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REPORT

Towards equal rights for persons with disabilities
(2022/2026(INI))

Committee on Civil Liberties, Justice and Home Affairs

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CONTENTS

	Page
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	3
EXPLANATORY STATEMENT	32
OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS	36
OPINION OF THE COMMITTEE ON PETITIONS	54
LETTER OF THE COMMITTEE ON CULTURE AND EDUCATION.....	66
INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE.....	70
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE	71

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

Towards equal rights for persons with disabilities (2022/2026(INI))

The European Parliament,

- having regard to Articles 2 and 3(3) of the Treaty on European Union and Articles 2, 9, 10, 19, 48, 67(4), 153, 165, 168, 174 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, in particular Articles 3, 6, 14, 15, 20, 21, 23, 24, 25, 26, 34, 35, 40, 41 and 47 thereof,
- having regard to the European Pillar of Social Rights, in particular principles 1, thereof on education, training and life-long learning, 2 thereof on gender equality, 3 thereof on equal opportunities, 4 thereof on active support to employment, 5 thereof on secure and adaptable employment, 6 thereof on wages, 10 thereof on a healthy, safe and well-adapted work environment and data protection, 11 thereof on childcare and support to children, 14 thereof on minimum income and 17 thereof on the inclusion of people with disabilities,
- having regard to the UN Convention on the Rights of Persons with Disabilities (CRPD), and its entry into force 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 General Comments on the CRPD as the authoritative guidance on its implementation, in particular General Comments No 2 of 22 May 2014 on accessibility, No 3 of 25 November 2016 on women and girls with disabilities, No 4 of 25 November 2016 on the right to inclusive education, No 5 of 27 October 2017 on living independently and being included in the community, No 6 of 26 April 2018 on equality and non-discrimination, and No 7 of 9 November 2018 on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention,
- 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 EU relating to the UN Convention on the Rights of Persons with Disabilities²,
- having regard to the concluding observations of the UN Committee on the Rights of Persons with Disabilities (CRPD Committee) of 2 October 2015 on the initial report of the EU, and to the list of issues submitted by the CRPD Committee of 20 April 2022,

¹ OJ L 23, 27.1.2010, p. 35.

² OJ C 340, 15.12.2010, p. 11.

- prior to submission of the second and third periodic reports of the European Union,
- having regard to the Universal Declaration of Human Rights,
 - having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights),
 - having regard to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
 - having regard to the UN Convention on the Rights of the Child,
 - having regard to UN 2030 Agenda for Sustainable Development and its Sustainable Development Goals’ targets, in particular, the explicit references to disability included in goals 1 and 2 on ending poverty and hunger, 3 on health, 4 on education, 8 on growth and employment, 10 on reducing inequality, 11 on the accessibility of human settlements and 17 on data collection,
 - having regard to the reports from UN Women on women and girls with disabilities, in particular, its report of 1 July 2021 entitled ‘COVID-19, gender, and disability checklist: preventing and addressing gender-based violence against women, girls, and gender non-conforming persons with disabilities during the COVID-19 pandemic’³,
 - having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),
 - having regard to the European Ombudsman’s strategic inquiry on how the Commission ensures that persons with disabilities can access its websites,
 - having regard to the Council measure establishing the revised EU-level framework required by Article 33(2) of the CRPD,
 - having regard to the report of the European Economic and Social Committee of 20 March 2019 entitled ‘Real rights of persons with disabilities to vote in European Parliament elections’⁴,
 - having regard to the European Ombudsman’s strategic inquiry into how the Commission monitors EU funds used to promote the right of persons with disabilities and older persons in independent living,
 - having regard to the Fundamental Rights Report 2021 and the report for 2022 of the EU Agency for Fundamental Rights,
 - having regard to the European Economic and Social Committee opinion of 11 December 2019 entitled ‘Shaping the EU agenda for disability rights 2020-2030’⁵,

³ <https://reliefweb.int/report/world/covid-19-gender-and-disability-checklist-preventing-and-addressing-gender-based>

⁴ <https://www.eesc.europa.eu/sites/default/files/files/qe-02-19-153-en-n.pdf>

⁵ OJ C 97, 24.3.2020, p. 41.

- having regard to the European Institute for Gender Equality’s Gender Equality Index 2021,
- having regard to Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers’ rights and obligations⁶,
- having regard to Regulation (EU) 2021/818 of the European Parliament and of the Council of 20 May 2021 establishing the Creative Europe Programme (2021 to 2027) and repealing Regulation (EU) No 1295/2013⁷,
- having regard to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA⁸,
- having regard to Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of websites and mobile applications of public sector bodies⁹,
- having regard to Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities¹⁰,
- having regard to Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code¹¹,
- having regard to Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services¹²,
- having regard to Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers¹³,
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation¹⁴,
- having regard to Commission Recommendation (EU) 2019/786 of 8 May 2019 on building renovation¹⁵,

⁶ OJ L 315, 3.12.2007, p. 14.

⁷ OJ L 189, 28.5.2021, p. 34.

⁸ OJ L 315, 14.11.2012, p. 57.

⁹ OJ L 327, 2.12.2016, p. 1.

¹⁰ OJ L 303, 28.11.2018, p. 69.

¹¹ OJ L 321, 17.12.2018, p. 36.

¹² OJ L 151, 7.6.2019, p. 70.

¹³ OJ L 188, 12.7.2019, p. 79.

¹⁴ OJ L 303, 2.12.2000, p. 16.

¹⁵ OJ L 127, 16.5.2019, p. 34.

- having regard to the Commission staff working document of 2 December 2020 entitled ‘Digitalisation of justice in the European Union – A toolbox of opportunities’ (SWD(2020)0540),
- having regard to the Commission communication of 7 October 2020 entitled ‘A Union of Equality: EU Roma strategic framework on equality, inclusion and participation’ (COM(2020)0620),
- having regard to the Commission communication of 12 November 2020 entitled ‘Union of Equality: LGBTIQ Equality Strategy 2020-2025’ (COM(2020)0698),
- having regard to the Commission communication of 3 March 2021 entitled ‘Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030’ (COM(2021)0101), in particular the six flagship initiatives therein,
- having regard to the Commission communication of 19 May 2022 on the 2022 EU Justice Scoreboard (COM(2022)0234),
- having regard to the revised European Social Charter, in particular Article 15 thereof on the right of persons with disabilities to independence, social integration and participation in the life of the community,
- 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 of 2 April 2009 thereon¹⁶,
- having regard to the Council Recommendation of 4 June 1998 on a parking card for people with disabilities¹⁷,
- having regard to Council Recommendation (EU) 2021/1004 of 14 June 2021 establishing a European Child Guarantee¹⁸,
- having regard to the Council conclusions of 5 December 2019 on inclusive labour markets: Improving the employment of people in a vulnerable position in the labour market¹⁹,
- having regard to the Commission staff working document of 9 December 2021 entitled ‘Building an economy that works for people: an action plan for the social economy’ (SWD(2021)0373),
- having regard to its resolution of 23 June 2022 on the implementation of inclusion measures within Erasmus+ 2014-2020²⁰,
- having regard to its position of 3 May 2022 on the proposal for a Council regulation on

¹⁶ OJ C 137 E, 27.5.2010, p. 68.

¹⁷ OJ L 167, 12.6.1998, p. 25.

¹⁸ OJ L 223, 22.6.2021, p. 14.

¹⁹ <https://data.consilium.europa.eu/doc/document/ST-14646-2019-INIT/en/pdf>

²⁰ Texts adopted, P9_TA(2022)0265.

the election of the members of the European Parliament by direct universal suffrage, repealing Council Decision (76/787/ECSC, EEC, Euratom) and the Act concerning the election of the members of the European Parliament by direct universal suffrage²¹,

- having regard to its resolution of 7 April 2022 on the EU’s protection of children and young people fleeing the war in Ukraine²²,
- having regard to its resolution of 19 May 2022 entitled ‘The social and economic consequences for the EU of the Russian war in Ukraine – reinforcing the EU’s capacity to act’²³,
- having regard to its resolution of 24 June 2021 on the situation of sexual and reproductive health and rights in the EU, in the frame of women’s health²⁴,
- having regard to its resolution of 14 December 2021 with recommendations to the Commission on combating gender-based violence: cyberviolence²⁵,
- having regard to its resolution of 20 October 2021 on the situation of artists and the cultural recovery in the EU²⁶,
- having regard to its resolution of 7 October 2021 on the protection of persons with disabilities through petitions: lessons learnt²⁷,
- having regard to its resolution of 29 April 2021 on the European Child Guarantee²⁸,
- having regard to its resolution of 10 March 2021 on the implementation of Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation in light of the CRPD²⁹,
- having regard to its resolution of 8 July 2020 on the rights of persons with intellectual disabilities and their families in the COVID-19 crisis³⁰,
- having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences³¹,
- having regard to its resolution of 18 June 2020 on the European Disability Strategy post-2020³²,

²¹ Texts adopted, P9_TA(2022)0129.

²² OJ C 434, 15.11.2022, p. 50.

²³ Texts adopted, P9_TA(2022)0219.

²⁴ OJ C 81, 18.2.2022, p. 43.

²⁵ OJ C 251, 30.6.2022, p. 2.

²⁶ OJ C 184, 5.5.2022, p. 88.

²⁷ OJ C 132, 24.3.2022, p. 129.

²⁸ OJ C 506, 15.12.2021, p. 94.

²⁹ OJ C 474, 24.11.2021, p. 48.

³⁰ OJ C 371, 15.9.2021, p. 6.

³¹ OJ C 316, 6.8.2021, p. 2.

³² OJ C 362, 8.9.2021, p. 8.

- having regard to its resolution of 5 October 2017 on prison systems and conditions³³,
- having regard to its resolution of 29 November 2018 on the situation of women with disabilities³⁴,
- having regard to the study entitled ‘European structural and investment funds and people with disabilities in the European Union’, published by its Directorate-General for Internal Policies on 3 November 2016³⁵,
- having regard to the study entitled ‘Inclusive education for learners with disabilities’, published by its Directorate-General for Internal Policies on 15 September 2017³⁶,
- having regard to the study entitled ‘The protection role of the Committee on Petitions in the context of the implementation of the UN Convention on the Rights of Persons with Disabilities’, published by its Directorate-General for Internal Policies on 9 October 2015³⁷ and to its updates of 2016, 2017 and 2018,
- having regard to the in-depth analysis entitled ‘The European Accessibility Act’, published by its Directorate-General for Internal Policies on 15 August 2016³⁸,
- having regard to the study entitled ‘Transport and tourism for persons with disabilities and persons with reduced mobility’, published by its Directorate-General for Internal Policies on 8 May 2018³⁹,
- having regard to the study entitled ‘The Post-2020 European disability strategy’, published by its Directorate-General for Internal Policies on 15 July 2020⁴⁰,
- having regard to the study entitled ‘The implementation of the 2015 Concluding Observations of the CRPD Committee by the EU’, published by its Directorate-General for Internal Policies on 2 December 2021⁴¹,
- having regard to the mission conducted by the ad hoc delegation of the European

³³ OJ C 346, 27.9.2018, p. 94.

³⁴ OJ C 363, 28.10.2020, p. 164.

³⁵ Study – ‘European structural and investment funds and people with disabilities in the European Union’, European Parliament, Directorate-General for Internal Policies, Policy Department C – Citizens’ Rights and Constitutional Affairs, 3 November 2016.

³⁶ Study – ‘Inclusive education for learners with disabilities’, European Parliament, Directorate-General for Internal Policies, Policy Department C – Citizens’ Rights and Constitutional Affairs, 15 September 2017.

³⁷ Study – ‘The protection role of the Committee on Petitions in the context of the implementation of the UN Convention on the Rights of Persons with Disabilities’, European Parliament, Directorate-General for Internal Policies, Policy Department C – Citizens’ Rights and Constitutional Affairs, 9 October 2015.

³⁸ In-depth analysis – ‘The European Accessibility Act’, European Parliament, Directorate-General for Internal Policies, Policy Department C – Citizens’ Rights and Constitutional Affairs, 15 August 2016.

³⁹ Study – ‘Transport and tourism for persons with disabilities and persons with reduced mobility’, European Parliament, Directorate-General for Internal Policies, Policy Department B – Structural and Cohesion Policies, 8 May 2018.

⁴⁰ Study – ‘The Post-2020 European disability strategy’, European Parliament, Directorate-General for Internal Policies, Policy Department C – Citizens’ Rights and Constitutional Affairs, 15 July 2020.

⁴¹ Study – ‘The implementation of the 2015 Concluding Observations of the CRPD Committee by the EU’, European Parliament, Directorate-General for Internal Policies, Policy Department C – Citizens’ Rights and Constitutional Affairs, 2 December 2021.

Parliament to the 15th Conference of States Parties to the Convention on the Rights of Persons with Disabilities (COSP) between 14 and 16 June 2022 in New York on behalf of the Committee on Employment and Social Affairs, the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Petitions,

- having regard to the European Court of Auditors Special Report 10/2021 of 26 May 2021 entitled ‘Gender mainstreaming in the EU budget: time to turn words into action’⁴²,
- having regard to the Europe 2020 poverty target, the Porto declaration, the Commission communication of 4 March 2021 entitled ‘The European Pillar of Social Rights Action Plan’ (COM(2021)0102) and its target for 2030 relating to the fight against poverty and social exclusion,
- having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin⁴³,
- having regard to the regulations laying down the rules on EU funding programmes under the multiannual financial framework, in particular the European Social Fund, the Youth Employment Initiative, the European Regional Development Fund, the European Agricultural Fund for Rural Development, the Erasmus programme and the Just Transition Fund, all of which provide EU financial assistance for improving the situation of persons with disabilities,
- having regard to Commission Recommendation (EU) 2018/95 of 22 June 2018 on standards for equality bodies⁴⁴,
- 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 the Commission staff working document of 2 February 2017 entitled ‘Progress Report on the implementation of the European Disability Strategy (2010-2020)’ (SWD(2017)0029),
- having regard to the 2016-2018 Commission pilot project initiative in eight Member States on an EU disability card, and to the study of May 2021 assessing the implementation of the pilot action on the EU Disability Card and associated benefits,
- having regard to the Commission staff working document of 20 November 2020 entitled ‘Evaluation of the European Disability Strategy 2010-2020’ (SWD(2020)0289),
- having regard to the Commission report of 19 March 2021 on the application of Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (‘the Racial and Employment Equality Directive’) and of Council Directive 2000/78/EC establishing a general framework for equal

⁴² <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=58678>

⁴³ OJ L 180, 19.7.2000, p. 22.

⁴⁴ OJ L 167, 4.7.2018, p. 28.

treatment in employment and occupation ('the Employment Equality Directive') (COM(2021)0139),

- having regard to the European Foundation for the Improvement of Living and Working Conditions (Eurofound) policy brief of 21 March 2022 entitled 'People with disabilities and the COVID-19 pandemic: Findings from the *Living, working and COVID-19* e-survey',
 - having regard to the Eurofound research report of 19 April 2021 entitled 'Disability and labour market integration: Policy trends and support in EU Member States',
 - having regard to the Eurofound policy brief of 30 November 2018 entitled 'Social and employment situation of people with disabilities',
 - having regard to Council Recommendation (EU) 2021/1004 of 14 June 2021 establishing a European Child Guarantee⁴⁵,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Employment and Social Affairs and the Committee on Petitions,
 - having regard to the letter from the Committee on Culture and Education,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0284/2022),
- A. whereas according to the available data, there are approximately 87 million persons having some form of disability in the EU, including over 24 million persons with severe disabilities;
- B. whereas according to the EU's Strategy for the Rights of Persons with Disabilities 2021-2030, more than 1 million children and adults with disabilities below the age of 65 and more than 2 million adults aged 65 and older live in institutions; whereas there is a link between the increase in the number of persons with disabilities and the ageing European population, and this should be taken into account in EU policies;
- C. whereas according to the EU's Strategy for the Rights of Persons with Disabilities 2021-2030, 50.8 % of persons with disabilities are in employment, as compared to 75 % without disabilities; whereas according to the EU's Strategy for the Rights of Persons with Disabilities 2021-2030, the evaluation of the Disability Strategy 2010-2020 'identified employment as one of the five top policy priorities for future actions';
- D. whereas persons with disabilities living in the EU continue to face discrimination, including the denial of reasonable accommodation, harassment and multiple and intersectional forms of discrimination in all areas of their lives, including socio-economic disadvantages, social isolation, maltreatment and violence, including gender-based violence, forced sterilisation and abortion, lack of access to community services,

⁴⁵ OJ L 223, 22.6.2021, p. 14.

low-quality housing, institutionalisation, inadequate healthcare and denial of the opportunity to contribute and engage actively in society⁴⁶;

