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Introduction

This document explains EDF's recommendations for the follow-up to the current European Disability strategy, which we will describe as a **European Disability Rights Agenda 2020-2030**. As a result of COVID-19, the marginalisation and discrimination faced by people with disabilities in the EU has worsened. This is a perfect moment to establish a strengthened strategy for disability rights in the EU. A strong disability strategy for 2020-2030 must account for the COVID-19 pandemic, the ramifications of which will not only impact persons with disabilities but the political and socio-economic fabric of the EU.

We call for the Agenda to:

- Pave the way for the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) and align with the EU treaties and the 2030 Agenda for Sustainable Development.
- Be comprehensive and include clear objectives, timelines, resource allocation, a governance and accountability mechanism, and full participation of persons with disabilities, including women and children, through their representative organisations.
- Use the CRPD as the basis of understanding disability policies and programmes, referring to the Convention itself, its Article 3 'General Principles', and the CRPD Committee's [General Comments](#) and recommendations.
- Draw on the current political priorities of the European Commission and the possibilities for EU and its Member States to take national harmonised actions.
- Ensure disability is included in all policies and programmes in the Recovery plan for Europe.

The Agenda should aim to implement and enforce the rights of persons with disabilities in the following areas:

- 1) **Decent standard of living**, with access to inclusive education, social inclusion and living in the community, employment and social protection (article 9 and 151 of the Treaty on the Functioning of the European Union - TFEU¹).
- 2) **Promote equality for persons with disabilities** in all fields, regardless of their gender, racial or ethnic origin, migrant status, religion or belief, age or sexual orientation” (article 10 and 19 TFEU² and General Comment nr 6 of the UN Committee on the Rights of Persons with Disabilities), with guaranteed equal opportunities, protection against discrimination, violence and abuse.
- 3) **Freedom of movement**, to live, work, travel and study in the EU, and to vote and stand for EU elections, as all other EU citizens (article 21 TFEU).

In addition, the EU should:

- 4) Assume a **global leadership** role in promoting the rights of persons with disabilities at the UN level and in all its international cooperation strategies, policies and programmes, including humanitarian action.
- 5) Fulfil its obligations under the CRPD as **public administration**.

The first part of the document proposes recommendations for an effective implementation, accountability and funding of the Agenda. In the second part, it proposes concrete policy recommendations.

1 Article 9 ‘In defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health’ and article 151 ‘the Union and the Member States, having in mind fundamental social rights such as those set out in the European Social Charter shall have as their objectives the promotion of employment, improved living and working conditions, so as to make possible their harmonisation while the improvement is being maintained, proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion.

2 Article 10 ‘in defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation’ and article 19, 1 ‘Without prejudice to the other provisions of the Treaties and within the limits of the powers conferred by them upon the Union, the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation’

General recommendations for implementation

State of play

The Strategy should include a description of the situation of persons with disabilities in Europe today. As the current European Disability Strategy 2010-2020 is drawing to its close, we must take stock of the progress made and how vastly different the policy-making context is now than it was 10 years ago. The EU and all its Member States have now signed and ratified the CRPD, with some Member States having also ratified the Optional Protocol to the Convention. The EU and its members have also committed to the 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the European Pillar of Social Rights. Furthermore, many Member States have also ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence. The Disability Rights Agenda should build further on the progress made by the previous strategy and learn from its shortcomings.

Participation of persons with disabilities

Design, implement and evaluate the Agenda with the meaningful consultation and full participation of persons with disabilities, including women, girls and boys with disabilities, through their representative organisations (concluding observation (CO) 15 of the CRPD Committee to the EU). The CRPD Committee recommended that the EU set up a structured dialogue with an independent budget line and sufficient funding for this purpose.

A twin track approach

Adopt a **twin track approach** by taking **disability specific** measures, while mainstreaming the Agenda and the rights of persons with disabilities in all EU legislative and policy initiatives. In all stages of policy design and in all internal and external EU policies, **mainstreaming the Agenda** is key as to achieve its objectives.

Leaving no-one behind – intersectionality

An **intersectional approach** to the rights of persons with disabilities should be taken by including the multiple or intersectional discrimination faced on the grounds

of disability, sex, age, religion or belief, race, ethnic origin, sexual orientation and gender identity in every action of the Agenda. The perspectives of the most excluded and marginalised groups of persons with disabilities should be represented in each policy measure.

Impact of COVID-19

The **impact of the COVID-19 crisis** on the lives of persons with disabilities and in particular the perspectives and needs of the most excluded groups of persons with disabilities should be analysed and **mainstreamed** in every action of the Agenda. Any new EU initiative to deal with the crisis and its recovery plans should take an intersectional approach to addressing discrimination.. EU actions in every relevant policy area and support to the EU Member States should be detailed. The EU should be fully prepared for future crisis and ensure that all actions are fully accessible to, and do not disproportionately impact, persons with disabilities.

Governance and accountability

It is important that the strategy outlines the governance and accountability mechanisms which need to be established to strengthen the disability policy framework, and application of the CRPD at the EU level.

