



2015/2258(INI)

25.4.2016

OPINION

of the Committee on Women's Rights and Gender Equality

for the Committee on Employment and Social Affairs

on the implementation of the UN Convention on the Rights of Persons with Disabilities with special regard to the Concluding Observations of the UN CRPD Committee
(2015/2258(INI))

Rapporteur: Rosa Estaràs Ferragut

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SUGGESTIONS

The Committee on Women's Rights and Gender Equality calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas there are an estimated 80 million people with disabilities in the European Union, of whom women and girls count for approximately 46 million, comprising about 16 % of the total female population of the EU, making the prevalence of disability in the European Union higher among women than among men; whereas women with disabilities are frequently victims of multiple discrimination, facing substantial obstacles in realising their basic rights and freedoms such as the right to access education and employment, which can lead to social isolation and psychological trauma; whereas women are also disproportionately affected by disability as carers of family members with disabilities;
- B. whereas in the UN Convention on the Rights of Persons with Disabilities it is recognised that girls and women with disabilities are at greater risk, both within and outside the home, of violence, injury and abuse, neglect and negligent treatment, ill-treatment and exploitation;
- C. whereas the UN Convention on the Rights of Persons with Disabilities stresses the need to incorporate a gender perspective into all efforts and to promote the full enjoyment of human rights and fundamental freedoms;
- D. whereas equal treatment and positive measures and policies for women with disabilities and mothers of children with disabilities is a fundamental human right and an ethical obligation;
- E. whereas nearly 80 % of women with disabilities are victims of psychological and physical violence, and whereas the risk of sexual violence is greater for them than for other women; whereas women and girls with disabilities are exposed to multiple discrimination;
- F. whereas women and girls with disabilities are more likely to become victims of gender-based violence, especially of domestic violence and sexual exploitation, and estimates show that women with disabilities are 1.5 to 10 times more likely to be abused than non-disabled women;
- G. whereas, because of demographic and societal changes, there is increased demand for domestic workers and carers, and in particular for family domestic workers and carers; whereas care of disabled and dependent people is usually carried out by women of the family, often leading to exclusion from the labour market;
- H. whereas women with disabilities, especially migrants, are at greater risk of poverty and social exclusion because of multiple discrimination;
- I. whereas the employment rate for women without disabilities is 65 %, compared with 44 % for women with disabilities; whereas women with disabilities are often discriminated against by comparison with men with disabilities when it comes to access to employment and education; whereas the high rate of unemployment among people with disabilities

remains unacceptable; whereas women and girls with disabilities encounter greater difficulties in entering the labour market; whereas barriers to mobility and higher dependence on family members and carers need to be overcome in order to encourage active participation by women with disabilities in education, the labour market and the social and economic life of the community;

- J. whereas paid employment is crucial to enabling people with disabilities to have an independent life and support their family and household; whereas women and girls with disabilities often face underpayment; whereas this vulnerable group of people is more likely to suffer poverty and is at a greater risk of social exclusion;
- K. whereas the economic crisis, the austerity measures and the cuts imposed in social services and health care in most EU Member States have led to detrimental consequences for vulnerable groups in the EU population, especially for people with disabilities and their families, who are disproportionately affected by austerity measures, and in particular for women and girls with disabilities;
- L. whereas children with disabilities face significant barriers to enjoying their fundamental rights;
- M. whereas children with disabilities are often excluded from society, sometimes living in institutions or other facilities far from their families;
- N. whereas children with disabilities have the right to live in families or in a family environment and to expect that the relevant state institutions will act in the best interests of children and their families;
- O. whereas children with disabilities are less likely to attend school, thus experiencing limited opportunities for human capital formation and facing reduced employment opportunities and decreased productivity in adulthood;
- P. whereas people with disabilities are more likely to be unemployed, and generally earn less even when employed; whereas both employment and income outcomes appear to worsen with the severity of the disability;
- Q. whereas people with disabilities may have extra costs resulting from disability – such as costs associated with medical care or assistive devices, or the need for personal support and assistance – and thus often require more resources to achieve the same outcomes as non-disabled people;
- R. whereas the Committee on the Rights of Persons with Disability in its Concluding Observations on the initial report of the European Union recommends that the European Union mainstream the disability perspective in its gender policies and programmes, as well as the gender perspective in its disability strategies, and that it develop affirmative actions, establish a monitoring mechanism and funding data collection and research on women and girls with disabilities; whereas it further recommends that the European Union provide effective protection from violence, abuse and exploitation, that the work-life balance policy address the needs of children and adults with disabilities, including their carers, and that measures are undertaken to decrease the high unemployment rates of people with disabilities, the majority of whom are women;

