



TEXTS ADOPTED

P8_TA(2015)0208

UN Convention on the Rights of Persons with Disabilities

European Parliament resolution of 20 May 2015 on the List of Issues adopted by the United Nations Committee on the Rights of Persons with Disabilities in relation to the initial report of the European Union (2015/2684(RSP))

The European Parliament,

- having regard to the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and its entry into force in the EU on 21 January 2011 in accordance with Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities¹,
- having regard to the Code of Conduct between the Council, the Member States and the Commission setting out internal arrangements for the implementation by and representation of the European Union relating to the United Nations Convention on the Rights of Persons with Disabilities²,
- having regard to the Universal Declaration of Human Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Economic, Social and Cultural Rights,
- having regard to the Commission staff working document entitled ‘Report on the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) by the European Union’ (SWD(2014)0182),
- having regard to the List of Issues adopted by the UN Committee on the Rights of Persons with Disabilities in relation to the initial report of the European Union³,
- having regard to the Commission communication of 15 November 2010 entitled ‘European Disability Strategy 2010-2020: A renewed commitment to a barrier-free Europe’ (COM(2010)0636),
- having regard to its resolution of 25 October 2011 on mobility and inclusion of people

¹ OJ L 23, 27.1.2010, p. 35.

² OJ C 340, 15.12.2010, p. 11.

³ CRPD/C/EU/Q/1.

- with disabilities and the European Disability Strategy 2010-2020¹,
- having regard to the 2013 Annual Report of the European Ombudsman,
 - having regard to Articles 2, 9, 10, 19 and 168 of the Treaty on the Functioning of the European Union,
 - having regard to Articles 3, 15, 21, 23 and 26 of the Charter of Fundamental Rights of the European Union,
 - having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation²,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas, as full citizens, persons with disabilities have equal rights and are entitled to inalienable dignity, equal treatment, independent living and full participation in society;
- B. whereas an estimated 80 million people in the European Union have a disability;
- C. whereas evidence from the EU Agency for Fundamental Rights consistently demonstrates that persons with disabilities face discrimination and barriers to exercising their rights on an equal basis with others;
- D. whereas people with disabilities are one of the most vulnerable groups in our society and their integration into the labour market represents one of the biggest challenges for social and labour market policies;
- E. whereas full inclusion and equal participation of persons with disabilities can only be achieved by taking a human-rights-based approach to disability at all levels of EU policymaking, implementation and monitoring, including intra-institutionally, and whereas the Commission must have due regard to this in future proposals;
- F. whereas, according to EU Agency for Fundamental Rights, 21 out of 28 Member States still impose restrictions on the full exercise of legal capacity;
- G. whereas an EU anti-discrimination directive was proposed by the Commission in 2008, but whereas it remains blocked in the Council;
- H. whereas the CRPD principles go far beyond discrimination, pointing the way towards the full enjoyment of human rights by all persons with disabilities in an inclusive society, and are also aimed at providing the necessary protection and assistance to enable families to contribute to the full and equal enjoyment of the rights of persons with disabilities;
- I. whereas the EU has formally ratified the CRPD, which has also been signed by all 28 EU Member States and ratified by 25 of them;
- J. whereas every year Parliament's Committee on Petitions receives petitions dealing with

¹ OJ C 131 E, 8.5.2013, p. 9.

² OJ L 303, 2.12.2000, p. 16.

discrimination on grounds of disability in access to employment, self-employment, public services and education;

- K. whereas people with disabilities are not a homogeneous group, and whereas policies and actions planned on their behalf should take account of that lack of homogeneity and of the fact that some groups, such as women, children and individuals who need more intense support, face additional difficulties and multiple forms of discrimination;
- L. whereas Parliament must take into consideration the fact that the provisions of the CRPD are minimum standards that allow the European institutions to go beyond them in order to protect persons with disabilities and to fight discrimination;
- M. whereas access to work, coupled with non-discrimination in the workplace, is a fundamental element for a self-determined and independent life; whereas, despite all the existing programmes, initiatives and strategies at the EU level, the employment rate for people between the ages of 20 and 64 is higher than 70 %, while the employment rate for persons with disabilities is lower than 50 %; whereas the employment rate for women without disabilities is 65 %, compared with 44 % for women with disabilities;
- N. whereas paid employment is essential to enable persons with disabilities to lead an independent life, and whereas the Member States should therefore strive for wider access to employment for people with disabilities so that they can contribute to the society they live in, and should, as a precondition, provide inclusive education for all children with disabilities, including those with learning difficulties, in order to help them acquire a good educational grounding from primary school on so that they can follow a curriculum appropriate to their learning abilities, thereby giving them the opportunity to gain a solid educational background that can help them develop a career or secure a good job which enables them to live an independent life later on;
- O. whereas disability is an evolving concept that results from the interaction between people with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others and with the same dignity;
- P. whereas, on the basis of Article 7 of the Common Provisions Regulation (CPR), in particular, accessibility for persons with disabilities must be taken into account throughout the preparation and implementation of programmes financed by the European Structural and Investment Funds, and whereas the same issues should be taken into consideration in the preparation and implementation of other EU funds;
- Q. whereas in some Member States the demand for social services is growing on account of demographic and societal changes, with increased rates of unemployment, poverty and social exclusion, including a lack of availability of quality services for persons with disabilities, which is having a negative effect on the ability of those with disabilities to live independently, inclusively and on an equal basis with others;
- R. whereas existing EU legislation relating to the rights of persons with disabilities should be better implemented and enforced in order to increase accessibility for all those with disabilities across the EU;
- S. whereas Parliament forms part of the EU Framework to promote, protect, and monitor

the implementation of the CRPD, in accordance with Article 33(2) of the CRPD;

