



2020/2209(INI)

18.6.2021

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Petitions

on the protection of persons with disabilities through petitions: lessons learnt
(2020/2209(INI))

Rapporteur for opinion (*): Tom Vandendriessche

(*) Associated committee – Rule 57 of the Rules of Procedure

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SUGGESTIONS

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

- A. Whereas the EU and the Member States should adopt all appropriate measures for the implementation of the rights in the Convention on the Rights of Persons with Disabilities (CRPD), and modify or withdraw current measures that constitute discrimination against persons with disabilities; whereas the EU and the Member States should take into account the protection and promotion of the fundamental rights of persons with disabilities in all policies and programmes;
- B. Whereas it is essential for the EU Institutions' websites to implement the necessary technical specifications in order to be accessible to persons with disabilities, so that they can receive up-to-date information on all issues that concern them, with the aim of increasing the accessibility of documents, videos and websites and promoting alternative means of communication;
- C. Whereas women with disabilities are two to five times more likely to experience violence than other women¹;

Justice

- 1. Calls for the effective implementation of the CRPD, in particular during the ongoing COVID-19 pandemic, in key areas of life for persons with disabilities; recalls that this implementation should be accompanied by proper national integration strategies; emphasises the importance of ICTs (information and communication technologies) for mobility, communication and access to public services; points out that the COVID-19 pandemic highlighted and intensified the challenges faced by persons living in institutions;
- 2. Highlights the importance of persons with disabilities' entitlement to exercise their fundamental rights on an equal basis; stresses the need to recognise that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life, in line with Article 12 of the CRPD; calls on the Member States to take appropriate and timely measures to provide effective, fair and inclusive access to the justice system and law enforcement for persons with all kinds of disabilities at all stages of the process; urges the Member States special attention to be paid to women with disabilities; emphasises that facilities and services must be accessible in order to ensure equal access without discrimination to justice and the entire legal process;
- 3. Stresses the need for more and regular awareness training for justice and law enforcement staff on crisis intervention and management and conflict de-escalation when interacting with persons with specific disabilities;

¹ European Commission, *Union of Equality - Strategy for the Rights of Persons with Disabilities 2021-2030*, 3 March 2021, p.16; <https://op.europa.eu/en/publication-detail/-/publication/3e1e2228-7c97-11eb-9ac9-01aa75ed71a1/language-en>

4. Stresses that imprisonment of persons whose disability is incompatible with detention must be prevented, and that alternatives to prison sentences should be provided; calls on the Member States to ensure that the fundamental principles of equality of treatment, non-discrimination, reasonable accommodation and accessibility are respected for detainees with disabilities;

Data protection

5. Stresses that any processing of personal data must fully comply with Regulation (EU)2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation - GDPR); underlines that pursuant to the GDPR the processing of genetic or biometric data for the purpose of uniquely identifying a natural person and of data concerning health (sensitive personal data) is prohibited unless it is expressly allowed by the GDPR;

Governance

6. Considers that priority should be given to ensuring that public services, including digital public services, are accessible to persons with disabilities; calls for policies to promote public services, including digital public services that are accessible for persons with disabilities in line with the rapid advances in information technologies; recalls that information should be accessible, in particular by using simple and understandable language and illustrations for persons with learning impairments²;
7. Highlights that reasonable accommodation, accessibility and universal design are crucial for combating discrimination against persons with disabilities; underlines the importance of effective non-discriminatory access involving the identification and removal of obstacles and barriers that hamper the access of persons with disabilities to the goods, services and facilities available to the general public; stresses that effective, non-discriminatory access for persons with disabilities should be provided under the same terms and conditions as for persons without disabilities wherever possible, and that the use of assistive devices by persons with disabilities should be facilitated, including aids to mobility and access, and such as recognised guide dogs and other assistance dogs where necessary³; recalls that accessibility standards should be adopted in consultation with persons with disabilities and their representative organisations, since their expertise is essential for the identification of accessibility barriers; highlights that reasonable accommodation, accessibility and universal design are crucial to combating discrimination against persons with disabilities;
8. Calls on the EU institutions to ensure the highest accessibility standards in their infrastructures, services and digital services, to make every effort to publish their documents related to legislative procedures in a user-friendly and accessible way, and to ensure that persons with disabilities can properly and fully access their websites and contact forms; encourages the Member States to develop programmes which aim to include persons with disabilities in society through sport, the arts, culture and leisure

² Petition No 1305/2015.

