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*Plenary sitting*

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**B9-0123/2020**

2.3.2020

## **MOTION FOR A RESOLUTION**

to wind up the debate on the statement by the Commission

pursuant to Rule 132(2) of the Rules of Procedure

on the European Disability Strategy post-2020  
(2019/2975(RSP))

**Lucia Ďuriš Nicholsonová**

on behalf of the Committee on Employment and Social Affairs

**B9-0123/2020**

**European Parliament resolution on the European Disability Strategy post-2020  
(2019/2975(RSP))**

*The European Parliament,*

- having regard to Article 2 of the Treaty on European Union, and Articles 2, 9, 10, 19 and 216(2) of the Treaty on the Functioning of the European Union (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 Pillar of Social Rights, in particular principle 17 thereof on the inclusion of people with disabilities, principle 3 thereof on equal opportunities, and principle 10 thereof on a healthy, safe and well-adapted work environment and data protection,
- 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 Disabilities<sup>1</sup>,
- having regard to the CRPD General Comments as the authoritative guidance on the implementation of the CRPD,
- having regard to the Code of Conduct between the Council, the Member States and the Commission setting out internal arrangements for the implementation by and representation of the European Union relating to the United Nations Convention on the Rights of Persons with Disabilities<sup>2</sup>,
- having regard to the concluding observations of 2 October 2015 of the UN Committee on the Rights of Persons with Disabilities (CRPD Committee) on the initial report of the European Union,
- having regard to the Universal Declaration of Human Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,
- having regard to the UN Convention on the Rights of the Child (CRC) and the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
- having regard to the European Ombudsman’s strategic inquiries into how the European

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<sup>1</sup> OJ L 23, 27.1.2010, p. 35.

<sup>2</sup> OJ C 340, 15.12.2010, p. 11.

Commission ensures that persons with disabilities can access its websites (OI/6/2017/EA), how the European Commission treats persons with disabilities under the Joint Sickness Insurance Scheme for EU staff (OI/4/2016/EA), and her decision in the joint inquiry in cases 1337/2017/EA and 1338/2017/EA on the accessibility for visually impaired candidates of selection procedures to recruit EU civil servants, organised by the European Personnel Selection Office,

- having regard to the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs), which the EU is committed to implementing,
- having regard to the explicit disability references in the SDGs related to education (SDG 4), growth and employment (SDG 8), inequality (SDG 10), accessibility of human settlements (SDG 11) and data collection (SDG 17),
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),
- having regard to the exploratory opinion from the European Economic and Social Committee requested by Parliament on the situation of women with disabilities,
- 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 services<sup>3</sup>,
- having regard to Directive 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies<sup>4</sup>,
- 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 realities<sup>5</sup>,
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation<sup>6</sup>,
- having regard to its resolution of 15 September 2016 on application of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ('Employment Equality Directive'),<sup>7</sup>
- having regard to Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications

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<sup>3</sup> OJ L 151, 7.6.2019, p. 70.

<sup>4</sup> OJ L 327, 2.12.2016, p. 1.

<sup>5</sup> OJ L 303, 28.11.2018, p. 69.

<sup>6</sup> OJ L 303, 2.12.2000, p. 16.

<sup>7</sup> OJ C 204, 13.6.2018, p. 179.

Code (Recast)<sup>8</sup>,

- 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 communication of 14 January 2020 entitled ‘A Strong Social Europe for Just Transitions’ (COM(2020)0014),
- 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 Commission proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426) and Parliament’s position thereon of 2 April 2009<sup>9</sup>,
- having regard to its resolution of 16 January 2019 on the situation of fundamental rights in the European Union in 2017<sup>10</sup>,
- having regard to its resolution of 30 November 2017 on implementation of the European Disability Strategy<sup>11</sup>,
- having regard to its resolution of 7 July 2016 on the implementation of the UN Convention on the Rights of Persons with Disabilities, with special regard to the Concluding Observations of the CRPD Committee<sup>12</sup>,
- having regard to its resolution of 20 May 2015 on the List of Issues adopted by the United Nations Committee on the Rights of Persons with Disabilities in relation to the initial report of the European Union<sup>13</sup>,
- having regard to its resolution of 25 October 2011 on mobility and inclusion of persons with disabilities and the European Disability Strategy 2010-2020<sup>14</sup>,
- having regard to its resolution of 6 May 2009 on the active inclusion of people excluded from the labour market<sup>15</sup>,
- having regard to its resolutions of 17 June 1988 on sign languages for deaf people<sup>16</sup>, of

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<sup>8</sup> OJ L 321, 17.12.2018, p. 36.

<sup>9</sup> OJ C 137 E, 27.5.2010, p. 68.

<sup>10</sup> Texts adopted, P8\_TA(2019)0032.

