



**DIRECTORATE GENERAL FOR INTERNAL POLICIES**

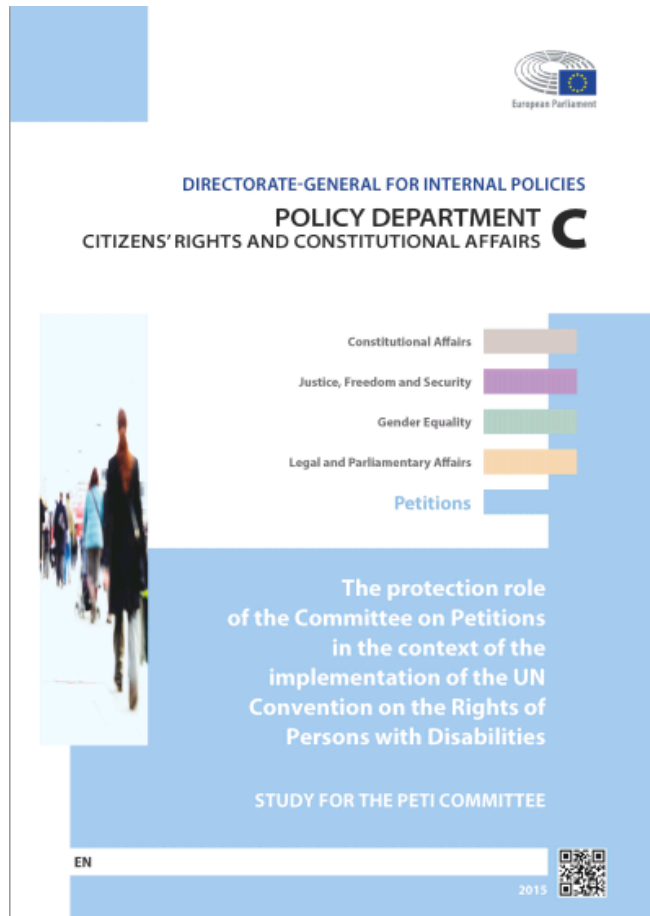
**POLICY DEPARTMENT**  
**CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS**



***PETITIONS***

The Committee on  
Petitions and the UN  
Convention on the Rights of  
Persons with Disabilities

# The report



- Study for PETI published in 2015:
- Context and analysis of petitions
- Petitions and committee papers also available online
- Updated in 2016

# Structure of the Study

---

- Main sections
  - Disability rights and the UN CRPD
  - Understanding the ‘protection’ role
  - Disability issues in the petitions
  - Examples of other protection mechanisms
  - Recommendations for the EP and others
  - Annex of examples (petitions reviewed and issues raised)

## Conclusions in 2015

---

- Wide range of disability issues relevant to CRPD with a large public constituency and strong public support
- Complex questions of governance but more could be done to act independently
  - e.g. own-initiative reports and fact finding activity on potential rights abuses, in active co-operation with civil society at the EU level and in the Member States

## Conclusions in 2015

---

- Non-judicial responses often fall short of definitive remedy
- EU CRPD protection goes beyond traditional perceptions of competence
  - e.g. the UN CRPD Committee underlined the EU's responsibilities for co-ordination in employment, education and other areas of social policies, as well as its monitoring of EU investment funds

# Conclusions in 2015

---

- Process improvements
  - accepting petitions in sign language
  - a responsible officer for CRPD issues
  - developing a CRPD petition checklist
  - hearing batches of CRPD petitions and engaging civil society responses
  - reporting on CRPD petitions
  - clarification of CRPD framework roles
  - connecting with other mechanisms / networks

# Background

---

- Up to one quarter of the European electorate declare some degree of impairment or disability
- Human rights are core European values
  - Article 2, Treaty on European Union
  - EP committed to ‘a Europe of rights’
- Disability rights exist in both European and international law
  - Charter of Fundamental Rights and UN CRPD