Implementation mechanisms

- Place Disability Focal Points in each EU institution, agency and body and all external EU delegations. Focal points should also be assigned to all Commission DGs. A publicly available list of focal points for the CRPD will improve transparency and accountability. The CRPD also requires all Member States to establish focal points. Each Focal Point should have sufficient human and financial resources to effectively coordinate the implementation of the CRPD.
- Create a CRPD unit (focal point) in DG for Justice and Consumers, under the direct supervision of the Commissioner for Equality, consistent with how other equality issues are handled. This will promote an intersectional approach to the rights of persons with disabilities. The CRPD unit will be responsible for coordinating the work of all disability focal points in EU institutions, agencies and bodies and all external EU delegations. It will coordinate the

implementation of the UN Convention on the Rights of Persons with Disabilities and the Disability Rights Agenda. It should raise awareness of disability rights and the human rights model of disability across all EU institutions.

- Replace the current High-Level Group on Disability with a “Disability Rights Committee” which should regularly bring together all the Disability Focal Points, including those in the Member States and the EU external delegations. It should also monitor the implementation of the Agenda at EU and national level as well as in the EU’s external actions. The Committee should have a clear work plan, issue regular reports in progress and have the mandate to generate recommendations where necessary.
- Set up an interinstitutional coordination mechanism between the Commission, the Parliament and the Council. It can be launched by a meeting of the Presidents of these three institutions, to be repeated at the start of each mandate, to discuss action on disability issues at the highest level and to commit to action for the following five years (Article 33 CRPD and CO 77).
- Each EU Presidency should organise a Council meeting of EU Member States’ ministers on the rights of persons with disabilities and on progress made on the Agenda.
- Improve the data collected by Eurostat on persons with disabilities. This can be done through disaggregation by disability (e.g., through use of the [Washington Group set of questions](#)), gender and age, by ensuring better data collection on persons with disabilities living in institutions, and by including surveys on Member States performance on accessibility (Article 31 CRPD and CO 73). Disaggregated data must also be gathered in fields including employment, poverty, educational attainment, on violence and abuse, access to justice and redress for victims with disabilities. Data must also be collected in the programmes and projects of the EU’s external actions, using the OECD DAC marker; this will give a comprehensive overview of how much EU aid is inclusive of, and accessible to persons with disabilities.

- Ensure the EU CRPD Monitoring Framework is given an independent budget and secretariat, as well as independence from the EU institutions in line with the [UN Paris Principles](#), thus giving it the capacity to carry out its work (Article 33.2 CRPD and CO 77). The Framework should be consulted on a regular basis by the Commission, the Parliament and the Council at the highest level.
- Conduct a cross-cutting, comprehensive review of EU legislation to ensure full harmonisation with the provisions of the Convention, and actively involve representative organisations of persons with disabilities, including women and children, and independent human rights institutions in the process (CO 9).
- Review and modify the impact assessment guidelines to include a more comprehensive list of issues to better assess compliance with the CRPD.
- Continue to regularly update the [declaration of competence and its list of instruments](#), including those recently adopted, as well as those that may not specifically refer to persons with disabilities but are relevant to them (CO 17).

Accountability

- Each year, there should be a publicly available annual report presented to the Commission's Secretariat General on progress made. If the focal points do not meet their obligations under the Agenda, adjustment of the actions will be decided upon and areas of improvement identified, with a specific timeline, assignment of responsibility and needed resources.
- Implement the Agenda over 10 years. This includes a scientifically supported mid-term review and an independent final evaluation, with the close involvement of representative organisations of persons with disabilities, including women and children, at the EU and Member State level. A mid-term review should allow for adjustments to the activities and actions needed to implement the last five years of the Agenda, and align with the recommendations that will be adopted by the CRPD Committee following the second review of the EU. The review should also be an opportunity to report on how the Agenda contributes to achieving the goals set out in the EU's economic and social strategy, with regards to areas such as employment, poverty and social inclusion.

- Give technical guidance and training to staff of the Focal Points, including in the EU external delegations, on how to implement the actions under the Agenda.
- Establish an accountability review of the performance of EU Member States on the Agenda through the European Pillar of Social Rights' Social Scoreboard. With this aim the Scoreboard must be adapted to include indicators on persons with disabilities. Currently the scoreboard does not include any disability-related indicators. Use this review as the basis for recommendations in the European Semester process, with an aim to:
 - Promote the adoption and implementation of national disability strategies.
 - Prevent any regression on the well-being and standard of living of persons with disabilities, including through the recovery measures for the COVID-19 crisis.
 - Include indicators on the development of community-based support services.