<sup>11</sup> OJ C 356, 4.10.2018, p. 110.

<sup>12</sup> OJ C 101, 16.3.2018, p. 138.

<sup>13</sup> OJ C 353, 27.9.2016, p. 41.

<sup>14</sup> OJ C 131 E, 8.5.2013, p. 9.

<sup>15</sup> OJ C 212 E, 5.8.2010, p. 23.

<sup>16</sup> OJ C 187, 18.7.1988, p. 236.

- 18 November 1998 on sign languages<sup>17</sup> and of 23 November 2016 on sign languages and professional sign language interpreters<sup>18</sup>,
- having regard to the 2016 study from Parliament’s Directorate-General for Internal Policies , Policy Department C entitled ‘European structural and investment funds and persons with disabilities in the European Union’,
  - having regard to the European Parliamentary Research Service briefing entitled ‘The European Disability Strategy 2010-2020’,
  - having regard to the Annual Report 2018 from the European Ombudsman,
  - having regard to the opinion of the European Economic and Social Committee entitled ‘Shaping the EU agenda for disability rights 2020-2030’,
  - having regard to the Fundamental Rights Reports 2019 of the European Union Agency for Fundamental Rights (FRA),
  - having regard to FRA’s thematic reports,
  - having regard to the statement by the Commission of 17 December 2019 on the EU Disability Strategy post-2020,
  - having regard to the Eurostat disability statistics on labour market access, access to education and training, and poverty and income inequalities,
  - having regard to the reports and recommendations of representative organisations of persons with disabilities,
  - having regard to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006<sup>19</sup>, in particular Articles 4, 6 and 7 thereof,
  - having regard to Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006, in particular Article 5(9)(a) thereof<sup>20</sup>,
  - having regard to Regulation (EU) No 1304/2013 of the European Parliament and of the

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<sup>17</sup> OJ C 379, 7.12.1998, p. 66.

<sup>18</sup> OJ C 224, 27.6.2018, p. 68.

<sup>19</sup> OJ L 347, 20.12.2013, p. 320.

<sup>20</sup> OJ L 347, 20.12.2013, p. 289.

Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006, in particular Article 2(3) and Article 8 thereof<sup>21</sup>,

- having regard to Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005<sup>22</sup>,
  - having regard to the motion for a resolution of the Committee on Employment and Social Affairs,
  - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas, as full citizens, all persons with disabilities have equal rights in all fields of life (including access to an open labour market and education) and are entitled to inalienable dignity, equal treatment, independent living, autonomy and full participation in society, respecting and valuing their input to the social and economic progress of the EU; whereas more than half of the Member States are depriving people suffering from mental health problems or with an intellectual disability of their right to vote;
- B. whereas there are an estimated 100 million persons with disabilities in the European Union<sup>23</sup>, who are still deprived of their basic human rights and are hindered on a daily basis from leading an independent life; whereas women account both for over 60 % of persons with disabilities and for the large majority of caregivers for people with disabilities; whereas the number of children with disabilities is unknown owing to a lack of statistics, but may be in the region of 15 % of the total number of children in the European Union; whereas an increasingly ageing population will see more people experience disabilities and in need of a more accessible and supportive environment, including suitably adapted services;
- C. whereas the TFEU requires the Union to combat discrimination based on disability when defining and implementing its policies and activities (Article 10) and gives it the power to adopt legislation to address such discrimination (Article 19);
- D. whereas Article 21 and Article 26 of the Charter explicitly prohibit discrimination on the grounds of disability and provide for equal participation of persons with disabilities in society;
- E. whereas the CRPD is the first international human rights treaty to be ratified by the EU and all its Member States;
- F. whereas the case-law of the Court of Justice of the European Union (CJEU) reinforces the fact that the CRPD is binding on the EU and on its Member States when adopting

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<sup>21</sup> OJ L 347, 20.12.2013, p. 470.

<sup>22</sup> OJ L 347, 20.12.2013, p. 487-548.

<sup>23</sup> This number includes 99 million people according to the EU-SILC survey of 2016 and 1 million people estimated to be segregated in residential institutions and therefore not represented in the survey.

and implementing EU law, as it is an instrument of secondary law<sup>24</sup>;