- T. whereas several civil society organisations submitted information to the CRPD Committee in relation to the List of Issues;
 - U. whereas the Commission, as the focal point under Article 33(1) of the CRPD, has been designated to answer the List of Issues adopted by the CRPD Committee;
 - V. whereas Parliament is the only directly elected body of the European Union representing European citizens and therefore fully complies with the Paris Principles, as stipulated in Article 33 of the CRPD;
1. Assures the CRPD Committee that the European Parliament will respond to questions directly addressed to it, while also urging the Commission to take Parliament's views into account when formulating its own answers to the committee;
 2. Considers it regrettable that the Code of Conduct was adopted by the Commission and the Council without the involvement of Parliament, with the result that Parliament has limited competences with regard to the monitoring of the CRPD;
 3. Calls on the Commission to formally consult on its answer to the List of Issues with all relevant institutions and agencies, including Parliament, the European Economic and Social Committee, the Committee of the Regions, the Ombudsman and the EU Agency for Fundamental Rights;
 4. Calls on the Commission to invite the EU Framework to formally participate in the Constructive Dialogue;
 5. Highlights the fact that the proposal for an EU anti-discrimination directive seeks to protect people with disabilities against discrimination in social protection, health care and (re)habilitation, education and access to and supply of goods and services, such as housing, transport and insurance; deplores the lack of progress within the Council on this proposal and urges the Member States to work towards the adoption of a common position without any further delay;
 6. Notes that the lack of disaggregated data and statistics in relation to specific disability groups is a barrier to formulating adequate policies; calls on the Commission, therefore, to collect and disseminate statistical data on disability, disaggregated by age and gender, with a view to monitoring the situation of persons with disabilities across the EU in relevant areas of daily life, and not only in the field of employment;
 7. Notes that several civil society organisations submitted information to the CRPD Committee for the List of Issues; urges the Commission, therefore, to further develop a structured dialogue and to consult and cooperate with organisations representing persons with disabilities as part of the review process, including in formulating an answer to the CRPD Committee on its List of Issues, and in developing, implementing and monitoring EU policies in this area;
 8. Calls on those Member States which have not already done so to ratify the CRPD without delay;
 9. Calls on the Commission to present an ambitious proposal for a European Accessibility

Act, with the full involvement of persons with disabilities throughout the legislative cycle, and stresses the need for this proposal to include a full range of policy areas with regard to the accessibility of goods and services for all EU citizens, fostering the independent living and full inclusion of people with disabilities and establishing an ongoing, effective and independent monitoring and enforcement mechanism;

10. Calls on the Member States to translate into national law the obligations derived from Article 12 of the CRPD, most specifically to ease any restrictions on their rights to cast their vote and to be elected;
11. Urges the Council to accelerate its work on the proposal for a directive on the accessibility of public sector bodies' websites, with a view to reaching a common position and further advancing towards the adoption of this piece of legislation, thereby increasing the accessibility of documents, videos and websites and providing alternative formats and means of communication;
12. Recommends that EU funds be used to promote accessibility and e-accessibility for persons with disabilities, to promote a transition from institutional to community-based care, to develop quality social and health services, and to invest in capacity-building for organisations representing persons with disabilities;
13. Notes its responses and actions in respect of the List of Issues raised in relation to the initial report of the European Union as part of the CRPD review:
 - a. It has set up an inter-committee coordination working group made up of members from each of the relevant committees, which has arranged awareness-raising events open to staff and MEPs, including the organisation of sign language courses as part of professional training;
 - b. It has highlighted the need for accessibility in respect of universal service and the 112 emergency number in its resolution of 5 July 2011¹ and its declaration of 17 November 2011², which was a milestone in the development of the eCall in-vehicle system;
 - c. The number of MEPs with disabilities increased significantly as a result of the 2014 elections;
 - d. It commits itself to working actively with the relevant actors to find a pragmatic solution to acceding to the Marrakesh Treaty;
 - e. It stresses the need to improve the implementation of EU legislation in order to ensure that those with disabilities can travel independently using all transport modes, including public transport;
 - f. It calls on the Commission to deliver the requested explanation as to how it can ensure in current and future legislation that persons with disabilities are guaranteed equal opportunities, fundamental rights, equal access to services and the employment market, and the same rights and obligations in accessing social security as nationals of the Member State in which they are covered, in line with

¹ OJ C 33 E, 5.2.2013, p. 1.

² OJ C 153 E, 31.5.2013, p. 165.

the principle of equal treatment and non-discrimination, so that all persons with disabilities can enjoy the right to free movement held by all EU citizens;

- g. It calls on the Member States and the Commission to ensure that access to justice in respect of EU legislation is in full compliance with the CRPD, so that fundamental rights are accessible to all;
14. Stresses the need for enhanced political cooperation within the EU Framework, including the necessary financial and human resources to ensure that it can fulfil its tasks as outlined in the aforementioned Council decision, and urges actors within the EU Framework to allocate the requested resources to this task;
 15. Welcomes MEPs' initiative of requesting that a joint report be drawn up on a regular basis by the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Employment and Social Affairs and the Committee on Petitions in response to the recommendations of the CRPD Committee;
 16. Instructs its President to forward this resolution to the Council, the Commission, the Committee on the Rights of Persons with Disabilities, and the governments and parliaments of the Member States.