# UN CRPD

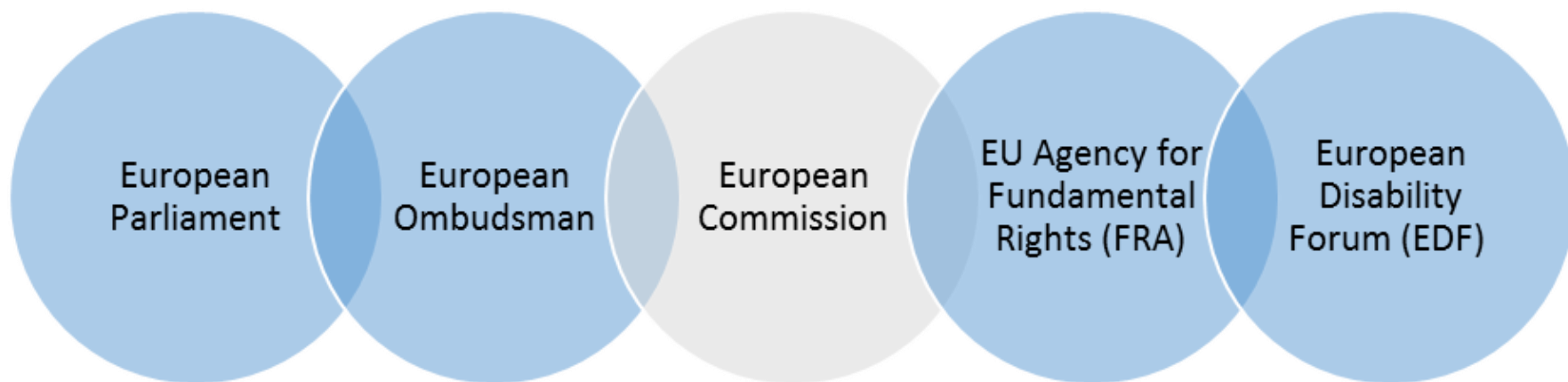
---

- A global human rights treaty
  - A first for the EU
  - Comprehensive coverage of human rights
- ‘Domestic’ implementation (Article 33)
  - designate focal points and a coordination mechanism within government
  - establish a framework to promote, protect and monitor CRPD rights
  - involve civil society in the monitoring function



