DRAFT MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission pursuant to Rule 132(2) of the Rules of Procedure on EU disability strategy post 2020 (2019/2975(RSP))

Lucia Ďuriš Nicholsonová
on behalf of the Committee on Employment and Social Affairs
The European Parliament,

– having regard to Articles 2 of the Treaty on European Union, and Articles 2, 9, 10, 19 and 216(2) of the Treaty on the Functioning of the European Union,

– having regard to the Charter of Fundamental Rights of the European Union, particularly to Articles 3, 15, 21, 23, 25 and 26 thereof,


– 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 Disabilities,

– having regard to the Concluding Observations of the UN Committee on the Rights of Persons with Disabilities (UNCRPD Committee) of 2 October 2015 on the initial report of the European Union,

– having regard to the Universal Declaration of Human Rights and the European Convention on Human Rights,

– having regard to the 2030 Agenda for Sustainable Development and its Sustainable Development Goals,

– having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),

– having regard to the Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services\(^2\),

– having regard to Directive 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies\(^3\),


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\(^1\) OJ L 23, 27.1.2010, p. 35.
\(^2\) OJ L 151, 7.6.2019, p. 70–115
\(^3\) OJ L 327, 2.12.2016, p. 1-15
general framework for equal treatment in employment and occupation⁴,


– having regard to the Commission proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426) and Parliament’s position thereon of 2 April 2009⁵,

– having regard to its resolution of 16 January 2019 on the situation of fundamental rights in the European Union in 2017⁶,

– having regard to its resolution of 30 November 2017 on the Implementation of the European Disability Strategy⁷,

– having regard to 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 Committee⁸,

– having regard to its 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 Union⁹,

– having regard to its resolution of 25 October 2011 on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020¹⁰,

– having regard to its resolution of 6 May 2009 on the active inclusion of people excluded from the labour market¹¹,


– having regard to the Annual Report 2018 of the European Ombudsman,

– having regard to the opinion of the European Economic and Social Committee on Shaping the EU agenda for disability rights 2020-2030,

⁵ OJ C 137 E, 27.5.2010, p. 68.
¹⁰ OJ C 131 E, 8.5.2013, p. 9.
having regard to the Fundamental Rights Reports 2019 of the European Union Agency for Fundamental Rights,

having regard to the thematic reports of the European Union Agency for Fundamental Rights,

having regard to the statement by the Commission of 17 December 2019 on the EU disability strategy post 2020,

having regard to Rule 132(2) of its Rules of Procedure,

having regard to the motion for a resolution of the Committee on Employment and Social Affairs,

A. whereas, as full citizens, all persons with disabilities have equal rights in all fields of life and are entitled to inalienable dignity, equal treatment, independent living, autonomy and full participation in society;

B. whereas the TFEU requires the Union to combat discrimination based on disability when defining and implementing its policies and activities (Article 10) and gives it the power to adopt legislation to address such discrimination (Article 19);

C. whereas the UNCRPD is ratified by the EU and all its Member States, thereby, it is binding;

D. whereas the Optional Protocol of the UNCRPD has not been ratified by the EU and several Member States;

E. whereas the UNCRPD principles go far beyond discrimination, pointing the way to the full enjoyment of human rights by all persons with disabilities and their families in an inclusive society;

F. whereas Article 1 of the UN CRPD states that “persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”;

G. whereas 37% of the EU-28 population aged 15 and over reported (moderate or severe) physical or sensory limitations; whereas in the EU-28, 24.7% of the population aged 16 and over reported (some or severe) long-standing limitations in their usual activities due to health problems in 2018; 17.7% reported some long-standing limitations and 7.0% reported severe long-standing limitations;¹²

H. whereas the European Disability Strategy 2010-2020 (the present Strategy) has served as a framework for policy proposals to implement the UNCRPD;

I. whereas the present Strategy does not cover all the provisions of the UNCRPD;

J. whereas there continues to be new and revised legislation without any reference to the

UNCRPD and accessibility; whereas accessibility is a prerequisite for participation; whereas the EU, as a party to the UNCRPD, has the duty to ensure the close involvement and active participation of persons with disabilities and their representative organisations in the development and implementation of legislation and policies while respecting diverse concepts of disability;

1. Acknowledges the advancement in the implementation of the UNCRPD brought about by the European Disability Strategy 2010-2020; calls on the Commission to continue the work by building upon and integrating what has been achieved and by upscaling the present Strategy;

2. Calls on the Commission to propose a comprehensive, ambitious and long-term post-2020 European Disability Strategy (the post-2020 Strategy)
- with designated priority areas covering all the provisions of the UNCRPD in all areas of EU policy and addressing the Concluding Observations of the UNCRPD Committee adopted in 2015,
- with ambitious and clear targets,
- with set implementation timeframes and timelines,
- reflecting the diversity of persons with disabilities,
- mainstreaming the rights of the children with disabilities into all areas,
- with an adequate and well-resourced monitoring mechanism with clear benchmarks and indicators,
- ensuring coherence with other EU initiatives and strategies and integrating the follow-up to the Europe 2020 Strategy and initiatives under the European Pillar of Social Rights,
- allocating an adequate budget for the implementation of the post-2020 Strategy;

3. Stresses that the post 2020 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; insists that it should include a revised declaration of competences including all policy areas in which the EU has legislated or adopted soft law measures that have an impact on persons with disabilities;

4. Calls on the Commission to prepare the post-2020 Strategy with the close and systematic involvement of persons with disabilities and of their representative organisations, and to ensure their accessible and meaningful participation in the implementation, monitoring and evaluation of the post-2020 Strategy also through funding their capacity-building;

5. Calls on the Commission to include a review of the post-2020 Strategy every 5 years with a clearly defined role for the EU CRPD Framework;

6. Stresses the need for continuous monitoring of the implementation of the UNCRPD; calls for the collection of robust, disaggregated, comparable data on the situation of persons with disabilities to facilitate proper monitoring of progress; urges the Commission to provide adequate resources to the EU CRPD Framework to enable it to perform its functions independently and adequately;

7. Calls on the Commission to systematically mainstream the rights of persons with disabilities in all the relevant EU laws, policies and programmes;
8. Calls on the Commission to safeguard the UNCRPD-compliant use of EU funds and to ensure that EU funds will not contribute to the construction or refurbishment of institutional care settings;

9. Calls on the Commission to develop a comprehensive campaign in accessible format to raise awareness of the UN CRPD among the persons with disabilities and the society in general;

10. Calls on the Member States to affirm their commitment to promoting, protecting and ensuring the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promoting respect for their inherent dignity also by implementing the post-2020 Strategy and to allocate adequate human and financial resources to its implementation;

11. Calls on all Member States to ratify the Optional Protocol of the UNCRPD;

12. Calls on the Member States to contribute to the adoption of the proposed horizontal anti-discrimination directive thereby extending protection to persons with disabilities outside the area of employment;

13. Instructs its President to forward this resolution to the Commission and the Council.