

The link between the EU Strategy for the Rights of Persons with Disabilities 2021-2030 and the national strategies of the EU Member States: coherence, effective implementation and mutual learning

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The UN Convention on the Rights of Persons with Disabilities (UNCRPD) is the first human rights convention adopted by both the EU as a whole and its Member States. The EU Strategy for the Rights of Persons with Disabilities 2021-2030 (EDRS), developed in line with the UNCRPD, seeks to improve the lives of persons with disabilities and ensure their participation in society in the European Union. **National strategies play a vital role in aligning with the EU strategy and the Convention**, enhancing implementation at national level. The European Commission helps Member States to shape their national strategies for implementing the Convention and EU legislation.

The **main purpose of this background note** is to outline several points for discussion on the link between the EU Strategy for the Rights of Persons with Disabilities 2021-2030 and the national strategies of the EU Member States, during a workshop organized by the Belgian Presidency of the Council of the European Union. Firstly, the note explains the importance of linking the EU strategy and national strategies, along with mechanisms for effective implementation and alignment with the CRPD. Secondly, it describes the relevant mechanisms for exchanges and mutual learning in the field of social policy and employment, which could be integrated as mutual learning mechanisms in disability rights.

I. Coherence between the EU Strategy for the Rights of Persons with Disabilities and the design and implementation of national strategies

The **European Strategy for the Rights of Persons with Disabilities 2021-2030 (EDRS)**, presented by the European Commission on 3 March 2021, aims to enhance full participation of all persons with disabilities in society, both within the EU and globally. This strategy, aligned with the CRPD, is a comprehensive effort to implement the CRPD. Notably, it incorporates the 2015 recommendations addressed by the UN Committee on the Rights of Persons with Disabilities (CRPD Committee) to the EU, thus differentiating it from previous strategies. In the strategy, the European Commission commits to support Member States in the adoption of **ambitious national strategies** that promote CRPD implementation at national, regional, and local level. As the European Disability Rights Strategy is the EU's response to the requirement to implement its obligations under the CRPD, these national strategies should facilitate the implementation of both the EDRS and the CRPD in the Member States. The CRPD Committee's 2015 Concluding Observations emphasized the significance of national disability strategies in realizing the Convention's goals. EU law also requires Member States to establish strategies to implement the CRPD in order to be eligible for EU funding.

First steps: Swedish Presidency

During the Swedish Presidency of the Council of the European Union, from January to June 2023, efforts were made to promote the adoption of national disability rights strategies. This exercise began by distribution of a questionnaire to Member States, to gather information on their national disability rights strategies. The Swedish Agency for Participation led a study¹ aimed at providing an overview of current national and international disability strategies. In June 2023, the Swedish government organized a seminar on disability policy to present this study, raise awareness about the EDRS and to showcase some examples of national disability rights strategies. As a result of these activities, Member States exchanged information and learned from each other how disability rights strategies can contribute to the inclusion of persons with disabilities in society. Good practices and learnings on the best ways to develop and implement these strategies were shared, including the importance of cross-sectoral governance² in the implementation of these strategies. The study highlights **examples of national disability rights strategies** from countries that are members of the EU Disability Platform (EU Member States) and countries in the European Economic Area (EEA), the UK, and Switzerland. It also focuses on the United Nations Disability Inclusion Strategy, amongst other regional strategies. These strategies are summarized with reference to **five key themes**: areas of emphasis and inclusive measures; incorporation of international agreements; cross-sectoral management, implementation, and monitoring; involvement of disability organizations; integration of gender equality and child rights perspectives.

The study also includes case studies illustrating key factors in successful implementation of the strategies in six countries. The aim is to showcase specific examples that are promising or effective in helping implementation, and to highlight both opportunities and challenges. However, the study's scope is restricted to summarizing information relating to the five specified themes. Other themes mentioned in the strategies but not covered by this project are excluded. The overview also only encompasses national strategies from those countries³ where the strategy was available in English.