Funding

The Agenda should include a clear commitment to funding with an indication of amounts to be allocated:

- The **Multi-Annual Financial Framework** (MFF) should include the perspectives of persons with disabilities throughout the financial framework and more specifically in various EU funding and budgetary guarantee instruments, in particular the European Social Fund Plus, the European Regional Development Fund, the Cohesion Fund, Horizon Europe, Erasmus Plus, the European Solidarity Corps, the Invest EU Programme, the Neighbourhood, Development and International Cooperation (NDICI) Instrument, the Connecting Europe Facility, and the Shift2Rail Programme. The needs of persons with disabilities must also be directly addressed through the Coronavirus Response Initiative (CRI) and Coronavirus Initiative Plus (CRI+). The proposed 750€ billion Next Generation EU instrument, to boost recovery from the COVID-19 crisis, also needs to make persons with disabilities a specific target for investment, to ensure this group is not left behind as it was during the last crisis.
- Establish a **Disability Rights Guarantee**, similar to the Youth Guarantee, to incentivise and facilitate access to the open labour market. This initiative should ensure that all persons with disabilities who wish to work receive an offer of either employment, an apprenticeship, a traineeship or continued educational progression, establishing particular affirmative action plans to boost the activity rate of women with disabilities. Allow it to be open to persons receiving disability allocations and enable them to continue receiving their allocations when employed to offset the additional cost of living for persons with disabilities and avoid in-work poverty.
- Further facilitate the preparation of persons with disabilities for the job market by investing EU funds in lifelong learning and training, as well as in facilitating independent living. EU funds can also go towards training of employers, educators, healthcare workers and other service providers to deliver person-centred support for persons with disabilities.

- Deliver a gender-sensitive digital literacy programme for persons with disabilities to overcome the digital divide, including the provision of assistive devices and connectivity, enabling them to access the IT society, virtual education and training, tele-work and other services which, as a result of the impact of COVID-19, are now being offered on-line with a view to continuing in the medium- and long-term future to reduce costs.
- Include specific “enabling conditions” in the proposed **Common Provisions Regulation**, requiring a Member State to have in place a **national disability rights strategy** as a precondition to make use of the funds when investing. This would also align with the Charter of Fundamental Rights that includes non-discrimination and integration of the rights of persons with disabilities as one of its key rights and applies to all the investments under this regulation. Ensure there is dedicated funding for civil society organisations through the new programme, **Rights and Values and Justice**. Attention should be paid to increase the allocation of funding of representative organisations of persons with disabilities in their full diversity and reaching the most excluded groups in society, at the EU and national level. The funding should enable us to meaningfully participate in decision making in line with article 4.3 CRPD. Particular attention should be paid to reducing the burden of co-financing and administrative requirements.
- **Asylum and Migration Funds** should support the specific needs of persons with disabilities in the asylum procedure and the inclusion of persons with disabilities in the host community. The Funds will enable stepping up the protection of vulnerable groups, including victims and indirect victims of gender-based violence in asylum and migration contexts.
- Adopt a human-centric and intersectional approach in the field of research and innovation through **Horizon Europe** and **Digital Europe** and contribute to advancing accessibility of ICT, assistive technologies, all transport modes, built environment, and other products and services (e.g. healthcare). A **Design for All approach and accessibility** should be required as a precondition for funding (e.g. development of smart mobility solutions) to avoid creating new

barriers for persons with disabilities. Meaningful engagement of persons with disabilities in projects that aim to develop disability-specific solutions (e.g. assistive technologies) and mainstream solutions which also affect persons with disabilities, should also be a funding requirement.

- Adequate budget need to be allocated to cover accessibility and reasonable accommodation costs within all EU programmes.
- Ensure that funding through the **Creative Europe and MEDIA** programme establishes the accessibility of European audio-visual media and culture for persons with disabilities as a prerequisite to receive funding. This programme should also facilitate the equal participation of persons with disabilities in the media and culture sectors.
- Include persons with disabilities in all **EU external actions**. Coherence between internal and external funding, policy and action is necessary to ensure the principles of inclusion, accessibility and cooperation are consistent. For instance, to build a universal and inclusive **NDICI**, disability must be mainstreamed in geographic as well as thematic programmes, with a focus on women and girls with disabilities facing multiple and intersectional discrimination.
- Ensure disability inclusion in all education and training, youth and sport sectors of the **Erasmus+** programme. The Erasmus+ programme must include an Inclusion Strategy and ensure that all persons with disabilities receive the necessary support to ensure their full and equal participation. The **European Solidarity Corps** and its merging with **EU Aid Volunteers (EUAV)** should ensure budgeting for the participation of volunteers with disabilities.

Awareness raising and capacity building

- Organise awareness raising campaigns on the CRPD, the rights of persons with disabilities, and the implementation of the Disability Rights Agenda at the EU and national level, but also in EU external delegations, with partners and allies.
- Ensure and respect the diversity of persons with disabilities in the EU's internal and external communication, including women and girls with disabilities, and promote the Agenda and the CRPD.
- Train and build the capacity of staff involved in designing, implementing and evaluating the Agenda on the human-rights-based approach to disability, the CRPD and the content and ways of implementing the Agenda.

Policy recommendations

Decent standard of living

- 1) **Supporting community-based living, full and meaningful participation in society:**
 - Support actions to promote persons with disabilities' social inclusion, participation in society and community-based living. Facilitate alternatives to institutional care settings for persons with disabilities. This can be through investment of EU funds in community-based services, in-home support and supported/independent living arrangements themselves. Successful community-based living may also require support in access to food and basic necessities, but never should this be provided to the detriment of the person's autonomy and right to choose where and with whom they live.
 - Prohibit investment of EU funds in any institutional care setting, in any structure or service that is inaccessible to persons with disabilities and in any action that discriminates on the grounds of disability, gender, age, sexual orientation, religion or ethnic origin. This should be the case for funds used within the EU as well as in the EU's external action.
 - Promote private and public mainstream services to be accessible and inclusive to all persons with disabilities, including by ensuring accessible

environments and information and communication such as easy to read, Braille and sign language.