- E. whereas only 22 out of the 27 Member States have signed and ratified the Optional Protocol to the CRPD⁴⁷; whereas in several resolutions, Parliament has monitored, promoted and called for the full implementation of the CRPD, as well as to raise awareness of the rights therein; whereas Parliament has also stressed the need to ratify the Optional Protocol to the CRPD, both by the Member States that have not yet done so and by the EU, as it is an avenue that provides the opportunity to review individual or systemic cases of discrimination;
- F. whereas the basis of an accessible and handicap-inclusive Europe is a Union whose Member States all recognise the disability status of a person and permit persons with disabilities to fully enjoy their freedom of movement; whereas persons with disabilities in all their diversity are entitled to enjoy their fundamental rights on an equal basis; whereas the full and effective participation of persons with disabilities in all areas of life and society is crucial for the enjoyment of their fundamental rights;
- G. whereas the Commission has not taken effective steps to ensure legal harmonisation with the CRPD; whereas there has so far been no review of the existing legislation and policy and no revision of the impact assessment guidelines prior to a proposal for legislation;
- H. whereas the lack of a common EU definition of disability constitutes a major obstacle to the codification of disability assessment and the mutual recognition of national decisions on disability issues, in particular of eligibility for access to specific facilities and services in the field of social security;
- I. whereas very limited reliable and disaggregated data on persons with disabilities is available at EU level;
- J. whereas the Commission has presented an ambitious agenda within the framework of the Strategy for the Rights of Persons with Disabilities 2021-2030;
- K. whereas according to the EU Agency for Fundamental Rights, the existing EU legislation relating to the rights of persons with disabilities lacks effective implementation and enforcement; whereas EU laws do not cover multiple and intersectional forms of discrimination and there are still gaps in the monitoring of cases of discrimination;
- L. whereas the EU institutions should strengthen the structured process for consulting persons with disabilities and their representative organisations by ensuring the right to information and the accessibility of such processes, both in terms of the digital accessibility of online platforms, the time frames given for feedback, and of ensuring input is sought at stages in the legislative process where input can still make a

⁴⁶ Joint Briefing for United Nations Committee on the Rights of Persons with Disabilities regarding the review of the implementation of the CRPD by the EU, available at <https://equineteurope.org/wp-content/uploads/2022/02/02-14-Joint-Briefing-CRPD-Equality-and-intersectional-issues-faced-by-persons-with-disabilities-in-the-European-Union.pdf>

⁴⁷ <https://ec.europa.eu/social/main.jsp?langId=en&catId=1138>

difference; whereas transparency about how this input is processed and reflected in the final proposals is still lacking; whereas the Member States and countries outside the EU, in particular candidate countries, should also do more in this regard;

- M. whereas persons with disabilities whose legal capacity has been denied or limited may not be able to exercise their fundamental rights, including the right to access to justice, to vote and stand for election, to decide where to live and to sign any kind of contract;
- N. whereas access to justice is an essential aspect of the rule of law and a fundamental right and prerequisite for enjoying other human rights such as equality before the law and observance of due process; whereas Article 13 of the CRPD requires States Parties to ensure that persons with disabilities have ‘effective access to justice ... on an equal basis with others’ through ‘the provision of procedural ... accommodations’, promoting appropriate training for those working in the field of the administration of justice;
- O. whereas the existence of a disability does not in itself justify the denial of the legal capacity of persons with disabilities; whereas any measure restricting their legal capacity must be adapted to their circumstances and be proportionate to their needs, and should be applied only under certain conditions and with certain guarantees;
- P. whereas according to the 2019 report ‘Real rights of persons with disabilities to vote in European Parliament elections’ of the European Economic and Social Committee, about 800 000 EU-citizens were deprived of their right to cast their vote in the European Parliament elections owing to a disability or mental health issues, and millions of EU citizens are unable to cast their vote in European Parliament elections as a result of technical barriers or the lack of proper organisational arrangements that fail to meet the needs resulting from one or several disabilities;
- Q. whereas in 14 Member States, persons with disabilities under total or partial guardianship are denied the right to vote⁴⁸; whereas they can only exercise their right to stand as candidates for election to the European Parliament in seven Member States; whereas this is in clear contradiction to Articles 39 and 40 of the Charter of the Fundamental Rights of the European Union; whereas many accessibility barriers still prevent persons with disabilities from participating in the elections;
- R. whereas the pandemic has had a severe impact on the psychological well-being of children and young people, in particular those with disabilities; whereas the COVID-19 pandemic has also affected persons with disabilities living in institutions more than others, in the light of the common practice of bans on visits to such institutions; whereas the Member States need to step up their efforts to improve the living conditions of persons with disabilities during future pandemics;
- S. whereas the EU should better guarantee the rights and needs of persons with disabilities in its health policies, such as the COVID-19 related policies, the Mental Health strategies and the European Beating Cancer Plan;
- T. whereas the Sendai Framework for Disaster Risk Reduction 2015-2030 reflects a human rights-based sustainable development agenda inclusive of, and accessible to, persons

⁴⁸ European Disability Forum’s European Human Rights Report of 2022.

with disabilities and requires all disaster risk-reduction policies to integrate a disability perspective and promotes inclusive risk-informed decision-making based on the dissemination of information disaggregated by disability;

- U. whereas artificial intelligence (AI) technology has the potential to, in particular, simplify the everyday life of persons with visual, auditory, motor and learning disabilities, allowing them easier access to culture, art, sport, work and social activities, enabling them to live more independently;
- V. whereas persons with disabilities are at least three times more likely to experience physical, sexual and emotional violence than persons without disabilities; whereas women and girls with disabilities are at an increased risk of gender-based violence; whereas women with disabilities are up to 10 times more likely to experience sexual violence⁴⁹, including forced sterilisation, and the EU legislation on gender equality does not fully take into account their rights and needs;
- W. whereas recognising the intersection between violence, gender and disability that women and girls with disabilities face is essential for the adoption of inclusive response strategies; whereas many persons with disabilities may also lack access to sexuality education, which might otherwise help them to identify and prevent abuse, and whereas they face increased barriers to accessing justice and reporting violence; whereas women with disabilities are more likely to experience poverty and isolation than men with disabilities or persons without disabilities;
- X. whereas detainees with disabilities continue to face violations of their fundamental rights in several Member States; whereas detainees with disabilities, whose disability is not recognised, or not sufficiently taken into account, face shameful conditions of detention; whereas Member States too often violate the fundamental rights of detainees with disabilities by failing to take their needs into account;
- Y. whereas cultural creators, such as authors, performers and artists, with disabilities have more difficult access to professional and non-professional artistic and cultural activities, as well as fewer opportunities to develop long-term careers in the cultural and creative sectors; whereas they are often excluded from policy and funding in the cultural and creative sectors as a result of the lack of account being taken, for example, of restricted mobility or the challenges posed by bureaucratic funding procedures;
- Z. whereas the Union needs to provide children with disabilities who have fled a war with extra support to accommodate their needs; whereas according to its resolution on the EU's protection of children and young people fleeing the war in Ukraine adopted in April 2022, more than 100 000 children are living in institutional care and boarding schools in Ukraine, and half of them have disabilities;
- AA. whereas Eurofound research shows that between 2011 and 2016, the gap in third-level education attainment between persons with and without disabilities widened from 7 %

⁴⁹ United Nations Population Fund (UNFPA) and Women Enabled International, 'Women and Young Persons with Disabilities: Guidelines for Providing Rights-Based, Gender-Responsive Services to Address Gender-Based Violence and Sexual and Reproductive Health and Rights', 2018, https://www.unfpa.org/sites/default/files/pub-pdf/UNFPA-WEI_Guidelines_Disability_GBV_SRHR_FINAL_19-11-18_0.pdf

to 9 %; whereas only 29.4 % of persons with disabilities attain a tertiary degree compared to 43.8 % of those without disabilities; whereas the limitations on access to education for persons with disabilities lead to lower participation in educational and training activities and a risk of social and economic exclusion;

- AB. whereas the EU, its institutions and its Member States are party to the CRPD and are obliged to fully implement the fundamental rights therein, including Article 27 on work and employment; whereas the rights enshrined in the CRPD are far from a reality for millions of persons with disabilities in the EU, not least because of the shortcomings of the Employment Equality Directive;
- AC. whereas the CRPD recognises the right of persons with disabilities to work on an equal basis with others, including the opportunity to earn a living by work freely chosen and in an open, inclusive and accessible environment; whereas everyone has the right to timely and tailor-made assistance to improve employment or self-employment prospects, including the right to receive support for job searching, training and re-qualification, as laid down in principle 4 of the European Pillar of Social Rights; whereas persons with disabilities are overwhelmingly excluded from the open labour market and are denied their right to engage in work on an equal basis with others or face major difficulties in achieving equal access to and equal conditions in the labour market; whereas Eurofound research has revealed that key obstacles to the employment of persons with disabilities include disability-related stereotypes, bureaucratic difficulties in accessing available services, a lack of strategic vision in governance, insufficient monitoring of policy implementation, limited training resources for employers and a lack of specialist support;
- AD. whereas persons with disabilities should have access to individualised support and accommodations in the workplace; whereas persons with disabilities have the right to income support that ensures their ability to live in dignity, services that enable them to participate in the labour market and in society, and a work environment adapted to their needs; whereas the disadvantages experienced by persons with disabilities extend far beyond the realm of employment; whereas the social and financial situation of persons with disabilities in the EU is significantly worse than that of persons without disabilities and is synonymous with structural or educational disadvantage and discrimination; whereas support measures focusing on areas other than employment, for example, poverty reduction, access to housing and childcare, accessible public transport and personal assistance, also play a key role in providing opportunities for persons with disabilities to access and remain in the workforce;
- AE. whereas the 2021-2030 EU Strategy for the Rights of Persons with Disabilities proposes creating a European Disability Card by the end of 2023, with a view to it being recognised in all Member States;
- AF. whereas technical innovations, such as ethical and human-centric AI systems, have the potential to develop efficient, accessible and non-discriminatory recruitment processes, but whereas non-inclusive technological developments could pose a risk of adding new barriers to, and forms of discrimination against, persons with disabilities; whereas Article 9 of the CRPD requires accessible information and access to communication technologies and systems on an equal basis with others; whereas 64.3 % of persons with

disabilities aged 16 or older have an internet connection at home, compared to 87.9 % of persons without disabilities;

- AG. whereas Eurofound research has shown that entrepreneurship and self-employment support in the form of guidance, training and financial aid can provide opportunities for persons with disabilities to be active in the open labour market, disincentivising their sole reliance on disability benefits; whereas such support needs to be well targeted and adequately resourced;
- AH. whereas the COVID-19 pandemic has exacerbated the existing obstacles and inequalities for all persons with disabilities; whereas Eurofound's research has shown that during the pandemic, on average 71 % of respondents with disabilities were at risk of depression, and 25 % of respondents with disabilities indicated that they could not access mental healthcare, which was a rate twice as high as for those without disabilities; whereas Eurofound research has shown that the lockdowns and restrictions stemming from the COVID-19 pandemic particularly affected young persons with disabilities, aged between 18 and 29, as 51 % of those respondents reported feeling lonely, a figure that is 19 % more than young persons without disabilities; whereas return-to-work plans are critical for workers suffering from mental health problems;
- AI. whereas a decade after the EU became a party to the CRPD, the level of institutionalisation remains unchanged; whereas across Europe, at least 1.4 million people are still confined to institutions, a number that has remained unchanged since the adoption of the convention; whereas according to the European Network on Independent Living's 2020 survey on independent living, 24 out of 43 countries represented in the Council of Europe do not have a deinstitutionalisation strategy, and for the 18 countries that do have one, 88 % of respondents have described the strategy as either inadequate or requiring improvement;
- AJ. whereas 33 countries in the Council of Europe provide some kind of personal assistance, while 97 % of respondents have indicated that access is either inadequate or requires improvement;
- AK. whereas the current legislative framework establishes no obligation for the Member States to designate an equality body to protect victims of discrimination on the grounds of disability;
- AL. whereas in 2008, the Commission presented a proposal to expand protection from discrimination beyond employment, as set out the Employment Equality Directive, which prohibits discrimination based on disability, age, sexual orientation and religion or belief in the areas of employment and occupation; whereas the new directive would make the principle of equality applicable to education, access to goods and services and social protection, including social security and healthcare; whereas this proposal has not been adopted yet and has been blocked within the Council for 14 years, where unanimity is required for its adoption;
- AM. whereas all EU Member States have ratified the UN Convention on the Rights of the Child, which makes it binding on them, and whereas Article 3(3) TEU establishes the objective for the EU to promote the protection of children's rights; whereas the Charter of Fundamental Rights of the European Union guarantees that the EU institutions and

the Member States must protect the rights of the child when they implement EU law; whereas Parliament adopted its resolution on a European Child Guarantee with a strong majority, forcefully asking that all children be ensured access to inclusive education from early childhood to adolescence, including for Roma children, children with disabilities, stateless and migrant children and those living in humanitarian emergency settings;

- AN. whereas access to quality employment, education and training, healthcare, social protection, including across borders, adequate housing, support for independent living and equal opportunities to participate in leisure activities and community life are essential to the quality of life of persons with disabilities, reducing poverty and vulnerability and supporting inclusive and sustainable growth; whereas national minimum income schemes should ensure equal access for persons with disabilities; whereas persons with disabilities should also have access to targeted assistance for the additional disability-related expenses they face, in other words such expenses should not be covered by income alone;

Living independently and being included in the community

1. Recalls, as laid down in Article 19 of the CRPD, that persons with disabilities have the right to live independently and receive appropriate community-based services; believes that this right can only be fully guaranteed if policies and legislation that offer alternatives to institutions are developed at national, regional and local levels, and are guided by European standards; calls on the Commission and the Member States to phase out institutional care settings for persons with disabilities as soon as possible, as set out in General Comment No. 5 by the CRPD Committee and to bring about a shift from institutional and other segregated settings to a system enabling social participation where services are provided in an accessible community, taking full account of the individual needs, will and preference of persons with disabilities, including community-based care, as suggested by the Commission in the European Disability Strategy 2010-2020; underlines that stereotypes, ableism and misconceptions that prevent persons with disabilities from living independently must be eradicated and that their contributions to society must be promoted; emphasises that access to the labour market is essential to enable persons with disabilities to live an independent life and participate fully in society;
2. Calls on the Member States to adopt deinstitutionalisation strategies and to ensure that their laws, policies and programmes on deinstitutionalisation are in line with the concept of independent living set out in the CRPD; calls on the Commission to use benchmarks in order to measure progress in this regard; further calls on the Commission to stand by its commitment in the EU Strategy for the Rights of Persons with Disabilities 2021-2030 to provide guidance to Member States by 2023 regarding improvements in independent living and inclusion in the community; calls on the Member States to include specific targets with a defined time frame in their deinstitutionalisation strategies, adequately finance them and develop mechanisms to ensure effective coordination between the relevant authorities across different administrative sectors and levels; regrets the lack of accessible and affordable housing, which is a major barrier to independent living; underlines that community-based, independent living must be strengthened and achieved as an alternative to institutional

frameworks, in line with the CRPD General Comment No 5;

3. Considers that community-based support services and supportive living arrangements provide a better quality of life for persons with disabilities; calls on the Commission and the Member States to adopt a person-centred approach and the appropriate support needed in order to provide full inclusion of persons of disabilities;
4. Calls on the Commission and the Member States to work towards developing mutual definitions of key terms related to the implementation of CRPD, such as ‘accessibility’, ‘participation’ and ‘community-based living’ as a means of enhancing cohesion among Member States and improving the intra-EU mobility of persons with disabilities, as well as to mutually recognise deinstitutionalisation and its implementation methods;
5. Calls on the Commission and Eurostat to address the gaps, including the employment and pay rate gap, in the availability, reliability and comparability of data relating to the living conditions of persons with disabilities in Europe;
6. Insists that the relevant EU funds should aim to promote inclusive, accessible environments, services, practices and devices, following a universal design approach and favouring deinstitutionalisation, including strong support for personal assistance and independent living;
7. Welcomes the announcement from the European Court of Auditors of an upcoming audit regarding the efficiency of EU financial contribution to ensuring equality for persons with disabilities; urges the Commission to improve its monitoring on the use of EU funds in this policy area, including considering the suspension, withdrawal and recovery of payments if the obligation to respect fundamental rights is breached; stresses that segregated settings, regardless of their size, should not be financed with EU funds, and that these funds should always be accessible for persons with disabilities; further urges the Commission to ensure proper follow-up to the conclusions and recommendations provided by the European Court of Auditors in its special report on gender budgeting; stresses that according to the report, gender budgeting is a means of achieving gender equality, and actions to achieve gender equality must take into account the grounds of discrimination, including disability;
8. Recalls that the Common Provisions Regulation for 2021-2027⁵⁰ outlines that the European Social Fund and the European Regional Development Fund must be used in a manner which is compliant with the EU’s social inclusion policies; calls, therefore, for stricter provisions prohibiting the investment of EU funds into institutional care settings;
9. Welcomes the own-initiative inquiry of the European Ombudsman into how the Commission monitors EU funds used to promote the right of persons with disabilities and older persons to independent living; highlights that in the conclusions, the European

⁵⁰ Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (OJ L 231, 30.6.2021, p. 159).