The Belgian Presidency could continue the work started by the Swedish Presidency and **promote the exchange of good practices and lessons learnt** when developing and implementing a national disability rights strategy, in line with the European Disability Rights Strategy (EDRS) and the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

Key factors for successful national disability rights strategies

The section below makes some suggestions for ways to ensure that the development and implementation of a **national disability rights strategy is successful and aligned with the EDRS and the UNCRPD**. These are based on the examples of disability rights strategies

¹ Swedish Agency for Participation, 'Disability rights, strategies and cross-sectoral governance in Europe', 2023: <https://www.mfd.se/vart-uppdrag/publikationer/rapport/disability-rights-strategies-and-cross-sectoral-governance-in-europe/>

² The implementation of the disability strategies requires the involvement and participation of various sectors in society, such as education, health, transport, justice, etc.

³ Bulgaria, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Latvia, Malta, Norway, Slovenia, Spain, Sweden and the United Kingdom. The selection of countries for detailed case studies was determined by the government and the Swedish Agency for Participation. This selection process was guided by information from available strategies that exemplify each country's approach to one or more of the five specified themes. The goal was to ensure diversity in the group of countries studied, considering factors such as geographic location and population size.

provided by the Swedish study, the European Disability Rights Strategy, the United Nations Disability Inclusion Strategy⁴, and the Belgian disability rights policies (the latter were not included in the Swedish study).

Disability mainstreaming

The implementation of national disability rights strategies should require **mainstreaming of the rights of persons with disabilities** in all related laws, policies and practices, in line with the CRPD and the recommendations made by the CRPD Committee and other UN Treaty bodies to the Member State and the EU.

In the European Disability Rights Strategy, the European Commission calls for the Member States ‘to take account of specific needs of persons with disabilities in all policies to be dealt with at Council level and in Council conclusions’. The Commission also highlighted that it will invest in strengthening coordination at EU level in line with the recommendations made by the CRPD Committee.

In **Latvia**, ministers are responsible for including the rights of persons with disabilities when developing policies and legislation. Local governments, when developing their strategies, also consider disability issues and the needs of persons with disabilities. The **German National Action Plan on the CRPD** requires the rights of persons with disabilities to be included at all levels of state action: federal, Land and municipalities. For example, all federal ministries have committed to implement measures under the Action Plan. At the regional level of the “Länder”, CRPD focal points were appointed to implement the Action Plan in the regions. In **Denmark**, implementation of the Danish disability policy is a collective effort involving various sectors, including housing, health, transportation, labour, education, and communication. All public authorities are required to integrate disability rights into the development of policies and strategies within their specific domains of responsibility.

Intersectional approach

To develop and effectively implement a national disability rights strategy, **persons with disabilities in all their diversity** must be considered, encompassing various types of disabilities and intersectional factors, such as gender, age, ethnicity, etc. The UN Disability Inclusion Strategy, for example, uses performance indicators related to gender equality and women's empowerment from United Nations country teams to ensure that women and girls with disabilities are considered in implementation of the strategy. **Finland** involves people with diverse backgrounds, in particular the Sami Parliament, in the preparation and implementation of its National Action Plan on the UN Convention on the Rights of Persons with Disabilities. **Slovenia**, in its Action Programme, promotes the participation of young people with disabilities in the labour market. In its strategy, **Spain** calls for all disability laws and policies to include a gender perspective.

Participation

In its recommendations, the CRPD Committee calls for **meaningful consultation and fully involving persons with disabilities**, including women, girls and boys with disabilities, through their representative organizations, in the design, implementation and evaluation of the CRPD

⁴ United Nations. Disability Inclusion Strategy: <https://www.un.org/en/content/disabilitystrategy/>

and the national disability rights strategies (in line with articles 4.3 and 33.3 UN CRPD⁵). The European Disability Rights Strategy highlights the need to provide information about relevant policy initiatives and consultations in accessible formats. Structured dialogue with persons with disabilities and their representative organisations is also reinforced under the Strategy, ensuring that they are represented in relevant political processes and consulted on relevant Commission proposals.

Malta has established a Civil Society Participation Forum for the disability sector, known as ENGAGE and situated within the Directorate for Disability Issues. It brings together persons with disabilities, their families, supporters, academics, NGO representatives, and the National Disability Regulator (CRPD). This platform plays a significant role in the implementation of the national strategy on disability rights in the country. In **Spain**, before developing the strategy on access to and enjoyment of human rights for people with disabilities, an accessible citizen survey was conducted to collect the views of persons with disabilities and their families. Thirteen discussion groups were organised around key issues, to further develop the actions of the strategy.

