CRPD Framework](#) complements national monitoring frameworks, which are responsible for promoting, protecting and monitoring the CRPD in EU Member States.

The EU CRPD Framework became operational in 2013, based on a proposal by the Commission that was endorsed by the Council of the EU in 2012. In 2017 the Framework was revised by the Council of the EU to modify its composition. It is currently composed of the European Ombudsman, the EU Agency for Fundamental Rights, the European Parliament and the European Disability Forum.

### European Ombudsman

The European Ombudsman is an independent and impartial body that holds the EU's institutions and agencies to account and promotes good administration. The Ombudsman helps people, businesses and organisations facing problems with the EU's administration by investigating complaints about maladministration, but also by proactively looking into broader systemic issues. As a member of the EU Framework, the Ombudsman protects, promotes, and monitors the EU administration's implementation of the CRPD.

### EU Agency for Fundamental Rights

The European Union Agency for Fundamental Rights (FRA) is the EU's centre of fundamental rights expertise. It is one of the EU's decentralised agencies. These agencies are set up to provide expert advice to the institutions of the EU and the Member States on a range of issues. The Agency helps to ensure that the fundamental rights of people living in the EU are protected. It currently serves as the Secretariat of the Framework, and has conducted extensive research on the issue of disability, which is available [here](#).

### European Parliament

The European Parliament has been promoting the rights of persons with disabilities through political debate and awareness-raising activities, including public hearings. The European Parliament monitors the application of EU law through own-initiative reports, such as the annual report on the situation of fundamental rights in the EU, implementation reports, oral questions, studies and implementation assessments.

In particular, through its Petitions Committee, it can hear petitions from any EU citizen on matters that come within the Union's legislation and policies and directly affect them. A petition may take the form of a complaint or a request, may relate to issues of public or private interest, and call attention to an infringement of a European citizen's rights.

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## European Disability Forum

The European Disability Forum is an independent organisation of persons with disabilities that defends the interests of more than 80 million Europeans with disabilities. EDF is a unique platform bringing together representative organisations of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families. It is a strong, united voice of persons with disabilities in Europe.