Ombudsman calls on the Commission to provide clearer guidance to Member States and to its own staff about the need to promote deinstitutionalisation and how this can be achieved in the context of the use of EU funds;

Equality and non-discrimination: the urgent need for a horizontal anti-discrimination directive

10. Highlights that, according to the CRPD, the EU should mainstream a disability perspective in all its policies, programmes and strategies; endorses the CRPD recommendations and urges the Commission and the Member States to step up efforts to ensure they are properly followed; considers that the harmonisation of EU law with the CRPD is fundamental to ensure equality and non-discrimination; highlights the role of the EU's CRPD framework in this process;
11. Welcomes the relevant work of the European Ombudsman, as part of the EU's CRPD framework, aimed at protecting, promoting and monitoring the EU institutions' implementation of the CRPD;
12. Calls on the EU Member States which have not yet signed and ratified the Optional Protocol to the CRPD to do so;
13. Calls on the Commission and the Member States to increase their efforts to promote equal rights for persons with disabilities outside the EU, in particular in relation to candidate countries; stresses, in this context, the need for the Union to raise the question of reforms to improve the situation of persons with disabilities during accession negotiations;
14. Calls on the Commission to update the proposal for an EU equal treatment directive building on Parliament's position, by also addressing intersectional discrimination and explicitly prohibiting discrimination in a combination of all grounds as listed in the Charter of Fundamental Rights; calls on the Presidency of the Council to give priority to this directive and to discuss it at the highest political level; stresses the need for concrete measures to promote the adoption of the directive and, if the directive is not adopted, for alternative legislative measures to address discrimination;
15. Welcomes the Commission's adoption of its ambitious Strategy for the Rights of Persons with Disabilities 2021-2030 and calls on the Commission to monitor and ensure its implementation by the Member States; highlights the need to have a clear role for the EU's CRPD Framework in the review of the Strategy and to systematically and actively involve persons with disabilities and their representative organisations at EU, national, regional and local levels in such a review; calls on the Commission to develop these measures in coordination and communication with persons with disabilities and all the organisations involved, starting with Parliament's CRPD network;
16. Calls on the Commission, in cooperation with the Member States and in compliance with EU standards and the accompanying national legislation, to collect disaggregated and reliable data and statistics, including ensuring that EU-wide statistics have data disaggregated by the types of disability and include the number of persons living in institutions, in order to develop appropriate and effective policies to ensure an accessible, inclusive and equal society for all persons with disabilities in the EU,

regardless of the area they live in, whether urban, rural or remote;

17. Exhorts the Commission and the Member States to raise awareness, in particular among children and young people, and carry out clearly structured consultations with the participation and involvement of the persons directly affected and the civil society organisations representing them in order to acquire a real understanding of disabilities at all levels of society;
18. Believes that there is a need for the exchanges of good practices at European level on successful projects to include persons with disabilities in all areas, as well as public information campaigns on how to achieve this, in line with Article 27 of the CRPD;
19. Calls on the Member States to take due account of the unique situation of authors, performers and artists with disabilities in the development of all relevant policies, funding programmes and activities, and to remove all obstacles to ensuring equal rights and equal opportunities for all persons in the cultural and creative sectors, in particular by introducing measures which enable their equal access, participation and representation in all cultural creators;
20. Calls on the Commission to ensure that future EU legislation on AI includes the widest possible range of users and makes access to AI systems easy and accessible for persons with disabilities, in accordance with the European Accessibility Act;
21. Reminds the Member States of SDG 11.7, the aim of which is to provide universal access to safe, inclusive and accessible green and public spaces, in particular for children and women, persons with disabilities and older persons, by 2030;

The persons with disabilities most at risk

22. Denounces the fact that some persons with disabilities are at greater risk of being the victim of some kind of discrimination and violence, such as women and girls, children, elderly, people experiencing homelessness, detainees, migrants and refugees, racialised persons and persons from ethnic backgrounds, such as Roma people, as well as LGBTIQ+ people; calls on the Commission and the Member States to address the specific challenges, rights and needs of these people through targeted measures to ensure access to justice, to victim' assistance, support services and protection services and to remove barriers to reporting discrimination and violence;
23. Underlines that persons with disabilities, in particular women with disabilities, continue to face multiple and intersectional discrimination based on their disability and their gender, race, ethnicity, age, religion or belief, sexual orientation, migration status or socioeconomic background; stresses that women and girls with disabilities are particularly subject to gender-based violence and that the range of gender-based violence experienced by women and girls with disabilities can include physical, sexual, psychological and economic violence; is concerned that women with disabilities are often subject to gender-based violence by partners or family members; calls on the Commission and the Member States to ensure that mechanisms for reporting violence against persons with disabilities, as well as support services for victims, are put in place and are accessible;

24. Acknowledges the important role the caregivers play in persons with disabilities' lives and the obstacles they face in performing their work; stresses that the legal, financial and social dependence that persons with disabilities, particularly women, have on their caregivers, puts them in a more vulnerable situation; is concerned about reported cases of violence against persons with disabilities by those who should be caring for them, either at home or in institutional care settings;
25. Notes in the EU Strategy for the Rights of Persons with Disabilities 2021-2030 the Commission committed to focusing particular attention on women with disabilities, who are two to five times more likely to face violence than other women⁵¹; calls on the Commission to mainstream and take into account the situation of women with disabilities in EU policy and measures;
26. Is deeply concerned that women and girls with disabilities are far too often denied access to sexual and reproductive health services, in particular to gynaecological services, that they are also denied informed consent on the use of contraceptives and that they even face the risk of forced sterilisation⁵²; calls on the Member States to implement legislative measures that safeguard physical integrity, freedom of choice and self-determination with regard to the sexual and reproductive life of persons with disabilities;
27. Welcomes the Commission proposal of a Directive to combat violence against women and domestic violence, as well as the commitment of and the steps taken by some Member States in this regard; calls on the Commission and the Member States to adopt additional concrete measures to combat gender-based violence, which include providing targeted support to persons with disabilities; further urges the Commission and the Member States to organise specific training courses and awareness-raising activities targeted at gender-based violence response systems, which should ensure the participation of women with disabilities and should provide them with information about their rights; believes that Commission and the Member States must explore the unique intersection of gender and disability in greater depth in order to ensure that the complexities of gender-based violence against women and girls with disabilities are properly understood and addressed;
28. Urges the Member States to allocate sufficient human and financial resources to the framework laid down in Article 33(2) of the CRPD in order to ensure that national equality bodies fulfil their tasks effectively and efficiently; urges the Commission to provide the support needed for this;
29. Welcomes and supports the upcoming Commission legal initiative for minimum standards for equality bodies, which would encourage the Member States to extend the mandates of equality bodies to protect victims of discrimination based on disability; calls on the Commission to present an ambitious proposal without delay;
30. Urges the Council to conclude the EU ratification of the Istanbul Convention on the basis of a broad accession without any limitations, and to advocate for its ratification by

⁵¹ [Strategy for the Rights of Persons with Disabilities 2021-2030](#), p. 16.

⁵² https://www.edf-feph.org/content/uploads/2022/09/Final-Forced-Sterilisation-Report-2022-European-Union-copia_compressed.pdf

all the Member States, as it is an essential tool for addressing violence against women and girls with disabilities;

31. Urges the Commission and the Member States to prevent the isolation of women with disabilities in all their diversity through cross-cutting and structural measures such as education and awareness-raising activities among women with disabilities as well as their families and caregivers;
32. Is concerned about the situation of detainees with disabilities in Member States, irrespective of their type of disability; deplores the fact that the vulnerable situation of detainees with disabilities is not fully taken into account in some Member States; calls on the Member States to ensure that detainees with disabilities are provided the necessary infrastructure, including adequate provision for their specific needs, as well as ensuring accessibility and reasonable accommodation; calls for the Member States and the EU institutions, further, to take the necessary measures to ensure respect for and protection of the fundamental rights of prisoners, particularly those who are in vulnerable situations, such as mentally ill persons and persons with disabilities, including the adoption of common European detention standards in all Member States;
33. Calls on the Member States to guarantee the right to education of all children with disabilities, ensuring that they have equal access to inclusive, high quality teaching from early childhood to adolescence, in particular through the establishment of tailored infrastructures and specialised training for their teachers and assistants; highlights that particular attention should be given to the accessibility of school services for children with disabilities; highlights that children with disabilities continue to be disproportionately represented in institutional care, remain in institutions on a long-term or permanent basis, and face high levels of discrimination and neglect;
34. Emphasises that persons with disabilities are at higher risk of being the victims of hate speech and hate crime; welcomes the Commission's proposal to extend the list of EU crimes to hate speech and hate crime;

Equal recognition before the law

35. Calls on the Commission and the Member States to take urgent measures to abolish the restrictions on legal capacity that hinder the rights of persons with disabilities enshrined in the Treaties, including taking action to replace substituted decision-making with supported decision-making across the EU, respecting the autonomy, wishes and preferences of the person;
36. Calls on the Member States to implement dedicated programmes that will allow for a shift from depriving persons with psychosocial disabilities of their legal capacity towards supported decision-making schemes;
37. Welcomes the fact that in 2022 the EU Justice Scoreboard has for the first time taken account of the specific needs of persons with disabilities as regards access to justice;
38. Calls on the Commission and the Member States to take adequate measures to eliminate all the barriers, including cultural ones, faced by persons with disabilities in accessing justice by addressing the lack of awareness about disabilities and the CRPD among

justice services, including by allocating adequate funding for the training of justice personnel in order to improve the accessibility of information and provide professional support to victims with disabilities, in particular when the victim depends legally, financially or socially on the abuser; notes that complaints mechanisms, both judicial and non-judicial, should be made more accessible for persons with disabilities; calls on the Commission and the Member States, further, to include awareness of disability and of multiple and intersectional discrimination among recruitment criteria for personnel, in particular judicial and prison personnel, dealing with persons with disabilities;

39. Underlines that facilities and services must be accessible to ensure equal access to justice and appropriate assistance to those who experience difficulty in exercising their legal capacity; recalls that communication difficulties may have serious consequences in terms of access by detainees with disabilities to information in accessible formats and to activities suited to their disabilities; calls on the Commission and the Member States to take appropriate measures to guarantee affordable, safe and effective access to justice for persons with disabilities and to ensure that assistance and accessible communication and information is provided at all stages of the process;
40. Recalls that repeated transfers and lack of continuity of care, as well as the lack of judicial and prison staff, including medical staff, with adequate training in assisting detainees with disabilities, exacerbate vulnerability and isolation of these detainees;
41. Calls on the Commission to set up a programme for financing the coverage of judicial proceedings related to court trials where governments of the Member States stand accused of discrimination of persons with disabilities; suggests that this financing could be taken from the current European Social Fund Plus (ESF+);
42. Calls on the Commission and Eurofound to collect robust data and comprehensive research about the impact of restrictions of legal capacity on the lives of persons with disabilities, including persons with psychosocial disabilities;

Participation in political and public life: ‘Nothing About Us Without Us’

43. Calls on the EU and the Member States to amend the European Electoral Law as well as any relevant national law to ensure all persons with disabilities can vote and stand as candidate in elections on an equal basis with others; stresses that decisions on deprivation of legal capacity due to disability taken by the Member State of origin should not make Union citizens ineligible in their Member State of residence if the law of that Member State upholds that right for all persons with disabilities without restrictions; calls on the Commission, particularly with a view to the next European elections in 2024, to work with the Member States to guarantee the right to vote independently and in secret and to ensure that persons with disabilities have equal opportunities to campaign in elections; stresses that in many cases there are no infrastructures for persons with disabilities to exercise their democratic right to vote; calls on the Member States, in this regard, to ensure that the polling stations are accessible to persons with disabilities; reiterates, to this end, the provisions in Parliament’s legislative resolution of 3 May 2022 on the political rights of persons with disabilities;
44. Urges the Commission and the Member States to involve persons with disabilities in all

their diversity and of all backgrounds in EU decision-making; considers that leadership persons with disabilities should be further promoted through greater investment in organisations of persons with disabilities (OPDs/DPOs) in order to facilitate their meaningful participation and increase their influence in decision-making;

45. Calls on European, national, regional and local political parties to ensure that persons with disabilities are better represented on electoral rolls; calls on the designated electoral authorities of the Member States to collect data on the accessibility of polling stations, including indications of whether they are adapted to accommodate the needs of persons with disabilities and to report this to the Commission, the Council and the European Parliament at latest one year after an election to the European Parliament has been held;
46. Strongly believes that breaking down barriers by promoting and adopting accessibility measures and specific communication formats, such as easy-to-read language, Braille and sign language, would be a major step towards enabling persons with disabilities to genuinely participate in political and public life; stresses the need to make digital services more accessible for persons with disabilities;
47. Acknowledges the evolution of new technologies and its potential for person with disabilities; encourages the Commission in investing in developing information and communications technology (ICT) applications, which allow communication in and translation of sign language and Braille;
48. Calls on the Commission to further enhance and promote the aspects of the Creative Europe programme that promote inclusion in order to increase cultural participation across the Union as part of progress towards a more inclusive society, in particular for persons with disabilities, encouraging their active participation in creative processes as well as audience development;

The need for an implementation plan for disability-inclusive disaster risk management at EU level

49. Calls on the Commission and the Member States to strengthen the participation of persons with disabilities and their representative organisations in the decision-making process for the design, management, resourcing and implementation of policies and programmes on disaster risk reduction; calls for the mainstreaming of the perspectives of persons with disabilities in the Union's crisis management responses;
50. Considers that these programmes should include mainstreaming across different sectors and levels of government and set specific targets and timelines to achieve the development of a disability-inclusive disaster risk reduction action plan in order to achieve the Sendai Framework;
51. Underlines that EU policies and programmes must be supported by disaggregated evidence-based data; highlights the need to support and fund research in order to better understand the effects of disasters on persons with disabilities and their capacity to cope with them;
52. Calls on the Member States and the Commission to improve their crisis communication

and to ensure the use of formats that allow persons with disabilities to access relevant information; notes with concern the conclusions of the European Union Agency for Fundamental Rights on the substantial shortcomings in this area during the COVID-19 pandemic;

53. Notes that persons with disabilities are among the most marginalised and at-risk populations in any crisis-affected community; stresses further that as a consequence of war, persons with disabilities in situations of armed conflict face violent attacks, forced displacement and continuing neglect in the humanitarian response for civilians caught up in the fighting, and that they are often abandoned in their homes or in deserted villages for days or weeks, with little access to food or water; recalls the importance, in this regard, of the EU strategy on the rights of the child, the Child Guarantee, the 2021-2030 EU Strategy for the Rights of Persons with Disabilities, as well as of all existing EU legal instruments for supporting the Member States to address the specific needs, protection and care of refugees with disabilities, including the Temporary Protection Directive⁵³;

Freedom of movement and mutual recognition: the need to extend the benefits of the EU Disability Card

54. Stresses the indispensable need for the mutual definition, diagnosis and recognition of disability status in all areas throughout the EU and urges the Commission to accelerate its work in this regard in order to ensure the recognition of disability status while moving across the EU and to secure freedom of movement for persons with disabilities in all Member States;
55. Welcomes the Commission's announcement in its letter of intent of 2022 to Parliament stating that it would be submitting a legislative proposal on a European Disability Card in 2023, which is also included in the Commission's 2023 work programme;
56. Strongly believes that the EU Disability Card should be based on binding an EU legislative act that should cover a range of different areas beyond culture, leisure and sport; stresses that the Disability Card should also, by default, be usable for national, regional and local public services such as transport, have a dedicated EU website and accessible online database available in all EU languages, including specific communication formats, such as easy-to-read language, Braille and sign language; asks the Commission, further, to consider the management of the implementation of the EU Disability Card to be funded under the ESF+;
57. Strongly believes that persons with disabilities and their representative organisations have to be closely involved in the implementation of and communication on the EU Disability Card; considers that this firstly requires a review of current legislation and policies, must be backed up by a robust awareness-raising process, be followed by specific impact analyses based on disaggregated data, and lead to concrete implementation measures;

⁵³ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

Promoting mainstream inclusive educational settings and ensuring quality and accessible healthcare

58. Calls on the Commission and the Member States to take measures to facilitate access to and the enjoyment of inclusive, quality education for all learners with disabilities, including e-learning and lifelong learning, in line with the CRPD and to include disability-specific indicators from the Europe 2020 strategy when pursuing the education target; emphasises the importance of ensuring equal access to education in classrooms for pupils and students, including early childhood education, regardless of whether they have a disability; calls on the Member States to increase investment in the Erasmus+ programme and to use the funding opportunities offered by it;
59. Deplores the lack of investment by some Member States in facilities for persons with disabilities who need specific treatment by specialists, in some cases forcing these persons, especially young people of school age, to leave their families in order to access suitable facilities in other Member States;
60. Calls on the Commission to ensure that digital environments are accessible for all; stresses that live captioning, easy-to-read information, sign language interpretation and accessible websites are essential for providing education and information to persons with disabilities;
61. Urges the Commission and the Member States to take swift action to ensure that persons with disabilities, including psychosocial disabilities, are provided with the same range, quality and standards of free or affordable healthcare and programmes that are provided to other persons, including access to sexual and reproductive health services and initiatives under the EU Beating Cancer Plan;
62. Strongly recommends that EU funds support the development of disability-inclusive disease services in the Member States; suggests that the Commission should consider the development of accessibility standards for screening equipment;
63. Considers that accessible public health campaigns and communication on disease prevention, screening and treatment must include persons with disabilities and be disseminated in various accessible formats, such as sign language, Braille and easy-to-read;
64. Calls on the Member States to guarantee continuity of care and support, which often stops after schooling, causing difficulties in the transition to the labour market, breaks in employment support access opportunities and in the capacity to live independently;
65. Calls on the Member States to ensure that persons with disabilities have equal opportunities in the labour market, access to inclusive and mainstream education and health services, as well as equal access to transport by eliminating basic barriers to social life and incorporating universal design principles in infrastructure and digital investments across the EU;
66. Calls on the Commission to develop a comprehensive and cross-sectional European mental health strategy as an appropriate follow-up to the European Framework for Action on Mental Health and to improve the EU Compass for Action on Mental Health

and Well-Being; notes that this strategy should aim to require Member States to integrate mental healthcare with physical care in view of the close correlation between the two, including a particular focus on persons with disabilities, to deliver effective care on the basis of evidence and human rights and to expand the number of services on offer to enable more people to access treatment; calls on the Member States in particular to include in their relevant EU funds the improvement of neuropsychiatric services for children and young people, who suffered most as a result of the measures adopted during the pandemic, which led to increased social hardship, poverty and psychological suffering, with dramatic consequences;

67. Calls on the Commission to revise the Cross-Border Health Care Directive to bring it into line with the CRPD and guarantee effective access to quality cross-border healthcare for persons with disabilities;

