



2017/2127(INI)

11.9.2017

OPINION

of the Committee on Petitions

for the Committee on Employment and Social Affairs

on implementation of the European Disability Strategy
(2017/2127(INI))

Rapporteur: Cecilia Wikström

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SUGGESTIONS

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

1. Recalls that the Committee on Petitions (PETI) receives a considerable number of petitions each year referring to the difficulties encountered by people with disabilities across the EU in their everyday activities in relation to the eight main areas of action identified in the European Disability Strategy and other accessibility issues, such as access to healthcare and social protection, education and training, the labour market, the built environment and transport, goods and services, information and communication, and participation in political, public and cultural life; highlights the challenges identified in the progress report on the implementation of the European Disability Strategy (2010-2020) on access to transport and the built environment, and calls for the swift adoption and implementation of upcoming EU requirements on accessibility; stresses that discrimination represents one of the main obstacles to the effective implementation of the European Disability Strategy;
2. Notes that the EU leads the way in the ratification of human rights treaties, and that Articles 21 and 26 of the EU Charter of Fundamental Rights reaffirm the principle of non-discrimination; calls on all Member States to ratify the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and to sign the Protocol;
3. Stresses the centrality of the UNCRPD as a tool for the protection of human rights, in particular for people with disabilities who represent a particularly vulnerable category;
4. Calls on the Commission to pay particular attention to children with disabilities in accordance with the UNCRPD, and in line with the UN Convention on the Rights of the Child;
5. Highlights the protection role played by the Committee on Petitions through the petition process (alongside the European Ombudsman, appointed to protect citizens in the event of maladministration) in the context of the EU framework for the UNCRPD, enabling the petitioner to lodge a complaint against an infringement of their rights on the part of European, national and local authorities; stresses that the petitions received by the Committee illustrate the need to adopt an effective, horizontal, non-discriminatory and human rights-based approach to disability policies; stresses the role of the European Union Agency for Fundamental Rights in strengthening the fundamental rights for people with disabilities in the EU and in supporting the EU's implementation of the UNCRPD;
6. Points out that the petitions that have received most attention have often been backed by civil society organisations representing people with disabilities, and a need therefore exists to promote and publicise the protection role and effectiveness of petitions based on infringements of these rights; praises the role played by these organisations in promoting social inclusion and an improvement in the quality of life of persons with disabilities, and considers that this task should be further supported by public institutions;

7. Recognises the UNCRPD's role as an instrument for guaranteeing human rights with a social dimension, seeking to ensure that persons with disabilities enjoy all human and fundamental rights which are so often violated and which need greater protection;
8. Calls on the Commission, following the recommendations of the first UN assessment of the UNCRPD, to establish an independent instrument for the monitoring and review of the Convention, as well as an inter-institutional coordination mechanism, and to promote the creation of local information points and agencies in each Member State, which should be permanent;
9. Emphasises, in particular, that accessibility is a core principle of the UNCRPD, and a precondition for the exercise of other rights enshrined in the Convention; underlines that a consistent number of petitions lodged by European citizens complain about the lack of accessibility or the presence of architectural barriers; stresses that the right to accessibility, as defined in Article 9 of the UNCRPD, must be implemented in a comprehensive manner to ensure that persons with disabilities can access their environment, transportation, public facilities and services, as well as information and communications technologies; calls on the Commission and the Member States to ensure that accessibility is a high priority and that it is better integrated into all disability policy areas;
10. Recalls that the UNCRPD Committee, in its Concluding Observations, noted that the austerity measures adopted by the EU and the Member States worsened the standard of living of persons with disabilities, leading to greater poverty and higher levels of social exclusion as well as cuts in social and community-based services and support to families;
11. Notes that, with reference to Article 4 of the UNCRPD, efforts should be made to modify European and Member States' disability legislation to ensure full harmonisation in all areas, and calls for the effective involvement of representatives of disability organisations in this process;
12. Calls on the Commission to ensure high-quality inclusive education in European schools from an early age, with a preventive approach and a vision of disability, in line with UNCRPD requirements on the multidisciplinary assessment of individual needs, the non-exclusion of children with disabilities, as well as the provision of adequate reasonable accommodation;
13. Urges both the EU and the Member States to adopt the necessary legislation to fully and consistently comply with the UNCRPD, guaranteeing, inter alia, adequate levels of disability-related benefits, community-based and health services and high quality education and training programmes;
14. Highlights that the Court of Justice of the European Union, in its opinion of 14 February 2017, indicated that the EU has exclusive competence in relation to the conclusion of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, as the body of the obligations of the Marrakesh Treaty falls within an area that is already covered, to a large extent, by common EU rules;

