Implementation of the UN Convention on the Rights of Persons with Disabilities with special regard to the concluding observations of the UN CPRD Committee

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The Committee on Employment and Social Affairs adopted the own-initiative report by Helga STEVENS (ECR, BE) on the implementation of the UN Convention on the Rights of Persons with Disabilities (UNCRPD), with special regard to the Concluding Observations of the UN CRPD Committee.

The Committee on Civil Liberties, Justice and Home Affairs and the Committee on Petitions, exercising their prerogatives as associated committees in accordance with Article 54 of the Rules of Procedure, also gave their opinions on the report.

General principles and obligations: Members recalled that full inclusion of persons with disabilities, regardless of a country's socio-economic, political or cultural status is not just a development issue but also a human rights issue. The EU should lead the way as regards the respect for and promotion of human rights.

The report stated that that the UN CRPD Committee's concluding observations on the EU's implementation of the CRPD, published in 2015, represent an **important sign of the EU's commitment to equality** and respect for human rights and offer guidance for legislative and policy actions across the EU's sphere of competence. Endorsing the conclusions and recommendations of the Committee, Members called for full implementation at EU level and sufficient resources to be allocated for this.

The Commission was asked to consolidate and make a proposal for a genuine structured dialogue between the EU and organisations representing persons with disabilities.

Members called on the EU to ratify the Optional Protocol to the CRPD, and urged that a **comprehensive and cross-cutting review and evaluation be carried out of existing and forthcoming EU legislation and funding programmes**, including the mainstreaming of disability in all legislation policies and strategies. They called on the Commission and the Member States to take the necessary measures to mainstream disability in all legislation, policies and strategies.

Members asked the Commission to provide a list of legislation with a view to proposing an update of the declaration of competence in light of the Concluding Observations, to be repeated periodically with the formal involvement of organisations representing persons with disabilities and of Parliament. They stressed a need to develop an EU framework which would guarantee the effective implementation of the rights of persons with disabilities, the promotion of their personal autonomy, accessibility, access to employment, social inclusion and independent life, and the eradication of all forms of discrimination. They deplored the discrimination and exclusion that persons with disabilities still face today, and called for reaffirmation of the rights of the disabled.

Specific rights: Members defined the range of these rights, which include, inter alia:

- the reaffirmation of the rights of women and children with disabilities;
- the right to freedom of movement as enjoyed by all EU citizens;

- the right to autonomy and independence, including financial independence;
- the right of access to all goods and services to which they are entitled;
- the right to high quality health services;
- the right to culture;
- the right to education;
- the right of reproduction.

With regard to accessibility, Members insisted on the application of **'universal design' for existing and new construction projects, the workplace and in particular public buildings**, for example school buildings financed by public funds.

They called for more effort regarding information technology and access to emergency numbers thereby preventing unnecessary deaths and injuries. The report also discussed refugees with disabilities and called for specific measures in this area. It stressed the need for access to justice.

Violence and disability: Members underlined the violence, intimidation and sexual abuse at school, at home or in institutions, to which children with disabilities are more vulnerable. They called for the EU and its Member States to act with greater effectiveness and to combat violence against children with disabilities by means of specific measures and accessible support services. Member States must ensure that involuntary treatment and confinement are not permitted by law, in accordance with the latest international standards.

They called on the Commission and the Member States to adopt effective measures to tackle the **segregation and rejection of students with disabilities** in schools and learning environments. They highlighted the strong correlation between disability, **which affects over 15 % of the EU's population,** and ill-health, with difficulties and persistent barriers in access leading to the inadequate or unmet provision of healthcare services to persons with disabilities.

Members called on the Member States to take urgent measures to prevent and reverse the **negative effects that the austerity measures** have had on the social protection of persons with disabilities and their families.

Access to EU funds: the report asked the Commission to monitor closely whether the principle of non-discrimination and the related legislation is respected when ESI Funds are used. It urged the use of ESI Funds to respect minimum standards regarding accessibility, mobility and housing for persons with disabilities. It called on the Member States to make better use of structural funds, in particular the European Social Fund and the Creative Europe Programme, as well as Erasmus+, the Youth Guarantee and EURES initiatives.

Members called on the Commission and the Member States to take the necessary measures, including through the use of ESI Funds and other relevant EU funds.

Other measures are discussed, such as access to published works under the Marrakesh Treaty, and initiatives to provide audiovisual and other works with suitable subtitles or audio description. Measures to encourage and facilitate tele-working and tourism are discussed too.

Specific obligations: Members called for the development of human-rights-based indicators, and called on the Member States to provide quantitative and qualitative comparable data disaggregated on the basis of various factors, including by gender, age, employment status and disability, for all activities in the EU. They asked the Commission to harmonise data collection on disability through EU social surveys in line with Article 31 of the CRPD, in order to accurately identify and publicise developments in the sector.

The EU was also called upon to:

- put in place more development projects especially focused on persons with disabilities ;
- establish a mechanism to build capacity and share good practices among the various EU institutions and between the EU and its Member States on disability-inclusive and accessible humanitarian aid;
- put in place focal points for disability issues in EU delegations, appointing trained liaison officers who can offer the benefits of their expertise and professionalism to persons with disabilities;
- address disability issues in dialogues with partner countries and support and engage in strategic cooperation with the partner country disability NGOs;
- review the Multiannual Financial Framework (MFF) and the European Development Fund (EDF) in the context of the CRPD;
- include a reference to mainstreaming disability issues into EU policies in the possible new European Consensus on Development;
- consider earmarking funds provided for all EU international cooperation policies and programmes for national programmes for persons with disabilities;
- provide children likely to be at risk with swift, appropriate and comprehensive care, given the importance of early intervention.

EU institutions' compliance with the Convention (as public administrations): Members considered it important that the Committee on Petitions organise targeted events focusing on petitions in the field of disabilities. They called for the Member States and the EU institutions to ensure that opportunities to take part in public consultation procedures are effectively and widely publicised by means of communications which are accessible to persons with disabilities who use languages such as Braille and easy-to-read versions, and that public hearings and meetings discussing proposed laws and policies should be made fully accessible to persons with disabilities, including those with intellectual and learning disabilities.

Members called for the EU to **revise the rules of the Joint Sickness Insurance Scheme, the pension system and disability-related social security and social protection measures** in order to ensure non-discrimination and equality of opportunities for persons with disabilities, inter alia by recognising disability-related health needs as being distinct from an illness and promoting independent living and working by full reimbursement of the additional cost of equipment or service that is necessary for work.

Lastly, Members asked the Commission to work closely with other EU institutions, bodies and agencies, as well as the Member States, to coordinate effective and systematic follow-up of the concluding observations, possibly via a strategy on the implementation of the CRPD.