- G. whereas the Optional Protocol of the CRPD has not been ratified by the EU and several Member States;
- H. whereas children with disabilities should fully enjoy all human rights and fundamental freedoms on an equal basis with other children, including the right to grow up in their families or a family environment in line with their best interests as defined in the Convention on the Rights of the Child; whereas family members often have to reduce or stop professional activities in order to care for family members with a disability; whereas the European Commission Feasibility Study for a Child Guarantee (intermediate report) points out that the main barriers identified for children with disabilities are problems involving physical access, the non-adaptation of services and facilities to children's needs and, in many cases, simply the non availability thereof; whereas in the same study many respondents pointed to problems of discrimination, specifically in relation to problems relating to education, and affordability in relation to problems relating to housing;
- I. whereas the CRPD principles go far beyond discrimination, pointing the way to the full enjoyment of human rights by all persons with disabilities and their families in an inclusive society;
- J. whereas the case-law of the CJEU provides that a policy may be deemed indirectly discriminatory if, in practice, the contested provision negatively affects a substantially higher proportion of persons with disabilities; whereas if a provision is even suspected of being intrinsically discriminatory and liable to have a similar negative effect, it will also be deemed discriminatory;
- K. whereas Article 1 of the CRPD states that 'persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others'; whereas Article 9 of the CRPD is of particular importance in that regard;
- L. whereas disability is a social construction; whereas according to the social model of disability, impairment is a physical, mental or sensory functional limitation within the individual and disability is the loss or limitation of opportunities to take part in the normal life of the community on an equal level with others due to physical and social barriers; whereas the term 'disabled people' defines people with impairments who are disabled by socially constructed barriers and the term 'people with disabilities' refers to the disabling conditions within the individual person rather than coming from society; whereas the term 'disabilities' when used in this context refers to a person's medical condition and thus confuses disability with impairment; whereas, in addition, it denies the political or 'disability identity';
- M. whereas 37 % of the EU-28 population aged 15 and over reported moderate or severe

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<sup>24</sup> Judgments of 11 April 2013 in Joined Cases C-335/11 and C-337/11, paragraphs 29-30; of 18 March 2014 in Case C-363/12, paragraph 73; and of 22 May 2014 in Case C-356/12.

physical or sensory limitations in 2018; whereas in the EU-28, 24.7 % of the population aged 16 and over reported some or severe long-standing limitations in their usual activities due to health problems in 2018; whereas 17.7 % reported some long-standing limitations and 7 % reported severe long-standing limitations<sup>25</sup>;

- N. whereas the burden of major chronic diseases is calculated on the basis of disability-adjusted life year (DALY); whereas frameworks addressing chronic diseases vary across the EU, however, and may be part of broader disability schemes in some Member States;
- O. whereas Eurofound pointed out that there is a lack of clarity regarding the inclusion of the concept of (chronic) ‘sickness’ in the definition of disability<sup>26</sup>; whereas the agency recommends that a review of the European Disability Strategy should seek to address this issue;
- P. whereas the EU Disability Strategy 2010-2020 failed to mainstream gender equality and include and address the specific situation, forms of discrimination and rights deprivations of women and girls with disabilities, who face multiple discrimination and other violation of their rights; whereas the effects of multiple discrimination are poverty, social, educational and labour market exclusion (more likely to occupy low-paid, temporary or precarious jobs), causing further stress and psychological burden for persons with disabilities and their families and carers; whereas equal treatment can be ensured by applying positive measures and policies for women with disabilities, mothers/fathers of children with disabilities, single parents with disabilities and/or single parents of children with disabilities; whereas including a gender dimension in the expected post-2020 European Disability Strategy will contribute to an intersectional approach to eliminating discrimination against women and girls with disabilities;
- Q. whereas in 2018 about 28.7 % of the EU population with a disability (aged 16 or over) was at risk of poverty or social exclusion<sup>27</sup>;
- R. whereas although Article 19 of the CRPD states that ‘States Parties to the present Convention recognise the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community’, 800 000 persons with disabilities are still denied their right to vote in the EU;
- S. whereas deafblind people suffer from unique dual disabilities, combining two sensory deficiencies (visual and hearing), which restricts their full participation and causes specific problems such as access to communication, information, mobility and social

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<sup>25</sup> [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Functional\\_and\\_activity\\_limitations\\_statistics](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Functional_and_activity_limitations_statistics)

<sup>26</sup> Eurofound (2019), *How to respond to chronic health problems in the workplace?* Publications Office of the European Union, Luxembourg.

<sup>27</sup> <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/DDN-20191029-2>



interactions;