- Promote official recognition of national sign languages by proposing action that would ensure that all deaf Europeans and sign language users have access to sign language, e.g. urging all Member States to recognise sign languages in the EU countries as official languages and ensuring their use in different domains, e.g. employment, education and in all the other areas of life.

2) In relation to the current European Commission's priority 'An economy that works for people':

- Provide comprehensive support to Member States to correctly and effectively implement Directive 2000/78/EC at the national level, **banning all forms of discrimination in employment.**
- Produce **guidelines** for the Member States specifically on how to ensure **reasonable accommodation for persons with disabilities in the workplace**, in order to correctly transpose Article 5 of Directive 2000/78/EC. The guidelines should outline what different forms reasonable accommodation might take in line with an individual's needs. It should explain what measures employers are responsible for providing, as well as outlining what support Member States and regions should be offering to employers in this process. The guidelines should be devised with meaningful involvement of persons with disabilities through their representative organisations and including a gender dimension.
- Study the **gender pay gap** of women with disabilities in relation to men with disabilities and women without disabilities and take the necessary measures to eliminate the gap.
- Study the **extra cost of living faced by persons with disabilities**, and families of persons with disabilities, considering inaccessible social structures and the many discriminatory legal, environmental and attitudinal barriers they face.
- Ensure that the implementation of the CRPD be addressed in all Member States' **National Reform Programmes** as part of the European Semester.

- Act on Principle 12 of the Pillar of Social Rights by proposing a **Directive establishing clear minimum standards for social protection**. Outline in this Directive a disability benefit floor that sets the minimum acceptable level of financial support and service provision for persons with disabilities, their families and informal carers, needed to guarantee a dignified standard of living and well-being, taking into consideration the additional costs persons with disabilities face to meet their daily living expenses.
- Increase the investment of **EU funds in training, employment and job mobility for persons with disabilities**, focusing particularly on groups especially at risk of unemployment such as young people, women, migrants and refugees with disabilities.
- Issue guidelines and use the European Semester process to increase **flexibility in eligibility criteria for disability allowances** for persons with disabilities entering the open labour market.
- Issue legislation and EU guidelines, as well as using the European Semester process, to prevent workers with disabilities being **paid below minimum wage**. Set rules across the EU to ensure workers with disabilities are paid an appropriate salary they agree to, in line with the pay scale of their colleagues without disabilities.
- Support accessible working practices in the Member States through the **use of EU Funds for inclusion of persons with disabilities in the workplace and in training**, and via recommendations as part of the **European Semester** to push for national policies to make the open labour market more accessible and inclusive.
- Allow further exemptions in the **General Block Exemption Regulation for State Aid** to support enterprises hiring persons with disabilities to make their workplace accessible when this constitutes an undue burden for the organisation.

- Adopt a Directive harmonising the recognition of **disability assessment** for persons with disabilities moving from one Member State to another to live, study and work.
- Ensure that legislation, policies and programmes covering **sexual harassment** in all workplaces, including special employment centres, fully include the rights of women with disabilities, including women under guardianship or with restricted legal capacity.
- Invest in research into the economic and social benefits and sustainable inclusive growth that can come from the inclusion of persons with disabilities in the open labour market, including through cooperation with public private and social economy sectors.

3) In relation to the European Commission's priority 'Promoting our European way of life'

- Make it a priority to channel EU funds into inclusive learning settings, lifelong learning programmes and training programmes to facilitate the transition from education to employment. Highlight disability awareness training for staff in mainstream schools as an investment priority for fostering social integration (Article 24 CRPD and CO 61).
- Combat discrimination on the grounds of disability in all EU initiatives on '**Protecting health**' and ensure access to quality health care for all persons with all types of disabilities. Evaluate the impact of the Directive 2011/24/EU on patients' rights in cross-border health care regarding gaps in access for persons with disabilities, including accessible services, accessible information and websites, reasonable accommodation and training of health care professionals (Article 25 CRPD and CO 63).

Promoting equality

1) In relation to the European Commission's priority 'A new push for European democracy'

- Ensure that all persons with disabilities, including those deprived of legal capacity, can vote in the European elections.

- Include the intersectional discrimination and specific issues faced by persons with disabilities, in particular women and children with disabilities in the European Disability Strategy, European Gender Equality Strategy, LGBTI Equality Strategy and post 2020 EU Framework on Roma Equality and Inclusion Strategies.
- Take concrete action for the adoption of equal treatment legislation protecting all persons with disabilities from discrimination in all areas of life (either unblock the current Anti-Discrimination Directive proposal or propose something completely new that retains a strong stance on non-discrimination regarding disability, age, race or ethnicity, gender, religion or belief, gender identity and sexual orientation) (Article 5 CRPD and CO 19).
- Ensure that all persons with disabilities can access justice and that they receive the necessary accommodations and support. Fund training on the rights of persons with disabilities for staff working in closed institutions (e.g. institutions, psychiatric hospitals, asylum-centres), justice personnel and all actors in contact with victims (Article 13 CRPD and CO 39).
- Involve representative organisations of persons with disabilities in the implementation and monitoring of the EU Strategy for Victims' Rights, and include victims of domestic and gender-based violence with disabilities in its implementing measures with a focus on women and girls with disabilities.
- Support amendments from the Parliament and the Council in the European Electoral Law to ensure that all persons with disabilities in Europe can exercise their right to vote and to political participation on an equal basis with others (Article 29 CRPD and CO 69).

