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NOTE

From:	Presidency
To:	Delegations
Subject:	Draft Council Conclusions on the Strategy for the Rights of Persons with Disabilities 2021-2030

Further to the meeting of the Working Party on Social Questions on 23 April 2021 and written comments received, delegations will find attached a new version of the draft Conclusions prepared by the Presidency.

Changes in relation to the previous version (7415/21) are marked as follows: new text is in **bold type** and deletions are marked "[...]".

This document will be discussed at the next meeting of the Working Party, which is scheduled for 11 May 2021.

*Draft Council Conclusions on the Strategy
for the Rights of Persons with Disabilities 2021-2030*

ACKNOWLEDGING THAT

1. The European Union is founded on the values of human dignity, freedom, and respect of human rights and committed to combat discrimination, including on the grounds of disability as set out in the Treaty on European Union and the Charter of Fundamental Rights.
2. The European Commission has pledged to create a Union of Equality to which the Strategy for the Rights of Persons with Disabilities 2021-2030 provides an important contribution, supporting the implementation of the United Nations' Convention on the Rights of Persons with Disabilities as well as European Pillar of Social Rights.
3. Around 87 million persons in the European Union have some form of disability and thus face barriers to their economic and social participation¹. Impairments tend to increase with age: around half of persons aged 65 and over report having disabilities. Evidence calls for intensifying action to promote equal treatment, as more than half of all persons with disabilities (52%) feel discriminated against in their daily lives². Persons with disabilities experience significant gaps in key areas; for example, an employment rate 24.2 p.p. lower than that of persons without disabilities and a risk of poverty or social exclusion 10 p.p. higher than that of persons without disabilities.

¹ EU SILC (Statistics on Income and Living Conditions) and EU LFS (Labour Force Survey). 24.7% of EU population > 16 years **have disabilities**, 17.7% having moderate, 7% severe limitations; S. Grammenos/M. Priestley, 2020: Europe 2020 data and people with disabilities. **In EU-SILC, disability is determined on the basis of respondents' own assessment. It is approximated according to the concept of global activity limitation variable GALI which is defined as a "limitation in activities people usually do because of health problems for at least the past six months".**

² Special Eurobarometer 493, Discrimination in the EU, May 2019.

4. 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. Such a diverse group requires policies, products and services **that are accessible and** tailored to specific individual needs **in order to be able to fully enjoy their human rights and fundamental freedoms**. In addition, the intersection of disabilities with other personal characteristics or unfavourable socio-economic conditions faced by persons with disabilities **may expose them** to multiple or aggravated forms of discrimination **or** multiple disadvantages. For instance, **women with disabilities are more likely to suffer gender-based violence or have fewer opportunities in terms of access to employment**.
5. [...] Policies focusing on the potential of persons with disabilities, on combating stereotyping and discrimination and on reducing barriers are essential for ensuring that persons with disabilities can fully enjoy their human rights and benefit from participating in society on an equal basis with others. One of the ways to combat stereotypes and discrimination is through raising awareness of the rights of persons with disabilities.
6. Considerable efforts have been undertaken at European level to implement the European Commission's European Disability Strategy 2010-2020, the EU level policy framework designed to support the implementation of the United Nations' Convention on the Rights of Persons with Disabilities (UNCRPD) in the Union. Similarly, the Member States have made efforts at the national level in this area, including with a view to implementing the UNCRPD in the areas under their responsibility.

7. The 2010-2020 Strategy sought to pave the way to a barrier-free Europe, advanced the mainstreaming of disability into national and European policies, and contributed to the development of disability-inclusive policies. Through policies for international cooperation, the EU and its Member States have also led the way globally in promoting the inclusion and full participation of persons with disabilities.
- 7a. The European Accessibility Act (EAA)³, adopted in 2019, promotes full and effective equal participation of persons with disabilities by improving their access to mainstream products and services that **are required, under this act, to** comply with **certain** accessibility requirements [...].
8. In line with the values enshrined in the EU Treaties, the Commission's new Strategy for the Rights of Persons with Disabilities 2021-2030 presents a comprehensive and ambitious framework designed to improve the lives of persons with disabilities in the EU and beyond and to advance the implementation of the UNCRPD.
9. The new Strategy complements other initiatives that aim to combat discrimination in all its forms and to leave no one behind, to build a Union of Equality for all including persons with disabilities in line with the principles of the United Nations' 2030 Agenda for Sustainable Development.
10. The principles enshrined in the European Pillar of Social Rights and the Action Plan adopted by the Commission to implement it, seek to improve the lives of persons with disabilities by putting forward measures to ensure a strong, social Europe and a fair and inclusive recovery from the COVID-19 crisis.

³ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services, OJ L 151, 7.6.2019, p. 70–115

11. The disability dimension **should** continue to be integrated into the European policies for the green and digital transitions and for a social and healthy Europe. The European Green Deal, the European Commission Digital Strategy to make Europe Fit for the Digital Age, the European Skills Agenda, the European Pillar of Social Rights Action Plan, the Digital Education Action Plan, the European Health Union, the Reinforced Youth Guarantee, the European Child Guarantee, the Commission's Strategy on the Rights of the Child **and the European Commission Strategy for Sustainable and Smart Mobility** are all disability-inclusive. The Council has recently also suggested that Member States explore innovative ways to ensure that all groups, including persons with disabilities, can access and benefit from the European Charter of Fundamental Rights⁴.

UNDERLINING THAT:

12. Persons with disabilities have a higher probability of being subject to discrimination and socio-economic disadvantage than persons without disabilities in a range of different areas. They frequently experience barriers in accessing healthcare, housing, **and the labour market, in** participating in democratic processes, and **in** using products and services, and **they** live in poverty and isolation more often than persons without disabilities. **In addition, when faced with limited opportunities and support,** they tend to have lower educational attainments and employment rates and to leave the workforce earlier. The COVID-19 pandemic risks having exacerbated these problems.

⁴ Council Conclusions on strengthening the application of the Charter of Fundamental rights (6795/21)

13. **The accessibility, complemented by availability and quality** of buildings, transport, products and services, including **digital** services, and of information and communication technologies, **is an enabler or rights and** a prerequisite for the full and equal participation in the life of the community and for independent living of all persons with disabilities [...]. In addition to the UNCRPD requirements, EU law has set out minimum standards that should be effectively and coherently implemented.
14. The full enjoyment of the rights to free movement and to equal participation in democratic processes by persons with disabilities requires [...] policies for **improving** recognition of **their** disabilities, **for ensuring accessibility** in the EU and for promoting **their** equal participation in elections, **both as voters and as candidates**, including **in** local, regional and national elections and the elections to the European Parliament. **It also requires eliminating any discrimination on the basis of disability when it comes to civil and political rights, such as the right to vote.**
15. Policies to promote independent living and full inclusion and participation in the community [...] are important **for ensuring a decent quality of life for persons with disabilities. The need for these policies is** gaining urgency, especially in ageing societies. Strategies for independent living should comprise adequate housing and quality services in the community based on individual needs, including for persons with intellectual and/or psychosocial disabilities, in order to enable them to choose appropriate living arrangements, **taking into account the higher cost of living many persons with disabilities face. Guidelines on the process of deinstitutionalisation would be helpful.**

16. In order to allow persons with disabilities to achieve their full potential, it **is** essential to foster access to quality and sustainable jobs, **improve support from** social protection systems, develop skills and ensure reasonable accommodations. Calling for inclusive labour markets, the Council⁵ recommended that persons with disabilities should receive tailored support for transitions to the general labour market, for labour market reintegration and for equal enjoyment of workers' rights, including in sheltered employment.
17. The digital transition offers new opportunities in terms of communication, self-determination, self-care, equal participation and assistive technologies for persons with disabilities. New technologies need to be accessible for all persons with disabilities and preferably developed in line with the principle of Universal Design and **with the** European Accessibility Act (EAA), and supporting service providers should be equipped with adequate skills **that will enable** them to cater to the needs of persons with disabilities. The COVID-19 pandemic showed the importance of accessibility of ICT tools necessary for teleconferencing, telework arrangements, remote learning, online shopping, and access to public services and information as well as the shortage of ICT professionals with training in the implementation of accessibility. Accessibility, ease of use, reliability and digital skills must be taken into account in planning and producing digital-based services, **with the aim of avoiding or mitigating a digital divide that would leave people with disabilities behind.**
18. Every person has an inherent right to life and all the necessary measures must be taken to ensure that persons with disabilities can enjoy this right on an equal basis with others during crisis such as Covid-19 pandemic. Persons with disabilities have the same right as everyone else to receive services without discrimination on the basis on disability. This equal right also applies to necessary social and health care.

