



B9-0390/2023

26.9.2023

MOTION FOR A RESOLUTION

pursuant to Rule 227(2) of the Rules of Procedure

on harmonising the rights of autistic persons
(2023/2728(RSP))

Dolors Montserrat
on behalf of the Committee on Petitions

B9-0390/2023

**European Parliament resolution on harmonising the rights of autistic persons
(2023/2728(RSP))**

The European Parliament,

- having regard to Articles 2 and 10 of the Treaty on European Union,
- having regard to Articles 19, 21, 153, 165, 168 and 174 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, 21, 24, 26, 34, 35, 41 and 47 thereof,
- having regard to the European Pillar of Social Rights, in particular principles 1, 3, 10 and 17 thereof,
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation¹ (Employment Equality Directive),
- 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 UNCRPD²,
- having regard to the Charter for Persons with Autism, drafted by Autism-Europe and adopted by the European Parliament on 9 May 1996³,
- having regard to the UN Convention on the Rights of Persons with Disabilities (CRPD), which entered into force in the EU on 21 January 2011 following 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,
- 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),
- having regard to the written declaration of 7 September 2015 on autism signed by a majority of Parliament’s component members,
- having regard to its resolution of 18 June 2020 on the European Disability Strategy post-2020⁴,

¹ OJ L 303, 2.12.2000, p. 16.

² OJ C 474, 24.11.2021, p. 48.

³ OJ C 152, 27.5.1996, p. 87.

⁴ OJ C 362, 8.9.2021, p. 8.

- having regard to its resolution of 7 October 2021 on the protection of persons with disabilities through petitions: lessons learnt⁵,
 - having regard to its resolution of 13 December 2022 towards equal rights for persons with disabilities⁶,
 - having regard to the Council conclusions of 14 June 2021 on the Strategy for the Rights of Persons with Disabilities 2021-2030, calling on the 27 EU Member States to ensure better inclusion of people with disabilities and to guarantee the respect of their rights, particularly in terms of free movement, employment and housing,
 - having regard to Parliamentary Assembly of the Council of Europe Resolution 2353 of 4 December 2020 on supporting people with autism and their families,
 - having regard to the Commission’s ‘monitoring framework’ for the 2021-2030 Strategy for the Rights of Persons with Disabilities,
 - having regard to the proposal of 6 September 2023 for a directive of the European Parliament and of the Council establishing the European Disability Card and the European Parking Card for persons with disabilities (COM(2023)0512),
 - having regard to Petition No 0822/2022,
 - having regard to Rule 227(2) of its Rules of Procedure,
- A. whereas there are approximately 100 million persons with disabilities in the EU, among whom 5 million are on the autism spectrum, representing more than 1 in 100 persons⁷;
- B. whereas autistic persons do not all have the same specific characteristics, and should therefore be able to benefit from the best possible support according to their own needs in their daily lives and when travelling within the EU; whereas a significant proportion of autistic persons without an associated intellectual disability can live independently but still report experiencing difficulties in gaining recognition of their disability status, despite their autism diagnosis, which, in turn, prevents them from accessing much-needed support services and disability entitlements, while others have disabilities which, depending on their severity, require lifelong care and support;
- C. whereas in the Member States, it may take several years to access autism diagnoses for children and adults and, as a result, they face a lack of availability of quality and affordable person-centred intervention and support services based on individual needs and delivered by trained professionals; whereas there are currently no EU guidelines on evidence- and rights-based intervention for autism; whereas families across Europe are still targeted by offers of unproven and potentially harmful therapies and interventions, including clearly illegal procedures involving the serious physical abuse of children, such as bleach enemas, which are still widespread and under-regulated in most Member States and which should be banned; whereas delayed diagnosis and under-diagnosis can

⁵ OJ C 132, 24.3.2022, p. 129.

⁶ OJ C 177, 17.5.2023, p. 13.

⁷ World Health Organization Fact Sheet on Autism, available at: <https://www.who.int/news-room/fact-sheets/detail/autism-spectrum-disorders>.

have serious consequences, spanning from denial of services to early deaths;