15. Notes that, in accordance with the UN recommendations, disability organisations should be involved at every stage of the decision-making process; recalls that a structured dialogue should be established with persons with disabilities;
16. Calls on the Commission to draft a report on the impact on persons with disabilities of the main EU policies and investment funds, and to ensure the involvement of disability organisations in their design, especially where the Structural Funds are concerned;
17. Recalls that the Committee on Petitions has been advocating the adoption of a binding treaty related to access by blind and visually impaired persons to published works since 2011; welcomes the inter-institutional agreement reached to implement the Marrakesh Treaty in EU copyright law, and reiterates its call for a swift ratification of the Marrakesh Treaty by the EU and its Member States;
18. Notes that the Committee on Petitions is regularly approached with questions relating to the right of people with disabilities to live independently, as enshrined in Article 19 of the UNCRPD, and has encouraged the development of more inclusive communities and institutionalisation systems where requested, so that in both cases people with disabilities can receive appropriate support and assistance across the EU, thereby fostering the aim of greater autonomy within each individual's possibilities; recalls that PETI conducted a fact-finding mission to Slovakia in September 2016 to seek information on the use of European Structural and Investment Funds (ESIFs) in facilitating the transition from the institutional care of people with disabilities to community-based services;
19. Persons with disabilities must be provided with information concerning their rights and be allowed to participate fully in all policies and measures that might affect them, including a complaints mechanism, and priority should be given to the participation of children with disabilities and, where these exist, organisations for persons with disabilities;
20. Notes that in Europe, 30 % of people with disabilities are at risk of poverty or social exclusion, and that there is a net gap between the employment rates of the disabled (48.7 %) and other people (72.5 %); stresses the importance, in light of the above, of a global work and employment strategy;
21. Underlines that children with disabilities encounter specific problems, and stresses that efforts should be made to eliminate all kinds of obstacles and barriers, thereby enabling them to achieve full autonomy and enjoy equal opportunities; considers it crucial, therefore, that they be involved in shaping the policies that affect them; encourages, to this end, the adoption of instruments to enable children with disabilities to make their views known, and to ensure their involvement;
22. Stresses that adequate social support must be provided to people with disabilities, and that access to justice, adequate care, and health protection should always be at the heart of such action;
23. Recalls that the rights established in the Treaties and EU law, such as access to justice, goods and services, including banking and employment, health care and the right to vote, must be ensured for persons with disabilities deprived of their legal capacity; notes

that efforts should be made to promote the collection of data, the exchange of good practices and consultation with the representatives of disability organisations in accordance with Article 12 of the UNCRPD; emphasises that restrictive interpretations in Member States' legislation of safeguards in relation to the right to vote should be revised where these prevent persons with psychosocial disabilities from exercising this right in accordance with Article 29 of the UNCRPD;

24. Stresses that a poor level of education can be the source of social exclusion and that only 27.8 % of people with disabilities have completed higher studies; recalls that the right to study, to a good level of education, and access to schools and universities should not be subject to discrimination and should be adequately guaranteed and promoted;
25. Underlines that the European institutions should ensure and implement the accessibility of documents and IT services to people with disabilities;
26. Stresses that the public administrations of the Member States, and in particular local authorities, which are closer to the citizens and their daily needs, should ensure the maximum accessibility of their services, documents and practices to people with disabilities; underlines that such measures should also involve the services provided via the Internet and web pages;
27. Underlines the centrality of the right of all persons with disabilities to live independently, and calls on the Commission to enhance the optimal use of ESIFs by Member States, with a view to developing high-quality social services for people with disabilities, realising the deinstitutionalisation process, raising awareness about disability issues and promoting equal opportunities at regional, national and EU levels; stresses that measures should be taken to promote access to structural funds for disability support services, especially those serving children and families and those aimed at preventing institutionalisation;
28. Notes that the freedom of movement for European citizens must be guaranteed for persons with disabilities, to which end the Member States must ensure the mutual recognition of their situation and social rights pursuant to Article 18 of the UNCRPD; stresses that people with disabilities should be able to travel beyond the borders of their own countries and enjoy the benefits of having access to culture, transport and sport; notes that other benefits should be examined and their mutual recognition promoted;
29. Recalls the role of the Disability Intergroup of the European Parliament for the implementation of the European Disability Strategy, in accordance with the UN Convention, as a platform that brings together members of the European and national Parliaments and representatives of organisations and civil society, both at national and local level; notes that the Intergroup is a privileged forum for encouraging discussions and debates in order to ensure the implementation of the strategy;
30. Stresses that persons with disabilities should be afforded free access to justice, and that their economic situation should therefore not present any barrier to such access;
31. Calls for stronger political participatory channels for disabled organisations in order to achieve their full participation in decision-making;

