

September 2015

Equinet Internal Note – EU Disability Policy Developments

Background information: The EU and the UNCRP

The EU has been party to the [United Nations Convention on the Rights of Persons with Disabilities](#) (UNCRPD) **since January 2011**. As of March 2015, 25 EU member States have also ratified the UN Convention. **Finland, Ireland and The Netherlands have signed, but not yet ratified.**

The purpose of the Convention is to **promote, protect and ensure** the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. It introduces a human-rights based approach to disability that moves away from the formerly dominant health-based approach that considers persons with disabilities as beneficiaries of care.

By ratifying the Convention, the European Union has committed itself to ensuring the full and equal participation of persons with disabilities on an equal basis with others. The Convention is part of EU primary law, which means that all EU law and Policy is to be brought in line with Convention standards. The Unit responsible for implementation of the Convention in the European Commission is located in DG Employment, Social Affairs and Inclusion. This unit coordinates EU disability policy within the services, supports the [Academic Network of European Disability Experts](#) (ANED) which provides the Commission with analysis of national situations, policies and data and coordinates a High Level Group of Member States' Representatives on Disability law and policy.

The European Commission, the European Parliament, the European Ombudsman, the Fundamental Rights Agency and the European Disability Forum form an EU-level framework that promotes, protects and monitors the implementation of the Convention (Set up under article 33.2 of the Convention).

The status – Key Developments at the European Level in 2015

1) Review of the EU's performance in implementing the UNCRPD

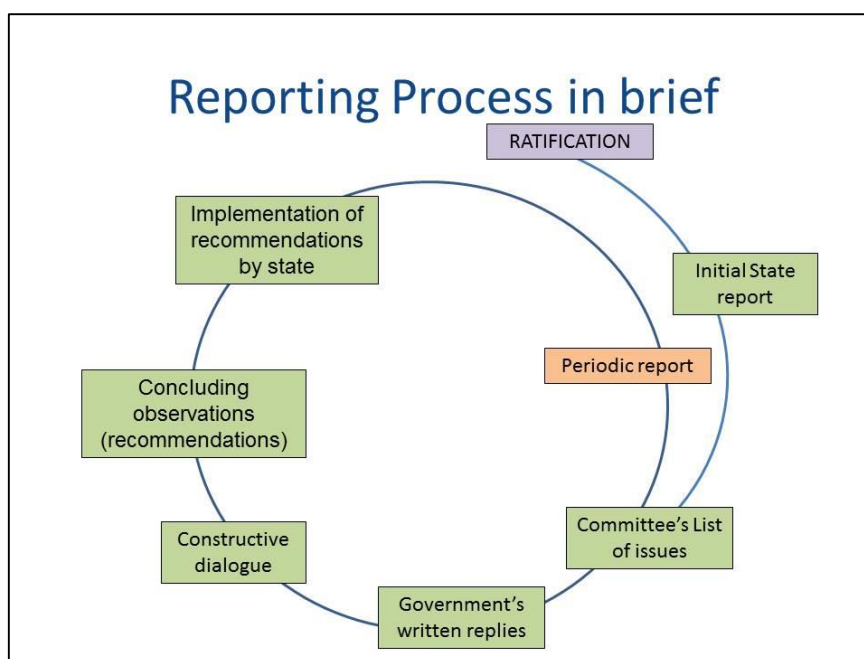
The UN Convention on the Rights of Persons with Disabilities is the first human rights treaty to which the EU has become a party.

- **In June 2014**, the European Commission published [its first report](#) on how the EU is giving effect to its obligations under this UN Convention.
- **In April 2015**, the [UN Committee on the Rights of Persons with Disabilities](#), made up of independent experts, published [a list of issues](#) asking for further clarification on specific parts of the European Commission's report.
- **In June 2015**, the European Commission submitted [written replies](#) to the list of issues.
- **In August 2015**, the first Constructive Dialogue between the European Union and the UN Committee on the Rights of Persons with Disabilities was held in Geneva. The EU was represented by Michel Servoz, Director-General of DG Employment.
- **In September 2015**, the UN Committee published [its concluding observations](#). Among the main recommendations addressed to the EU, we can mention:

- “7. The Committee calls upon the European Union to ratify the **Optional Protocol to the Convention.**”
- “19. The Committee recommends the European Union to conduct a cross-cutting, comprehensive **review of its legislation in order to ensure full harmonization with the provisions of the Convention and to actively involve representative organisations of persons with disabilities and independent human rights institutions in this process.** It further recommends adopting a strategy on the implementation of the Convention with an allocated budget, timeframe, as well as a monitoring mechanism.”
- “11. The Committee recommends that the European Union implement the **mid-term assessment of the European Disability Strategy 2010-2020**, and establish clear guidelines on the inclusion of these concluding observations with clear benchmarks and indicators, in close consultation with persons with disabilities and their representative organizations.”
- “**17.** The Committee recommends that the European Union regularly update the **Declaration of Competence** and its list of instruments to include recently adopted instruments and those instruments that have no specific reference to disability but that are relevant to persons with disabilities.”
- “19. The Committee recommends that the European Union adopt **its proposed horizontal Equal Treatment Directive** extending protection from discrimination to persons with disabilities, including by the provision of reasonable accommodation, to all areas of competence. Furthermore, the Committee recommends that the European Union ensure discrimination in all aspects based on disability is prohibited, including multiple and intersectional discrimination.”
- “21. The Committee recommends that the European Union mainstream **women and girls with disabilities’ perspective in its forthcoming Gender Equality Strategy**, policies and programs, as well as a gender perspective in its disability strategies.”
- “23. The Committee recommends that the European Union take necessary measures, including through the use of ESI Funds and other relevant European Union funds, develop support services in local communities for **boys and girls with disabilities and their families**, foster deinstitutionalisation and prevent any new institutionalisation, and promote social inclusion and access to mainstream inclusive quality education for boys and girls with disabilities.”
- “**29.** The Committee recommends that the European Union take efficient measures for prompt adoption of an **amended European Accessibility Act** that is aligned to the Convention, as elaborated in the Committee’s General comment No. 2 (2014) on accessibility, including effective and accessible enforcement and complaint mechanisms. It further recommends that the European Union ensure participation of persons with disabilities, through their representative organisations, in the process of adoption of the Act.”
- “39. The Committee recommends that the European Union take appropriate **action to combat discrimination persons with disabilities face in accessing justice** by providing full procedural accommodation within its Member States, and the provision of funding for training of justice personnel on the Convention.”
- “**77.** The Committee recommends that the European Union take measures to decouple the European Commission’s roles - by its removal from the independent monitoring framework - to **ensure full compliance with the Paris principles, and that the latter has adequate resources to perform its functions.** It further recommends that the European Union consider the establishment of an **inter-institutional coordination mechanism** and **designation of focal points in each EU institution, agency and body.**”

Next steps

- Within one year, the European Commission has to provide written information on the measures taken to implement the recommendations **17, 29 and 77**.
- The EU has to submit its next periodic implementation report **by January 2019**.



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2) The European Accessibility Act (EAA)

The **European Accessibility Act (EAA)** is a legislative proposal that aims to facilitate the integration of persons with disabilities by using the internal market. In doing so, it will unite a currently fragmented market to ensure that mainstream goods and services can be used by all European Citizens. In turn, this will lead to more innovation and production in the internal market.

The European Commission aims to adopt this proposal **by the end of this year**.

In September 2015, **the UN Committee on the Rights of Persons with Disabilities** requested the EU to provide information on the measures taken to advance the adoption of the European Accessibility Act within one year (*see paragraph 2*).

3) The EU Equal Treatment/Horizontal Directive

Ongoing political discussion on the Horizontal Directive (Directive proposal covering the grounds of age, disability, religion and belief, and sexual orientation beyond the field of employment and occupation) have accelerated in recent months. All three institutions involved in EU law-making seem to have defined this Directive as a priority. However, a handful of Member States still maintain reservations.

More information about Equinet and equality bodies' work on the Horizontal Directive is available on [Equinet's website](#) and [Equinet's Members' Area](#).

Equinet Perspective on mid-term review of the EU Disability Strategy 2010-2020

The Equinet Perspective *'Realising Rights: Equality Bodies and People with Disabilities: Supporting the Review of the European Disability Strategy 2010-2020'* was published in timely fashion to support the mid-term review of the [EU Disability strategy](#). The European Commission is planning a public consultation to review the list of actions and the results are scheduled to be published in January 2016 to include engagement with any recommendations by the UN Committee.

Other documents: EDF Shadow Report

The European Disability Forum (EDF) - a European umbrella organization representing the interests of 80 million persons with disabilities in Europe – submitted an [Alternative Report](#) (March 18, 2015) to the UNCRPD Committee with the purpose to provide information regarding the implementation of the Convention in the EU's legislative and policy work from a civil society perspective.

The report provides recommendations on fourteen different grounds, most notably increased implementation of the UNCRPD by all EU institutions, adoption of the Article 19 (Horizontal) Directive and the European Accessibility Act, and increased involvement of persons with disabilities and their representative organizations in EU policy making.