- D. whereas all persons with disabilities have equal rights on an equal basis with others in all fields of life and are entitled to inalienable dignity, equal treatment, independent living, autonomy and full participation in society; whereas this participation is crucial for the exercise of their fundamental rights; whereas they are entitled to expect that their contribution to the social, political and economic progress of the EU is respected and valued; whereas in its resolutions, Parliament has repeatedly urged the Member States to implement appropriate policies in this direction⁸;
- E. whereas it is generally acknowledged that persons with disabilities continue to face multiple obstacles and discrimination in everyday life which prevent them from enjoying the fundamental freedoms and rights laid down in the applicable EU and UN legislative frameworks; whereas these include equal access to education and vocational training, to access to the labour market, with equality of opportunity and treatment in employment and occupation, to access to personal assistance and the guarantee of their voting rights, as well as of their inclusion in the community;
- F. whereas autistic persons are at higher risk of being the victims of hate speech and hate crime, and are more likely to experience violence than people without disabilities; whereas they face increased barriers to accessing justice and reporting violence; whereas many autistic persons are still denied their right to legal capacity and the freedom to make their own choices and to get involved in policy making on matters that concern them; whereas they too often have to live in institutions or with their families, who also face a dire lack of support and discrimination by association; whereas autistic persons are denied their reproductive rights and autistic LGBTIQ+ persons and ethnic minorities also experience additional discrimination;
- G. whereas autistic persons face disparities in access to healthcare, which leads to unmet physical and psychological healthcare needs and factors into their considerably lower life expectancy;
- H. whereas autistic girls and women face multiple forms of discrimination, including barriers to accessing diagnosis, education and employment;
- I. whereas the proposed anti-discrimination directive⁹, which would provide greater protection against discrimination of all kinds through a horizontal approach, remains blocked in the Council;
- J. whereas autistic persons are disproportionately affected by unemployment, which potentially affects up to 90 % of them¹⁰;
- K. whereas it is evident that a pressing need exists to develop inclusive training programmes for professionals across all sectors of society, with the objective of fostering a better understanding of autism, preventing discrimination and ensuring

⁸ Resolution of 13 December 2022 towards equal rights for persons with disabilities.

⁹ 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).

¹⁰ Check progress on the Strategy for the Rights of Persons with Disabilities, available at: <https://ec.europa.eu/social/main.jsp?langId=en&catId=1484&furtherNews=yes&newsId=10274>.

accessibility and inclusion;

- L. whereas European citizenship status, as observed by Article 20 TFEU, entails the right to move and reside freely within the territory of the Member States; whereas for persons with disabilities this right is protected by Article 18 of the CRPD, ratified by the European Union and the 27 Member States, guaranteeing their liberty of movement, freedom to choose their residence and right to a nationality on an equal basis with others;
 - M. whereas the lack of mutual recognition of disability status and of the autism diagnosis between Member States creates barriers for autistic persons and their families to fully exercising their right to freedom of movement within the EU, as it creates obstacles for persons with disabilities when moving to another Member State for work, study or other reason, and hampers access to support; whereas these difficulties have been highlighted by petitions lodged in recent years and, in particular, the fact that disparity in autism diagnoses between Member States and differences in methods and outcomes in national disability assessment systems have an impact on people's lives and life choices;
 - N. whereas the Committee on Petitions has recently received a petition requesting that the European Disability Card also ensures the protection of persons with autism spectrum disorders;
 - O. whereas persons with autism remain largely excluded from research, including academic, clinical and medical investigations that directly concern them;
1. Is concerned about the difficulties that autistic persons may encounter in proving their condition in all Member States and about the uncertainty that affects them when travelling within the EU, as national disability cards are not recognised in all EU countries and as there is no equal access to certain specific benefits; deplores the fact that, given that around 40 % of autistic persons do not have any associated intellectual disability, there are many EU citizens with autism who do not have a disability certificate, but only a medical diagnosis, which is a great difficulty when travelling or moving across EU borders, and means that they cannot prove their status or claim the support they need;
 2. Calls on the Commission to update the proposal for an EU equal treatment directive, building on Parliament's position as outlined in its resolution of March 2021¹¹, that would allow Member States to move forward in tackling discrimination across the EU, in all areas of life, as soon as possible; calls on the Presidency of the Council to give priority to the anti-discrimination directive and to discuss it at the highest political level;
 3. Recalls, in line with the Strategy for the Rights of Persons with Disabilities 2021-2030, the importance of having public and disaggregated data by sex and age, and by types of disability, including autism, in order to improve public policies oriented to autistic persons and to make them more effective; in this regard, calls on the Commission and the Member States to fund and implement autism prevalence studies across all Member

¹¹ European Parliament 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 UNCRPD, OJ C 474, 24.11.2021, p. 48.

States;

