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## Stratégie européenne en faveur des personnes handicapées

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### Document destiné à l'information et à la discussion

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#### Objectif de cet article

L'objectif de cet article vise à informer le Conseil d'administration sur les développements récents de la Stratégie européenne en faveur des personnes handicapées ainsi qu'à présenter et approuver notre position officielle de plaidoyer pour le suivi de la Stratégie européenne en faveur des personnes handicapées 2010-2020.

#### Questions destinées au Conseil

- 1) Avez-vous des propositions pour améliorer notre première position sur l'Agenda européen pour les droits des personnes handicapées 2020-2030 ?
- 2) Y a-t-il des points particuliers que vous aimeriez souligner à ce stade à la lumière de la deuxième étape du plaidoyer, où nous allons donner des recommandations plus précises et concrètes ?

#### Contexte

Le FEPH demandera que la prochaine stratégie soit un Agenda européen pour les droits des personnes handicapées 2020-2030, en soulignant qu'elle devrait être globale et couvrir l'ensemble de la CDPH.

Notre plaidoyer se fera en deux étapes et donnera donc lieu à deux prises de position distinctes :

- Tout d'abord, nous commencerons par adopter une prise de position sur les principes directeurs que doit respecter l'Agenda européen pour les droits des personnes handicapées. La proposition relative à cette position figure à l'annexe du présent document. (Date de publication : mi-novembre 2019)

- Deuxièmement, après une discussion approfondie avec vous et nos membres, et après avoir entendu les résultats de la consultation ouverte de la Commission sur la stratégie actuelle, nous présenterons un document plus détaillé présentant des recommandations concrètes pour l'Agenda des droits des personnes handicapées.

Pourquoi publier deux exposés de position distincts ? Le premier document servira à orienter la forme que prendra la proposition de la Commission visant à remplacer la stratégie actuelle. Il sera important que cette position générale soit prête lorsque la Commission commencera à rédiger sa proposition, fin novembre. Par ailleurs, il est essentiel d'utiliser ce premier document comme un moyen d'affirmer que le FEPH souhaite effectivement un successeur à la stratégie actuelle pour la prochaine décennie.

Le deuxième document comprendra des recommandations sur la manière précise de transformer l'Agenda pour les droits des personnes handicapées en actions, ainsi que des propositions politiques et législatives concrètes que nous souhaitons voir émerger de la Commission européenne afin de le mettre en œuvre.

## Annex I

### EDF's call for a European Disability Rights Agenda 2020-2030

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## Introduction

The Disability Strategy 2010-2020 is coming to an end. This is an opportunity not just to call for the continuation of the Disability Strategy for the next decade, but to demand something much stronger with ambitious goals to implement the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

EDF is therefore calling for the adoption of a **European Disability Rights Agenda 2020-2030**, to address all Articles of the CRPD, as well as the [Sustainable Development Goals \(SDGs\)](#) and the [European Pillar of Social Rights](#).

## Why do we need a follow-up to the European Disability Strategy 2010-2020?

First and foremost, with all Member States having now signed and ratified the CRPD, the EU has a clear obligation to uphold the rights enshrined in the Convention throughout the Union, as well as to address the issues raised in the [CRPD Committee's concluding observations to the EU](#).

Since the launch of the European Disability Strategy in 2010, we have seen a conscious effort from the Commission to push for policies and legislation with an aim of implementing the CRPD. Unfortunately, despite good intentions from the Commission, the final outcomes have often fallen short of expectations. This was the case for the [European Accessibility Act](#), in which the Directive's final scope sadly leaves out vital products, services and infrastructure, such as transport stations and vehicles, the built environment, health care, education, housing, or household appliances.

Now, as the current strategy draws to a close and the time to devise a new strategy presents itself, we must take stock of how vastly different the policy-making context is now than it was 10 years ago. Not only have the EU and all Member States now signed and ratified the CRPD, but they have also signed up to the SDGs and proclaimed the European Pillar of Social Rights.

