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

2015/2258(INI) - 07/07/2016 - Text adopted by Parliament, single reading

The European Parliament adopted by 571 votes to 30, with 60 abstentions, a resolution on the implementation of the UN Convention on the Rights of Persons with Disabilities (UNCRPD), with special regard to the Concluding Observations of the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

General principles and obligations: Parliament recalled that full inclusion of persons with disabilities is not only a right and a **deserved benefit** for the individuals concerned, but an asset for society as a whole as it may benefit from the value and diverse skills these persons bring forward.

Parliament 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 resolution 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.

European Semester: Parliament called for the inclusion of the rights of persons with disabilities in the EU global socio-economic agenda, in particular the Europe 2020 strategy and the European Semester. It recommended the **adoption of a Disability Pact** to ensure that the rights of persons with disabilities are mainstreamed through EU initiatives. It called on the Commission, in the context of the European Semester, when evaluating the social situation in Member States (country reports and country-specific recommendations) to also focus on monitoring the situation of persons with disabilities as part of the EU's shared commitment to building a barrier-free Europe.

Legislation: Parliament 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. It called on the Commission and the Member States to take the necessary measures to mainstream disability in all legislation, policies and strategies.

Parliament 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. It 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. It deplored the discrimination and exclusion that persons with disabilities still face today, and called for reaffirmation of the rights of the disabled.

Specific rights: Parliament 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.

On reproduction: Parliament reiterated that reproductive rights are among the fundamental freedoms guaranteed under the 1993 Vienna Declaration and Programme of Action and the CRPD, including: the right to equality and non-discrimination, the right to marry and found a family. It called on the Member States to adopt measures to ensure that all healthcare and services provided to women with disabilities, including all reproductive health and mental healthcare and services, are accessible and based on the free and informed consent of the individual concerned. It also urged the Member States to adopt guidelines to ensure that all education, information, healthcare and services relating to sexual and reproductive health are made available to women and girls with disabilities.

With regard to accessibility, Parliament 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.

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

It regretted the fact that the Council has still not adopted the 2008 proposal for a directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation.

Violence and disability: Parliament underlined the violence, intimidation and sexual abuse at school, at home or in institutions, to which children with disabilities are more vulnerable. It 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.

Parliament 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. It 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: Parliament 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.

The Commission and the Member States were called upon 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: Parliament 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. It 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): Parliament considered it important that the Committee on Petitions organise targeted events focusing on petitions in the field of disabilities. It 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.

Parliament 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, Parliament 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.