4. Urges the Member States to facilitate access to autism diagnosis for children and adults with a focus on at-risk individuals and emphasises the need for simplified and expedited issuance of diagnostic certificates; insists that an autism diagnosis should provide disability recognition, including for autistic individuals without intellectual disabilities, to ensure equal access to rights and services in all areas of life;
5. Welcomes the recent publication of the Commission proposal for the creation of a European Disability Card by the end of 2023, aiming for it to be recognised and consistently implemented across all Member States in all areas of life, including in relation to services and support; stresses the importance of a simple and universally accessible process for obtaining the card and acknowledges that a digital format would enable validation checks;
6. Highlights the usefulness of the European Disability Card for persons with invisible disabilities, such as autism; stresses that it is crucial for the scope of this card to include all situations where special conditions or preferential treatment are offered by private operators or public authorities to persons with disabilities, and for this card to ensure these persons' right to free movement across the EU, by facilitating the mutual recognition of disability status for card holders; calls for the inclusion of autism in the national disability grids of Member States where it is not listed, and encourages the Member States to be ambitious regarding the scope of the entitlements that card users will have; encourages the Commission, furthermore, to ensure proper implementation by all Member States by way of binding legislation;
7. Calls for the adoption of a European legal status for persons with disabilities, allowing for mutual recognition and accreditation in all Member States, taking into account the specificity of autism and ensuring the protection and inclusion of all autistic persons;
8. Stresses the importance of allocating EU funds to anti-discrimination policies against people with autism, especially women and girls;
9. Urges the Commission and the Member States to help build understanding of autism and to actively engage in awareness-raising campaigns, in collaboration with autistic persons and their representative organisations in order to foster their full inclusion and participation;
10. Calls on the Member States to develop access to reasonable accommodation in all facets of healthcare and diagnosis, with the aim of ensuring that autistic persons enjoy equal access to both physical and psychological healthcare; insists on the development of infrastructures adapted to the reception of autistic persons in hospitals, train stations, airports and in public transport, creating autism-friendly spaces such as 'silence rooms', and to guarantee a service to assist people with autism while travelling between Member States;
11. Calls on the Member States and the Commission to entrust the European Accessibility Resource Centre, AccessibleEU, with identifying and addressing barriers to accessibility for autistic people in accordance with Article 9 of the CRPD, to foster the provision of flexible adjustments and reasonable accommodation depending on their

individual needs through the adoption of specific guidelines across sectors, and to overcome gaps in the current legislation addressing the needs of autistic people;

12. Is concerned about the high unemployment rates of autistic persons, particularly among women, compared to other groups in the EU; calls on the Member States to promote and ensure a legislative and policy framework for the participation of autistic persons in the labour market; calls on the Commission and the Member States to promote and support social enterprises focusing on their employment; encourages the Member States to adapt workplaces and to take action to improve occupational health and safety; calls for the EU and the Member States to enforce the guidelines on reasonable accommodation for autistic people in the workplace and to promote their career progression; asks the Commission to pay special attention to autistic workers in the future EU strategic framework on health and safety at work, and to set ambitious goals;
13. Strongly urges the Member States to fully comply with the Employment Equality Directive and to ensure that measures such as positive action recruitment programmes and quotas lead to tangible employment opportunities that foster an inclusive workplace;
14. Calls on the Member States to foster the training of professionals on autism across all sectors of society, such as the education, health, social, transport and justice sectors, by embedding mandatory autism training in their respective curricula, with the active involvement of autistic persons, their families and representative organisations;
15. Recalls that autistic persons have the right to participate in all educational levels and forms, including early childhood education, on an equal basis with others; highlights the need to promote access to universal, quality, affordable and inclusive education, and to provide autistic persons with individualised and ongoing personal assistance and support in the field of education; calls on the Commission and the Member States to provide accommodation and accessible study materials, as stipulated by Article 24 of the CRPD, to support the development of inclusive schools that can become a reference in inclusive and innovative teaching and learning across the EU, to monitor the access to education of autistic learners, to primary and secondary education, to vocational training and to employment;
16. Recognises the value of sport as crucial to the growth and development of autistic children and calls on the Member States to reduce the barriers encountered by autistic persons in engaging in leisure, sports and culture activities, and to promote wider participation in physical activities;
17. Stresses the importance of research on autism to uphold strong ethical standards; calls on the Commission and the Member States to promote research co-produced with autistic persons and their families with the aim of improving autistic persons' quality of life; underlines the need to share good practices between Member States in a structured way in order to promote and deepen knowledge on autism and thus better understand the needs of autistic persons across the European Union;
18. Calls on the Member States to reform guardianship systems to allow the exercise of legal capacity by autistic persons, giving them access to supported decision-making systems, while ensuring that adequate safeguards are in place; calls on the Commission

and the Member States to ensure that autistic persons are empowered and have full access to the justice system and to participate in political and public life;

19. Highlights the importance of including a component in the allocation of EU funds dedicated to anti-discrimination policies against autistic persons, especially women and girls, who face particularly high levels of poverty, social exclusion and violence, and of making forced sterilisation punishable as a criminal offence on the basis of the crime of sexual exploitation of women and children under Article 83(1) TFEU; calls for the EU institutions to ensure that the proposal of 8 March 2022 for a directive on combating violence against women and domestic violence (COM(2022)0105) includes forced sterilisation as a criminal offence under the same article; welcomes the Council Decision of June 2023 on the conclusion of the Istanbul Convention that creates a comprehensive and multifaceted legal framework to protect women against all forms of violence¹²;
20. Urges the Member States to actively address other forms of intersectional discrimination experienced by autistic persons, particularly those belonging to vulnerable groups; calls on them and on the Commission to adopt cross-sectoral national strategies to provide sufficient earmarked funding for their effective implementation;
21. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

¹² Council Decision (EU) 2023/1075 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to institutions and public administration of the Union, OJ L 43 I, 2.6.2023, p. 1.