Furthermore, the composition of the European Commission has undergone a significant change with the appointment of a new President and College of Commissioners, altering the EU's political priorities. For example, the new Commission 2019-2024 sees the creation of a Commissioner for Equality, whose mandate includes the implementation of the CRPD.

The commitment to act on the needs of the more-than 100 million persons with disabilities in the EU is stronger than ever. It is for this reason that we need a new Disability Rights Agenda that shows ambition and commitment in line with these obligations, one that far surpasses the Strategy of 2010-2020 and proposes funding and mechanism that will ensure effective implementation.

### **A commitment to implementing and monitoring the Disability Rights Agenda**

Even more central to the Disability Rights Agenda than the proposed actions, should be the measures and structures foreseen to implement and monitor it.

Implementation and monitoring mechanisms cannot simply be an afterthought. Adequate measures need to be planned out and committed to in the text of the Disability Rights Agenda itself.

In the Agenda, the EU institutions must react to the Concluding Observations of the CRPD Committee and commit to placing disability focal points in all Commission DGs and Agencies, in all EU institutions, including the Council and Parliament, and in all Member States. Quality implementation of the Agenda and of the CRPD will be dependent on representatives from the focal points convening on a regular basis.

We also want to see the Agenda commit to an inter-institutional mechanism that not only involves representatives from the focal points, but also convenes meeting between the Presidents of the Commission, the Council and the Parliament at least once during each mandate, to show commitment to interests of the more than 80 million persons with disabilities in the EU.

At EDF we are also openly calling for the main disability focal point to be placed in the Commission's Secretary General, to reflect the transversality of disability issues and for the focal point for the CRPD to have the human and financial resources needed to implement the CRPD.

Of course, monitoring and implementation requires money. The Agenda therefore needs to include a clear commitment to funding implementation and monitoring mechanisms. The budget set aside for this should be decentralised and shared between all the disability focal points, to ensure their shared ownership in ensuring the Agenda achieves what it sets out to do.

Monitoring also relies heavily on quality data collection. The new Agenda therefore needs to focus heavily on improving the type of data collected by Eurostat and see the Commission work alongside the Member States to ensure we have disaggregated data on disability. Without this, we cannot understand the extent to which the Agenda is having an impact and the CRPD is being implemented. It should also be in the Commission's interest to be able to clearly show the progress it is making through disability policies at the EU level.

Finally, the Commission naturally needs to meaningfully involve persons with disabilities through their representative organisations in the entire process of planning, putting into place and monitoring the European Disability Rights Agenda 2020-2030.

## What areas do we want the Agenda to focus on?

### Equality

Figures show that half of all Europeans consider discrimination on grounds of disability to be widespread in the EU. This figure continues to increase<sup>1</sup>.

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<sup>1</sup> Special Eurobarometer 437. Available at: [https://data.europa.eu/euodp/data/dataset/S2077\\_83\\_4\\_437\\_ENG](https://data.europa.eu/euodp/data/dataset/S2077_83_4_437_ENG)

We are therefore calling on the on the EU to make equality a central part of the Agenda, focusing particularly on finally ensuring the adoption of anti-discrimination legislation protecting persons with disabilities in all fields, and promoting equality and non-discrimination, and accessibility through the use of EU funds.

**What are the EU's obligations to act on equality for persons with disabilities?**

- Articles 1, 21 and 26 of the EU Charter of Fundamental Rights;
- Articles 10 and 19 of the Treaty on the Functioning of the EU;
- the CRPD as a whole, but in particular Articles 5 – Equality and Non-Discrimination, 6 – Women with Disabilities, 7 – Children with Disabilities, as well as General Comment No 3 on Women and Girls with Disabilities and General Comment No 6 on Equality and Non-Discrimination;
- European Pillar of Social Rights principles 2 on gender equality, 3 on equal opportunities and 17 on inclusion of persons with disabilities;
- Sustainable Development Goals 6 on gender equality and 10 on reduced inequality.

### Participation, mobility and free movement

Institutional care settings, insufficient investment in community-based services, and the inaccessibility of mainstream services, continue to hinder the social participation of persons with disabilities in the EU. Furthermore, lack of harmonised recognition of disability assessment and the inability to transfer entitlement to support services and allocations when moving to another Member State is denying persons with disabilities their right to free movement. Persons with disabilities still cannot travel to live, work or study within the union due to these barriers.