Promoting inclusive employment

68. Highlights that persons with disabilities' exercise of the right to work⁵⁴ is closely linked to measures to tackle direct and indirect discrimination, poverty and barriers in health, education, training, housing, care, support, personal mobility, built environment accessibility, segregation, institutionalisation; encourages the Commission and the Member States therefore to take effective and concrete measures to promote equality, diversity and horizontal inclusion for persons with disabilities and their families in all parts of society, inter alia, through personal assistance, independent living, social protection, awareness-raising and a barrier-free environment; recalls that persons with disabilities' integration into the labour market is not only essential for social inclusion and equal opportunities, but also offers significant economic opportunities for persons with disabilities' financial independence and benefits the wider economy;
69. Asks the European Labour Authority to work with national labour inspectorates to implement existing legislation; recommends that labour inspectors monitor public and private employers to ensure compliance with occupational rights for people with disabilities;
70. Calls on the Commission and the Member States to adopt a holistic life cycle policy approach to supporting the prevention of discrimination and to ensure effective retention and inclusion of persons with disabilities in the labour market; calls on the Commission and Member States to fully implement and mainstream the CRPD across all legislative, policy and funding measures, in particular as regards persons with disabilities' social and labour market inclusion; calls for the EU and all Member States to ratify the Optional Protocol to the CRPD;
71. Welcomes the policy debate of 16 June 2022 among employment and social affairs ministers on the employment of persons with disabilities, how to remove disincentives to hiring persons with disabilities and actions to promote their integration into the labour market; looks forward to concrete follow-up actions by the Member States;
72. Underlines the need to pay particular attention to the employment situation of people with disabilities belonging to ethnic minorities, such as migrants, refugees, Roma and

⁵⁴ Article 27 of the CRPD.

people of African descent;

73. Emphasises that a human rights-based approach needs to be established as the framework under which society discusses disability and that disability support needs to be adapted accordingly; highlights the importance of a holistic definition and application of accessibility and stresses its value as an indispensable basis for persons with disabilities to have equal opportunities, as recognised in the CRPD and in line with CRPD General Comment No 2, taking into account the diversity of the needs of persons with disabilities, and promoting universal design as an EU principle⁵⁵;
74. Calls on the Commission to start the revision of the Employment Equality Directive as soon as possible, in particular as regards harmonised minimum standards for reasonable accommodations for workers with disabilities, with a view to fully harmonising it with the provisions of the CRPD and implementing a participatory process aimed at ensuring the direct and full involvement of organisations representing persons with disabilities;
75. Stresses the importance of actively involving persons with disabilities, their families and representative organisations in the development and implementation of all measures affecting them; stresses the importance of mainstreaming disability considerations in the workplace and the role of social dialogue and training for employers in this regard; calls on the Member States to take active measures to ensure non-discrimination for all and that persons with disabilities can exercise their labour and trade union rights on equal terms with others;
76. Highlights that harassment at work, including sexual harassment and retaliation for speaking up, hinders access to work and employment, job retention and equal career paths, in particular for women with disabilities⁵⁶, and that specific actions are needed in Member States to prevent, combat and sanction harassment against persons with disabilities;
77. Believes that income support schemes, disability-related assistance and active employment support complement each other in promoting the full and effective participation of persons with disabilities in the labour market, as salaries are not a replacement for covering additional expenses related to disabilities; calls, therefore, on the Member States to unbundle income and active employment support and disability-related assistance⁵⁷ in order to ensure that eligibility rules are as inclusive as possible, and to cover additional disability-related expenses, combat in-work poverty and ensure equality, dignity and autonomy for persons with disabilities; encourages the Member States to put in place similar solutions for carers of persons with disabilities to earn income in addition to their caring-related benefits;
78. Urges the Commission to ensure that Member States respect the principle of equal

⁵⁵ In Article 2 of the CRPD, ‘Universal design’ is defined as ‘the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed’.

⁵⁶ ‘[Europe 2020 data & People with disabilities - tables \(EU SILC 2017\)](#)’, prepared by Stefanos Grammenos, Centre for European Social and Economic Policy, 27 December 2019.

⁵⁷ UN Special Rapporteur on the rights of persons with disabilities, ‘Report of the Special Rapporteur on the rights of persons with disabilities’, presented to the 70th session of the UN General Assembly, 7 August 2015.

treatment and equal pay for work of equal value for all workers; insists, further, that workers with disabilities in sheltered workshops should at least be ensured the rights and status equivalent to the labour rights of people working in the open labour market; believes that these workshops should take an individualised approach and as far as is practicable only be used as a temporary option for persons with disabilities during their working life; believes, further, that these workshops should aim to foster skills development and support transitions to the open labour market; insists that persons with disabilities working in such environments should be protected by existing legal frameworks covering social protection and working conditions, including minimum wage protection on an equal basis with others, in line with Article 27 of the CRPD; calls on the Member States to develop inclusive models of sheltered and supported employment, respecting the rights of persons with disabilities, that serve as measures for effective inclusion and later transition to the open labour market; stresses that it is important for persons with disabilities to find quality employment that matches their skills and ambitions and that training, upskilling and reskilling of persons with disabilities should provide real abilities and skills; calls on the Member States to assess the effectiveness of existing sheltered workshops in providing persons with disabilities with skills to gain employment in the open labour market; calls on the Commission to monitor this process;

79. Notes that the COVID-19 crisis has led to an increase in remote work and that teleworking could help boost the employment of persons with disabilities as a form of disability accommodation and as a tool to achieve greater work-life balance and reduce pain- and fatigue-related barriers to the labour market; cautions, however, against the use of teleworking by employers to avoid making reasonable accommodations or creating inclusive workplace cultures for workers with disabilities⁵⁸, as this may isolate them and impact their mental health; stresses that future telework policies should be developed with a disability rights perspective and involve persons with disabilities when being designed, when new collective agreements are negotiated on telework, and when companies revise their telework policies to ensure they are disability-friendly; recalls that equal access to education and training for persons with disabilities, their acquisition of digital skills and accessible related digital infrastructure, both in urban and in rural and remote areas, are needed to enable people to benefit from the new employment opportunities created by digitalisation; highlights that reasonable accommodation is a right for workers with disabilities and believes that awareness-raising actions and programmes for skills and abilities of persons with disabilities and reasonable accommodation literacy for private and public employers should be promoted by public authorities to tackle ableism and ensure duty bearers have the tools to employ, support and retain workers with disabilities;
80. Notes that promoting the rights of older persons is closely linked to achieving equal rights for persons with disabilities, since older persons are more likely to have a disability and more than 46 % of persons aged 60 and over have disabilities; stresses, given demographic changes and in particular the ageing of the population, the need to address new challenges related to the higher prevalence of disabilities linked to the ageing of the workforce and the higher prevalence of employees with chronic diseases;

⁵⁸ Schur, L.A., Ameri, M. and Kruse, D., ‘[Telework After COVID: A ‘Silver Lining’ for Workers with Disabilities?](#)’, *Journal of Occupational Rehabilitation*, Vol. 30, No 4, 2020, pp. 521–536.

stresses the importance of developing policies, including flexible work schedules, to help workers with disabilities to better integrate into the labour market, as well as care services for persons with disabilities, including standards on training for staff and standards for personal assistance;

81. Calls on the Member States to monitor respect for principles 2 and 3 of the European Pillar of Social Rights, which provide for equality of treatment and opportunities regarding participation in the labour market, terms and conditions of employment and career progression between men and women, regardless of racial or ethnic origin, religion or belief, disability, age or sexual orientation; calls for monitoring of the adoption of the measures under the CRPD;
82. Calls on the Member States to provide tailored support for persons with disabilities as regards access to skills development, vocational education and training, and employment to ensure inclusive and active labour market policies; encourages employment services and the public and private sectors to roll out personalised measures to improve the employability and retention of persons with disabilities in the labour market with a view to complying with the CRPD, and to exchange best practices on employing persons with disabilities through the European Network of Public Employment Services; calls on the Member States to provide guidance, training and financial aid to support job creation, recruitment entrepreneurship and self-employment for persons with disabilities, including through the ESF+; underlines the positive role the social economy can play in the employment of persons with disabilities; calls on the Member States to create incentives to encourage persons with disabilities to create social economy entities and to initiate income-generating activities;
83. Believes that labour market support measures must take into account disability and tailor-made policy responses to support the inclusion of persons with disabilities in employment; calls on the Member States to support job-matching, vocational profiling, concurrent employment and training, in-work induction, on-the-job training, career development and mentoring, and inclusive and accessible vocational education and training to support the necessary integration and retention of persons with disabilities in the workplace; stresses that measures to improve persons with disabilities' inclusion and employment will not be truly effective without also tackling disability-related stereotypes and stigma in the workplace and wider society; stresses, in this regard, the importance of awareness-raising and training for educators, employers and employees, as well as the general public, in tackling ableism, shifting mind-sets and ensuring truly inclusive societies;
84. Stresses that the low activity rate of persons with disabilities hinders socioeconomic inclusion, which must be improved by European and national programmes aiming to activate and train persons excluded from the labour market; stresses that, while supporting and promoting the labour market participation of persons with disabilities is crucial, adequate and inclusive social protection mechanisms also need to be put in place to ensure support is available for all persons with disabilities;
85. Reiterates its call on the Commission and the Member States to assess the key trends for the future of work from a disability perspective in order to identify and launch specific actions to make the labour market more inclusive and reduce the digital divide;

underlines the importance of making better use of innovative technologies to level the playing field and remove barriers to education, training and employment, in particular in the digital labour market, and to help persons with disabilities gain access to digital tools and software that are indispensable for them to live independently; emphasises the need to protect persons with disabilities from AI-based discrimination in recruitment, selection, promotion and termination decisions in employment; calls on the Member States to improve the reach of training courses on digital skills for groups of people who are at risk of exclusion, inter alia, persons with disabilities and older people, in order to better integrate them into social life and the labour market and provide better access to e-services and administration;

86. Strongly supports research into, social investment in and targeted initiatives at EU level for programmes and services proven to be effective in supporting the long-term labour market integration of persons with disabilities, with particular attention to persons on the autism spectrum; suggests that the Member States should commission research into models and programmes where an evidence base does not yet exist, as well as fund innovation in service provision, such as AI applied to assistive technologies⁵⁹;
87. Calls on the Member States, in particular national coordinators in their multi-annual national strategies under the European Child Guarantee, to pay particular attention to the needs of children with disabilities and ensure effective and free access to quality services, particularly inclusive education; calls on them to provide effective access to healthy nutrition and adequate housing for all refugee children with disabilities on an equal footing with children in host countries in line with Council Recommendation (EU) 2021/1004 in order to ensure that national integrated measures take intersectional disadvantages into account; calls on the Member States and the Commission, therefore, to urgently increase the funding for the European Child Guarantee by means of a dedicated budget of at least EUR 20 billion; encourages all Member States, in this regard, to allocate more than the minimum ESF+ resources under shared management to support activities under the European Child Guarantee; reiterates its call on the Member States to implement the improved Youth Guarantee to ensure offers of high quality, including fair remuneration, access to social protection, and working environments that are adapted to the needs of persons with disabilities;
88. Calls on the Member States to implement the Directive on work-life balance for parents and carers, which introduces a carers' leave allowance of five working days per year; insists that special arrangements for carers' leave, paternity leave, parental leave and flexible working hours should be considered for parents in particularly disadvantaged situations, such as those with disabilities or parents of children with disabilities or long-term illnesses, without any repercussions from the employer;
89. Calls on the Member States to ensure better working and living conditions, including through adequate minimum wages and pay transparency measures, to reduce the disability pay gap and achieve inclusive and sustainable growth in the labour market; stresses the importance of swiftly adopting the directive on minimum wages and pay transparency, which must fully apply to persons with disabilities;

⁵⁹ European Platform for Rehabilitation, '[Artificial intelligence and service provision for people with disabilities – An analytical paper](#)', 2022.

90. Calls on the Commission to develop and promote a European legal framework for inclusive enterprises with the aim of creating permanent employment for people with disabilities;

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

EXPLANATORY STATEMENT

In the process of drafting this report, the Rapporteur has scrutinized the implementation of each article of the UN Convention on the Rights of Persons with Disabilities (hereafter CRPD) together with civil society representatives and persons with disabilities themselves.

The CRPD is the first international human rights treaty to be ratified by the EU and all its Member States, which makes it legally binding upon the EU institutions and the 27 countries. Additionally, the EU institutions must implement fully the recommendations of the UN Committee on the Rights of Persons with Disabilities and ensure that all future legislation fully adheres to the CRPD. The European Parliament has stressed the need to ratify the Optional Protocol to the CRPD both by the Member States that have not yet done so and by the EU, as it is an avenue that offers opportunity to review individual or systemic cases of discrimination.

However, the existing EU legislation on the rights of persons with disabilities lacks effective implementation and enforcement. Sixteen years after the adoption of the CRPD, the daily life of persons with disabilities remains an obstacle course: from physical and social needs, to integration in school or in employment, to all essential aspects of everyday life.

The lack of implementation of the CRPD

The failure to adopt non-discrimination legislation at EU level is one of the biggest obstacles to achieve the full enjoyment of the rights of persons with disabilities. Without horizontal non-discrimination legislation, persons with disabilities are exposed to a wide range of other forms of discrimination in access to housing, goods, and services, which are not covered under European non-discrimination law. Despite the repeated calls from the European Parliament urging the Council to unblock the negotiations on the horizontal equality directive, there has been no progress since 2008 and the Commission has not come up with specific measures in case of the directive not being adopted by the Council.

Even though much progress was made by the Member States in effectively implementing and monitoring the CRPD and in complying with its standards, contrary to the Convention, the EU has for instance continued to support investments in large and small institutions. Furthermore, complaints and evidence on practice of torture and other forms of physical and chemical restraints in institutions indicates that this is a systemic issue in the EU and we should call for its absolute prohibition and for the accountability of those involved in such practices.

The Rapporteur welcomes the EU Strategy for the Rights of Persons with Disabilities 2021-2030 and Commission's commitment to end the practice of institutionalisation across the Member States. However, she believes that it is essential to explicitly recognise the segregating nature of group homes and the need to move away from such settings - which should not be an 'alternative' to large institutions - encouraging community support and services, such as personal assistance, and creating pathways to accessible and affordable housing. Although a significant amount of EU money has been allocated to support the development of community-based services, the parallel investment in small and large residential settings has been a hindrance to the development of alternative housing and support options. Access to independent living services is key. Persons with disabilities should

decide where they want to live and the support they want to receive.

Equality and non-discrimination

Some persons with disabilities, including persons with psychosocial disabilities, still cannot fully enjoy their right to political participation across the EU. At the last elections of the European Parliament in 2019, 18 EU Member States had legislation in place that excluded hundreds of thousands citizens from the possibility to vote on the ground of disability (namely because of being placed under plenary or partial guardianship). Moreover, this does not include those persons who, even if not deprived of their legal capacity, could not vote because of being institutionalised.

Persons with disabilities are still at higher risk of violence and abuse than other people. Children and adolescents with disabilities are three to four times more likely to experience physical and sexual violence and neglect than other children. Member States should take all appropriate measures to ensure the protection of the rights of children without discrimination of any kind.

Women and girls with disabilities face multiple and intersectional discrimination in all areas of life, and are more at risk of violence, exploitation and abuse compared to other women. Such violence can take different forms including harassment, sexual violence, and forced abortion, sterilisation and contraception. The CRPD committee expressed concerns over the fact that several Member States still authorise forced sterilisation in their legislation, and that even in countries in which the law does not authorise forced sterilisation, such violation may still take place when they are performed without the understanding and consent of the girl or woman with disabilities. Therefore, the EU cannot wait longer and should swiftly ratify and implement the Istanbul Convention, collect disaggregated data to inform on their specific situation, finance and promote training and capacity building of professionals, and emotional and sexuality education in the Member States, including through project funding.

Freedom of movement and mutual recognition: The need to extend the benefits of the EU Disability Card

The need to extend the benefits of the EU Disability Card is of utmost importance for the Rapporteur. In fact, since crossing the border does not change one's handicap status, a mutual recognition, based on the harmonisation of the systems of assessing the degree of disabilities, would permit to persons with disabilities to benefit from all their rights all around the EU, without facing any barriers. Why is this important?

Employment: The lack of correlation between the systems of assessment of the degree of disability in the Member States significantly limits the possibility of people with disabilities moving between EU countries to undertake work. Having a disability certificate also entitles one to benefit from the services of employment agencies, specialised training and vocational courses. Changing the country of residence requires qualification of the relevant degree of disability to benefit from such entitlements.

Health care and Rehabilitation: The possibility to use rehabilitation services, the level of subsidies for these services, subsidies for the purchase of equipment necessary for everyday life of a person with disabilities requires a certificate of the degree of disability. In the lack of

correlation of the disability assessment systems, the possibility to continue ongoing rehabilitation processes when changing the country of residence is severely limited.

Transport: To benefit from reduced transport fares, the passenger must be qualified as a person with a relevant degree of disability, corresponding to the amount of the reduction. In many places, the use of specialised road transport services is conditional upon the beneficiary having a relevant high degree of disability. Hence, specialised transport services and the use of transport reductions are currently, in the absence of correlation between the degrees of disability, not available to citizens of EU Member States travelling in Europe.

Education: A separate issue is the discrepancies between the systems of assessing the degree of disability of children and youth in the EU Member States, resulting in difficulties in accessing specialized education when changing the country of residence.

The need to promote an accessible and high quality health service

The EU does not currently recognise discrimination on the ground of disability in relation to healthcare. This means that persons with disabilities are not protected to receive the same range, quality and standard of free or affordable healthcare and programmes as provided to other persons.