- T. whereas benefits related to disability should be regarded as state support aimed at helping people to remove barriers arising from their disability and/or medical condition in order to participate fully in society, in addition to income replacement when it is needed;
- U. whereas Article 9 CRPD recognises that appropriate measures must be taken to ensure that persons with disabilities, in particular girls and women, can enjoy real access to the physical environment, transport facilities, information and communications, including information and communication technologies, and to other facilities and services that are open to, or provided for, the public, in both rural and urban areas;
- V. whereas the Directive on Work-life balance for parents and carers adopted in June 2019<sup>28</sup> establishes, for the first time at EU level, a right for each worker to a carers' leave of five working days per year;
- W. whereas the European Disability Strategy 2010-2020 (the Strategy) has served as a framework for policy and legislative proposals to implement the CRPD both within the EU and beyond;
- X. whereas persons with disabilities are still not fully participating in society and enjoying their rights; whereas in accordance with Article 29 of the CRPD the participation of persons with disabilities can be achieved only if they are included in political and public life, where they are often underrepresented;
- Y. whereas the Strategy has not been adapted to emerging policy areas, such that it has not been aligned with either the Agenda 2030, which the EU and all its Member States are committed to implementing, or with the European Pillar of Social Rights;
- Z. whereas the Strategy does not cover all the provisions of the CRPD;
- AA. whereas the Commission to date has not undertaken a cross-cutting, comprehensive review of its legislation in order to ensure full harmonisation with the provisions of the CRPD;
- AB. whereas the Strategy has achieved limited progress;
- AC. whereas there has been a lack of mainstreaming of the rights of persons with disabilities in a large number of EU policy areas;
- AD. whereas there continues to be new and revised legislation without any reference to the CRPD and accessibility; whereas accessibility is a prerequisite for independent living and participation; whereas the EU, as a party to the CRPD, has the duty to ensure the close involvement and active participation of persons with disabilities and their

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<sup>28</sup> 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.

representative organisations in the development and implementation of legislation and policies, while respecting diverse concepts of disability;

- AE. whereas it is imperative for persons with disabilities to have full and equal access to the labour market, which continues to be problematic given the current employment rate, standing at 50.6 % (53.3 % for men and 48.3 % for women with disabilities), compared with 74.8 % among persons without disabilities<sup>29</sup> and the unemployment rate of persons aged 20-64 with disabilities, standing at 17 %, compared to 10 % of people without disabilities, thus preventing many persons with disabilities from living an independent and active life; whereas a considerable proportion of the 4 million people experiencing homelessness every year have disabilities; whereas the data varies considerably between different types of disabilities and support needs;
- AF. whereas employers must be supported and encouraged to ensure that persons with disabilities are empowered all the way from education to employment; whereas to this end the awareness-raising of employers is one way to combat discrimination in the hiring of persons with disabilities;
- AG. whereas measures in the workplace are crucial for promoting positive mental health, preventing mental ill-health and psychosocial disabilities;
- AH. whereas actions aimed at tackling the challenges of demographic change need to include adequate measures for keeping persons with disabilities active and in the labour market; whereas this not only includes prevention measures regarding occupational safety and health in the workplace, but also measures focusing on rehabilitation and participation following sickness or accident;
- AI. whereas participation can be fully achieved only if a large range of persons with disabilities and their representative organisations are included and all types of stakeholders are meaningfully consulted, respecting diverse concepts of disability;
1. Acknowledges the progress made in the implementation of the CRPD, brought about by the European Disability Strategy 2010-2020; calls on the Commission to build upon what has been achieved by upscaling its commitment to the rights of persons with disabilities through an ambitious post-2020 European Disability Strategy (post-2020 Strategy);
  2. Recalls that in its concluding observations the CRPD Committee, its critically noted that the austerity measures adopted by the EU and its Member States had worsened the standard of living of persons with disabilities, leading to higher poverty and social exclusion levels and cuts in social services and support to families and community-based services;
  3. Recalls that the CRPD Committee has expressed its deep concern over the precarious situation of persons with disabilities in the current migration crisis in the EU, in particular because refugees, migrants and asylum seekers with disabilities are detained in the EU in conditions that do not provide appropriate support and reasonable

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<sup>29</sup> Commission proposal for a Joint Employment Report COM(2019)0653.

adjustments; calls, therefore, on the Commission to rectify the situation by issuing guidelines to its agencies and Member States that declare that the restrictive detention of persons with disabilities in the context of migration and asylum seeking is not in line with the CRPD;

4. Is particularly concerned about young people with disabilities and those who have been unemployed for a longer period of time; calls on the Member States to work towards including them in the labour market as a matter of priority, for example as part of the Youth Guarantee programme;
5. Calls on the Commission to put forward a comprehensive, ambitious and long-term post-2020 European Disability Strategy (the post-2020 Strategy), which:
  - (a) includes clearly designated priority areas that cover all the provisions of the CRPD and reflect the general comments of the CRPD Committee, including definitions of key terms, in particular a common definition at the EU level of ‘disability’, in all areas of EU policy and that address the Concluding Observations of the CRPD Committee to the EU adopted in 2015;
  - (b) contains ambitious, clear and measurable targets, including a list of planned actions with clear time frames and allocated resources in the following areas: equality, participation, free movement and independent living, accessibility, employment and training, education and culture, poverty and social exclusion, external action, freedom from violence and abuse, mainstreaming disability and awareness raising;
  - (c) contains set implementation timeframes and timelines;
  - (d) reflects the diversity of persons with disabilities and their needs including through targeted actions;
  - (e) mainstreams the rights of all persons with disabilities into all policies and all areas;
  - (f) recognises and addresses the multiple and intersectional forms of discrimination that persons with disabilities face;
  - (g) includes a child-sensitive approach;
  - (h) safeguards gender mainstreaming;
  - (i) is aimed at adult people with disabilities and gives special attention to those with intellectual disabilities and their future after the death of their carer;
  - (j) is backed by an adequate and sufficiently-resourced monitoring mechanism with clear benchmarks and indicators;
  - (k) facilitates connections between different policy areas at EU level, and the strategy’s adaptability to emerging policy areas and challenges beyond the provisions of the CRPD, such as digitalisation and new technologies,