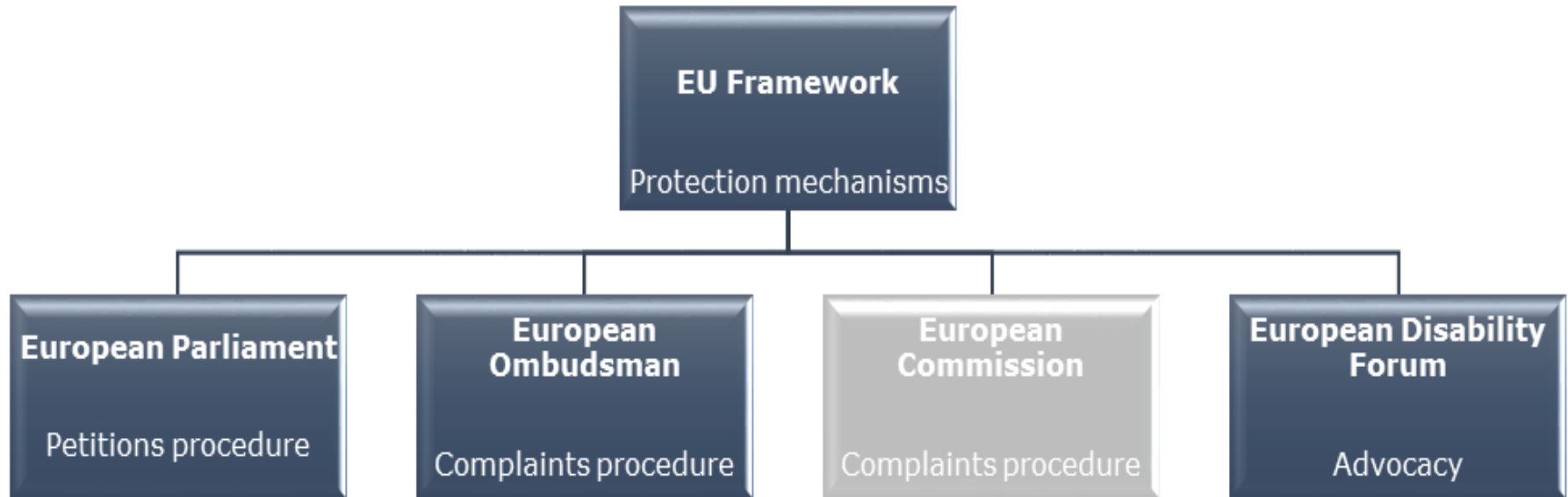
# EU CRPD framework members

---



# Existing protection mechanisms

---



# Developments in the framework

---

- Membership and management
  - Establishment of a web page / portal
  - A joint work programme
  - Withdrawal of the Commission
  - Commentaries on independence
  - Calls to strengthen the protection mandate of the EU's CRPD Framework
  - FRA Opinion for a legal basis
  - Interim organisational arrangements