For persons with psychosocial disabilities the challenge does not only come from possible discrimination and stigma, but also from the risk of not receiving adequate information and give informed consent if they are under guardianship or under some types of substitute decision-making scheme. Supported decision-making, on the other hand, is a practice that can have a substantial impact on the right to health of persons with psychosocial disabilities, yet virtually all EU Member States still include some type of substitute decision-making schemes as a last resort. This means that, in many cases, where there is a choice between the two, substitute decision-making prevails over supported decision-making.

Finally, the EU does not currently have any action dedicated to mental health. This is a particularly problematic issue since the barriers faced by persons with disabilities have an impact on their overall wellbeing and mental health and because, even for people without disabilities, some forms of mental health problems – if not adequately prevented and addressed – can lead to the development of psychosocial disabilities. Despite the fact that Council and the European Parliament have been calling for the need of a European Mental Health Strategy, no action is currently foreseen or in development.

The need for an EU implementation plan for disability inclusive disaster risk reduction

The Rapporteur also wanted to highlight that the impacts of climate change – from rapid-onset disasters such as typhoons and wildfires to more gradual changes such as droughts, temperature increase, and sea-level rise – have disproportionate effects on the lives, well-being, and livelihoods of persons with disabilities all over the world. The failure to include persons with disabilities in the world's efforts to combat the climate crisis and reduce the risks to disasters has dramatic consequences. Due to inaccessible disaster preparedness plans, systemic discrimination, and widespread poverty, persons with disabilities are often left behind in relief and response efforts.

The Sendai Framework for Disaster Risk Reduction 2015-2030 reflects a human rights-based sustainable development agenda inclusive of and accessible to persons with disabilities. It also requires all disaster risk reduction policies to integrate a disability perspective and promotes inclusive risk-informed decision-making based on the dissemination of information disaggregated by disability.

More can be done to strengthen the participation of persons with disabilities and their representative organizations in decision-making for the design, management, resourcing, and implementation of policies and programs for disaster risk reduction. This should include mainstreaming across sectors and levels of government, including by setting specific targets and timelines to achieve person with disability balance and the development of a Disability inclusive Disaster Risk Reduction Action Plan to achieve the Sendai Framework. Policies and programs must also be supported by more disaggregated evidence base and data, and there is a need to support and fund research and to better understand disaster impacts on and the coping capacity of persons with disabilities.

Concluding statement

The full and effective implementation of each and every article of the CRPD has been the aim and driving force of this report since the very beginning and the Rapporteur believes that the European Parliament should be leading in achieving this goal.

True equality can only be achieved through concrete and measurable results. The CRPD is the key instrument to fight discrimination, exclusion and coercion but we need to go from words to deeds. Member States should make practical changes in their legislation to make equality before the law a reality for persons with disabilities in the EU. It is not up to persons with disabilities to make room for themselves to live like everyone else, but up to those in power to meet their needs, starting with giving them the main seat at the decision-making table.

Democracy should be for all and if democracy is not for all, equality cannot be achieved.

OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

Towards equal rights for persons with disabilities
(2022/2026(INI))

Rapporteur for opinion: Jordi Cañas

SUGGESTIONS

The Committee on Employment and Social Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- having regard to Articles 2 and 3(3) of the Treaty on European Union (TEU), and Articles 2, 9, 10, 19 and 216(2) of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union (the Charter), in particular Articles 3, 15, 20, 21, 23, 25, 26 and 47 thereof,
- having regard to the European Social Charter, in particular Article 15 thereof,
- having regard to the European Pillar of Social Rights, in particular principles 1, 2, 3, 4, 5, 6, 11, 14 and 17 thereof,
- having regard to the UN's 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs), in particular SDGs 1, 8 and 10,
- having regard to the UN Convention on the Rights of Persons with Disabilities (CRPD), its Optional Protocol, 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 UN Convention on the Rights of Persons with Disabilities¹,
- having regard to the general comments of the UN Committee on the Rights of Persons with Disabilities (CRPD Committee) on the implementation of the CRPD, in particular general comments No 2 of 22 May 2014 on accessibility, No 3 of 25 November 2016 on

¹ OJ L 23, 27.1.2010, p. 35.

women and girls with disabilities, No 4 of 25 November 2016 on the right to inclusive education, No 5 of 27 October 2017 on living independently and being included in the community, No 6 of 26 April 2018 on equality and non-discrimination, and No 7 of 9 November 2018 on the participation of persons with disabilities, including children with disabilities, through their representative organizations,

- having regard to the concluding observations of the CRPD Committee of 2 October 2015 on the initial report of the European Union, and to the list of issues submitted by the CRPD Committee of 20 April 2022, prior to submission of the second and third periodic reports of the European Union,
- having regard to the Universal Declaration of Human Rights,
- having regard to the UN Convention on the Elimination of All Forms of Discrimination against Women,
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights),
- having regard to the Europe 2020 poverty target, the Porto declaration, the Commission communication of 4 March 2021 entitled ‘The European Pillar of Social Rights Action Plan’ (COM(2021)0102) and its target for 2030 relating to the fight against poverty and social exclusion,
- having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin²,
- having regard to the regulations laying down the rules on EU funding programmes under the multiannual financial framework, especially the European Social Fund, the Youth Employment Initiative, the European Regional Development Fund, the European Agricultural Fund for Rural Development, the Erasmus programme, and the Just Transition Fund, all of which provide EU financial assistance for improving the situation of persons with disabilities,
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation³ (Employment Equality Directive),
- having regard to Commission Recommendation (EU) 2018/951 of 22 June 2018 on standards for equality bodies⁴,
- having regard to Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services⁵

² OJ L 180, 19.7.2000, p. 22.

³ OJ L 303, 2.12.2000, p. 16.

⁴ OJ L 167, 4.7.2018, p. 28.

⁵ OJ L 151, 7.6.2019, p. 70.

(European Accessibility Act),

- having regard to Directive (EU) 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 bodies⁶ (Web Accessibility Directive),
- having regard to the Commission proposal of 2 July 2008 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 2009⁷,
- having regard to its resolution of 29 November 2018 on the situation of women with disabilities⁸,
- having regard to the Commission communication of 3 March 2021 entitled 'Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030' (COM(2021)0101), in particular the six flagship initiatives therein,
- 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 the Commission staff working document of 2 February 2017 entitled 'Progress Report on the implementation of the European Disability Strategy (2010-2020)' (SWD(2017)0029),
- having regard to the 2016-2018 Commission pilot project initiative in eight Member States on an EU disability card, and the 2021 study assessing the implementation of the pilot action on the EU Disability Card and associated benefits,
- having regard to the European Economic and Social Committee opinion of 11 December 2019 entitled 'Shaping the EU agenda for disability rights 2020-2030: a contribution from the European Economic and Social Committee'⁹,
- having regard to the Commission staff working document of 20 November 2020 entitled 'Evaluation of the European Disability Strategy 2010-2020' (SWD(2020)0289),
- having regard to the Commission report on the application of the Racial and Employment Equality Directives (COM(2021)0139),
- having regard to its resolution of 18 June 2020 on the European Disability Strategy post-2020¹⁰,
- having regard to its resolution of 10 March 2021 on the implementation of Council Directive 2000/78/EC establishing a general framework for equal treatment in

⁶ OJ L 327, 2.12.2016, p. 1.

⁷ OJ C 137E, 27.5.2010, p. 68.

⁸ OJ C 363, 28.10.2020, p. 16.

⁹ OJ C 97, 24.3.2020, p. 41.

¹⁰ OJ C 362, 8.9.2021, p. 8.

employment and occupation in light of the CRPD¹¹,

- having regard to the Eurofound publication of 2021 entitled ‘Disability and labour market integration: Policy trends and support in EU Member States’,
 - having regard to its resolution of 7 April 2022 on the EU’s protection of children and young people fleeing the war in Ukraine¹²,
 - having regard to its resolution of 19 May 2022 entitled ‘The social and economic consequences for the EU of the Russian war in Ukraine – reinforcing the EU’s capacity to act’¹³,
 - having regard to the Commission communication of 9 December 2021 entitled ‘Building an economy that works for people: an action plan for the social economy’ (COM(2021)0778),
 - having regard to the Eurofound publication of 2022 entitled ‘People with disabilities and the COVID-19 pandemic: Findings from the Living, working and COVID-19 e-survey’,
 - having regard to the UN Convention on the Rights of the Child,
 - having regard to the UN 2030 Agenda for Sustainable Development, in particular Sustainable Development Goal 8 ‘Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all’,
 - having regard to the Eurofound publication of 2018 entitled ‘The social and employment situation of people with disabilities’,
 - having regard to its resolution of 29 April 2021 on the European Child Guarantee¹⁴,
 - having regard to the Council Recommendation (EU) 2021/1004 of 14 June 2021 establishing a European Child Guarantee¹⁵,
 - having regard to the European Parliament Policy Department C study of September 2017 entitled ‘Inclusive education for learners with disabilities’¹⁶,
 - having regard to its resolutions of 7 October 2021 entitled ‘Protection of persons with disabilities through petitions: lessons learnt’¹⁷ and of 8 July 2020 on the rights of persons with intellectual disabilities and their families in the COVID-19 crisis¹⁸,
- A. whereas disability results from the interaction between persons who have long-term physical, mental, intellectual or sensory impairments and attitudinal and environmental

¹¹ OJ C 474, 24.11.2021, p. 48.

¹² Texts adopted, P9_TA(2022)0120.

¹³ Texts adopted, P9_TA(2022)0219.

¹⁴ OJ C 506, 15.12.2021, p. 94.

¹⁵ OJ L 223, 22.6.2021, p. 14.

¹⁶ <https://op.europa.eu/en/publication-detail/-/publication/434b691e-a8b2-11e7-837e-01aa75ed71a1>

¹⁷ OJ C 132, 24.3.2022, p. 129.

¹⁸ OJ C 371, 15.9.2021, p. 6.

barriers that hinder their full and effective participation in society on an equal basis with others; whereas the CRPD rejects the medical model of disability and endorses the human rights–based approach and the social model of disability instead; whereas the CRPD demands inclusive equality for persons with disabilities; whereas persons with disabilities contribute to the diversity of humankind and society;

- B. whereas there are approximately 87 million persons with disabilities in Europe¹⁹; whereas approximately one in six people in the EU live with some kind of disability; whereas 50.6 % of persons with disabilities are employed and 28.4 % are at risk of poverty or social exclusion, compared to 74.8 %²⁰ and 18.4 % respectively of persons without disabilities²¹; whereas the latest data from the EU Statistics on Income and Living Conditions shows that the disability employment gap was 24.5 % in 2020; whereas the EU employment activity rate for persons with disabilities is only 61.0 % compared to 82.3 % for people without disabilities; whereas rheumatic and musculoskeletal diseases are associated with high levels of disability, comprise the biggest cause of physical disability in the EU and account for over 50 % percent of years lived with disabilities in Europe²²; whereas some persons with disabilities, especially persons with intellectual or psychosocial disabilities and those on the autism spectrum, are disproportionally affected by higher unemployment rates; whereas between 70 and 90 % of adults with autism are unemployed²³;
- C. whereas persons with disabilities continue to face multiple and intersectional discrimination and disadvantage in everyday life and do not fully enjoy the fundamental freedoms and rights as laid down in the applicable EU and UN normative and legal frameworks, such as mutual recognition of disability status between Member States, equal access to public transport, accessibility of the built environment, use of sign languages, financing of and equal access to education and vocational training, access to personal assistance and community inclusion, and equality in opportunity and treatment in employment and occupation; whereas these challenges vary across Member States;
- D. whereas women with disabilities constitute 16 % of the total population of women in the EU and 60 % of the overall population of persons with disabilities in Europe; whereas women with disabilities are at higher risk of unemployment, poverty and social exclusion compared to men with disabilities and women without disabilities, with only 20 % of women with disabilities in full-time employment, compared to 29 % of men with disabilities and 48 % of women without disabilities²⁴; whereas poverty and intersecting forms of discrimination increase the risks of social exclusion and violence against women; whereas women with disabilities are two to five times more likely to be victims of violence than other women²⁵;

¹⁹ European Commission, ‘[Opening remarks by Commissioner Dalli on the Strategy for the Rights of Persons with Disabilities 2021-2030](#)’, 3 March 2021.

²⁰ Lecerf, M., European Parliamentary Research Service, ‘[Employment and disability in the European Union](#)’, May 2020.

²¹ Eurostat, ‘[Disability statistics – poverty and income inequalities](#)’, January 2021.

²² According to data from the [World Health Organization Rehabilitation Need Estimator](#), accessed 4 April 2022.

²³ Autism-Europe, ‘[State of play of employment of people on the autism spectrum in Europe: barriers, good practices and trends](#)’, 5 November 2019.

²⁴ European Institute for Gender Equality, ‘Gender Equality Index 2021’.

²⁵ European Disability Forum, ‘[EDF joins World Day for the Elimination of Violence against Women. Orange](#)

- E. whereas Eurofound research shows that between 2011 and 2016, the gap in third-level education attainment between persons with and without disabilities widened from 7 % to 9 %; whereas only 29.4 % of persons with disabilities attain a tertiary degree compared to 43.8 % of those without disabilities²⁶; whereas the limitations on access to education for persons with disabilities lead to lower participation in educational and training activities and a risk of social and economic exclusion;
- F. whereas the EU, its institutions and its Member States are party to the CRPD and are obliged to fully implement the fundamental rights therein, including Article 27 on work and employment; whereas the rights enshrined in the CRPD are far from a reality for millions of persons with disabilities in the EU, not least because of the shortcomings of the Employment Equality Directive;
- G. whereas the CRPD recognises the right of persons with disabilities to work on an equal basis with others, including the opportunity to gain a living by work freely chosen and in an open, inclusive and accessible environment; whereas everyone has the right to timely and tailor-made assistance to improve employment or self-employment prospects, including the right to receive support for job searching, training and re-qualification, as laid down in principle 4 of the European Pillar of Social Rights; whereas persons with disabilities are overwhelmingly excluded from the open labour market and are denied their right to engage in work on an equal basis with others or face major difficulties in achieving equal access to and equal conditions in the labour market; whereas Eurofound research reveals that key obstacles to the employment of persons with disabilities include disability-related stereotypes, bureaucratic difficulties in accessing available services, lack of strategic vision in governance, insufficient monitoring of policy implementation, limited training resources for employers and lack of specialist support²⁷;
- H. whereas persons with disabilities should have access to individualised support and accommodations in the workplace; whereas persons with disabilities have the right to income support that ensures their ability to live in dignity, services that enable them to participate in the labour market and in society, and a work environment adapted to their needs; whereas the disadvantages experienced by persons with disabilities extend far beyond the realm of employment; whereas the social and financial situation of persons with disabilities in the EU is significantly worse than that of persons without disabilities²⁸ and is synonymous with structural or educational disadvantage and discrimination; whereas support measures focusing on areas other than employment – for instance, poverty reduction, access to housing and childcare, accessible public transport and personal assistance – also play a key role in providing opportunities for persons with disabilities to access and remain in the workforce;
- I. whereas the 2021-2030 EU strategy for the rights of persons with disabilities proposes

[the World: Fund, Respond, Prevent, Collect!](#)’, 25 November 2021.

²⁶ European Commission, ‘[Union Of Equality: Strategy For The Rights Of Persons With Disabilities 2021-2030 – Building a Union without barriers](#)’, 3 March 2021. See also: Commission communication of 3 March 2021 entitled ‘Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030’ (COM(2021)0101).

²⁷ Eurofound, ‘[Disability and labour market integration: Policy trends and support in EU Member States](#)’, Publications Office of the European Union, Luxembourg, 2021.

²⁸ Eurofound, ‘The social and employment situation of people with disabilities’, Publications Office of the European Union, Luxembourg, 2018.

creating a European Disability Card by the end of 2023, with a view to it being recognised in all Member States;

- J. whereas technical innovations, such as ethical and human-centric artificial intelligence systems, have the potential to develop efficient, accessible and non-discriminatory hiring processes, but whereas non-inclusive technological developments could pose a risk of adding new barriers for and forms of discrimination against persons with disabilities; whereas Article 9 of the CRPD requires accessible information and access to communication technologies and systems on an equal basis with others; whereas 64.3 % of persons with disabilities aged 16 or older have an internet connection at home, compared to 87.9 % of persons without disabilities²⁹;
- K. whereas Eurofound research shows that entrepreneurship and self-employment support in the form of guidance, training and financial aid can provide opportunities for persons with disabilities to be active in the open labour market, disincentivising their sole reliance on disability benefits; whereas such support needs to be well targeted and adequately resourced³⁰;
- L. whereas the COVID-19 pandemic has exacerbated existing obstacles and inequalities for all persons with disabilities; whereas Eurofound's research shows that during the pandemic, on average 71 % of respondents with disabilities were at risk of depression, and 25 % of respondents with disabilities indicated that they could not access mental healthcare, which was a rate twice as high as for those without disabilities³¹; whereas Eurofound research shows that lockdowns and restrictions stemming from the COVID-19 pandemic particularly affected young persons with disabilities, between the ages of 18 and 29, as 51 % of those respondents reported feeling lonely, 19 % more than young persons without disabilities³²; whereas return-to-work plans are critical for workers suffering from mental health problems;
- M. whereas political participation does not affect all persons with disabilities equally; whereas those with more severe impairments, as well as persons with particular types of impairments – for example, persons with intellectual disabilities – disproportionately face barriers to their participation in the political life; whereas these individuals are often some of the most isolated and excluded;
- N. whereas a decade after the EU became party to the CRPD, the level of institutionalisation remains unchanged; whereas across Europe, at least 1.4 million people are still confined to institutions – a number that has remained unchanged since the adoption of the convention³³; whereas according to the European Network on

²⁹ Commission communication of 3 March 2021 entitled 'Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030' (COM(2021)0101).