automation and Artificial Intelligence; (l) is consistent with other EU initiatives and strategies and integrates the follow-up to the Europe 2020 Strategy and initiatives under the European Pillar of Social Rights and the roadmap for a Social Europe;

- (m) allocates an adequate budget for the implementation and monitoring of the post-2020 Strategy, including the allocation of an adequate budget for the EU CRPD Framework, which promotes, protects and monitors the implementation of the CRPD in matters of EU competences (i.e. in EU legislation and policies and in EU public administration);
  - (n) promotes collaboration with authorities, businesses, social partners and civil society at European, national, regional and local level in order to ensure the proper implementation of the post-2020 Strategy;
  - (o) mainstreams equal access to services for persons with disabilities, including access to health care, education and employment, public transport, housing, culture, sports and leisure, and other areas by eliminating the barriers to social participation, and by applying universal design principles into infrastructural and digital investments across the EU;
  - (p) ensures that effective promotion and support of social economy is included in the Strategy priorities;
6. Stresses the need for consistency between the post-2020 Strategy and the frameworks aimed at people with chronic diseases, including measures on employment activation, since strategies aimed at persons with disabilities do not necessarily always address their needs;
7. Highlights the importance of a holistic definition and application of accessibility and its value as the 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 a principle of the EU;
8. Calls on the Member States to fully implement and continuously monitor all accessibility-related legislation, including the European Accessibility Act<sup>30</sup>, the Audiovisual Media Services Directive, the Telecoms Package and the Web Accessibility Directive<sup>31</sup>, and the relevant transport and passengers rights regulations; insists that monitoring should be conducted not through self-assessment but by an independent entity that includes persons with disabilities; calls, therefore, on the Commission to facilitate implementation and to establish a European Access Board to monitor the implementation of EU accessibility legislation;
9. 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

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<sup>30</sup> OJ L 151, 7.6.2019, p. 70.

<sup>31</sup> OJ L 327, 2.12.2016, p. 1.

public spaces, services, including public transport, communication and financial services, and the built environment; calls on the Commission to strengthen passenger rights to avoid further discrimination;

10. Calls on the Commission to revise the rules for the European Union Aviation Safety Agency (EASA) and the International Air Transport Association (IATA) in order to protect the rights of the passengers with disabilities, which focuses on the safety and the integrity of both their body and equipment when transported, and the recognition of the need for extra seats for a personal assistant or for those persons who are in a horizontal position;
11. Recalls that the implementation of all accessibility-related obligations require sufficient funding at EU, national and local level; calls on the Commission and the Member States to boost public investment in order to secure accessibility for persons with disabilities to both the physical and digital environments;
12. Expresses its concern over the fact that the public procurement ex ante conditionality of buying accessibly before signing a public contract is not sufficiently implemented at national level; recommends, to this end, to set up a portal, along similar lines to green public procurement containing all the accessibility guidelines;
13. Calls on the Commission to work with the CJEU on communication and accessibility strategies to ensure that for persons with disabilities can access the EU justice system;
14. Stresses that the post-2020 Strategy should be based on a cross-cutting, comprehensive review of all EU legislation and policy in order to be fully harmonised with the provisions of the CRPD; insists that it should include a revised declaration of competences that includes all policy areas in which the EU has legislated or adopted soft law measures that have an impact on persons with disabilities, and should propose legislative proposals with implementation and monitoring measures;
15. Calls on the Commission to ensure the inclusion of a gender-based and intersectional approach to combat the multiple forms of discrimination faced by women and girls with disabilities; insists that gender-disaggregated data should be collected in order to identify the forms of intersectional multiple discrimination that are faced by women and girls with disabilities in all areas covered by the Istanbul Convention and wherever relevant; urges the Commission to put forward a consolidated proposal within the post-2020 Strategy and to adopt effective measures to prevent and combat violence against women and children with disabilities, including sexual harassment and abuse, which target families, communities, professionals and institutions; urges the European Union, and those Member States that have yet to do so, to ratify the Istanbul Convention;
16. Calls for the post-2020 Strategy to develop an interinstitutional structure to oversee its implementation using the procedures set out in the Interinstitutional Agreement on Better Law-making<sup>32</sup>; stresses that disability focal points should be present in all EU institutions and agencies, with the central focal point located within the Commission's

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<sup>32</sup> OJ L 123, 12.5.2016, p. 1.