⁵ Council Conclusions on Improving the employment of people in a vulnerable position in the labour market; (14646/19)

- 18a.** Ensuring equal access and non-discrimination requires [...] action in different policy fields and across areas, **including, inter alia, through legislation**. Research, training of professionals and policies giving effect to the UNCRPD are **essential for** ensuring accessibility and improving the participation for persons with disabilities and are key areas in the access to justice. The COVID-19 pandemic has refocused attention on the efforts still needed to safeguard access to the entire healthcare portfolio⁶ for persons with disabilities, to make education and lifelong learning inclusive and accessible for all from an early age and to provide persons with disabilities the opportunity to engage in paid employment [...]. Facilitating access to **cultural life, recreation, leisure and sport is essential**. **Sports and culture also have** a recognised value as means of supporting social inclusion⁷ by contributing to de-stigmatisation and counteracting stereotypes.
- 19.(old 20) National policies to implement the UNCRPD also have an international dimension. The goal should be to systematically and sustainably **consider** disability in external action policies, including development cooperation and international humanitarian aid to increase the social inclusion of persons with disabilities.
20. (old 19) The European Commission's Strategy for the Rights of Persons with Disabilities 2021-2030 should be supported by ambitious national strategies or initiatives, **and by** objectives and targets where relevant, taking into account national competences and already existing policies, so as to advance in the creation of a disability-inclusive European Union that promotes, protects and ensures the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities in line with the UNCRPD.

⁶ European Inclusion Summit 2020. Declaration.

⁷ Council Conclusions on Access to sport for persons with disabilities. (OJ C 192, 7.6.2019, pp. 18-22)

21. There are still significant gaps and methodological discrepancies in the collection of statistical data on the situation of persons with disabilities among Member States. These should be addressed in order to ensure that information provided is relevant and accurate in terms of quality, frequency and comparability.

[...]

23. In line with the commitments undertaken by parties to the UNCRPD, the declaration made at the European Inclusion Summit 2020 indicates the determination **of its signatories** to build a Europe where persons with disabilities can participate in all areas of society. A regular exchange of views between the EU, its Member States and **civil society organisations representing persons with disabilities is needed** to ensure efficient delivery of this objective, in particular when supported by contact points for disability matters to be established in all EU institutions, bodies, agencies and delegations.
24. **The High-Level Videoconference on the Strategy for the Rights of Persons with Disabilities 2021-2030, held on April 2021 in Lisbon, with the participation of organizations of persons with disabilities, highlighted the momentum brought by the European Pillar of Social Rights Action Plan and the new Strategy. It focused on the themes of accessibility, independent living, de-institutionalisation and community-based and person-centred social services, employment and inclusive education. The Member-States representatives and other participants emphasized the importance of the continuity following the European Disability Strategy 2010-2020 and the commitment towards the Strategy for the Rights of Persons with Disabilities 2021-2030, in line with the UNCRPD.**
25. This set of Conclusions builds on previous work and political commitments voiced by the European Parliament, the Council, the Commission and relevant stakeholders in this area, including in the documents listed in the Annex.

**THE COUNCIL OF THE EUROPEAN UNION AND THE REPRESENTATIVES OF THE
GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL**

26. WELCOME AND ENDORSE the **European Commission's** Strategy for the Rights of Persons with Disabilities 2021-2030, **without prejudging the future position of the Council and the Member States on concrete initiatives implementing the Strategy.**

[...]

**INVITE THE MEMBER STATES, IN LINE WITH THE NATIONAL COMPETENCES,
TAKING INTO ACCOUNT THE NATIONAL CIRCUMSTANCES AND RESPECTING
THE ROLE AND AUTONOMY OF THE SOCIAL PARTNERS, TO:**

- 26a. Implement the related EU law⁸ and consider policies in all areas covered by the Strategy to support its implementation.**
27. Continue developing and updating national strategies and policies to implement the UNCRPD, in line, as appropriate, with the European Commission's Strategy for the Rights of Persons with Disabilities 2021-2030 at national, regional and local level, taking into account the impact of the COVID-19 pandemic on the situations and livelihoods of persons with disabilities, **paying particular attention to the specific** situation of women and girls [...] with disabilities.