³⁰ Eurofound, '[Disability and labour market integration: Policy trends and support in EU Member States](#)', Publications Office of the European Union, Luxembourg, 2021, p. 25.

³¹ Eurofound, '[People with disabilities and the COVID-19 pandemic: Findings from the Living, working and COVID-19 e-survey](#)', COVID-19 series, Publications Office of the European Union, Luxembourg, 2022, pp. 8 and 10.

³² Eurofound, '[People with disabilities and the COVID-19 pandemic: Findings from the Living, working and COVID-19 e-survey](#)', COVID-19 series, Publications Office of the European Union, Luxembourg, 2022, p. 11.

³³ Angelova-Mladenova, L. and Brennan, C., '[Shadow report on the implementation of the UN Convention on the Rights of Persons with Disabilities in the European Union](#)', European Network on Independent Living,

Independent Living's 2020 survey on independent living, 24 out of 43 countries represented in the Council of Europe do not have a deinstitutionalisation strategy, and for the 18 countries that do have one, 88 % of respondents describe the strategy as either inadequate or requiring improvement;

- O. whereas 33 countries in the Council of Europe provide some kind of personal assistance, while 97 % of respondents indicate that access is either inadequate or requires improvement;
- P. whereas the current legislative framework establishes no obligation for the Member States to designate an equality body to protect victims of discrimination on the grounds of disability;
- Q. whereas in 2008, the Commission presented a proposal to expand protection from discrimination beyond employment, as set out the Employment Equality Directive, which prohibits discrimination based on disability, age, sexual orientation and religion or belief in the areas of employment and occupation; whereas the new directive would make the principle of equality applicable to education, access to goods and services and social protection, including social security and health care; whereas this proposal has not been adopted yet and has been blocked within the Council for 13 years, where unanimity is required for its adoption;
- R. whereas all EU Member States have ratified the UN Convention on the Rights of the Child, which makes it binding for them, and whereas Article 3(3) TEU establishes the objective for the EU to promote the protection of children's rights; whereas the EU Charter of Fundamental Rights guarantees that EU institutions and Member States must protect the rights of the child when they implement EU law; whereas Parliament adopted its resolution on a European Child Guarantee with a strong majority, forcefully asking that all children be ensured access to inclusive education from early childhood to adolescence, including for Roma children, children with disabilities, stateless and migrant children and those living in humanitarian emergency settings;
- S. whereas access to quality employment, education and training, healthcare, social protection, including across borders, adequate housing, support for independent living and equal opportunities to participate in leisure activities and community life are essential to the quality of life of persons with disabilities and to reducing poverty and vulnerability and supporting inclusive and sustainable growth; whereas national minimum income schemes should ensure equal access for people with disabilities; whereas persons with disabilities should also have access to targeted assistance for additional disability-related expenses they face i.e. such expenses should not be covered by income alone;
- 1. Highlights that persons with disabilities' exercise of the right to work³⁴ is closely linked to measures to tackle direct and indirect discrimination, poverty and barriers in health, education, training, housing, care, support, personal mobility, built environment accessibility, segregation, institutionalisation; encourages the Commission and the Member States therefore to take effective and concrete measures to promote equality,

February 2022. p. 5.

³⁴ Article 27 of the CRPD.

diversity and horizontal inclusion for persons with disabilities and their families in all parts of society, inter alia, through personal assistance, independent living, social protection, awareness raising and a barrier-free environment; recalls that persons with disabilities' integration into the labour market is not only essential for social inclusion and equal opportunities, but also offers significant economic opportunities for persons with disabilities' financial independence and benefits the wider economy;

2. Asks the European Labour Authority to work with national labour inspectorates to implement existing legislation; recommends that labour inspectors monitor public and private employers to ensure compliance with occupational rights for people with disabilities;
3. Calls on the Commission and the Member States to adopt a holistic life cycle policy approach to support the prevention of discrimination and to ensure effective retention and inclusion of persons with disabilities in the labour market; calls on the Commission and Member States to fully implement and mainstream the CRPD across all legislative, policy and funding measures, in particular as regards persons with disabilities' social and labour market inclusion; calls for the EU and all Member States to ratify the Optional Protocol to the CRPD;
4. Welcomes the recent policy debate of 16 June 2022 among employment and social affairs ministers on employment of persons with disabilities, how to remove disincentives to hiring persons with disabilities and actions to promote their integration into the labour market; looks forward to concrete follow-up actions by the Member States;
5. Underlines the need to pay particular attention to the employment situation of people with disabilities belonging to ethnic minorities, such as migrants, refugees, Roma and people of African descent;
6. Emphasises that a human rights-based approach needs to be established as the framework under which society discusses disability and that disability support needs to be adapted accordingly; highlights the importance of a holistic definition and application of accessibility and its value as an indispensable basis for persons with disabilities to have equal opportunities, as recognised in the CRPD and in line with CRPD general comment No 2, taking into account the diversity of the needs of persons with disabilities, and promoting universal design³⁵ as a principle of the EU;
7. Stresses that persons with disabilities should enjoy their right to free movement in the EU on an equal basis with others and urges the Commission to put forward a proposal for a harmonised definition of disability at EU level, as well as mutual recognition of disability status and associated benefits and social protection rights to enable their access to health, care and other services that facilitate independent living and their education, training and employment opportunities across borders; calls on the Member States to facilitate the portability of disability benefits and entitlements for persons with

³⁵ According to Article 2 of the CRPD, 'Universal design' is defined as 'the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. "Universal design" shall not exclude assistive devices for particular groups of persons with disabilities where this is needed'.

disabilities, including support services where relevant, to further foster the right to free movement; calls on the Commission and the Member States to fulfil their commitments under the EU disability strategy, in particular the promised expansion of the European Disability Card to ensure that disability status is recognised in all Member States, as soon as possible;

8. Calls on the Council, in particular its upcoming presidencies, to unblock negotiations on the proposed horizontal anti-discrimination directive without any further delay and to move towards an agreement, as it is a prerequisite to achieving equality in the EU and extending protection to persons with disabilities in all spheres;
9. Calls on the Commission to conduct a cross-cutting, comprehensive review, and where necessary revision of, all relevant EU legislation with a view to ensuring its full CRPD compliance, in particular as regards accessibility of the built and digital environments; calls on the Commission to start the revision of the Employment Equality Directive as soon as possible, in particular as regards harmonised minimum standards for reasonable accommodations for workers with disabilities, with a view to fully harmonising it with the provisions of the CRPD and implementing a participatory process aimed at ensuring the direct and full involvement of organisations representing persons with disabilities; calls on the Commission to revise the Cross-Border Health Care Directive³⁶ to bring it in line with the CRPD and guarantee effective access to quality cross-border healthcare for persons with disabilities;
10. Stresses the importance of actively involving persons with disabilities, their families and representative organisations in the development and implementation of all measures effecting them; stresses the importance of mainstreaming disability considerations in the workplace and the role of social dialogue and trainings for employers in this regard; calls on the Member States to take active measures to safeguard non-discrimination for all, and to ensure that persons with disabilities can exercise their labour and trade union rights on equal terms with others;
11. Highlights that harassment at work, including sexual harassment and retaliation for speaking up, hinders access to work and employment, job retention and equal career paths, in particular for women with disabilities³⁷, and that specific actions are needed in Member States to prevent, combat and sanction harassment against persons with disabilities; welcomes, in this context, the proposal for a directive on combating violence against women and domestic violence³⁸; urges the EU and all Member States to ratify the Istanbul Convention which would have a horizontal impact on all relevant EU legislation with a specific focus on women with disabilities, who face multiple and intersectional discrimination;
12. Believes that income support schemes, disability-related assistance and active employment support are complementary in promoting the full and effective

³⁶ Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45).

³⁷ '[Europe 2020 data & People with disabilities - tables \(EU SILC 2017\)](#)', prepared by Stefanos Grammenos, Centre for European Social and Economic Policy, 27 December 2019.

³⁸ Commission proposal for a directive of the European Parliament and of the Council on combating violence against women and domestic violence (COM(2022)0105).

participation of persons with disabilities in the labour market, as salaries are not a replacement for covering additional expenses related to disabilities; calls, therefore, on the Member States to unbundle income and active employment supports and disability-related assistance³⁹ in order to ensure that eligibility rules are as inclusive as possible, and to cover additional disability-related expenses, combat in-work poverty and ensure equality, dignity and autonomy for persons with disabilities; encourages the Member States to put in place similar solutions for carers of persons with disabilities to earn income in addition to their caring-related benefits;

13. Recalls that Article 19 of the CRPD provides for the equal right of persons with disabilities to live independently and be included in the community; urges the Member States, with the support of the Commission, to accelerate the deinstitutionalisation process and foster the transition to community-based care and support; stresses that EU funds should be used to promote inclusivity and accessibility; calls on the Member States to include specific targets with a defined timeframe in their deinstitutionalisation strategies, adequately finance them and develop mechanisms to ensure effective coordination between relevant authorities across different administrative sectors and levels; regrets the lack of accessible and affordable housing which is a large barrier to independent living; underlines that community-based, independent, living must be strengthened and achieved as alternative to institutional frameworks in line with the CRPD general comment No 5;
14. Urges the Commission to ensure that Member States respect the principle of equal treatment and equal pay for work of equal value for all workers; further insists that workers with disabilities in sheltered workshops should at least be ensured the rights and status equivalent to the labour rights of people working in the open labour market; believes that such workshops should take an individualised approach and as far as is practicable be limited to an option for a temporary period for persons with disabilities in their working life cycle; further believes such workshops should aim to foster skills development and support transitions to the open labour market; insists that persons with disabilities working in such environments should be protected by existing legal frameworks covering social protection and working conditions, including minimum wage protection on an equal basis with others, in line with Article 27 of the CRPD; calls on the Member States to develop inclusive models of sheltered and supported employment, respecting the rights of persons with disabilities, that serve as measures for effective inclusion and later transition to the open labour market; stresses that it is important for persons with disabilities to find quality employment that matches their skills and ambitions and that training, upskilling and reskilling of persons with disabilities should provide real abilities and skills; calls on the Member States to assess the effectiveness of existing sheltered workshops in providing persons with disabilities with skills to gain employment in the open labour market and calls on the Commission to monitor this process;
15. Notes that the COVID-19 crisis has fostered remote work and that teleworking could help increase the employment of persons with disabilities as a form of disability accommodation and as a tool to achieve greater work-life balance and reduce pain- and

³⁹ UN Special Rapporteur on the rights of persons with disabilities, 'Report of the Special Rapporteur on the rights of persons with disabilities', presented to the 70th session of the UN General Assembly, 7 August 2015.

fatigue-related barriers to the labour market; cautions, however, against the use of teleworking by employers to avoid making reasonable accommodations or creating inclusive workplace cultures for workers with disabilities⁴⁰, as this may isolate and impact their mental health; stresses that future telework policies should be developed with a disability rights perspective and involve persons with disabilities when being designed, when new collective agreements are negotiated on telework, and when companies revise their telework policies to ensure they are disability-friendly; recalls that equal access to education and training for persons with disabilities and the acquisition of digital skills and accessibility of related digital infrastructure, both in urban and in rural and remote areas, are needed to enable people to benefit from the new employment opportunities created by digitalisation; highlights that reasonable accommodation is a right for workers with disabilities and believes that awareness-raising actions and programmes for skills and abilities of persons with disabilities and reasonable accommodation literacy for private and public employers should be increased by public authorities to tackle ableism and ensure duty bearers have the tools to employ, support and retain workers with disabilities;

16. Notes that promoting the rights of older persons is closely linked to achieving equal rights for persons with disabilities, since older persons are more likely to have a disability and more than 46 % of persons aged 60 and over have disabilities; stresses, in the context of demographic changes, in particular an ageing population, the need to address new challenges related to the higher prevalence of disabilities linked to the ageing of the workforce and the higher prevalence of employees with chronic diseases; stresses the importance of developing policies, including flexible work schedules, to help workers with disabilities to better integrate into the labour market, as well as care services for persons with disabilities, including standards on training for staff and standards for personal assistance;
17. Calls on the Member States to monitor respect for principles 2 and 3 of the European Pillar of Social Rights, providing for equality of treatment and opportunities regarding participation in the labour market, terms and conditions of employment and career progression between men and women, regardless of racial or ethnic origin, religion or belief, disability, age or sexual orientation; calls for monitoring of the adoption of the measures established by the CRPD;
18. Calls on the Member States to provide tailored support for persons with disabilities as regards access to skill development, vocational education and training, and employment to ensure inclusive and active labour market policies; encourages employment services and the public and private sectors to roll out personalised measures to improve the employability and retention of persons with disabilities in the labour market with a view to complying with the CRPD, and to exchange best practices on employing persons with disabilities through the European Network of Public Employment Services; calls on the Member States to provide guidance, training and financial aid to support job creation, recruitment entrepreneurship and self-employment for persons with disabilities, including through the European Social Fund Plus; underlines the positive role the social economy can play in the employment of persons with disabilities; calls

⁴⁰ Schur, L.A., Ameri, M. and Kruse, D., ‘[Telework After COVID: A ‘Silver Lining’ for Workers with Disabilities?](#)’, *Journal of Occupational Rehabilitation*, Vol. 30, No 4, 2020, pp. 521–536.

on the Member States to set up incentives to encourage persons with disabilities to create social economy entities and to initiate income-generating activities;

19. Believes that labour market support measures must take into account disability and tailor-made policy responses to support the inclusion of persons with disabilities in employment; calls on the Member States to support job-matching, vocational profiling, concurrent employment and training, in-work induction, on-the-job training, career development and mentoring and inclusive and accessible vocational education and training to support the necessary integration and retention of persons with disabilities in the workplace; stresses that measures to improve persons with disabilities' inclusion and employment will not be truly effective without also tackling disability-related stereotypes and stigma in the workplace and wider society; stresses, in this regard, the importance of awareness-raising and training for educators, employers and employees, as well as the general public, in tackling ableism, shifting mindsets and ensuring truly inclusive societies;
20. Stresses that the low activity rate of persons with disabilities hinders socioeconomic inclusion, which must be improved by European and national programmes aiming to activate and train persons excluded from the labour market; stresses that, while supporting and promoting the labour market participation of persons with disabilities is crucial, adequate and inclusive social protection mechanisms also need to be put in place to ensure support is available for all persons with disabilities;
21. Calls on the Commission to assess thoroughly the employment and pay gap rate of persons with disabilities in different types of employment, including sheltered employment, by providing data disaggregated by gender and type of disability, and to ensure qualitative analysis;
22. Reiterates its call on the Commission and the Member States to assess the key trends for the future of work from a disability perspective in order to identify and launch specific actions to make the labour market more inclusive and reduce the digital gap; underlines the importance of making better use of innovative technologies to level the playing field and remove barriers to education, training and employment, in particular in the digital labour market, and to help persons with disabilities gain access to digital tools and software that are indispensable for their independent living; calls on the Commission and the Member States to support research programmes focused on developing assistive technologies, including robotics, digital technologies and ethical artificial intelligence, enabling the full integration of persons with disabilities in all aspects of life, including the labour market; emphasises the need to protect persons with disabilities from discrimination in the use of artificial intelligence in recruitment, selection, promotion and termination decisions in employment; calls on the Member States to improve the reach of training courses in the area of digital skills for groups of people who are at risk of exclusion, inter alia, persons with disabilities and older people, in order to better integrate them into social life and the labour market, and provide better access to e-services and administration;
23. Welcomes and supports the Commission legal initiative for binding standards for equality bodies, which should be published in September 2022, and would encourage the Member States to extend the mandates of equality bodies to protect victims of

discrimination based on disability;

24. Strongly supports research, social investment and targeted initiatives at EU level for programmes and services proven to be effective in supporting the long-term labour market integration of persons with disabilities, with particular attention to persons on the autism spectrum; suggests that the Member States should commission research into models and programmes where an evidence base does not yet exist, as well as fund innovation in service provision, such as artificial intelligence applied to assistive technologies⁴¹;
25. Notes that persons with disabilities are among the most marginalised and at-risk populations in any crisis-affected community; stresses further that as a consequence of war, persons with disabilities in situations of armed conflict face violent attacks, forced displacement and ongoing neglect in the humanitarian response to civilians caught up in the fighting, and are often abandoned in their homes or in deserted villages for days or weeks, with little access to food or water; recalls the importance of the EU strategy on the rights of the child, the Child Guarantee, the 2021-2030 EU strategy for the rights of persons with disabilities, as well as all existing EU legal instruments, including the Temporary Protection Directive⁴², in supporting the Member States to address the specific needs, protection and care of refugees with disabilities;
26. Calls on the Member States to ensure the participation of persons with disabilities in the electoral process in 2024 and in the law-making process; calls on the Member States to eliminate barriers that can exclude persons with disabilities from the opportunity to influence the development and implementation of the laws and policies that shape their daily lives;
27. Reminds the Member States that all EU-funded projects must comply with EU law, including the Charter of Fundamental Rights, as well as the CRPD; stresses that European Structural and Investment Funds should continue to foster the transition from institutional to community- and family-based care, by financing support services ensuring the right to live independently; calls for the EU to ensure all funding programmes are accessible and that accessibility provision is supported with adequate resources and calls on the Member States to include clear objectives and measures to improve the living and working conditions of persons with disabilities in their work programmes and national operational programmes; calls on the European Court of Auditors to assess the performance of EU programmes with regard to the inclusion and support of persons with disabilities, with special emphasis on education and employment programmes, in a thorough manner, as they can fail to reach the most deprived groups, including persons with disabilities;
28. Encourages national public authorities to ensure that the requirement to register to vote or for reasonable accommodation does not result in persons with disabilities being excluded from elections; calls on the Member States to include measures ensuring that

⁴¹ European Platform for Rehabilitation, '[Artificial intelligence and service provision for people with disabilities – An analytical paper](#)', 2022.