2) **In relation to the European Commission's current priority 'Promoting our European way of life'**

- Include the rights and needs of persons with disabilities in the **New Pact on Migration and Asylum** and accompanying legal proposals (Article 11 CRPD and CO 35) by ensuring that appropriate and sufficient support is provided for

asylum-seekers and refugees with disabilities, as well as those who have become disabled while fleeing their country.

- Mainstream the rights of persons with disabilities, in particular children and women with disabilities, including in the **New EU Strategy towards the Eradication of Trafficking in Human Beings and the EU Strategy for a more effective fight against child sexual abuse**. Provide effective protection from violence, abuse and exploitation to all persons with all types of disabilities inside and outside of the home environment.

3) **Women with disabilities**

- Accede to, fully implement and raise awareness on the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) as a step to combating violence against women and girls with disabilities (Article 6 CRPD and CO 21).
- Mainstream the rights of women and girls with disabilities into the agenda of [the High-Level Group on Gender Mainstreaming](#) and Advisory committee on equal opportunities for women and men. Integrate the question of discrimination in the work of the [European Institute for Gender Equality](#), in particular in the field of employment and healthcare, and gender-based violence faced by women with disabilities. Include the disability perspective in all activities related to the [Spotlight Initiative on eliminating all forms of violence against women and girls](#), alongside the UN, and all other projects and programmes targeting women.
- Establish a mechanism to monitor progress and fund data collection and research on women and girls with disabilities (Article 6 CRPD and CO 21).

4) **Disability issues across the life cycle**

- Persons with disabilities are part of every age group and the rights of persons with disabilities and the CRPD should be respected and mainstreamed in EU policies for every age group.

- Support children and youth with disabilities and their families by investing in appropriate childcare, inclusive education, leisure, and support to live and participate in the community.
- Ensure that the **Youth Guarantee** is fully inclusive to all young people in the labour market, including persons with disabilities. Provide young people with disabilities with measures to access the labour market ranging from supported training and employment, to practical adjustments to the workplace (reasonable accommodation). Allow for participation in the scheme to be compatible with receiving disability allowance. Enhance flexibility of social protection schemes, to prevent that entering the labour market results in persons with disabilities losing their social protection safety net. Earmark a more ambitious budget to assist the inclusion of persons with disabilities in programmes (e.g. dedicated budget for sign language interpreters, captioning, personal assistance). Mainstream disability issues into the [EU Youth Strategy](#) with this same purpose.
- Increase the number of persons with disabilities taking part in **EU mobility and Lifelong-Learning programmes** by ensuring an allocated budget to cover the support needs of persons with disabilities taking part in Erasmus+. Currently, only 0.17% of students taking part in the Erasmus Higher Education exchange have a disability³. A sufficient budget will also need to be provided to ensure better participation of persons with disabilities in the European Solidarity Corps. It should be strictly prohibited for any young person taking part in a mobility scheme to be involved in a placement that supports segregation or institutional care.
- Include the perspectives of persons with disabilities in the Commission's report on **demographic change** and its Communication on better regulation. Ensure that all subsequent actions on adapting our societies to an ageing population take fully into account the rights of older persons with disabilities and take a rights-based approach to older people in general.

³ <http://www.edf-fehp.org/newsroom/news/inclusive-mobility-only-017-erasmus-students-have-disability>

- Mainstream in any future plans for a **Child Guarantee for Vulnerable Children** the rights of children with disabilities. Guarantee that children with disabilities can go to mainstream education with appropriate support for their needs, accessible and adapted health care, as well as adequate, accessible housing. Ringfence the budget allocated to the Child Guarantee with a sufficient amount to meeting the specific needs of children with disabilities (Article 7 and 23 and CO 23 and 57).

5) **Equal recognition before the law (article 12 CRPD and CO 37)**

- Ensure that all persons with disabilities, including those deprived of their legal capacity, can exercise their right to vote as developed in the [Committee's general comment No. 1 \(2014\) on equal recognition before the law](#); this includes measures to restore voting rights and to facilitate accessibility of voting.
- Ensure that all persons with disabilities who have been deprived of their legal capacity 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 consumer rights, in line with the Convention, as developed in the Committee's general comment No. 1 (2014) on equal recognition before the law.
- Foster research, data collection and exchange of good practices on supported decision-making, in consultation with representative organisations of persons with disabilities.