# Developments in the EP's role

---

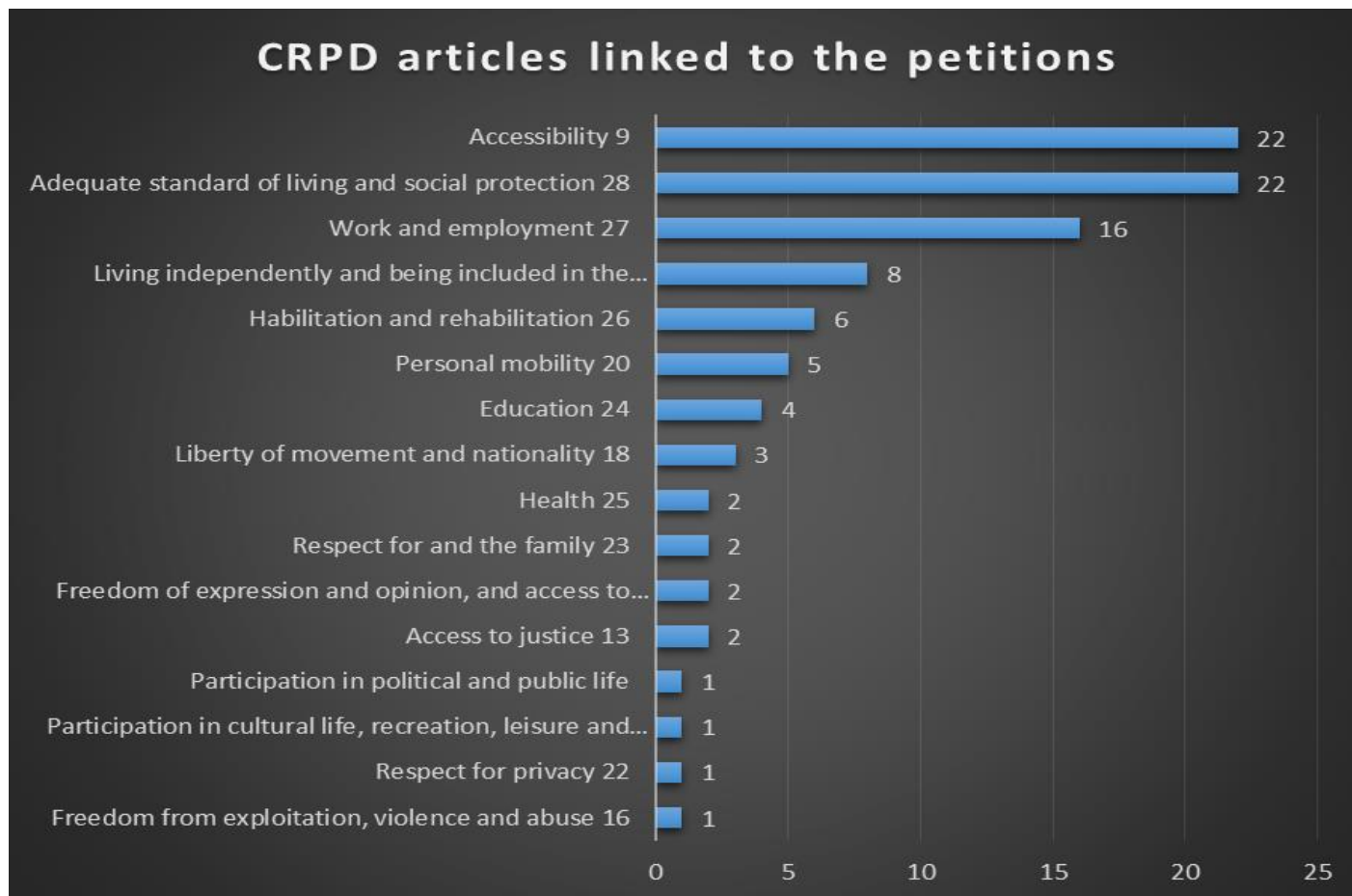
- Dialogue and representation
  - Increased parliamentary activity in the field
  - Networking between committees
  - Engagement with the UN Committee
  - Committee hearings on disability issues
  - The 7 July 2016 EP resolution on the implementation of the UN CRPD and on the Concluding Observations of the UN CRPD Committee (*Helga Stevens report*)
    - Including specific recommendations building on the 2015 PETI study