Leadership

Political commitment and leadership are key to making the national disability rights strategies successful in practice. The European Disability Rights Strategy states that the EU will continue to promote the use of EU funding by the Member States, as provided for in the Multiannual financial framework 2021-2027 and thanks to new funding opportunities under Next Generation EU, the recovery plan. Allocation of certain indicated amounts of funding to each action in the national disability rights strategies is necessary for the implementation and monitoring of the strategies.

Coordination and implementation

The UNCRPD calls for the **designation of disability focal points and an interinstitutional coordination mechanism** (article 33.1 CRPD) for the implementation of the UNCRPD. These focal points are equally important for the implementation of national disability rights strategies. Coordination between the national, regional and local levels of government in the Member States is also key. The national disability rights strategies in **Bulgaria and Estonia** focus on the importance of horizontal coordination between the different sectoral policies, as well as vertical coordination between the different levels of government, from the national to the regional and local level. In **Denmark**, training on the UN CRPD is being given to officials in the municipalities.

Accountability

It is important to outline the way in which the implementation of a national strategy is monitored, evaluated, and audited. Time-bound actions and indicators are useful tools for this exercise. The **human rights indicators** developed by the UN Office of the High Commissioner

⁵ Article 4.3 CRPD: ‘In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations’ and Article 33.3 CRPD: ‘Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.’

for Human Rights⁶ can be a useful resource to help develop indicators. The European Commission has established a Monitoring Framework⁷ to track the progress made in relation to the implementation of the EDRS objectives and actions.

The UN Disability Inclusion Strategy includes indicators that specify the core areas of responsibility of the United Nations as a whole, and of individual departments and units, in relation to the mainstreaming of disability inclusion. The National Action Plan on the CRPD in **Finland** includes 110 measures. The implementation of the measures will be monitored during the action plan period, using the indicators developed by the UN Office of the High Commissioner for Human Rights. In **Sweden**, the Agency for Participation ensures cross-sectoral follow-up and monitoring of the Strategy for a systematic follow-up of disability policy, based on feedback reports from other government agencies, national statistics, data collection from national and municipal public authorities. Annual reports are published to showcase the results of the monitoring and the progress made.

Capacity building

It is important to **train and build the expertise of European and national civil servants** on how to implement the actions in the disability rights strategies in line with the UNCRPD. Their capacities and knowledge of the human rights-based approach to disabilities should be developed and strengthened. The European Disability Rights Strategy calls on the European Commission to ensure consistent inclusion and assessment of disability matters in impact assessments and evaluations where relevant, including through training of the staff preparing initiatives on the CRPD. The UN Disability Inclusion Strategy is focused on enhancing the skills of its staff, both at the headquarters as well as in the country offices, thus enabling them to effectively apply Strategy. Capacity gaps will be addressed thoroughly and systematically, involving awareness-raising initiatives and training at the individual, entity, and system-wide levels.

Data collection and indicators

Accurate and comprehensive disability-related data remains scarce, both at the European and national levels. These data are indispensable for effective implementation and monitoring of the UNCRPD and the national disability rights strategies. The [Washington Group set of questions](#)⁸ is a useful tool to collect data on persons with disabilities, disaggregated by disability, gender and age. The European Disability Rights Strategy emphasizes the need for comprehensive data collection to address identified gaps, specifically focusing on data related to persons with disabilities residing in institutions. The European Commission is committed to **creating new disability indicators** and outlining a clear implementation plan for them. These indicators will cover a broad spectrum of areas, encompassing aspects such as the situation of children, as well as that of persons with disabilities with regard to employment⁹, education, social protection, poverty, social exclusion, living conditions, health, and the use of new

⁶ The United Nations. Human Rights Indicators: A Guide to Measurement and Implementation; United Nations Human Rights; Office of the High Commissioner: https://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf

⁷ European Commission. 2022. Monitoring Framework of the Strategy for the Rights of Persons with Disabilities 2021-2030. Brussels, European Commission.