⁴² Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

the registration process is accessible by redesigning relevant websites in line with EU standards;

29. Notes that complaints mechanisms, both judicial and non-judicial, should be made more accessible for persons with disabilities; calls on the Member States to lift restrictions on the right of persons deprived of legal capacity to bring complaints independently of their guardian and to take effective measures to make sure that information about how and where to complain is accessible to all persons with disabilities by producing information materials in different and accessible formats and distributing them through support and advocacy organisations for persons with disabilities, including disabled persons organisations;
30. Calls on the Member States, in particular the national coordinators, in their multi-annual national strategies under the European Child Guarantee, to pay particular attention to the needs of children with disabilities and ensure effective and free access to good-quality services, particularly inclusive education, and calls on them to provide effective access to healthy nutrition and adequate housing for all refugee children with disabilities on an equal footing with children in host countries, in line with the recommendation⁴³ to ensure that national integrated measures take intersectional disadvantages into account; calls on the Member States and the Commission, therefore, to urgently increase the funding for the European Child Guarantee with a dedicated budget of at least EUR 20 billion and encourages all Member States, in this regard, to allocate more than the minimum European Social Fund Plus resources under shared management to support activities under the European Child Guarantee; reiterates its call on the Member States to implement the reinforced Youth Guarantee to ensure offers of high quality, including fair remuneration, access to social protection and working environments that are adapted to the needs of persons with disabilities;
31. Points out that it has strongly demanded the inclusion of disadvantaged groups and people with disabilities in education and training in recent years, including through the full integration of the disability-rights perspective in all aspects of Erasmus+ and in coordination with other relevant EU programmes such as the Youth Guarantee; recalls the commitments made at the Porto Social Summit on reducing poverty and social exclusion, as well as on the acquisition of skills and job creation;
32. Calls on the Commission to evaluate the challenges and rights violations experienced by persons with disabilities during the COVID-19 pandemic, and to adopt targeted measures for psychological support and reintegration into the labour market;
33. Calls on the Commission to develop those measures in coordination and communication with persons with disability and all the organisations involved, starting with Parliament's CRPD network;
34. Calls on each Member State to establish an independent entity responsible for monitoring all accessibility-related legislation, including the European Accessibility Act, the Audiovisual Media Services Directive⁴⁴, the Telecoms Package and the Web

⁴³ Council Recommendation (EU) 2021/1004 of 14 June 2021 establishing a European Child Guarantee (OJ L 223, 22.6.2021, p. 14).

⁴⁴ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of

Accessibility Directive;

35. Calls on the Member States to implement the Directive on work-life balance for parents and carers⁴⁵, which introduces a carers' leave of five working days per year; insists that special arrangements in terms of carers' leave, paternity leave, parental leave and flexible working hours should be considered for parents in particularly disadvantaged situations, such as those with disabilities or parents of children with disabilities or long-term illnesses, without any repercussions from the employer;
36. Calls on the Member States to ensure better working and living conditions, including through adequate minimum wages and pay transparency measures, to reduce the disability pay gap and achieve inclusive and sustainable growth in the labour market; stresses the importance of swiftly adopting the directive on minimum wages and pay transparency, fully applying to persons with disabilities;
37. Highlights the importance of considering and treating with equal attention persons with intellectual and psychosocial disabilities, by adopting measures for their future after their carers' deaths;
38. Calls on the Commission to develop and promote a European legal framework for inclusive enterprises, with the aim to create permanent employment for people with disabilities.

certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (OJ L 95, 15.4.2010, p. 1).

⁴⁵ Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU (OJ L 188, 12.7.2019, p. 79).

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	10.10.2022
Result of final vote	+: 41 -: 0 0: 1
Members present for the final vote	João Albuquerque, Atidzhe Alieva-Veli, Marc Angel, Gabriele Bischoff, Vilija Blinkevičiūtė, Sylvie Brunet, Jordi Cañas, David Casa, Jarosław Duda, Estrella Durá Ferrandis, Lucia Ďuriš Nicholsonová, Loucas Fourlas, Cindy Franssen, Helmut Geuking, Alicia Homs Ginell, Irena Joveva, Radan Kanev, Stelios Kypouropoulos, Katrin Langensiepen, Miriam Lexmann, Elena Lizzi, Jörg Meuthen, Max Orville, Dennis Radtke, Guido Reil, Daniela Rondinelli, Monica Smedo, Eugen Tomac, Maria Walsh, Stefania Zambelli
Substitutes present for the final vote	Konstantinos Arvanitis, Rosa D'Amato, José Gusmão, Evelyn Regner, Terry Reintke
Substitutes under Rule 209(7) present for the final vote	Attila Ara-Kovács, Franc Bogovič, Mohammed Chahim, Mónica Silvana González, Predrag Fred Matić, Piernicola Pedicini, Sergei Stanishev

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

41	+
ID	Elena Lizzi, Stefania Zambelli
NI	Jörg Meuthen, Daniela Rondinelli
PPE	Franc Bogovič, David Casa, Jarosław Duda, Loucas Fourlas, Cindy Franssen, Helmut Geuking, Radan Kanev, Stelios Kympouropoulos, Miriam Lexmann, Dennis Radtke, Eugen Tomac, Maria Walsh
RENEW	Atidzhe Alieva-Veli, Sylvie Brunet, Jordi Cañas, Irena Joveva, Max Orville, Monica Semedo, Lucia Ďuriš Nicholsonová
S&D	João Albuquerque, Marc Angel, Attila Ara-Kovács, Gabriele Bischoff, Vilija Blinkevičiūtė, Mohammed Chahim, Estrella Durá Ferrandis, Mónica Silvana González, Alicia Homs Ginel, Predrag Fred Matić, Evelyn Regner, Sergei Stanishev
The LEFT	Konstantinos Arvanitis, José Gusmão
VERTS/ALE	Rosa D'Amato, Katrin Langensiepen, Piernicola Pedicini, Terry Reintke

0	-

1	0
ID	Guido Reil

Key to symbols:

+ : in favour

- : against

0 : abstention

13.7.2022

OPINION OF THE COMMITTEE ON PETITIONS

for the Committee on Civil Liberties, Justice and Home Affairs

towards equal rights for persons with disabilities
(2022/2026(INI))

Rapporteur for opinion: Ulrike Müller

SUGGESTIONS

The Committee on Petitions calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- 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), namely the ‘Anti-Discrimination Directive’, which would provide greater protection against discrimination of all kinds but still remains blocked in the Council,
 - having regard to the revised European Social Charter, in particular Article 15 thereof on the right of persons with disabilities to independence, social integration and participation in the life of the community,
 - having regard to its resolution of 29 November 2018 on the situation of women with disabilities¹,
 - having regard to the principles of the European Pillar of Social Rights, in particular principle 17 on inclusion of persons with disabilities and principle 18 on the right to long-term care,
 - having regard to UN Sustainable Development Goal 11.7 on providing access to safe and inclusive green and public spaces,
- A. whereas through its role, the Committee on Petitions has a special duty to protect the rights of persons with disabilities in the EU, with the exercise of their fundamental freedoms and rights being guaranteed by EU law and the UN Convention on the Rights of Persons with Disabilities (CRPD);
- B. whereas there are approximately 87 million persons with disabilities in the EU, and nearly one in four EU citizens surveyed reported some degree of functional limitation

¹ OJ C 363, 28.10.2020, p. 164.

due to health conditions²;

- C. whereas work-related discrimination against persons with disabilities is linked to the lack of inclusive education and vocational training, the segregation and discrimination present in the fields of housing and healthcare, and the lack of accessibility of transport and other services and products;
- D. whereas children with disabilities in the EU are disproportionately more likely to be placed in institutional care than children without disabilities, and appear far less likely to benefit from efforts to enable a transition from institutional to family-based care;
1. Stresses that the CRPD and the CRPD Committee's 2015 recommendations³ oblige the EU as a signatory of the CRPD to end discrimination for all persons with disabilities and to become a role model in its implementation to ensure their equal enjoyment of all human rights and full participation in all areas of society⁴; regrets that the EU, despite some progress made in recent years, has not yet achieved the overall purpose of the CRPD; calls on the EU institutions and the Member States to reaffirm their commitment to realising equality and inclusion for persons with disabilities; considers the Optional Protocol to be an indivisible part of the CRPD; stresses that the Optional Protocol has not been ratified by the EU and some Member States, and urges those Member States that have not yet ratified it to do so; calls on the Council to take the necessary steps to ensure the accession of the EU to the Optional Protocol; calls on the Member States to carry out national disability awareness-raising campaigns promoting the CRPD and the EU Strategy for the Rights of Persons with Disabilities 2021-2030 and to designate responsible authorities to serve as focal points; stresses that the Member States should ensure that a significant number of persons with disabilities are involved in the work of these authorities;
 2. Takes note of the progress made by the Member States in effectively implementing and monitoring the CRPD and in adapting accessibility measures to comply with the standards of the CRPD; calls on the Member States to establish coordinating mechanisms at all administrative levels, in accordance with Article 33 of the CRPD, for its implementation and monitoring;
 3. Underlines that 37 % of the EU population aged 15 and over reported (moderate or severe) physical or sensory limitations⁵; recalls that the range and level of services provided to persons with disabilities is insufficient and thus underlines that support should be tailored to individual needs; calls on the Member States to step up their efforts in providing support for persons with disabilities in the following priority areas: health, education, accessibility, employment and working conditions, independent living, coordination, living conditions, social protection and awareness raising;
 4. Recalls that the obligations under the CRPD and the recommendations of the CRPD Committee are also binding on all EU institutions, which are responsible for ensuring

² Eurostat, 'Functional and activity limitations statistics', accessed on 6 July 2021.

³ <https://digitallibrary.un.org/record/812354?ln=en>

⁴ Petitions Nos 1077/2017 and 0226/2021.

⁵ https://ec.europa.eu/eurostat/statistics-explained/index.php/Functional_and_activity_limitations_statistics#Functional_and_activity_limitations

accessibility and non-discrimination, including for EU staff with disabilities and carers of persons with disabilities; underlines, in particular, that the Petitions Portal should be more accessible and the petitions process more visible to all individuals and organisations in the EU, including persons with disabilities; welcomes the Commission's initiative on an action plan on web accessibility for all EU institutions, bodies and agencies with a view to ensuring the compliance of EU websites with European accessibility standards; urges the EU institutions to improve the level and quality of accessibility in all of their buildings and the accessibility of their public consultations, including interpreting into international and national sign languages used in the EU and producing documents in Braille and in easy-to-read language;

5. Underlines that independent living goes hand in hand with the freedom to choose one's place of residence⁶, inclusive education⁷, a guarantee of democratic rights⁸ such as the right to vote⁹, access to the open labour market with an adequate salary¹⁰, adequate social benefits and support systems, access to public infrastructure, services and goods, particularly healthcare, information and communication, transport and banking, so that no one is left behind; calls on the Member States to ensure mutual recognition of deinstitutionalisation and independent living in the community, enabling social participation, and in which services are provided in the community according to individual will and preference; calls on the Member States to ensure that persons with disabilities have equal opportunities to access adequate support regardless of the area they live in, whether urban, rural or remote;
6. Urges the Commission to step up its efforts to meet the needs of persons with disabilities, such as those expressed in Parliament's resolutions of 7 October 2021 on the protection of persons with disabilities through petitions: lessons learnt¹¹, including in particular the need for a gradual convergence of the definitions of accessibility, participation and community-based living as a means of enhancing cohesion among Member States, and of 8 July 2020 on the rights of persons with intellectual disabilities in the COVID-19 crisis¹²; calls on the Commission to use the European Accessibility Act as a basis for adopting a robust EU framework for an accessible and inclusive environment with fully accessible public spaces and services, including public transport, communication, and administrative and financial services, and a fully accessible built environment;
7. Highlights that persons with disabilities are exposed to different forms of discrimination most frequently, in all areas of life, in particular people with intellectual, psychosocial and mental disabilities, and women and girls, migrants and members of the LGBTIQ community with disabilities; regrets that the EU has not taken enough measures to address equality and non-discrimination in its legislation and policies; calls for anti-discrimination legislation to be improved by strengthening equality bodies to protect the

⁶ Petition No 0988/2020.

⁷ Petitions Nos 1340/2020 and 1529/2020.

⁸ Petition No 1132/2016.

⁹ Petition No 1135/2021; European Economic and Social Committee report of 20 March 2019 on the real rights of persons with disabilities to vote in European Parliament elections.

¹⁰ Petitions Nos 0608/2020 and 1280/2021.

¹¹ OJ C 132, 24.3.2022, p. 129.

¹² OJ C 371, 15.9.2021, p. 6.

rights of persons with disabilities and for the proposed horizontal Anti-Discrimination Directive, which would provide greater protection against discrimination of all kinds through a horizontal approach, to be unblocked in the Council¹³; calls also for adequate follow-up of the European Framework for Action on Mental Health and Wellbeing to be ensured and for the EU Compass for Action on Mental Health and Wellbeing to be improved;

8. Urges the Commission to conduct a cross-cutting and comprehensive review of EU legislation in order to ensure its full harmonisation with the provisions of the CRPD, including by adopting, without further delay, a plan detailing the overall strategy to achieve this goal;
9. Stresses the vital importance of enhancing actions aimed at fully upholding the human rights and fundamental freedoms of persons with disabilities, and removing any obstacle preventing them from having full and equal participation in society; calls on the Commission and the Member States to ensure that all measures to implement the EU Strategy for the Rights of Persons with Disabilities 2021-2030 at national and EU levels are in full compliance with the CRPD;
10. Strongly condemns violence against women, stressing its lifelong implications for their physical and mental health; is greatly alarmed that violence against women threatens the security of over 250 million women in the EU, with women with disabilities facing a risk 2 to 5 times higher of being victims of violence; calls on the Council to conclude, as a matter of priority, its work on the EU's ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in order to strengthen the overall action to combat violence faced by all women and support all victims, thereby also contributing to the adequate implementation of the CRPD and of the Convention on the Elimination of All forms of Discrimination Against Women;
11. Highlights that persons with disabilities often face disproportionate hurdles in exercising their right to free movement for working reasons; notes that there is no mutual recognition of disability status between Member States; calls for the creation of an EU disability card to be recognised in all Member States, to cover all areas of life, including transport, and calls on the Commission to extend the scope of this EU disability card to secure freedom of movement for persons with disabilities;
12. Points out that petitioners' most common concerns regarding equal rights for persons with disabilities centre around accessibility and social protection, along with employment rights and the right to live independently in the community; is extremely concerned that persons with disabilities are still disproportionately affected by unemployment; underlines the urgent need to conduct research on sheltered workshops and gain insight into how many persons with disabilities, including women with disabilities, are in employment in the open labour market; highlights that sheltered workshops should aim to respect the rights of persons with disabilities and serve as a step towards inclusion in and transition to the open labour market; strongly encourages Member States to introduce proactive measures and offer incentives for businesses employing persons with disabilities in order to foster an inclusive workplace; recalls

¹³ Petitions Nos 0164/2020 and 0226/2021.

that the COVID-19 crisis has fostered remote work, which could provide for wider access to employment for persons with disabilities; stresses, however, that this should not reduce the opportunities for disabled persons to work in their place of employment, as it would, otherwise, deprive them of their freedom of choice and potentially lead to reduced accessibility of the built environment and transportation; urges the Member States to take serious measures to tackle unemployment and the payment gap, in particular for women with disabilities¹⁴;

13. Recalls that in order to develop appropriate and effective policies and find solutions tailored to the needs of persons with disabilities in all their diversity in the EU, there is a need for comparable and reliable EU data; calls, therefore, on the Commission and the Member States to intensify their efforts towards the establishment of a common framework for European statistics on individuals and households, in order to collect reliable data on the participation of persons with disabilities, also disaggregated by gender, in the various levels and types of education and labour and in social life;
14. Stresses that there is an urgent need to conduct a study and research to collect data disaggregated by different types of disability and different barriers faced by the different groups of persons with disabilities, in particular when trying to access the labour market, which would greatly improve understanding of how unemployment affects persons with disabilities and help the Commission and Member States in their aim and efforts to improve labour market outcomes for persons with disabilities in the EU;
15. Stresses that the cost of living with a disability is one of the greatest challenges faced by persons with disabilities; underlines, in this respect, an urgent need to collect data to further analyse the issue of living costs for persons with disabilities; stresses that this data will help to understand why it is that persons with disabilities are so disproportionately affected by poverty, and why the issue of losing one's disability allowance when a person starts earning a wage can be so problematic and dangerous; underlines that the loss of disability allowance following the take-up of paid work is one of the principal reasons that persons with disabilities cannot easily transfer to the labour market, and that puts them at the greatest risk of in-work poverty;
16. Recalls the high number of EU citizens deprived of their right to participate in elections, including European Parliament elections, because of their disabilities or mental health problems; urges the Commission, especially in view of the next European elections in 2024, to work with Member States in the European Cooperation Network on Elections to guarantee the democratic rights of persons with disabilities, including persons with intellectual and psychosocial disabilities, by ensuring that voting procedures, materials and facilities are easy to access and participation in public and political life is actively promoted;
17. Underlines that the reform of the EU electoral law would provide an initial response to the need to guarantee the right to vote for persons with disabilities in all the Member States;
18. Urges the Commission and the Member States to introduce public and private sector

¹⁴ Petitions Nos 0608/2020, 1139/2021, 0226/21 and 0070/2022.

workplace quotas for persons with disabilities in order to foster an inclusive workplace;