At EDF we call for the EU Disability Rights Agenda 2020-2030 to address the issue of passengers' rights regarding persons with disabilities, focus on the harmonisation and recognition of disability assessment across the EU and focus on the implementation of the EU Disability Card and EU Disability Parking Card. The Agenda should also address barriers faced by persons with disabilities in exercising their right to vote and to stand for election.

### **What are the EU's obligations to act on mobility and free movement for persons with disabilities?**

- Article 3(2) of the Treaty on European Union (TEU) and Articles 4(2)(a), 20, 26 and 45-48 of the Treaty on the Functioning of the European Union (TFEU).
- CRPD Articles 18 – Liberty of Movement and Nationality, 19 – Living Independently and being Included in the Community, 29 – Participation in Political and Public Life, and 30 – Participation in Cultural Life, Recreation, Leisure and Sport, as well as General Comments No 5 and No 7.
- Pillar of Social Rights principles 8 on social dialogue and involvement of workers, 20 on access to essential services and 17 on inclusion of persons with disabilities.
- Sustainable Development Goal 10 on reduced inequalities.

### **Accessibility**

Countless persons with disabilities in the EU are still prevented from being able to play an active role in social, economic, political and cultural life because of inaccessible public spaces, buildings, transport and technology. While the EU Disability Strategy 2010-2020 made progress on accessibility through the adoption of the European Accessibility Act, its reduced scope means that a lot more needs to be done.

We are calling for a Disability Rights Agenda that works to fill the gaps left by the European Accessibility Act, particularly by focusing on the accessibility of the built environment and transport. Attention must also be paid to ensuring accessibility is an absolute requirement for investment of EU funds, and that funds are invested in research and development of assistive technology. The Agenda should also show commitment to keeping the cost of assistive technology affordable for persons with disabilities.



### **What are the EU's obligations to ensure accessibility for persons with disabilities?**

- CRPD Articles 9 - Accessibility, 13 - Access to Justice, and 20 - Personal Mobility, as well as General Comment No 2 on accessibility.
- Principle 17 of the European Pillar of Social Rights on the inclusion of persons with disabilities.
- Goal 9 of the Sustainable Development Goals on industry, innovation and infrastructure.

### **Employment and training**

Eurostat figures attest that persons with disabilities are far more affected by unemployment than those without disabilities. On average, only 48.1% of persons with disabilities in the EU are employed compared to 73.9% among the general population. Women with disabilities and persons with high support needs are shown to have even lower employment rates<sup>2</sup>.

At EDF, we are therefore calling for an Agenda that focuses on strengthening obligations for offering reasonable accommodation in the workplace, takes ambitious steps to stop persons with disabilities being paid below minimum wage, and works to better implement existing directives on non-discrimination in employment. We also want to see the Agenda focus the use of EU funds for facilitating employment of persons with disabilities in the open labour market, in part through investing in professional training. It is also crucial to have an Agenda that explores how paid work

### **What are the EU's obligations to foster employment for persons with disabilities in the open labour market?**

- CRPD Article 27 – Work and Employment;
- Social Pillar principles 3 on equal opportunities, 4 on active support for employment, 5 for secure and adaptable employment, 6 on wages, 7 on information about employment conditions and protection in case of dismissals, 8 on social dialogue and involvement of workers, 10 on healthy, safe and well-adapted work environments and data protection and 17 on inclusion of PWD;
- Sustainable development Goals 8 on good jobs and economic growth, and 10 on reduced inequality.

can be complemented by disability benefits to counterbalance disproportionate outgoings of persons with disabilities and avoid in-work poverty.

## Education

Currently large numbers of children and young people with disabilities are in segregated educational settings, without access to mainstream schools. Persons with disabilities in the EU are on average 13 percentage points more likely to be early school leavers than their non-disabled peers and 14 percentage points less likely to access tertiary education<sup>3</sup>.