⁸ <https://www.washingtongroup-disability.com/>

⁹ Progress has been made in the area of employment: the *disability employment gap* indicator is already included in the Social Scoreboard; while the *at-risk-of-poverty or social exclusion rate for persons with disabilities aged 16 or over*, its components and the *impact of social cash transfers on poverty risk reduction* are only used as national indicators in the social indicators portfolio of the IGS to track progress towards the EU social protection and social inclusion goals.

communication technologies. Furthermore, the Strategy urges Member States to formulate **strategies for data collection**, including an examination of existing data sources and indicators, including administrative data. This collective effort is essential in order to obtain a holistic and accurate understanding of the status and needs of persons with disabilities.

II. Mechanisms for exchanges and mutual learning in social policy and employment, which could be utilised for mutual learning in disability rights.

Various mutual learning mechanisms exist for communication and exchange between the EU Member States, for sharing good practices and informing policy reforms. In the area of social protection, as part of the Open Method of Coordination (OMC), **peer reviews** are a key instrument to foster mutual learning experiences. The process is usually initiated and hosted by one EU Member State, which presents a good policy practice/ measure. The main purpose is to generate feedback from representatives of the European Commission and experts from other EU Member States on its effectiveness, potential transfer to other EU countries, as well as its contribution to achieving defined EU objectives.¹⁰ During the last five years (since 2018), EU Member States have addressed two topics in peer review exercises with more direct relevance to people with disabilities: ‘Social inclusion, health and the equalisation of opportunities for young people with disabilities’, held in Zagreb (Croatia), 13-14 September 2018; and ‘Social business for people with mental health difficulties’, held in Nicosia (Cyprus), 19-20 June 2018.

In addition to the peer reviews, as part of the Open Method of Coordination (in the social policy domain), considerable use is made of **frameworks for monitoring** (e.g. social protection performance monitor, joint assessment framework, joint assessment framework for health, LTC monitoring framework) and **benchmarking** (e.g. on minimum income, pension adequacy). **EU indicators** in the areas of social inclusion and social protection have been specially designed to better define the state-of-the-art as well as the progress towards set objectives, such as monitoring the Europe 2020 targets, and for the general purpose of evidence-based policy making (e.g. within the European Semester).¹¹ Among the social indicators, a few concern the social situation of people with disabilities as a specific sub-group of the population, such as ‘At-risk-of-poverty-or-social-exclusion rate for people with disabilities’; ‘At-risk-of-poverty rate for persons with disabilities (16+)’; ‘Material or social deprivation rate for persons with disabilities (16+)’; ‘Severe material and social deprivation rate for persons with disabilities (16+)’; ‘Share of persons with disabilities living in (quasi-)jobless households (aged 16-64)’; and ‘Impact of social cash transfers (excluding pensions) on poverty risk reduction for persons with disabilities (16+)’ (Source for these indicators: EU-SILC).¹²

The indicators are key not only to provide an overview of a country’s social situation and to draw comparisons across the EU Member States, but also to define common policy priorities and measure Member States’ progress towards EU objectives. Thus, the use of **comparable and commonly agreed indicators**, as part of monitoring an overarching EU strategy and related national strategies, is essential for implementation of these strategies. This should also be a key component of the implementation of the national disability rights strategies as part of the overarching EU EDRS. While there are certain limitations to the data collected with regard to people with disabilities, and even more issues with their comparability across the EU

¹⁰ European Commission, DG EMPL, Peer reviews. Available at: [https://ec.europa.eu/social/main.jsp?year=2018&country=&Download=&catId=1024&langId=en&mode=searchSubmit#searchDiv].

¹¹ Ibid.

¹² European Commission. (2015). Social protection committee indicators sub-group: Portfolio of EU social indicators for the monitoring of progress towards the EU objectives for social protection and social inclusion.

Member States, the European Commission has already taken a forward-looking step in this direction by designing a Monitoring framework for tracking the progress towards the objectives and on the actions defined in the EU strategy.