6) **Liberty and security of the person (Article 14 CRPD and CO 41)**

- Ensure the liberty and security of all persons with all types of disabilities in line with the Convention and the [CRPD Committee's guidelines on article 14 \(2015\)](#).
- Oppose any proposal or measures allowing for coercive placement and treatment of persons with disabilities, such as the draft additional protocol to the Council of Europe's Convention on Human Rights and Biomedicine (Oviedo Convention) in line with the [CRPD Committee's statement calling](#)

[States parties to oppose the draft Additional Protocol to the Oviedo Convention.](#)

- 7) Prevent all forms of exploitation, violence and abuse in institutions where persons with disabilities live or receive services by monitoring the use of EU funds in line with the EU Directives on health and safety at work, Article 16.3 CRPD and the CRPDs General Comment no. 5. Protecting the integrity of the person (Article 17 CRPD and CO 47)
 - Uphold the individual's right to free, prior and informed consent to treatment and ensure the provision of supported decision-making mechanisms in the Member States.
 - Co-ordinate efforts with member states to avoid and criminalise forced sterilisation and forced abortions of women and girls with disabilities in line with the CRPD and the Istanbul Convention.

Freedom of movement

- 1) **In relation to the current European Commission's priority 'A European Green Deal'**
 - Integrate human rights obligations into climate-related EU policies and programmes so that the principles of non-discrimination, gender equality, accessibility and equal opportunities apply. Ensure accountability in how the EU, its Member States as well as partners implement measures in response to changing environments, which can be attributed to climate change.
 - Ensure the Just Transition Fund builds on the potential of persons with disabilities in the transition towards a greener economy, and makes training for new, green jobs fully inclusive and accessible.
 - Include accessibility as a requirement in the planned "Renovation wave" to upgrade existing building stock for better energy efficiency.
 - Ensure full inclusion and participation of DPOs in the planned stakeholders' platform on renovation of buildings, in awareness raising campaigns and in technical capacity building programmes.

- Make accessibility for persons with disabilities an integral part of the move towards smart and sustainable mobility.

2) In relation to the current European Commission's priority 'A Europe fit for the digital age'

- Incorporate accessibility in the action plans for Digital Education, Media and Audiovisual, and European Democracy, as well as in the Consumers and Skills Agendas.
- Make sure that all EU websites and ICT systems used internally and by the public comply with the same accessibility requirements and obligations as those set out in the 2016 Web Accessibility Directive (CO 82).
- Ensure that digitalization, automation and emerging technologies, such as Artificial Intelligence, are developed with a design for all approach ensuring accessibility and in collaboration with persons with disabilities, so that these technologies do not aggravate discrimination but instead contribute to achieving substantive equality for persons with disabilities. Privacy and personal data protection of persons with disabilities should also be protected. Embrace human diversity in future initiatives resulting from the White Paper on Artificial Intelligence. All digital upskilling and awareness of AI must be accessible for persons with disabilities and also reach women with disabilities and persons with disabilities most excluded from the digital world. Specific actions in relation to digital upskilling of persons with disabilities are also necessary.
- Introduce new legislation to ensure that persons with disabilities across the EU have equal access to the most suitable assistive technologies ensuring affordability and a person-centred approach.
- Facilitate the exchange of accessible formats of books and other printed works across the EU in line with Directive 2017/1564 and Regulation 2017/1563 adopted by the EU to implement the Marrakesh Treaty.
- Ensure protection for persons with disabilities against cyber-bullying and cyber-harassment.

3) In relation to transport accessibility and passenger's rights

- Revise and improve all the existing Regulations on Passengers' Rights (Regulations 261/2004, 1107/2006, 1371/2007, 1177/2010, and 181/2011) and ensure their full implementation by harmonising and strengthening the roles of the National Enforcement Bodies, remove exemptions, provide clear obligations on training of staff, and simplified and accessible complaints procedures amongst others (article 20 CRPD and CO 53).
- Improve Regulation 1107/2006 on air passengers' rights for persons with disabilities (Regulation 1107/2006), tackle the issues of "denied boarding", the definition of "safety reasons", and ensure the accessibility of aircrafts, airports and information in airports and on-board. EDF will produce a position paper on the areas that need to be improved in the Regulations in September 2020.
- Remove the required pre-notification times for assistance in all EU Passengers' Rights Regulation.
- Revise and improve Regulation 1300/2014 on technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (TSI-PRM). Develop a long-term goal to harmonize platform heights throughout the EU, remove exemptions e.g. for double-deck and high-speed trains, improve accessibility standards e.g. for toilet modules, wheelchair spaces, and ramps, and define better boarding solutions that allow independent and spontaneous travel.
- Improve the Trans-European Transport Network Regulation (TEN-T Guidelines) and ensure that all transport infrastructure is designed accessibly. Support Member States in the effective implementation and monitoring to ensure full accessibility of transport for persons with disabilities.
- Map the possibility for improving vehicle accessibility in all transport modes, including airplanes, following new research and good practices.
- Include an obligation for Member States to report on accessibility discrimination cases, e.g. cases where passengers with disabilities are denied

boarding or where their mobility equipment is damaged, lost, or destroyed.
Make the data publicly available.