We want to see Disability rights Agenda that focuses on implementing the right of pupils and students with disabilities to inclusive education and helps properly equip teachers and mainstream schools to welcome people with all kinds of support needs. The Agenda should also focus on inclusivity of further education and lifelong-learning, not least through increasing the accessibility of Erasmus+ and the Solidarity

### **What are the EU's obligations on inclusive education for persons with disabilities in the open labour market?**

- CRPD Article 24 – Education, as well as General Comment No 4 on the Right to Inclusive Education;
- European Pillar of Social Rights principles 1 on education, training and lifelong learning, 11 on support to children and 17 on inclusion of persons with disabilities;
- Goal 4 of the Sustainable Development Goals on education.

Corps for persons with disabilities.

## Poverty and social exclusion

Eurostat figures show that persons with disabilities in the EU are nine percentage points more likely to experience poverty and social exclusion than the general population<sup>4</sup>.

<sup>3</sup> ANED based on Eurostat 2016, persons with and without disabilities (age: 30-34 years), difference in percentage points

<sup>4</sup> EU SILC 2016

We call for a Disability Rights Agenda that focuses on how social protection can help improve the quality of life of persons with disabilities. We urge the EU to focus particularly on harmonising standards for adequate social protection provided by Member States, as well as pushing for more flexible eligibility criteria for support in a

### **What are the EU's obligations on fighting poverty and social exclusion of persons with disabilities?**

- CRPD Articles 28 – Adequate Standard of Living and Social Protection, 25 – Health and 26 – Habilitation and Rehabilitation;
- European Pillar of Social Rights principles 12 on social protection, 14 on minimum income, 15 on old age income and pensions, 16 on healthcare and 17 on inclusion of PWD. Finally, it addresses;
- Sustainable Development Goals 1 on poverty, 2 on hunger and 3 on health.

way that to facilitates the transition from full dependency on benefits to employment.

### **External action**

As the biggest development donor in the world, the EU must live up to its obligations under the CRPD and promote the rights of persons with disabilities in all EU-funded external action.

We are therefore calling for a Disability Rights Agenda that invests seriously in disability rights in third countries, upholding the principles of accessibility, dignity and the inclusion of persons with disabilities in the community. The Agenda must also address the need to involve local, national and regional disability organisations and ensure they are consulted and involved where relevant.

### **What are the EU's obligations to uphold the rights of persons with disabilities in its external action?**

- CRPD Articles 32 – International Cooperation and 11 – Situations of Risk and Humanitarian Emergencies.
- Sustainable Development Goals 1 on poverty, 2 on hunger, 3 on health, 9 on infrastructure and 10 on reduced inequalities.

## Mainstreaming disability across all EU initiatives

The European Disability Rights Agenda needs to look not only at proposing action in areas that are specific to persons with disabilities. It also needs to explore how to mainstream addressing the needs of persons with disabilities in other EU initiatives.

It will be of key importance that the Disability Rights Agenda explore how to integrate disability issues into the work of the [High-Level Group on Gender Mainstreaming](#) and the [European Institute for Gender Equality](#). The needs of persons with disabilities also need to be mainstreamed into the Green New Deal for Europe, the [Youth Guarantee](#), the [EU Youth Strategy](#) and the [Child Guarantee](#).

## Awareness raising

In line with Article 8 of the CRPD, The Disability Rights Agenda should foresee actions to raise awareness of the rights of persons with disabilities and support DPOs in raising awareness of the barriers still faced by persons with disabilities, including invisible disabilities, and to break stereotypes. Campaigns should underline multiple and intersectional discrimination faced by certain groups of persons with disabilities, particularly with regards to women and girls, LGBTI people and ethnic minorities.

The Commission should also support and work alongside DPOs to ensure information on the rights of persons with disabilities and the implementation of the CRPD reaches national and regional decision-makers, as well as other stakeholders in a position to implement changes.

## About EDF

The European Disability Forum is an umbrella organisation of persons with disabilities that defends the interests of 80 million Europeans with disabilities. EDF is a unique platform bringing together representative organisations of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

## References

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