32. Emphasises the centrality of maximum mobility and accessibility as guidelines to be implemented and followed in the framework of the implementation of the European Disability Strategy;
33. Notes that the Digital Single Market Strategy should be implemented in such a way as to ensure full access to all of its aspects for persons with disabilities;
34. Notes that the transversal nature of mobility and accessibility makes them indispensable for the full enjoyment of a wide range of freedoms and rights, such as the possibility of travelling and moving to other Member States, the right to culture and the right to sport;
35. Calls on the European institutions to ensure that all of their web pages and documents are accessible to persons with sensory disabilities;
36. Stresses that legal capacity is crucial to maintaining personal autonomy, so that any restrictions to it and representation by legal guardians must be established on the basis of clear criteria harmonised at EU level, with a periodic review of the need for such longer-term legal representation and of the suitability of the legal guardian concerned;
37. Considers that a significant number of people with disabilities are not fully aware of their rights and of the ways in which they can enjoy them; calls on the Commission to launch, as a first step, a wide-ranging information campaign on the rights of people with disabilities, to promote full knowledge and awareness;
38. Emphasises that most of the petitions submitted by European citizens concern the difficulties involved in the application procedures, in obtaining recognition and in relation to late payments of invalidity pensions by the relevant administrations; underlines that the implementation of the European Disability Strategy and its social protection area for action should pay special attention to these issues, in accordance with Article 28 of the UNCRPD on the adequate standard of living and social protection;
39. Emphasises that the necessary social support should be provided to ensure that persons with disabilities, in particular persons with psychosocial disabilities, can exercise their rights and enjoy full autonomy; notes, in this regard, that the institutionalisation of such people should be avoided and steps should be taken to ensure that they are not subjected to treatment without their consent;
40. Notes that persons with disabilities must be ensured non-discriminatory access to health and care systems, with all due attention paid to the difficulties that might arise when treating such patients; stresses, in particular, that non-discriminatory access must be ensured in relation to sexual and reproductive health care, and that under no circumstances should sterilisation or abortion be imposed against a person's will; notes that health care systems should, moreover, ensure the detection, reporting and prevention of sexual violence and/or abuse;
41. Calls on the Commission to formulate policies and programmes specifically aimed for children with disabilities; stresses that such policies should not only focus on removing architectural barriers and obstacles to mobility, but also on combating social exclusion, as well as promoting and guaranteeing equal opportunities;

42. Notes that the informed consent of persons with disabilities must be sought for all medical interventions requiring it, and that all necessary measures must therefore be in place to ensure that these persons can access and understand the relevant information; stresses that this consent must be given personally, in advance and in full knowledge of the facts, with all necessary mechanisms put in place to ensure that these principles are complied with; notes that similar, appropriate measures must also be taken in relation to persons with psychosocial disabilities;
43. Calls on the Commission to strengthen its commitment towards the parents and caregivers of people with disabilities throughout its programmes and policies; stresses the need for a European juridical framework in order to clarify the status of these people, ensuring the protection of their rights and access to a normal life;
44. Notes that health insurance schemes must not discriminate against persons with disabilities;
45. Notes that the impact of the cross-border health directive on persons with disabilities should be assessed;
46. Underlines that inequality is especially evident in employment, as 48 % of persons with disabilities in the EU are employed and only 27.8 % have completed a higher education course, which means that persons with disabilities are more at risk of living in poverty; calls on the Commission to undertake a horizontal assessment of the impact of all its policies, in particular of European employment policy, on the employment of persons with disabilities;
47. Notes that the air and maritime transport regulations should be revised to ensure that no form of discrimination, physical or economic, can be practiced against passengers with disabilities, and that all obstacles are removed in this respect;
48. Stresses that the UN recommendation on the need to ensure a gender perspective in all disability policies should be taken up, in particular, policies seeking to combat gender violence; calls for targeted action to promote the empowerment of women with disabilities as well as the development of a specific gender strategy for women with disabilities.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

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| Date adopted | 7.9.2017 |
| Result of final vote | +: 26 -: 0 0: 0 |
| Members present for the final vote | Margrete Auken, Beatriz Becerra Basterrechea, Pál Csáky, Eleonora Evi, Lidia Joanna Geringer de Oedenberg, Peter Jahr, Rikke Karlsson, Jude Kirton-Darling, Svetoslav Hristov Malinov, Notis Marias, Roberta Metsola, Marlene Mizzi, Gabriele Preuß, Virginie Rozière, Sofia Sakorafa, Jarosław Wałęsa, Cecilia Wikström, Tatjana Ždanoka |
| Substitutes present for the final vote | Michela Giuffrida, Anne-Marie Mineur, Demetris Papadakis, Julia Pitera, Rainer Wieland |
| Substitutes under Rule 200(2) present for the final vote | Frank Engel, Monika Hohlmeier, Maria Lidia Senra Rodríguez |

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

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| ALDE | Beatriz Becerra Basterrechea; Cecilia Wikström |
| GUE/NGL | Anne-Marie Mineur, Maria Lidia Senra Rodríguez, Sofia Sakorafa, |
| ECR | Rikke Karlsson, Notis Marias, |
| EFDD | Eleonora Evi |
| PPE | Pál Csáky, Peter Jahr, Svetoslav Hristov Malinov, Roberta Metsola, Jarosław Wałęsa, Monika Hohlmeier, Frank Engel, Julia Pitera, Rainer Wieland |
| S&D | Lidia Joanna Geringer de Oedenberg, Jude Kirton-Darling, Marlene Mizzi, Gabriele Preuß, Virginie Rozière, Michela Giuffrida, Demetris Papadakis, |
| VERTS/ALE | Margrete Auken, Tatjana Ždanoka |

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Key to symbols:

+ : in favour

- : against

0 : abstention

