



## **Workshop on the Rights of Persons with Disabilities**

Organised by the Policy Department for Citizens' Rights and Constitutional Affairs for the Committee on Petitions, Room ASP 1G3, European Parliament, Brussels

12<sup>th</sup> October 2017, 9.00 a.m. – 11.15 a.m.

Ladies and Gentlemen,

I would first like to thank the organisers for inviting the Ombudsman's office to this workshop.

I will give you an update on the Ombudsman's recent work relating to the rights of persons with disabilities.

The Ombudsman's work is mainly driven by complaints that are submitted alleging maladministration.

These complaints concern the EU institutions, agencies and bodies. Any citizen or resident of the EU, business, association, or other body with a registered office in the EU, can lodge a complaint.

The person who complains does not need to be personally affected by the alleged maladministration, or to have the legal standing to represent an affected person.

Besides complaints' handling, the Ombudsman can also use her own-initiative power.

This means that she may decide to launch strategic inquiries to address systemic shortcomings in the EU institutions.

She may also decide to launch strategic initiatives.

The purpose of those initiatives is to share suggestions with the institutions on important topics and to find out more about a particular issue before deciding whether it is necessary to open an inquiry.

As a member of the EU CRPD Monitoring Framework, the Ombudsman monitors the implementation of the CRPD at the level of the EU institutions, in order to protect and promote its objectives.

As such she has a responsibility to ensure that the EU administration follows up on the UN Committee's concluding observations.

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Generally speaking, complaints related to disability concern a wide range of issues such as the accessibility of EU buildings, the accessibility of material on EU institutions' websites, sign-language interpretation at events, participation in recruitment competitions, and health insurance claims made on behalf of children with disabilities.

To give you an update on recent complaint-based inquiries that were closed earlier this year with, I will present to you two cases.

One concerned the **Commission's handling of an infringement complaint about the application of the CRPD by the Czech Republic.**

Following the Ombudsman's intervention, the Commission explained that the CRPD is "programmatic" in nature and that the implementation is the responsibility of the state parties in accordance with their respective competences.

According to the Ombudsman, the explanations make clear the Commission's position about when it can intervene with a Member State in its role of Guardian of the Treaties concerning the implementation of the CRPD.

The second case concerned the **use of picture warnings on tobacco products.**

One such warning shows a person in a wheelchair alongside a text stating "smoking causes strokes and disability".

The complainant alleged that persons with disabilities were stigmatised by this picture warning.

The library of picture warnings to be used is set out in a Commission's Directive. The Ombudsman's mandate does not allow her to take issue with the content of EU legislation.

However, in her decision, she says that going forward it would be helpful for the Commission to consult civil society groups regarding the choice of sensitive images.

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I will now refer to two ongoing strategic inquiries in the area of disabilities.

The UN Committee's concluding observations have been very important in driving the Ombudsman's strategic work on disabilities, because they indicate possible shortcomings in the EU administration.

In 2016, following the related Committee's observation and the submission of complaints, the Ombudsman launched a strategic inquiry on **whether the treatment of persons with disabilities under the JSIS complies with the Convention.**

The EU Staff Regulations provide that full reimbursement for medical expenses can be provided upon the recognition of a "serious illness". For this recognition, four criteria must be satisfied, including the criterion of shortened life expectancy.

The Ombudsman argues that this medical approach to disability is not aligned with the social model approach promoted by the CRPD. In particular, the criterion of shortened life expectancy is not suited to this specific situation.

Many disabilities, although they have a very significant impact on the person's well-being, they do not necessarily impact negatively on life expectancy.

However, they still give rise to high expenses in terms of treatment, medication, and equipment, which are essential for the person's full and effective participation in society on an equal basis with others.

The Ombudsman has therefore asked whether the Commission intends to introduce separate criteria for the reimbursement of medical costs for persons with disabilities.

Following an analysis of the Commission's reply, the Ombudsman's inquiry team asked for a meeting with Commission representatives in order to receive further clarifications before the Ombudsman determines next steps.

The meeting took place in June and the meeting report was published on our website last week. The inquiry is still ongoing.

The second strategic inquiry I will briefly describe is the one concerning **the accessibility of EU institutions' websites**.

In its concluding observations, the UN Committee expressed concerns in this area that we need to address.

Furthermore, in October 2016 we had the adoption of the directive on the accessibility of public sector bodies' websites.

It is true that the Directive does not apply to websites and mobile applications of EU institutions. However, it is set out in the text that those institutions are encouraged to comply with the accessibility requirements of the Directive.

The Directive also provides for useful measures, which help guarantee compliance with those requirements, such as monitoring obligations and the provision of an accessibility statement including a feedback mechanism for users.

As most EU institutions look to the Commission for best practice in this area, in July 2017, the Ombudsman launched a strategic inquiry on the accessibility of the websites and online tools that the Commission manages.

She wrote to President Juncker and raised issues such as:

- i) the assessment of accessibility of the Commission's websites,
- ii) the provision of information in sign languages and easy-to-read formats,

iii) the training of Commission staff members working on websites, iv) the provision of an accessibility statement (including a feedback mechanism for users), and v) the accessibility of Intranets.

The inquiry is ongoing and currently we are waiting for the Commission's reply to the Ombudsman's letter, which should come by the end of this month.

It is also important to note that we have for some time been engaged in the process of making our own website more accessible and user-friendly.

An easy-to-read explanation of our work and of how to lodge a complaint has been published on our website, and is available in 24 languages.

Moreover, an external service provider assessed and validated - in April 2017 - the conformity of the Ombudsman's website with the Web Content Accessibility Guidelines (WCAG 2.0). We were given a compliance level AA.

We are also taking the opportunity of overhauling our website in order to comply with as many AAA requirements as possible.

The Ombudsman has also recently decided to introduce mandatory training for her staff working on websites. And since

July, you can find a new accessibility page on our website including a feedback mechanism for users.

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Should you wish to read about these cases in greater detail, then I kindly refer you to our website.

The Ombudsman has often made the point that we need to focus on concrete actions, so that the Convention does not remain a wish-list but has a genuine and measurable impact on the daily lives of persons with disabilities.

She will therefore continue to play her concrete role in the implementation of the CRPD at the level of EU institutions through complaints' handling and her own-initiative work.

And besides drawing on the UN Committee's observations for this purpose, I would like to stress that we always appreciate to share experiences and receive input, as this can help us to achieve the impact we aim for and citizens might expect from us.

Thank you.