

The EU Disability Rights Strategy 2021-2030

A summary of EDF’s first reactions

Prepared by the European Disabilityum

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# Introduction

The European Disability Forum is an independent umbrella organisation of persons with disabilities that represents the interests of more than 100 million Europeans with disabilities. EDF is a unique platform which brings together representative organisations of persons with disabilities from across Europe, run by persons with disabilities and their families. EDF is a member of the Social Platform and works closely to the European institutions, the Council of Europe and the United Nations.

The [EU Disability Rights Strategy 2021-2030](https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8376&furtherPubs=yes) was launched on the 3rd of March. This document offers a condensed overview of our response to it and analysis of it. This document follows on from [EDF’s full advocacy position on the new Strategy](https://mcusercontent.com/865a5bbea1086c57a41cc876d/files/a21f8190-ecf7-4e59-8b79-7237b7f461e3/EDF_input_to_the_European_Disability_Rights_Agenda.docx).

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## On the Strategy as a Whole

We are pleased to see that the EU Disability Rights Strategy 2021-2030 is a clear step forward in comparison to the previous Strategy. It is also to be highly commended that the European Commission (EC) took the process of consultation with disability organisations very seriously. It is also positive to see that the seven flagship proposals within the Strategy are clear in their objective. Furthermore, we welcome the fact that the Commission commits to dates by which these key actions must be delivered. This level of transparency will greatly facilitate the work of civil society and social partners, in preparing their input for these actions.

We believe that the EU Disability Rights Strategy has the potential to achieve real, significant and tangible change, but that this depends entirely on how well it is implemented and how ambitious the individual actions are when they are executed. If the EC and the MS are not ambitious in pushing for actions that challenge the status quo and vastly improve how any persons with disabilities currently live in the EU, the Strategy faces a real risk of falling short of the expectations of the more than 100 million persons with disabilities in the EU.

## On Binding Legislation

While the new Strategy is a step forward, in some respects it appears to be a reluctant step. The Disability Rights Strategy takes forward many of the proposals from civil society but compromises on the strength of the instruments proposed for their implementation. A commitment to new legislation is all but absent. Of the five action points referring to hard legislation, four are reviews of existing legislation that are already taking place, and one is a proposal to explore the possibility of legislation “if appropriate” (to strengthen the role of equality bodies in the EU Employment Equality Directive). The new Strategy favours mechanisms such as guidelines and toolkits which, while promising in advancing practices in the Member States, carry a much greater risk of non-compliance.

When quantifying the different types of mechanisms proposed to deliver the actions in the Strategy, we see a lot of issues being addressed as part of other upcoming or existing EU Strategies. The Disability Rights Strategy does not always provide details on how the issues will be addressed exactly within the various other strategies and initiatives that are listed. We would like to see more details released soon on exactly how the Commission proposes to make sure the other strategies or action plans, such as the Democracy Action Plan, EU Digital Government Strategy and the Action Plan on Social Economy, will mainstream disability issues.

## On the Disability Platform

The Commitment to create a Disability Platform replacing the “High level disability group” shows great promise, but also has the potential to disappoint if poorly implemented. Our vision of the correct delivery of this initiative will be to ensure transparency around its way of operating. We need to see transparency regarding who the members of this group are, the work programme/action points, agendas from meetings and the possibility for input to be given on agenda items, and outcomes from the meetings. We also want to see disability organisations meaningfully and systematically included in these meetings and the overall functioning of the Platform. It will also need to be resourced sufficiently to allow for a smooth functioning.

## On Investment of EU Funds

The link between the Disability Strategy and the significant investment we are about to witness through the Recovery and Resilience Facility should be made stronger. We would like there to be a clearer agenda from the Commission about how to promote the use of this money to help persons with disabilities recover from the shock of the pandemic. The Commission must address the Member States who have not been transparent about their plans or followed Commission guidance to consult civil society meaningfully, and particularly to take a strong stance on rejecting plans that propose investments that go against the United Nations Convention on the Rights of Persons with Disabilities (CRPD), such as investments in institutional care settings.

## On AccessibleEU

We are pleased to see the proposal for AccessibleEU, although at this stage we cannot say for sure whether or not it follows in the spirit of our request for the creation of a new EU agency responsible for accessibility policies, the EU Access Board. We need the Commission to be clear and transparent about how they plan to fund and staff this agency, and how they will make sure persons with disabilities are represented not only as externally consulted actors, but also internally as employees and experts.