In the latter, one of the actions to be completed by 2023 is to develop ‘new disability indicators with a clear roadmap for implementation’. These indicators are intended to track the situation of people with disabilities (and different sub-groups, including children) in the various areas of life, such as employment, education, social protection, social exclusion, health, use of new communication technologies, among others.¹³ These indicators would make it much easier to establish a **link between the EU strategy and the national strategies**, as well as enabling comparisons between the current situation in the EU Member States across different domains of life, and tracking of the national progress towards the objectives set in the EU strategy.

The **Mutual Learning Programme** is another example of an OMC-tool used for mutual exchanges between the EU Member States in the framework of the European Employment strategy and the European Pillar of Social Rights. Two of its main actions are: 1) **Peer learning events and public conferences**, where one EU Member State presents a particular practice/ good practice to be discussed; 2) **a database of labour market practices**. As part of the former, peer reviews are organized, hosted by one EU Member State on a specific topic, to discuss an example of good practice or an emerging policy practice. Other types of activities include learning exchanges, which are smaller similar events.

In the last five years (since 2018), there has been one event focused specifically on people with disabilities: ‘Peer review on “Work-capacity assessment and employment of persons with disabilities”’, held in Riga (Latvia), 26-27 April 2018. With regard to the database, it contains successful practices in the field of employment, for the purposes of mutual learning. There, both Slovakia and Sweden report practices concerning social employment for people with disabilities. In **Slovakia**, this is Act 112/2018 on Social Economy and Social Enterprises, aimed at ensuring quality job opportunities for disadvantaged and vulnerable groups, including for people with disabilities.¹⁴ **Sweden** presents a policy measure (‘Special introduction and follow-up support’), which provides intensive support for people with disabilities searching for/in employment and aims to enable their participation in quality employment.¹⁵ For further details, overviews of those practices, together with online links to the official websites, can be found on the European Commission’s website. A similar practice of exchanges is envisioned in the EDRS concerning the cross-cutting area of accessibility, via a European resource centre – **AccessibleEU**. This flagship initiative is aimed at promoting mutual learning and sharing of good practices across sectors, among the national authorities responsible for the implementation of accessibility rules and experts in the area.¹⁶

As described above, the EU social policy domain presents a number of tools for exchanges of good practices, mutual learning and the collection of feedback on new policy measures. Moreover, this domain which, over the years, has become well established at EU level shows the importance of defining an overarching framework and a common strategy at EU level linked to national targets, together with comparative indicators commonly agreed upon by the EU

¹³ European Commission, DG EMPL, Monitoring Framework. Available at: [\[https://ec.europa.eu/social/main.jsp?catId=1552&langId=en\]](https://ec.europa.eu/social/main.jsp?catId=1552&langId=en).

¹⁴ European Commission, DG EMPL, Database of labour market practices. Available at: [\[https://ec.europa.eu/social/main.jsp?catId=1080&langId=en&practiceId=83\]](https://ec.europa.eu/social/main.jsp?catId=1080&langId=en&practiceId=83)

¹⁵ Ibid.

¹⁶ European Commission. (2021, March). Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030.

Member States, which can define the state-of-the-art and monitor progress towards the set objectives. Benchmarking, systematic and structured review of progress as well as the possibility of sporadic exchanges of good practices, initiated by the EU Member States on specific topics with regard to the introduction of new policy measures, are all key for developing and ensuring progress towards the set strategic goals. These tools for mutual learning and exchanges between the EU Member States in the social policy domain could act as ideas for similar tools to be used to put forward policies and good practices for people with disabilities, especially in the context of the newly established Disability Platform. While such learning exercises exist among non-governmental stakeholders, it would be especially important to find a **structured way to involve all relevant stakeholders**, such as European Commission officials, government officials responsible for implementing the national disability strategies, experts, non-government stakeholders, and especially the representatives of DPOs. Second, topics concerning various aspects involved in advancing the rights of people with disabilities could be more often discussed in the social policy mutual learning exercises. The latter would be a step further towards mainstreaming of disability rights issues across different domains, considering the transversal character of the topic. Last but not least, indicators providing comparative data across the EU Member States (as also envisioned by the European Commission) would provide a solid foundation for evidence-based policy making and for tracking the progress towards the objectives defined at EU level, thus tightly linking progress towards the national disability strategies and towards the EU strategy.

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