# The protection role of PETI

---

- Bringing issues of non-compliance to the attention of relevant authorities
  - petitions from EU citizens on matters that directly affect them (Article 227 TFEU)
  - particularly Member States' breaches of the UN CRPD when implementing EU law
  - independent from the Member States and the Commission when carrying out this task
  - non-judicial remedies and Parliamentary Rules of Procedure (215-218)

# Disability issues – CRPD Articles



# Disability issues - examples

---

- Accessibility
  - e.g. transport regulations
- Community living
  - e.g. structural funds
- Employment
  - e.g. non-discrimination directive
- Social protection
  - e.g. methods of co-ordination

# Disability issues - examples

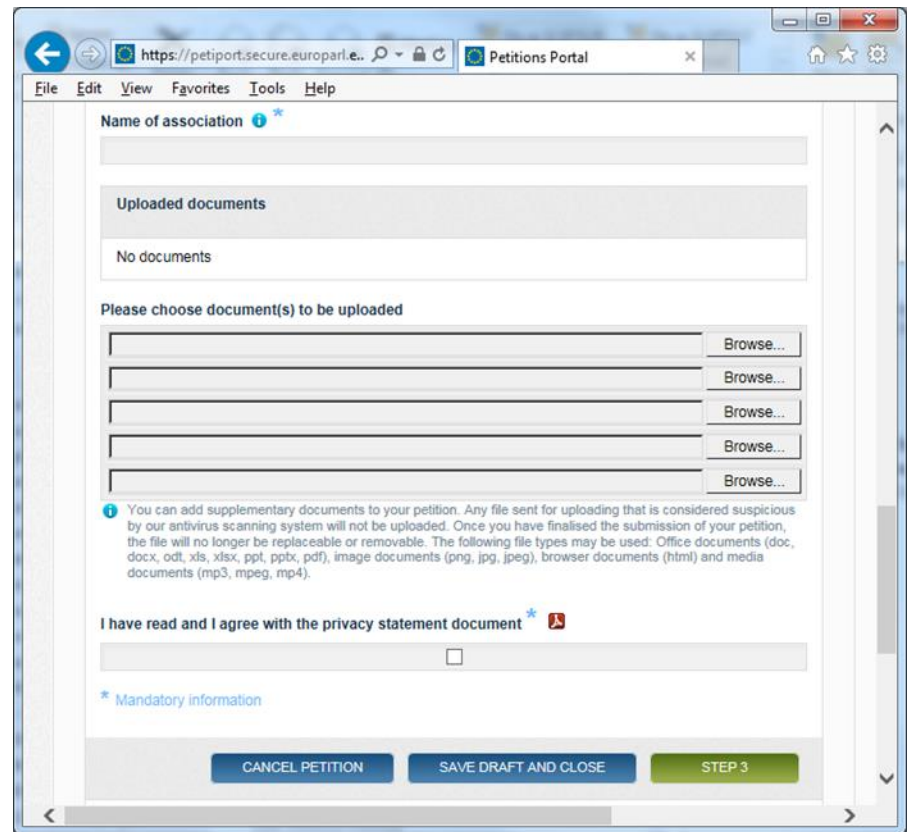
---

- Sign language
  - raised in petition from the European Union of Deaf people (EUD)
  - *'...a function would need to be added to the portal, allowing citizens to submit petitions in sign language via a video in digital format.'*



# Disability issues - examples

‘The following file types may be used: Office documents (doc, docx, odt, xls, xlsx, ppt, pptx, pdf), image documents (png, jpg, jpeg), browser documents (html) and media documents (mp3, mpeg, mp4).’



The screenshot shows a web browser window titled "Petitions Portal" with the URL "https://petiport.secure.europarl.eu...". The browser's menu bar includes "File", "Edit", "View", "Favorites", "Tools", and "Help". The form content includes:

- A text input field for "Name of association" with an information icon and an asterisk.
- A section for "Uploaded documents" showing "No documents".
- A section titled "Please choose document(s) to be uploaded" with five empty text input fields, each followed by a "Browse..." button.
- An information icon followed by a note: "You can add supplementary documents to your petition. Any file sent for uploading that is considered suspicious by our antivirus scanning system will not be uploaded. Once you have finalised the submission of your petition, the file will no longer be replaceable or removable. The following file types may be used. Office documents (doc, docx, odt, xls, xlsx, ppt, pptx, pdf), image documents (png, jpg, jpeg), browser documents (html) and media documents (mp3, mpeg, mp4)."
- A checkbox labeled "I have read and I agree with the privacy statement document" with an information icon and an asterisk.
- A note: "\* Mandatory information".
- At the bottom, three buttons: "CANCEL PETITION" (blue), "SAVE DRAFT AND CLOSE" (blue), and "STEP 3" (green).

# Limitations of the Framework

---

- **Constrained by existing mandates...**
  - Not legally established as an entity
  - Lack of capacity to act collectively (e.g. in formulating collective own initiative Opinion)
  - Lack of direct access to judicial remedy (e.g. the Court of Justice of the European Union)
  - The Paris Principles seek a more pluralistic membership (relevant disability experts and stakeholders from different constituencies)

# The Paris Principles and PETI

---

- The PETI protection role is unusual but...
  - The Paris Principles refer to ‘parliaments’ among the actors whose representation must be guaranteed in the nomination process
  - Parliaments have a level of independence towards government, and may participate in monitoring processes (usually by promotion and monitoring, less often by protection).
  - PETI is a part of the European Network of Ombudsman

# Alternative Framework models?

---

- The ‘disability committee’ model
  - a Parliamentary Committee (e.g. a sub-Committee of EMPL, LIBE, PETI)
  - an ‘EU CRPD Committee’ under the auspices of FRA, according to the Paris Principles
  - an ‘EU CRPD Committee’ under the auspices of EDF, according to the Paris Principles
  - a grand Committee of the existing EU CRPD framework, plus other experts.

# Presentation by

---

Professor Mark Priestley  
University of Leeds

Policy Department Citizens' Rights and Constitutional Affairs  
Responsible Administrator: Ottavio MARZOCCHI  
[poldep-citizens@europarl.europa.eu](mailto:poldep-citizens@europarl.europa.eu)