³ Petition Nos 1140/2015, 0857/2016, 0535/2017 and 1140/2015, and 0988/2020.

activities, and which promote their participation in the political process without any constraints;

9. Calls on the Member States to organise information campaigns drawing attention to disability-related issues; proposes the creation of projects to raise awareness of the needs of persons with disabilities, which use positively the power of cultural tools, such as through the promotion of cultural events, as a part of a broader educational strategy to promote and protect the rights of persons with disabilities;
10. Underlines that people with disabilities, in particular women with disabilities, continue to face multiple and intersectional discrimination based on their disability and their gender, race, ethnicity, age, religion or belief, sexual orientation, migration status or socioeconomic background; calls on the Commission and the Member States to take into account the diversity and heterogeneity of persons with disabilities when designing and implementing policies and measures;
11. Highlights that full and effective participation of persons with disabilities in all areas of life and society is crucial for the exercise of their fundamental rights;
12. Considers that the proposed EU horizontal anti-discrimination directive⁴ is an essential legislative act for a correct implementation of CRPD policies and urges the Council to unblock the negotiations;

Employment

13. Underlines the need for adequately funding the equipment that persons with disabilities need so as to ensure that they can use the best available technology and equipment for their everyday life, for their employment and social participation; calls on the Member States to use EU funds to improve these services and related infrastructures;
14. Calls on the Member States to promote and ensure a legislative and policy framework for the participation of persons with disabilities in the labour market; calls for economic policies to be drawn up to enable people with disabilities to secure access to jobs and fair pay in line with their intellectual and physical skills;

Education

15. Considers that equal high-quality education for persons with disabilities must be prioritised and be inclusive when and where possible and advisable; recalls that education is a fundamental human right; encourages the Member States to promote high-quality education and lifelong learning⁵; stresses that good education is important for individual development; underlines that good education helps to increase awareness about persons with disabilities; stresses the need to increase the participation of young people with disabilities in training taking into account their needs, which would provide them better access to the labour market; notes the benefits for children from linguistic minorities with special educational needs to learn in their mother tongue during early years education in cases where it is difficult for them to use language and communicate; calls on the Member States to ensure access to minority language education for children

⁴ COM/2008/0426.

⁵ Petitions Nos 2582/2013, 0371/2018.

with special educational needs;