19. Urges the Member States to improve the accessibility of buildings, transport and communication, including web accessibility, and remove physical, digital, logistical and social barriers in all areas in order to fully protect all fundamental rights of persons with disabilities, ensuring their active and equal participation in society; recalls that the Member States must speed up the transposition of the European Accessibility Act¹⁵; calls on the Commission to use the New European Bauhaus initiative to promote and support housing solutions, based on a design-for-all approach, enabling persons with disabilities to live at home and to remain active in society;
20. Calls on the Member States to fully implement and continuously monitor all accessibility-related legislation, including Directive (EU) 2019/882 (the European Accessibility Act) in order to effectively and definitively remove and prevent barriers for workers with disabilities, and to improve and ensure the availability of accessible services and the suitability of the conditions under which these services are provided; calls, in this context, on the Member States to consider, when transposing the European Accessibility Act into national legislation, the interconnectivity between the accessibility of services and the accessibility of the built environment;
21. Urges the Commission and the Member States to ensure that architectural barriers inside and outside buildings and in all public and private spaces are removed; recommends, further, that they ensure that no new barriers to accessibility for persons with disabilities are created anywhere;
22. Reminds the Member States that independent living, quality social and employment services, adequate social protection and a strengthened social economy are indispensable for decent living for all persons with disabilities, as highlighted in the EU Strategy for the Rights of Persons with Disabilities 2021-2030;
23. Recalls that accessibility should go hand in hand with adequate infrastructure; encourages the Member States to increase spending from the ESF+, the ERDF and the Just Transition Fund to adapt public infrastructure, including transport, and public spaces for all;
24. Stresses that legislation in most EU countries promotes independent living, but that there is a serious implementation gap, especially in rural areas;
25. Recalls that petitioners have repeatedly highlighted the limitations in terms of access to education for persons with disabilities, especially during crises such as the COVID-19 pandemic; underlines that children with disabilities, including those with intellectual disabilities, have the right to inclusive education on the same footing as other children, including the possibility to access mainstream schools, as stipulated in Article 24 of the CRPD, in particular in education establishments where students of all abilities learn together in the same classroom environment, in line with the education systems' need to adapt to the needs of children with disabilities, and not vice-versa; recalls, in this context, the need to make reasonable adjustments and to provide an adequate number of teachers and educators; calls on the Member States to further increase their education

¹⁵ Petitions Nos 0954/2019, 1491/2020, 1135/21 and 1213/2021.

systems' capacity to provide high-quality accessible education for all learners by promoting specific measures and personalised support, such as accessible and tailored curricula, and to ensure that accessible digital tools are designed and used where possible¹⁶; encourages Member States to refrain from segregating students and to provide sufficient financial and specialised support for inclusive education in schools, third level education and programmes (including Erasmus+, Discover EU and the European Solidarity Corps);

26. Calls for the collection of EU-wide disability-related data with a human-rights-based approach and of data related to the impact of the COVID-19 crisis on persons with disabilities, in order to provide the evidence needed to scale up rapid assessments and urgently develop strategies and prepare interventions together with the Member States to address the backlash in terms of rights and development observed due to the implementation of COVID-19 containment measures;
27. Highlights that children with disabilities continue to be disproportionately represented in institutional care, remain in institutions on a long-term or permanent basis, and face high levels of discrimination and neglect;
28. Recalls that the EU Strategy for the Rights of Persons with Disabilities 2021-2030 proposes creating a European disability card by the end of 2023, to be recognised in all Member States; underlines the importance of swift action in terms of implementation of the European disability card¹⁷; is convinced that this card will be a key instrument to help persons with disabilities exercise their right to free movement in a barrier-free Europe, and that it should therefore be mandatory in all Member States;
29. Is deeply concerned about the high unemployment rates of persons with disabilities, especially women, compared with other groups in the EU;
30. Calls on the Commission and the Member States to invest in training professionals regarding the needs of persons with disabilities; reiterates that the implementation of the relevant EU funding programmes and allocation of funds under these programmes should contribute to the transition towards inclusive education; stresses that persons with disabilities should be guaranteed access to education, including during crises such as the COVID-19 pandemic and others, and that Member States should tackle all forms of discrimination and exclusion in this area;
31. Calls on the Commission and the Member States to remove any physical, legal and pedagogical barriers that impede equal access to learning and teaching environments for teachers and students with disabilities and special needs;
32. Reiterates that persons with disabilities, including those with intellectual and psychosocial disabilities, should have the right to the highest attainable state of both physical and mental health and access to healthcare, free from discrimination, of the same scope and quality as other EU citizens¹⁸; regrets the inequity of access to assessment for hidden disabilities, for example specific learning disabilities such as

¹⁶ Petitions Nos 0956/2018 and 1340/2020.

¹⁷ Petition No 1249/2014.

¹⁸ Petitions Nos 0687/2020 and 0470/2020.

dyslexia and dyscalculia; calls on the Commission and the Member States to develop common guidelines on learning disabilities and implement inclusive education policies, ensuring equal access for students with disabilities; calls on the Member States to consider shifting to supported decision-making schemes rather than depriving intellectually impaired persons of their legal capacity to make decisions;

33. Stresses that during the COVID-19 pandemic, severe gaps emerged in the capacity and preparedness of healthcare and social care systems of various Member States to adequately support persons with disabilities, including those with mental disabilities, due to lack of resources, weak governance and inadequate involvement of persons with disabilities in planning measures to counter the spread of the virus and provide the necessary assistance; strongly believes that Member States must greatly improve their healthcare and social care systems by addressing all existing shortcomings in order to ensure that, even during a crisis, full support is given to everyone, and notably to the most vulnerable, thereby adequately protecting the health and social rights of all;
34. Stresses the urgent need for EU legislation aimed at protecting citizens against all forms of discrimination in the EU and considers this to be indispensable for the correct implementation of CRPD policies; calls for the adoption of the EU horizontal Anti-Discrimination Directive tabled by the Commission in 2008; calls on the Commission to present an alternative solution in order to move forward in tackling discrimination across the EU, in all areas of life, as soon as possible;
35. Calls on the Commission to put in place the set of measures recommended by the European Ombudsman in her inquiry in case OI/2/2021/MHZ¹⁹ aimed at ensuring that the use by Member States of EU Structural and Investment Funds as well as of the funds under the Recovery and Resilience Facility are in line with the EU's obligations, under the CRPD, to promote the right of persons with disabilities to independent living;
36. Stresses that the Member States should take measures to strengthen the protection of persons with disabilities against discrimination;
37. Highlights the importance of ongoing legislative processes to regulate digital platforms and services and artificial intelligence as they pertain to the rights of persons with disabilities; underlines the paramount importance of better ensuring that this legislation complies with the CRPD and improves the accessibility of digital technologies for persons with disabilities;
38. Calls on the Commission to conduct a comprehensive update of EU disability strategy and funding programmes with a view to complying fully with the CRPD by constructively involving disability organisations; calls on the Commission and the Member States to involve disability organisations in the dialogue and in all stages of the implementation of the EU Strategy for the Rights of Persons with Disabilities 2021-2030;
39. Underlines that the UN Disability Rights Committee discovered very recently that persons with disabilities in Hungary do not have a mechanism to make autonomous decisions because of their disabilities, and recommended that Hungary amend its

¹⁹ <https://www.ombudsman.europa.eu/en/decision/en/155353>

legislation to ensure that the country's supported decision-making mechanisms respect the dignity, autonomy and will and preferences of persons with disabilities in exercising their legal capacity; highlights that the Committee also stressed the importance of providing support to persons with disabilities to live independently and equally with others in the community, regardless of their type of disability, suggesting that Hungary redesign its measures and redirect its effort and budgets into community-based support services; is firmly convinced that the Hungarian authorities must fully, consistently and swiftly implement the recommendations of the Committee;

40. Reminds the Member States of UN Sustainable Development Goal 11.7, the aim of which is to provide universal access to safe, inclusive and accessible green and public spaces, in particular for children and women, persons with disabilities and older persons, by 2030;
41. Urges the Member States to ensure that persons with disabilities are involved in the policy-making process without any restrictions; notes that the CRPD requires full involvement in policy making, which means allowing persons with disabilities to participate and be represented in policy formulation and decision making in all areas at EU, national and local level, in line with the principle of disability mainstreaming;
42. Urges swift revision of the Employment Equality Directive, with a view to fully harmonising it with the provisions of the CRPD and implementing a participatory process aimed at ensuring the direct and full involvement of representative organisations, and full representation of civil society in the form of organisations for persons with disabilities in the overall decision-making process;
43. Stresses the need to step up research and innovation in the field of accessible technology in order to strengthen inclusiveness for persons with disabilities;
44. Calls on the Commission and the Member States to invest in public educational infrastructures as well as in training and professional learning for the education workforce in order to ensure that the learning and development needs of children and students with disabilities are met;
45. Calls on the Commission and the Member States to ensure and promote, according to Article 30 of the CRPD, the right of persons with disabilities to participate in cultural life, including access to cultural materials in accessible formats and to television programmes, films, theatre and other cultural activities in accessible formats; highlights the importance of improving accessibility to cultural heritage sites for persons with disabilities;
46. Recalls that the lessons learned from the pandemic as to how culture benefited persons with disabilities, as well as society overall, should lead to further support for access to culture for persons with disabilities by securing specific relevant funds and expanding access to funding for cultural activities for persons with disabilities horizontally, in as many EU funding programmes as possible, while ensuring that in possible future crises there will already be mechanisms in place to secure adequate access to culture for persons with disabilities, as needed.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	13.7.2022
Result of final vote	<div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="margin-right: 10px;">+:</div> <div>21</div> </div> <div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="margin-right: 10px;">-:</div> <div>0</div> </div> <div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="margin-right: 10px;">0:</div> <div>3</div> </div>
Members present for the final vote	Alex Agius Saliba, Andris Ameriks, Alexander Bernhuber, Eleonora Evi, Agnès Evren, Gheorghe Falcă, Ibán García Del Blanco, Vlad Gheorghe, Peter Jahr, Radan Kanev, Stelios Kympouropoulos, Cristina Maestre Martín De Almagro, Dolors Montserrat, Ulrike Müller, Frédérique Ries, Loránt Vincze, Michal Wiezik, Tatjana Ždanoka
Substitutes present for the final vote	Mara Bizzotto, Jarosław Duda, Angel Dzhambazki, Maite Pagazaurtundúa
Substitutes under Rule 209(7) present for the final vote	Mazaly Aguilar, Francisco Guerreiro

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

21	+
NI	Tatjana Ždanoka
PPE	Alexander Bernhuber, Jarosław Duda, Agnès Evren, Gheorghe Falcă, Peter Jahr, Radan Kanev, Stelios Kypourouopoulos, Dolors Montserrat, Loránt Vincze
Renew	Vlad Gheorghe, Ulrike Müller, Maite Pagazaurtundúa, Frédérique Ries, Michal Wiezik
S&D	Alex Agius Saliba, Andris Ameriks, Ibán García Del Blanco, Cristina Maestre Martín De Almagro
Verts/ALE	Eleonora Evi, Francisco Guerreiro

0	-
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3	0
ECR	Mazaly Aguilar, Angel Dzhambazki
ID	Mara Bizzotto

Key to symbols:

+ : in favour

- : against

0 : abstention

17.5.2022

LETTER OF THE COMMITTEE ON CULTURE AND EDUCATION

Mr Juan Fernando López Aguilar
Chair
Committee on Civil Liberties, Justice and Home Affairs
BRUSSELS

Subject: Opinion on "Towards equal rights for people with disabilities" (2022/2026(INI))

Dear Mr Chair,

Under the procedure referred to above, the Committee on Culture and Education has been asked to submit an opinion to your committee. At its meeting of 26 January 2022, the committee decided to send the opinion in the form of a letter.

It considered the matter at its meeting of 17 May 2022 and endorsed the opinion at that meeting¹.

Yours sincerely,

Sabine Verheyen

¹ The following were present for the final vote: Sabine Verheyen (Chair and rapporteur for opinion), Dace Melbārde (Vice-Chair), Victor Negrescu (Vice-Chair), Michaela Šojdrová (Vice-Chair), Asim Ademov, Christine Anderson, Andrea Bocskor, Ilana Cicurel, Gianantonio Da Re, Laurence Farreng, Tomasz Frankowski, Alexis Georgoulis, Catherine Griset, Sylvie Guillaume, Hannes Heide, Irena Joveva, Petra Kammerevert, Niyazi Kizilyürek, Elżbieta Kruk, Peter Pollák, Diana Riba i Giner, Marcos Ros Sempere, Domènec Ruiz Devesa, Monica Semedo, Andrey Slabakov, Massimiliano Smeriglio, Sabine Verheyen, Viola Von Cramon-Taubadel, Maria Walsh, Theodoros Zagorakis, Milan Zver.

SUGGESTIONS

- A. Underlines the key role that education, culture and sports, play in the integration of people with disabilities and as a tool to foster their complete personal fulfilment and active participation in the society;
- B. Calls on the Member States for increased investments and to use the funding opportunities offered by the Erasmus+ and its flagship actions such as the Teachers Academies, the European Solidarity Corps and the Creative Europe programmes to reduce the inequalities between people with and without disabilities; Reminds the strong inclusive dimension of these three programmes and their multiplier effect for the European and national disabilities policies;
- C. Is concerned that the COVID-19 pandemic has raised the difficulties for pupils with disabilities to access education and has shown that the concept of inclusive education is not yet a reality in many Member States. Calls on the Member States to give specific attention on the needs of pupils with disabilities in the implementation of their education policies; Recalls in this context that one of the focus of the European Education Area (EEA) Strategic Framework (2021-2030) is on inclusive education and lifelong learning;
- D. Insists on Member States to prioritise prevention, early detection and rehabilitation measures in education and training systems, while promoting a tailored and community approach to the integration and recognition of people with any kind of disabilities or learning differences;
- E. Highlights the importance of developing policies to ensure that people with disabilities have the same opportunities and access to quality digital education; calls the Commission and Members States to develop specific inclusion strategies for pupils with disabilities and to increase their efforts in presenting and exchanging best practices on how learners with disabilities can better be integrated in the education and training systems;
- F. Calls on the Commission and Member States to cooperate in the areas of ICT which can bring real benefits to people with disabilities and related supporting and health services; calls for the ICT initiatives taken during COVID to be evaluated and used to facilitate access to education for people with disabilities;
- G. Calls on the Member States to reduce barriers for people with disabilities in the engagement in leisure, culture and sports and to develop tailor-made policies to promote better access to and wider participation in cultural and physical activities and to promote accessible sports infrastructures Underlines the need to share good practices in a structured way, for instance by setting up a dedicated platform;
- H. Highlights the importance of educational and awareness-raising campaigns among the general population and for specialised training for relevant actors about the rights and needs of people with disabilities, especially with regards to education, training and the entry in the labour market;
- I. Calls on the Member States to ensure that people with disabilities are fairly represented in the media and recalls the need for a proper implementation of the Audiovisual Media Services Directive, in particular as regards its provisions related to people with

disabilities.

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	17.11.2022
Result of final vote	+: 44 -: 1 0: 5
Members present for the final vote	Abir Al-Sahlani, Malik Azmani, Katarina Barley, Pietro Bartolo, Vladimír Bilčík, Malin Björk, Vasile Blaga, Ioan-Rareș Bogdan, Karolin Braunsberger-Reinhold, Patrick Breyer, Saskia Bricmont, Jorge Buxadé Villalba, Caterina Chinnici, Clare Daly, Lena Düpont, Nicolaus Fest, Sylvie Guillaume, Evin Incir, Sophia in 't Veld, Patryk Jaki, Marina Kaljurand, Łukasz Kohut, Moritz Körner, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Erik Marquardt, Nadine Morano, Javier Moreno Sánchez, Theresa Muigg, Emil Radev, Diana Riba i Giner, Isabel Santos, Birgit Sippel, Vincenzo Sofo, Tineke Strik, Yana Toom, Elissavet Vozemberg-Vrionidi, Jadwiga Wiśniewska, Javier Zarzalejos
Substitutes present for the final vote	Anne-Sophie Pelletier, Silvia Sardone, Róza Thun und Hohenstein, Dragoș Tudorache, Miguel Urbán Crespo, Petar Vitanov
Substitutes under Rule 209(7) present for the final vote	Jordi Cañas, Radan Kanev, David Lega, Javier Nart

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

44	+
PPE	Vladimír Bilčík, Vasile Blaga, Ioan-Rareș Bogdan, Karolin Braunsberger-Reinhold, Lena Düpont, Radan Kanev, David Lega, Jeroen Lenaers, Nadine Morano, Emil Radev, Elissavet Vozemberg-Vrionidi, Javier Zarzalejos
RENEW	Abir Al-Sahlani, Malik Azmani, Jordi Cañas, Sophia in 't Veld, Moritz Körner, Javier Nart, Róza Thun und Hohenstein, Yana Toom, Dragoș Tudorache
S&D	Katarina Barley, Pietro Bartolo, Caterina Chinnici, Sylvie Guillaume, Evin Incir, Marina Kaljurand, Łukasz Kohut, Juan Fernando López Aguilar, Javier Moreno Sánchez, Theresa Muigg, Isabel Santos, Birgit Sippel, Petar Vitanov
THE LEFT	Malin Björk, Clare Daly, Anne-Sophie Pelletier, Miguel Urbán Crespo
VERTS/ALE	Patrick Breyer, Saskia Briemont, Alice Kuhnke, Erik Marquardt, Diana Riba i Giner, Tineke Strik

1	-
ID	Nicolaus Fest

5	0
ECR	Jorge Buxadé Villalba, Patryk Jaki, Vincenzo Sofo, Jadwiga Wiśniewska
ID	Silvia Sardone

Key to symbols:

+ : in favour

- : against

0 : abstention