General Secretariat; stresses that disability focal points should be supported by an appropriate interinstitutional mechanism in order to coordinate the implementation of the CRPD in EU institutions and agencies; stresses that an interinstitutional mechanism exists in order to facilitate cooperation between the Commission, Parliament and the Council, with their respective Presidents meeting at the start of each mandate; stresses in this regard that EU institutions as public administrations are to comply with the CRPD in all respects;

17. Urges the Commission to prepare the post-2020 Strategy with the close, meaningful and systematic involvement of persons with disabilities and their representative family members and organisations, and to ensure that the Commission, together with the Member States, work closely with them in the implementation, monitoring and evaluation of the post-2020 Strategy, also through adequate funding and capacity building;
18. Calls on the Commission to include a review of the Strategy every 3 years with a clearly defined role for the EU CRPD Framework and to systematically and actively involve persons with disabilities and their representative organisations (at EU and national levels) in such a review;
19. Stresses the need to continuously monitor the implementation of the CRPD; calls for, in this context:
  - (a) the collection (with legally established safeguards) of robust disaggregated data, broken down by type of disability, age, gender and factors that are relevant to the monitoring of progress in the implementation of the CRPD and to addressing the barriers faced by persons with disabilities in exercising their rights;
  - (b) adequate resources to be allocated to the EU CRPD monitoring framework to enable it to perform its functions independently and appropriately;
  - (c) a flexible mechanism that can provide incentives for the optimal implementation of the CRPD, such as the Access City Awards and relevant initiatives at national level;
20. Calls on the Commission to ensure that the post-2020 Strategy will especially promote guaranteed access to employment, and vocational and professional training, inclusive education, affordable quality healthcare services, digital services, and sport activities for persons with disabilities, including by ensuring that reasonable accommodation is provided in the workplace, and that persons with disabilities are paid at the same level as employees without disabilities, and avoiding and preventing that any other ways of discrimination will be possible; calls on the Member States to further develop and/or better implement measures that promote the participation of people with disabilities in the labour market and to recognise persons with disabilities working in sheltered workshops as workers under the law and to ensure that they are entitled to the same social protection as other workers; calls on the Commission to encourage the development of quality frameworks for traineeships and to encourage and develop training opportunities through apprenticeships for people with disabilities; calls on the Commission to include best practices in future reports to enable employers to

implement disability legislation effectively; calls on the Commission to recognise, promote and protect inclusive enterprises to create permanent employment for people with disabilities in the labour market; stresses the potential of social economy enterprises and organisations to facilitate labour market inclusion for persons with disabilities; calls on the Commission to provide targeted support from the European Social Fund for the social economy;

21. Stresses that it is fundamental to ensure a high level of services and assistance to persons with disabilities; considers, therefore, it necessary to define minimum standards at EU level in order to guarantee that all the needs of persons with disabilities are met;
22. Calls on the Commission to revise the directive on cross-border health care to bring it in line with the CRPD in order to guarantee access to affordable and quality cross-border healthcare for persons with disabilities;
23. Calls on the Member States to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation and, when applicable, long-term care;
24. Considers that women and girls with disabilities must have full access to medical care that meets their particular needs, including gynaecological consultations, medical examinations, family planning, and adapted support during pregnancy; urges the EU to take these services into account when implementing the post-2020 Strategy;
25. Stresses that deafblind persons need additional care provided by professionals with specialist and qualified knowledge as well as deafblind interpreters; calls on the Member States to recognise the red-white cane as the symbol of the deafblind pedestrian in order to make deafblind people more visible in traffic;
26. Calls on the Commission to ensure that persons deprived of their legal capacity can exercise all the rights enshrined in European Union treaties and legislation;
27. Notes with regret that current European policies on the rights of the child do not sufficiently include a comprehensive rights-based strategy for boys and girls with disabilities, nor do they contain safeguards to protect their rights, and that the disability strategies do not sufficiently address or mainstream them;
28. Calls on the Commission to improve access to essential services and social rights for vulnerable children (specifically, healthcare, education, early childhood education and care, nutrition and housing);
29. Calls on the Commission and the Member States to make the EU a leader in promoting the rights of persons with disabilities and to promote the ratification of the CRPD worldwide; calls on the Commission expert Task Force for Equality under the supervision of the Commissioner for Equality to systematically mainstream the rights of persons with disabilities in all the relevant EU laws, decisions, policies and programmes; urges the full integration of the disability-rights perspective in all aspects of the European Pillar of Social Rights, in the Gender Equality Strategy, with special focus on the fight against violence, in the Erasmus+ and Youth Guarantee, the Just Transition Mechanism, the Child Guarantee, the forthcoming Green paper on Ageing, in

the European Semester and in the EU foreign policy, and stresses the need for a Disability Rights Guarantee to assist persons with disabilities into employment, traineeships, job placements and further education; reminds the Commission to also monitor this inside the EU institutions;