16. Draws attention to the importance of early childhood intervention and to the fact that children with disabilities must participate and be included in society from the very early stages of their lives; points out the need to increase the funding opportunities for inclusive education, when and where possible and advisable, both for the promotion of inclusive education's impact on children with or without disabilities as well as for the funding of research in inclusive education; considers it necessary to encourage the use of new technologies, including ICT, mobility support devices, ancillary devices and technologies that are suitable for people with disabilities; stresses that education is central to individual development, and that accessible learning environments for persons with disabilities offer them the possibility to fully contribute to all aspects of the society;
17. Stresses the importance of teaching staff in the education of children with disabilities and special needs; urges, therefore, that training, further training and specialist training in this field be made available to them;
18. Calls on the Member States to pay attention to persons with disabilities living in institutions; is concerned that the COVID-19 pandemic highlighted and intensified the challenges faced by persons living in institutions; calls on the Member States to adopt deinstitutionalisation strategies and to ensure that their laws, policies and programmes on deinstitutionalisation are in line with the concept of independent living set out in the CRPD;
19. Underlines that, according to the CRPD, the EU should mainstream a disability perspective in all its gender policies, programmes and strategies; endorses the CRPD's recommendations, and urges the Commission and the Member States to step up efforts in this regard; recalls that persons with disabilities often have their views disregarded in favour of other people speaking or making decisions on their behalf; further urges the Commission and the Member States to involve persons with disabilities in all their diversity and of all backgrounds in EU decision-making;
20. Notes the Commission's commitments in the EU Strategy for the Rights of Persons with Disabilities 2021-2030; calls on the Commission to mainstream the situation of women with disabilities in all EU policy and measures, in particular, in future initiatives relating to gender-based violence.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	16.6.2021
Result of final vote	+: 44 -: 3 0: 20
Members present for the final vote	Magdalena Adamowicz, Malik Azmani, Katarina Barley, Fernando Barrena Arza, Pietro Bartolo, Nicolas Bay, Vladimír Bilčík, Vasile Blaga, Ioan-Rareș Bogdan, Patrick Breyer, Saskia Bricmont, Joachim Stanisław Brudziński, Jorge Buxadé Villalba, Damien Carême, Clare Daly, Marcel de Graaff, Anna Júlia Donáth, Lena Düpont, Cornelia Ernst, Laura Ferrara, Nicolaus Fest, Jean-Paul Garraud, Maria Grapini, Andrzej Halicki, Evin Incir, Sophia in 't Veld, Patryk Jaki, Marina Kaljurand, Assita Kanko, Peter Kofod, Łukasz Kohut, Moritz Körner, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Lukas Mandl, Nuno Melo, Roberta Metsola, Nadine Morano, Javier Moreno Sánchez, Maite Pagazaurtundúa, Nicola Procaccini, Emil Radev, Paulo Rangel, Terry Reintke, Diana Riba i Giner, Ralf Seekatz, Michal Šimečka, Birgit Sippel, Sara Skyttedal, Martin Sonneborn, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Tomas Tobé, Dragoș Tudorache, Milan Uhrík, Tom Vandendriessche, Bettina Vollath, Elissavet Vozemberg-Vrionidi, Jadwiga Wiśniewska, Elena Yoncheva, Javier Zarzalejos
Substitutes present for the final vote	Anne-Sophie Pelletier, Franco Roberti, Domènec Ruiz Devesa, Yana Toom

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

44	+
ECR	Joachim Stanisław Brudziński, Jorge Buxadé Villalba, Patryk Jaki, Assita Kanko, Nicola Procaccini, Jadwiga Wiśniewska
NI	Laura Ferrara, Martin Sonneborn
PPE	Magdalena Adamowicz, Vladimír Bilčík, Vasile Blaga, Ioan-Rareş Bogdan, Lena Düpont, Andrzej Halicki, Jeroen Lenaers, Lukas Mandl, Nuno Melo, Roberta Metsola, Nadine Morano, Emil Radev, Paulo Rangel, Ralf Seekatz, Sara Skyttedal, Tomas Tobé, Elissavet Vozemberg-Vrionidi, Javier Zarzalejos
RENEW	Malik Azmani, Anna Júlia Donáth, Sophia in 't Veld, Moritz Körner, Maite Pagazaurtundúa, Michal Šimečka, Ramona Strugariu, Yana Toom, Dragoş Tudorache
S&D	Maria Grapini
The Left	Clare Daly, Anne-Sophie Pelletier
Verts/ALE	Patrick Breyer, Saskia Bricmont, Alice Kuhnke, Terry Reintke, Diana Riba i Giner, Tineke Strik

3	-
ID	Marcel de Graaff
The Left	Pernando Barrena Arza, Cornelia Ernst

20	0
ID	Nicolas Bay, Nicolaus Fest, Jean-Paul Garraud, Peter Kofod, Annalisa Tardino, Tom Vandendriessche
NI	Milan Uhrík
S&D	Katarina Barley, Pietro Bartolo, Evin Incir, Marina Kaljurand, Łukasz Kohut, Juan Fernando López Aguilar, Javier Moreno Sánchez, Franco Roberti, Domènec Ruiz Devesa, Birgit Sippel, Bettina Vollath, Elena Yoncheva
Verts/ALE	Damien Carême

Key to symbols:

+ : in favour

- : against

0 : abstention