1. Endorses the conclusions and recommendations of the Committee on the Rights of Persons with Disabilities and stresses the need for the EU Institutions and the Member States to incorporate the perspective of women and girls with disabilities into their policies, programmes and strategies on gender equality, and gender mainstreaming in their strategies on disability; calls, further, for mechanisms to be put in place for a regular review of the progress made;
2. Regrets that the European Disability Strategy 2010-2020 does not include an integrated gender perspective or a separate chapter on gender-specific disability policies, despite the fact that women with disabilities often find they are at a greater disadvantage than men with disabilities and are more often at risk of poverty and social exclusion;
3. Is concerned that the Commission's Strategic engagement for gender equality 2016-2019 fails to address disability, and urges the Commission to tackle this shortcoming by including women with disabilities and women carers in its policies and programmes;
4. Calls on the Member States to apply the gender mainstreaming approach in policies and measures for women, men, girls and boys with disabilities and in their implementation in all areas, especially in terms of integration in the workplace, education and anti-discrimination;
5. Attaches the highest importance to Article 33 of the Convention on the Rights of Persons with Disabilities – CRPD – ('National implementation and monitoring') and to the United Nations Committee's concluding observations 76 and 77, and accordingly welcomes the approval given by the United Nations Committee to the European Parliament's presence in the independent monitoring framework;
6. Urges the Commission and the Member States to develop adequate policies and apply measures to a full range of policy areas, fostering independent living and full inclusion; calls on the Commission, therefore, to collect and disseminate updated statistical data on disability, disaggregated by age and gender, in order to monitor the situation of people with disabilities in the EU;
7. Calls on the Commission to ensure that all people with disabilities can enjoy the right to free movement held by all EU citizens by including in current and future legislation the guarantee of equal opportunities, fundamental rights, equal access to services and the employment market, and the same rights and obligations in accessing social security as nationals of the Member State in which they are covered, in line with the principle of equal treatment and non-discrimination; furthermore, in terms of equality in employment, calls on the Member States to comply fully with the provisions of the EU Gender Equality Recast Directive (2006/54/EC);
8. Highlights the need to support disabled migrant women and girls in order to develop skills that would give them opportunities to obtain suitable employment;
9. Considers that people with disabilities, especially women and girls, must be allowed to enjoy their sexuality as freely as people without impairments, and considers that women with disabilities must be able to live as women without disabilities do and fulfil their wish either to have or not to have children;

10. Stresses that girls and women with disabilities should have access to full sexual and reproductive rights and to education on sexuality given by professionals who are experts in the field; considers it crucial, therefore, for women and girls with disabilities to have full access to medical care that meets their particular needs, including gynaecological consultations, medical examinations, family planning, and support adapted to their needs during pregnancy; calls on the Member States to ensure that their national public healthcare provision includes proper access to these services;
11. Reconfirms its view that the need to provide specialised support, including childcare assistance, to women and men with disabilities, together with their families, must be addressed in order to enable them to enjoy motherhood and fatherhood to the full;
12. Stresses that in order to achieve autonomous and independent living for people with disabilities, especially for women, (personal or public) assistance is a means that would support them and their families, enabling them to access workplace, educational and vocational training institutions, and supporting them in the event of pregnancy and motherhood;
13. Reiterates the urgent need to address the issue of violence against women and girls with disabilities in private and institutional environments, and calls on the Member States to provide support services that are accessible to women and girls with all types of disabilities; advises the EU to become a party to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) as a further step in combating violence against women and girls with disabilities;
14. Notes with concern that women and girls with disabilities, in particular victims of multiple discrimination, are at higher risk from gender-based violence, including sexual violence and/or sexual exploitation, both domestically and in institutional settings; underlines the need for the Member States to introduce or strengthen legislation to protect the rights of women and girls with disabilities in cases of such gender-based violence and to support their recovery;
15. Recalls the role of the media in the representation of women and girls, as well as of disability, and notes that a lack of visibility or a proliferation of stereotypes can perpetuate prejudice, violence and exclusion; calls on all the European Institutions to initiate and support campaigns to raise awareness of the Convention on the Rights of Persons with Disabilities and to combat prejudice, discrimination and hate-crime against people with disabilities, including women and girls; believes that the media should, besides increasing their visibility, strive to project a positive image of women and girls with disabilities;
16. Recalls the importance of the fundamental right to participation by people with disabilities in policy processes and decision-making on disability at all levels, as underlined by the UN CRPD; emphasises that women and girls with disabilities, including those from marginalised and vulnerable groups facing multiple discrimination, must be enabled and empowered to participate in decision-making processes in order to ensure that their interests and rights are expressed, supported and protected, ensuring a genuine grassroots gender perspective; calls on the Member States to provide adequately adapted services and facilities that would empower their active involvement and participation, and to invest in assistive and adaptive technologies and e-inclusion;