30. Calls on the Commission's expert Task Force to set up and maintain systematic consultations with persons with disabilities and their representative organisations;
31. Stresses that the right to live independently and to be included in the community is integral to the realisation of many of the other rights enshrined in the CRPD, including equality and non-discrimination, autonomy and liberty, legal capacity and freedom of movement;
32. Calls on the Commission to actively promote the transition from institutional and/or segregating care to community-based support, including personal assistance, and inclusive services (both mainstream and tailor-made), in all EU policy tools and initiatives; calls, further, on the Commission to ensure that overall progress in deinstitutionalisation is included as an indicator in the EU social scoreboard;
33. Calls on the Member States to foster participation by accelerating the deinstitutionalisation process within a specific time frame and by replacing substitute decision-making by supported decision-making; calls on the Member States to ensure that deinstitutionalisation never leads to homelessness for persons with disabilities because of a lack of adequate and/or accessible housing;
34. Calls on the Commission to adopt a strong position on the fact that the general availability of mainstream community-based services (CBS) is essential for the transition from institutional care to community living;
35. Calls on the Commission to promote freedom of movement for persons with disabilities;
36. Calls on the Commission to develop actions at EU level to ensure that all economically active people with disabilities are able to exercise their freedom of movement and to enjoy freedom of movement and work abroad on an equal basis with others;
37. Calls on the Commission to safeguard the CRPD-compliant use of EU funds and to ensure that EU funds do not contribute to the construction or refurbishment of institutional care settings or any other kind of settings that could easily turn into an institution, or to projects that do not meaningfully involve persons with disabilities, their representative family members and organisations, and are not invested in structures that are inaccessible to persons with disabilities;
38. Calls on the Commission to ensure that EU funds do not contribute to unethical research, involuntary sterilisation or the violation of reproduction rights of persons with disabilities;
39. Calls on the Commission to recognise that persons with intellectual and psychosocial disabilities are particularly vulnerable to experimental approaches and treatments, which do not have a robust scientific evidence base and can cause significant harm;



40. Insists that 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; calls on the Commission to promote initiatives that ensure that the support services financed by EU funds meet the needs of persons with disabilities; stresses that funds should actively be invested in research to develop better and more affordable assistive technology for persons with disabilities; calls for active outreach to persons with disabilities, their representative family members and organisations in all EU-funded programmes;
41. Calls on the European Court of Auditors to examine whether EU-funded opportunities reach persons with disabilities;
42. Calls on the Commission to ensure that all projects and infrastructure supported by EU funds in third countries are accessible for the inclusion of persons with disabilities and that EU funds invest in the implementation and monitoring of the CRPD and capacity building of organisations of persons with disabilities;
43. Calls on the Commission and the Member States to ensure that the EU's strategy and Member State actions are fully aligned with the SDGs and the United Nations 2030 Agenda, as a major global framework for action for sustainability, equality and inclusion, including disability as a horizontal issue in SDGs 4, 8, 10, 11 and 17;
44. Calls on the Commission to be a leader in disability-inclusive implementation of the SDGs in its external action, independent of a new European disability strategy, by adopting a clear, transparent and inclusive roadmap to achieving the goals;
45. Welcomes the recently adopted directive on work-life balance for parents and carers and, in particular, the introduction of a carers' leave of five working days per year; calls on the Member States to implement the directive swiftly and encourages them to go beyond the minimum requirements set out therein, including by establishing the right to paid paternity, parental and carers' leave; encourages the Member States to introduce arrangements for carers' leave, paternity leave, parental leave and flexible working arrangements that are adapted to the specific needs of parents in particularly disadvantaged situations, such as those parents with disabilities or parents of children with disabilities or long-term illnesses; calls on all Member States to ensure sufficient support, both financial and professional, for people taking care of their family members with disabilities who live in the same home; stresses that the fact that they have to take care of their relatives often has a negative impact on their family and professional life and can lead to exclusion and discrimination;
46. Calls on the Commission to create mechanisms to coordinate the portability and adaptability of benefits and services for persons with disabilities between the Member States and to expand the pilot project of the EU Disability Card to all Member States, extending it beyond culture and sport and to ensure that the EU parking card for people with disabilities is fully observed in all Member States; stresses that such measures are crucial to ensure that persons with disabilities across the EU can access disability support without the need for separate assessments in each Member State; calls on the Member States to incorporate into their legislation the recognition of specific

disabilities in order to address and cover their specific needs (e.g. deafblindness);