4) Enforce the implementation of EU's legislation on access to information, communication, products and services

- Facilitate access in sign language, Braille and accessible formats and technologies appropriate to different requirements, including augmentative and alternative communication, and other accessible means, modes and formats of communication of their choice, including easy-to-read formats, for all persons with all types of disabilities.
- Introduce necessary technical specifications and ensure that persons with disabilities can make use of electronic communication services on an equal basis with other by guaranteeing interoperable real-time text and total conversation services across the EU. Ensure compatibility of these accessible means of communication when calling 112 emergency number and other relevant communication services, such as for victims of crimes, including victims of violence against women.
- Adopt European standards on different access services in the media (e.g. quality subtitles and closed captioning for deaf and hard of hearing persons, audio description, quality sign language interpretation and spoken subtitles). Ensure respect for accessibility for all media content funded by the EU.
- Ensure an ambitious implementation and close follow-up on the transposition of the European Accessibility Act at national level. Guarantee that DPOs are represented in the Commission's Advisory Body on the EAA. Provide the Advisory Body with sufficient powers and resources to act in cases of non-compliance of Member States and follow-up actions such as infringement procedures.

5) Other measures to ensure accessibility and freedom of movement in the EU

- Create a new EU agency, the **European Access Board** to monitor how EU accessibility legislation is being implemented throughout the Union and proposing technical specifications to underpin relevant EU harmonised legislation, taking inspiration from the Access Board that exists in the United States of America. Allow the European Access Board to serve as an “Accessibility Focal Point” within in the European Commission and ensure that accessibility is understood and mainstreamed correctly across different Directorate-Generals (DG EMPL, DG MOVE, DG GROW, DG ENVI, DG DEVCO, DG ECHO, External Action Service). The EU Access Board should also support Member States in implementing accessibility in practice.
- Fill the gaps left by the **European Accessibility Act** by proposing legislation harmonising minimum accessibility requirements for all aspects of the built environment, transport vehicles and stations (including urban transport), household appliances and health care products and services.
- Revise the **European Standardisation Regulation 1025/2012** to ensure that European standards in support of EU policies will take into consideration accessibility for persons with disabilities, and that the participation of persons with disabilities and their representative organisation will be guaranteed, including at the national level.
- Make the **EU Disability Card** a real European card that is adopted by all Member States enhancing freedom of movement for persons with disabilities. The Disability Card should be harmonised and mandatory, and progressively include access to public transport and portability of social security and assistance benefits in the EU (article 20 and CO 53).
- Propose legislation for a harmonised approach to the use of the **EU Disability Parking Card**, setting common rules for its use and distribution in all Member States and allowing for better enforcement of the Card’s use.

- Amend existing legislation (such as Regulation 883/2004/EC) or propose new legislation to replace it, on the portability and coordination of social security systems in the context of freedom of movement. The legislation should coordinate disability entitlements or eligibility for support that are essential to persons with disabilities. For example, such as those granting access to personal assistance, mobility support or assistive technology, rehabilitation, and sign language interpreting services, so that persons with disabilities can exercise their right to freedom of movement.

EUs global leadership in CRPD promotion

1) In line with the European Commission's priority 'A stronger Europe in the world' as well as the EU Consensus for Development

- Ensure all EU's initiatives on **international cooperation** (Article 32 CRPD and CO 75), **enlargement policy, Human Rights, Democracy and Gender Equality** (such as EU-Africa strategy, EU Action Plan on Human Rights and Democracy, Gender Action Plan III, Eastern partnerships post 2020 and EUs engagement in Western Balkans) are in line with the CRPD, the 2030 Agenda and SDGs, including strictly forbidding investing in institutional care settings, segregated education or inaccessible structures.
- Ensure all EU-funded actions for international development uphold to the principles of accessibility, dignity and the inclusion of persons with disabilities in the community, and that local, national and regional representative organisations of persons with disabilities are consulted and involved in the development of policies and programmes.
- Ensure the Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC) disability inclusion marker is enforced in all EU international cooperation policies and programmes, to monitor finance in support of persons with disabilities.
- Invest in disaggregated data on disability type, age and gender to advance knowledge on how inclusive EU funds in external action are.

- Ensure that the EU's external delegations are inclusive of and accessible to persons with disabilities and include DPOs in their local civil society dialogue.
- Ensure workers in EU external delegations receive training on disability issues, the CRPD and the needs of persons with disabilities, including women and girls with disabilities, in the areas of international cooperation, emergency response and humanitarian aid.
- Invest in spreading awareness of disability rights in all countries beyond the EU where European funds are used.
- Ensure a strong engagement of the EU in all its international relations including at the:
 - United Nations, to fulfil its international human rights obligations, including on the reporting to the UN Committee on the Rights of Persons with Disabilities and active participation in high level conferences.
 - Council of Europe: EU member states should not agree to any laws or policies of the Council of Europe that go against the CRPD, such as the draft additional protocol to the Oviedo Convention.
 - Global Action on Disability (GLAD) network to promote disability inclusive international cooperation.

2) Situations of risk and humanitarian emergencies (article 11 CRPD and CO 30)

- Ensure the implementation of the new ECHO “Guidance note on the inclusion of persons with disabilities in EU-funded humanitarian aid operations” in line with The Charter on Inclusion of Persons with Disabilities (2016) and the Inter-Agency Standing Committee (IASC) Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action (2019).
- Ensure the full and effective implementation of the Sendai framework for disaster risk reduction (DRR) 2015, by using and improving the Sendai framework EU action plan.