17. Is worried that certain Member States are using European structural and investment funds to promote institutionalisation rather than fostering the development of more inclusive communities in which persons with disabilities can live with proper support; expresses concern that people with disabilities, particularly women, children and the elderly, may suffer violence or ill-treatment, especially in institutional settings;
18. Notes with concern the various forms of exclusion caused by the institutionalisation of people with disabilities and how this discriminatory form of treatment may foster further prejudice and ill-treatment in the institutional settings and on the part of society as a whole;
19. Requests that the use of Structural and Investment Funds be made in a balanced way, encouraging the development of more inclusive communities and of institutionalisation when requested, so that in both cases women and girls, children and young people with disabilities in particular, can receive appropriate support and assistance across the European Union; reiterates that Member States must foster inclusive and empowering communities, allowing proper support in meeting the gender-specific obstacles and discrimination faced by women and girls with disabilities;
20. Is worried by the high rates of unemployment among persons with disabilities, especially among women with disabilities by comparison with other population groups in the European Union; calls on the Member States to foster and ensure a legislative and policy framework for participation of women with disabilities in the labour market, including those with hidden disabilities, chronic conditions or learning disabilities;
21. Highlights the importance of social enterprises and cooperatives in the social and economic inclusion and empowerment of people with disabilities, and of women with disabilities in particular; calls on the Commission and the Member States to include a strong focus on the social economy in programmes and policies for people with disabilities and on gender mainstreaming;
22. Is concerned that bringing up children with disabilities is a task that falls primarily to women;
23. Stresses the invaluable and financially underappreciated role of women who care for family members with disabilities;
24. Stresses the importance of inclusion of girls with disabilities in mainstream education in all cases where the disability allows for such integration; reiterates the important role of formal, informal, and non-formal education and life-long learning in fostering social inclusion of women and girls with disabilities; highlights the potential of the arts and culture sectors to empower women and girls with disabilities, and to tackle disability-based prejudice and discrimination; notes the need to support inclusive educational programmes that tackle the obstacles faced by people with learning disabilities, and that combat specific stereotypes, discrimination and hate-crime against them;
25. Stresses the importance of ICT for mobility, communication and access to public services; calls, therefore, on the Member States to actively promote the participation of people with disabilities, including in access to online public services;

26. Urges the EU Institutions to review the Staff Regulations, internal regulations and implementing rules in order to adopt comprehensive recruitment policies, including positive measures, to actively increase the number of staff and trainees with disabilities as well as to ensure that all employees of the EU institutions who themselves have disabilities or have dependent family members with disabilities, receive the reasonable accommodation they need in order to enjoy their rights on an equal footing with others; calls, furthermore, on the Commission to revise the EU institutions' Joint Sickness and Insurance Scheme so as to comprehensively cover disability-related health needs in a manner which is compatible with the Convention;
27. Calls on the Commission to ensure inclusive education in the European Schools and, in line with UNCRPD requirements on multidisciplinary assessment of individual needs, the non-exclusion of girls with disabilities, as well as the provision of adequate reasonable accommodation;
28. Urges the European Parliament to strengthen the internal mechanism set up to coordinate the implementation of the UN Convention on the Rights of Persons with Disabilities (UNCRPD Network) so that it becomes an overarching mechanism for the monitoring and implementation of the Convention across all parliamentary committees, with its own staff assigned exclusively to it;
29. Calls for urgent ratification of the Marrakesh Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities (Marrakesh VIP Treaty), without making the ratification conditional upon the revision of the EU legal framework or upon the timing of the decision of the Court of Justice; calls upon the Commission to introduce the necessary legislative proposals in order to implement the Marrakesh VIP Treaty;
30. Calls for the unblocking as a matter of urgency of the EU anti-discrimination directive, which has not seen any advancement in the Council since 2008, and for the Directive to tackle intersectional gender- and disability-based discrimination specifically;
31. Calls on the Member States to immediately step up their efforts to provide accessible administration and services for people with disabilities on an equal basis with others; underlines that independent living, social inclusion and participation of women and girls with disabilities can only be achieved if the remaining obstacles are removed; believes further that general information on services for citizens (such as information on education, employment, social and health care) must be provided in different forms and formats, in a simple and secure way accessible to people with disabilities;
32. Highlights the need for the Council to accelerate the proposal for a directive on the accessibility of public-sector bodies' websites, with the aim of increasing the accessibility of documents, videos and websites and providing alternative means of communication accessible to people with disabilities;
33. Welcomes the publication by the Commission of the proposal for a European Accessibility Act on 2 December 2015; recalls that a comprehensive approach to accessibility is needed and that the right to accessibility as stated in Article 9 of the UNCRPD must be guaranteed to people with all types of disability.

RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

Date adopted	19.4.2016
Result of final vote	+: 30 -: 1 0: 0
Members present for the final vote	Maria Arena, Catherine Bearder, Beatriz Becerra Basterrechea, Malin Björk, Vilija Blinkevičiūtė, Anna Maria Corazza Bildt, Viorica Dăncilă, Iratxe García Pérez, Anna Hedh, Teresa Jiménez-Becerril Barrio, Elisabeth Köstinger, Agnieszka Kozłowska-Rajewicz, Angelika Mlinar, Maria Noichl, Marijana Petir, Pina Picierno, João Pimenta Lopes, Terry Reintke, Jordi Sebastià, Michaela Šojdrová, Ernest Urtasun, Jadwiga Wiśniewska, Anna Záborská, Jana Žitňanská
Substitutes present for the final vote	Rosa Estaràs Ferragut, Kostadinka Kuneva, Constance Le Grip, Evelyn Regner, Marc Tarabella
Substitutes under Rule 200(2) present for the final vote	Marco Zanni, Julia Reid