⁸ **Enacted legislation that is mentioned in the Strategy and other EU law relevant to the Strategy and to the UNCRPD.**

28. Take into account the Strategy for the Rights of Persons with Disabilities and paying due regard to existing gaps between women and men, when **setting voluntary** national targets designed to achieve the proposed headline targets set in the European Pillar of Social Rights Action Plan, [...] the European Skills Agenda **as well as in the 2030 Agenda for Sustainable Development**.
29. Advance in ratifying the Optional Protocol of the UNCRPD as far as concerned and re-examine the EU accession to the Optional Protocol, taking into account the extensive evaluation of the functioning of the treaty committees which is currently been carried out by the UN.
30. Ensure the effective and coherent transposition and implementation of EU law on accessibility of products, services, media, transport and buildings, and reinforce cooperation through the AccessibleEU resource centre to be launched in 2022, **in order to provide information and good practices on accessibility across sectors**.
31. Promote the development of person-centered community-based social services and independent living, taking into account [...] **the** transition from **institutional** to community-based living. Make full use of available EU funding to strengthen the quality of services providing support in the community and ensuring accessibility, **including through training for support services staff**.
32. Promote participation in political and public life including the exercise of electoral rights by persons with disabilities.

33. Further promote the coordination of the UNCRPD National Focal Point with other ministries including by establishing contact points for disability matters in ministries and public bodies and **cooperate** with relevant European Commission services in accordance with the Strategy.
34. When implementing the UNCRPD and developing policies in line with the Strategy, enhance consultation with and active involvement of persons with disabilities in the development and implementation of legislation and policies, including through their representative organisations as stated in the UNCRPD. Participation of persons with disabilities and their organizations, **as well as the participation of municipalities, businesses and industries**, should be **encouraged** throughout the processes and on all levels of decision-making.
35. Make best use of appropriate EU funding and financial programmes including the Recovery and Resilience Facility, the Cohesion Policy Funds, **in particular** ESF+ and Horizon Europe to advance the implementation of the UNCRPD and of **the Commission's Strategy for the Rights of Persons with Disabilities 2021-2030**, including in the areas of accessibility, community-based social services, independent living and socio-economic inclusion of persons with disabilities.

INVITE THE MEMBER STATES AND THE COMMISSION, IN ACCORDANCE WITH THEIR RESPECTIVE COMPETENCES, TAKING INTO ACCOUNT MEMBER STATES' NATIONAL CIRCUMSTANCES, RESPECTING THE ROLE AND AUTONOMY OF THE SOCIAL PARTNERS AND THE PRINCIPLE OF SUBSIDIARITY, TO

36. Work together towards full implementation of the UNCRPD and take initiatives to adapt EU and national legislation accordingly where necessary and [...] update the EU declaration as recommended by the CRPD Committee.

37. Promote structured cooperation between the Member States, the Commission and representative organisations of persons with disabilities, while **also** seeking a more balanced participation between women and men, including by involving the national UN focal points in the new Disability Platform, and by cooperating with representatives from the regional and local level.
38. Ensure systematic disability mainstreaming in line with the UNCRPD, including through monitoring and evaluation of relevant EU legislative acts, EU programmes and EU funding, as well as national legislation and policies where appropriate.
39. Coordinate in order to identify fields and possibilities for action **so as** to raise awareness regarding rights of persons with disabilities **and** to combat stigmatisation, discrimination, violence and multiple disadvantages faced by persons with disabilities, paying specific attention to **more** vulnerable groups, **and when necessary to the gender perspective and the intersectional dimension.**
40. Strengthen cooperation on the rights of persons with disabilities in the context of EU financial programmes and funding, development cooperation, humanitarian aid and enlargement, including with a view to seeking to ensure that application procedures are accessible. Enhance EU presence in multilateral fora including those related to the UNCRPD and its Committee.
41. Enhance cooperation on regular collection of data disaggregated by sex, [...] age **and disability where possible**, coordinated by EUROSTAT, thus also contributing to improved monitoring including in the context of the European Semester. EUROSTAT is invited to develop and discuss a detailed proposal with the Member States.