- Establish policy and processes that will ensure the meaningful participation of persons with disabilities and their representative organisations (DPOs) in EU DRR initiatives and humanitarian action. To be effective, include in this policy a provision for cross-learning between DPOs and EU institutions, and relevant capacity building mechanisms and funding for both entities where required. Apply it to relationships with DPOs at national and European level, and at regional and national levels relating to external EU delegations.
- Establish a mechanism to build capacity and share good practices among the different EU institutions and among its member States and external delegations on disability-inclusive and accessible DRR activities and humanitarian aid.
- Ensure that persons with disabilities, including women and girls with disabilities, are counted in humanitarian action by disaggregating data by disability type and gender according to recommendations in the IASC Guidelines. Where this is not immediately possible, implement processes that will ensure it is achieved in the short to medium term.

EU's responsibility as a public administration

Adopt an internal strategy on the rights of persons with disabilities, as part of the European Disability Rights Agenda:

- Adopt a broad and comprehensive strategy to realise all relevant CRPD rights within EU institutions and agencies, considering the human rights approach to disability.
- Involve staff with disabilities and staff who are family members of persons with disabilities through the established support groups in the planning, implementing, monitoring and evaluating of this strategy. Make resources available to build the capacity of these groups.

Include the following measures in the EU's internal strategy:

1) Ratify the Optional Protocol to the Convention (CO 7).

2) Employment and human resources

- Develop an EPSO formal policy on reasonable accommodations and accessibility of its selection processes and exams, an accessible information and communication strategy to reach out to candidate staff members with disabilities and a policy to follow up on persons with disabilities who have won the competitions. Publish the results of this policy every two years (CO 79 and 89).
- Set up quotas for hiring persons with disabilities as EU public servants to increase diversity among EU official and guarantee a work opportunity to persons with disabilities.
- Dedicate human resources in the EU institutions, agencies and bodies to raise awareness on the CRPD internally and to put the above-mentioned strategy in place.

3) Guarantee full access to justice and eliminate all barriers, including physical and procedural barriers, and those relating to legal capacity, in European courts (CO 81).

4) Revise the Joint Sickness and Insurance Scheme and cover comprehensively cover disability-related health needs in a manner that is compliant with the CRPD (CO 87) and with the [recommendations given by the European Ombudsman](#).

5) Education at the European schools:

- Take the necessary measures to ensure that all students with disabilities receive the reasonable accommodation needed to enjoy their right to inclusive quality education in European schools.
- Implement a non-rejection policy on the grounds of disability in the European schools and ensure inclusive, quality education for all students with disabilities (CO 85).

6) **Accessibility, universal design and reasonable accommodation**

- Apply accessibility and universal design in all its policies and programmes. Identify, address and remove barriers to accessibility.
- Provide reasonable accommodations to staff with disabilities or staff with family members with disabilities.
- Ensure full application of 2016 Web Accessibility Directive and web accessibility standards to the websites, intranets and software of all EU institutions and offer information and communication in sign language, Braille, augmentative and alternative communication, and other accessible means, modes and formats of communication for persons with disabilities, including easy-to-read formats, in official interactions (CO 83).
- Ensure that all EU buildings and venues used for public meetings and events comply with relevant accessibility requirements and standards.

Contact Person

Resources

EDF and partners

[EDF Human Rights report on Disability-inclusive Sustainable Development Goals in Europe and in international cooperation \(2017\)](#)

[EDF Human Rights Report on equality and non-discrimination of persons with disabilities \(2019\)](#)

[EDF Resolution on the European Disability Strategy 2020-2030 \(Adopted at the European parliament of Persons with Disabilities 2017\)](#)

[EDF international cooperation strategy “EDF in the world” \(2019\)](#)

Contribution of the EU framework to the post 2020 disability strategy (2020)

EU and its institutions

European Parliament resolution to add when adopted (foreseen in July 2020)

[Council Decision of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities](#)

[European Commission staff working document, Progress Report on the implementation of the European Disability Strategy \(2010 -2020\)](#)

[EU Action Plan on Human Rights and Democracy \(2015\)](#)

[European Consensus for Development \(2017\)](#)

[Implementation of the European Disability Strategy European Parliament resolution of 30 November 2017 on implementation of the European Disability Strategy \(2017/2127\(INI\)\)](#)

[DG ECHO Operational Guidance The Inclusion of Persons with Disabilities in EU-funded Humanitarian Aid Operations \(2019\)](#)

[EESC own-initiative opinion ‘Shaping the EU agenda for disability rights 2020-2030: a contribution from the European Economic and Social Committee’ \(2019\)](#)

[European Commission’s work programme 2020 \(2019\)](#)

[European Parliament resolution of 29 November 2018 on the situation of women with disabilities](#)

[EU Strategy on Gender Equality \(2020-2025\)](#)

[EESC opinion on the situation of women with disabilities \(2018\)](#)

United Nations and CRPD

[UNCRPD Committee Concluding Observations on the Initial Report of the European Union \(2015\)](#)

[United Nations Disability Inclusion Strategy \(2019\)](#)

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