47. Calls on the Commission to promote the structural involvement of persons with disabilities and their representative family members and organisations in all decision making phases, both at national and EU level, and to fund capacity building for organisations of persons with disabilities to enable them to participate in a structural way in all decisions that concern them; calls on the Commission to develop initiatives that promote self-advocacy and the political participation of persons with disabilities, and calls on the Member States to enhance national initiatives in this regard;
48. Calls on the Commission to promote the better coordination of support services between the Member States and the setting up of contact points in all Member States so as to inform EU citizens with disabilities about their social rights and the support services they can receive;
49. Calls on the Commission to create, in cooperation with the private sector, one portal that contains all the instruments aimed at providing optimal social participation for persons with disabilities;
50. Recalls the right of persons with disabilities to an adequate standard of living and social protection, in particular to financial assistance and respite care; calls on the Commission to ensure that the 2030 European Disability Strategy includes specific actions to promote inclusive social protection systems across the EU, which would guarantee access to benefits and services to people with disabilities across the life cycle; calls on the Member States to set a social protection floor for persons with disabilities that would guarantee their adequate standard of living;
51. Calls on the Commission and the Council to build on the Council recommendation on access to social protection<sup>33</sup> and the proposal for a regulation on the Coordination of social security systems<sup>34</sup>, to enable all EU citizens to access social support services across the EU, in line with a recommendation from the CRPD Committee;
52. Calls on the Commission and Member States to develop a comprehensive campaign that involves persons with disabilities, their representative family members and organisations, which is available in accessible formats, including an easy-to-read version, and national sign languages in order to raise awareness of the CRPD the rights and needs of persons with disabilities and the barriers they face among persons with disabilities, duty-bearers and society in general; calls on the Commission and Member States to promote, coordinate and create educational material that can be used in the Member States in order to promote positive attitudes about persons with disabilities and to improve their inclusion;
53. Calls on the EU and the Member States to fund training for and by persons with disabilities, their organisations, trade unions, employers federations, equality bodies, civil servants on the principle of non-discrimination, including multiple and

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<sup>33</sup> OJ C 387, 15.11.2019.

<sup>34</sup> [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2016/0397\(COD\)&1=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2016/0397(COD)&1=en)

intersectional discrimination and reasonable accommodation;

54. Calls on all Member States to support and raise the profile of social work (i.e. social workers and people being active in social services);
55. Calls on the Commission to create a clear mechanism of responsibility, control and sanctions for the strategies;
56. Calls on all Member States to urgently tackle the issue of homelessness by adopting long-term, housing-led, integrated homelessness strategies at national, regional and local level and to recognise the particular risks experienced by people with disabilities, including those on the autism spectrum;
57. Calls on the Member States to affirm their commitment to promoting, protecting and ensuring the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, including the right to free movement and residence and the right to vote in elections, in line with Article 12 of the CRPD, and to ensure respect for their inherent dignity by implementing and closely monitoring the implementation of the post-2020 strategy with meaningful involvement of persons with disabilities and their representative family members or organisations, in cooperation with authorities, social partners and civil society at EU, national, regional and local level and to allocate adequate and sufficient human and financial resources to its implementation;
58. Calls on all Member States to develop their own national disability strategies for promoting disability equality mainstreaming and address the implementation of the CRPD;
59. Calls on the Member States to develop national strategies taking into account best practices from other Member States to ensure correct implementation of the CRPD;
60. Calls on the European Union and all Member States to ratify the Optional Protocol to the CRPD;
61. Calls on all Member States to report on the implementation of the European Disability Strategy;
62. Calls on Member States to report on the follow up of the national recommendations made by the Committee on the Rights of Persons with Disabilities, after their evaluation of the implementation of the CRPD;
63. Stresses the importance of reaching an agreement as soon as possible; calls on the Council to break the deadlock in order to move towards a pragmatic solution and to speed up without further delay the adoption of the EU horizontal anti-discrimination directive tabled by the Commission in 2008 and subsequently approved by Parliament; considers it a precondition to secure a consolidated and consistent EU legal framework that protects people against discrimination on the grounds of religion and belief, disability, age and sexual orientation outside of employment; notes that no undue restriction of the scope of the directive should be accepted; considers that consolidating the EU legislative framework on tackling hate crime is also a crucial element, since similar crimes are also prevalent in the work environment;

64. Recommends that the EU structurally integrate the European Disability Strategy within the European Semester process;
65. Instructs its President to forward this resolution to the Commission, the Council, the governments and parliaments of the Member States and candidate countries, the EU Agency for Fundamental Rights, the Court of Auditors, the Committee of the Regions, the European Economic and Social Committee, for distribution to subnational parliaments and councils, the Council of Europe, and the United Nations.