- 42. Expand **the collection of data** on the situation of persons with disabilities, where relevant and feasible, including those living in institutions, in areas such as accessibility, health and healthcare, employment, training, skills, education, social protection, poverty and social inclusion, living conditions and use of new technologies.
- 43. Ensure synergies between the Strategy, the national strategies, plans or policies and the United Nations' 2030 Agenda for Sustainable Development and the Council of Europe Strategy on the Rights of Persons with Disabilities 2017-2023.
- 44. Support peer learning activities on national disability strategies and national, regional and local disability policies and practices in different areas.
- 45. Actively and regularly consult, and seek cooperation with, civil society organisations representing or working with persons with disabilities.
- 45a. Support the role of Equality Bodies, where appropriate, and independent mechanisms in promoting, protecting and monitoring the rights of persons with disabilities.

INVITE THE COMMISSION TO

- 46. Ensure the alignment between the Strategy for the Rights of Persons with Disabilities 2021-2030 and the EU policy initiatives for the green and digital transitions.
- 47. Ensure synergies between the Strategy, and the policies and instruments for building a European Health Union, as well as those regarding education and skills development, youth, children, ageing and equality.

48. Foster disability mainstreaming and coordinated action across Commission [...] for the implementation and monitoring of its Strategy for the Rights of Persons with Disabilities 2021-2030, working closely with persons with disabilities and their representative organisations.
22. **Implement** human resources strategies for diversity and inclusion together with accessibility policies for buildings, venues, communication and publications, **thus leading** by example, **to the benefit of** policymaking at national, regional and local level and [...] share its good practices with other European institutions.
49. Monitor the implementation of enabling conditions in the context of the Member States' frameworks for the implementation of the UNCRPD and accessibility as well as their use of EU financial programmes and funding for the economic and social inclusion of persons with disabilities, **using the OECD Development Assistance (DAC) disability marker for targeted monitoring of EU assistance.**
50. Promote mutual learning and the exchange of good practice between Member States, **in cooperation with** organisations of persons with disabilities, so as to enhance the knowledge base regarding accessibility and other areas such as community-based social services, independent living, deinstitutionalisation and measures to enhance the employment and entrepreneurship of persons with disabilities, including **measures in the context of** employment services.

INVITE THE EMPLOYMENT COMMITTEE (EMCO) AND THE SOCIAL PROTECTION COMMITTEE (SPC) TO

51. Review the EU Social Scoreboard taking into account the European Pillar of Social Rights Action Plan with a view to better monitoring - inter alia - the situation of persons with disabilities including within the European Semester process.
52. Continue conducting peer learning activities on social and employment policies, implementing the rights of persons with disabilities in these areas.

References

1. EU interinstitutional

European Pillar of Social Rights

https://ec.europa.eu/commission/sites/beta-political/files/social-summit-european-pillar-social-rights-booklet_en.pdf

European Inclusion Summit 2020: Declaration by the EU Member States' Representatives of the interests of persons with disabilities.

2. EU legislation

Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services. (OJ L 151, 7.6.2019, p. 70-115)

Regulation (EU) 2021/241 of the European Parliament and of the Council establishing a Recovery and Resilience Facility. (OJ L 57, 18.2.2021, p. 17–75.)

3. Council

Council Conclusions on strengthening the application of the Charter of Fundamental rights (6795/21)

Council Conclusions on Improving the employment of people in a vulnerable position in the labour market; (14646/19)

Council Conclusions on Access to sport for persons with disabilities. (OJ C 192, 7.6.2019, pp. 18-22)

Council Conclusions on the Economy of Wellbeing (13432/19)

Council Conclusions in Support of the implementation of the European Disability Strategy 2010-2020 (11843/11)

4. European Commission

Commission Communication (COM (2010) 636 final): European Disability Strategy 2010-2020.

Commission (SWD(2020) 291 final): Evaluation of the European Disability Strategy 2010-2020.

Commission Communication (COM (2021) 101 final): Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030.

Data: EU SILC (Statistics on Income and Living Conditions) and EU LFS (Labour Force Survey);
S. Grammenos/M. Priestley, 2020: Europe 2020 data and people with disabilities; Special
Eurobarometer 493, Discrimination in the EU, May 2019.

Communication on A Strong Social Europe for Just Transitions. (COM(2020) 14 final.)

The European Pillar of Social Rights Action Plan (6649/21 + ADD 1 + ADD 2)

5. European Parliament

European Parliament resolution of 18 June 2020 on the European Disability Strategy post-2020
(2019/2975(RSP))

6. United Nations

United Nations Convention on the Rights of Persons with Disabilities.

UN Resources on Persons with Disabilities and COVID-19.

United Nations 2030 Agenda for Sustainable Development