## On the EU Disability Card

The flagship initiative on the EU Disability Card is one we warmly welcome and which has the potential to foster great change. We would like to see the Disability Card implemented by means of binding legislation which would make it enforceable and ensure a harmonised approach throughout the EU. The success of this flagship initiative will come down largely to the scope of the entitlements included under the card, and to whether all the Member States agree to implement it fully. The Card should be adopted by all Member States and the scope should cover a maximum of entitlements and benefits, including the mutual recognition of social security benefits and transport.

## On Women and girls with Disabilities

There is a lack of specific actions addressing the rights and needs of women and girls with disabilities. We would advise that this lack of specific measures and actions for women and girls with disabilities be remedied as much as possible by ensuring that the gender perspective is integrated consciously into each of the action points (for example in relation to employment, political participation) already included in the Strategy. This should be approached particularly carefully in all actions addressing violence. Attention should also be paid to support for and recognition of people offering informal and long-term care for family members with disabilities, which is a role that is more frequently taken on by women.

## On Independent Living

The proposed guidelines on improvements to independent living and inclusion in the community is a point that the Commission needs to address with particular care and cannot be rushed. The basis to the guidelines must be very clear definitions of what we in the EU understand by institutional care, community-based services and independent living. We recommend that the Commission base their definitions on those established and agreed upon by the [European Expert Group on the Transition from Institutional to Community-based Care](https://deinstitutionalisationdotcom.files.wordpress.com/2017/07/guidelines-final-english.pdf).

## On Discrimination

The Strategy recognises that persons with disabilities are not a homogeneous group and that each person may face different or additional barriers because of discrimination based on disability and on other grounds. EDF believes that the recognition of the specific situation of persons with disabilities experiencing multiple forms of discrimination on the grounds of, for instance, their gender, age, sexual orientation or ethnic background, would need to be better reflected and addressed through targeted actions.

We need the Commission to propose alternative legislative measures if the adoption of the proposed Horizontal Equal Treatment Directive remained blocked by the Council. It is urgent to address the existing gap in EU law to ensure equal treatment of persons with disabilities outside the field of employment, such as social protection, healthcare, education and access to goods and services, including housing, and combat multiple and intersectional forms of discrimination.

## On Employment of Persons with Disabilities

The proposed package on improving employment outcomes, as well as the Commission’s own pledge to improve the recruitment and inclusion of persons with disabilities in the EU institutions through the European Personnel Selection Office (EPSO), come as a clear response to calls from civil society and persons with disabilities. We strongly recommend that work begin already on setting out the indicators needed to monitor the implementation of these actions, which should include the gender perspective. For employment in the Member States, this could be achieved in part by the Commission’s proposal for the Social Pillar’s new Social Scoreboard to have indicators on the disability employment gap, and disaggregation around disability in some of the other indicators. We would like the scoreboard to also contain indicators that shed light on the quality of employment of persons with disabilities, such as whether they have full-time and long-term contracts, and whether or not they are employed in the open labour market or not. What will need to be pushed hard for by the Commission are the targets being set for the Member States on how much they should reduce the disability employment gap by before 2030. We want to see ambitious targets that aim to get as close as possible to the elimination of any employment gap.

## On Accessible Elections, Voting and Participation in the Political Process

EDF welcomes the Commission commitment to ensure the participation of persons with disabilities in the Conference on the Future of Europe. We also support the plan for a guide on good electoral practice addressing the participation of persons with disabilities in the electoral process, planned for 2023. We also support the work planned with the Member States, the European Cooperation Network on Elections and the European Parliament to guarantee the political rights of persons with disabilities on an equal footing with others.

It is paramount that this be delivered on time so that national and local authorities have time to adopt more accessible practices in advance of the 2024 European elections. We would even advise bringing this deliverable forward so as to facilitate the adoption of new measures aiming at making the European elections more accessible.

Beyond the scope of competences of the European Commission and the Disability Rights Strategy, we also underline the urgent need for a legislative reform of the EU Electoral Law of 1976. This must be carried out by the European Parliament and the Council to guarantee the right of persons with disabilities to vote and stand as candidates in European elections across all EU countries.

## On Inclusive Education

The Strategy proposes a number of actions on education. EDF would however like to stress that the action on training for Special Needs Teachers should focus on training teachers in mainstream education settings on how to offer inclusive classroom learning. The Member States must be encouraged to allocate Special Needs Educators to inclusive education settings so as to allow children with disabilities to receive the specialised support they might need, while being part of a mainstream school also attended by learners without disabilities.

## On International Cooperation and Humanitarian Action

The proposal for an update to the Toolbox on the "Rights Based Approach, encompassing all human rights for EU development cooperation" is a positive step. This should be done with meaningful engagement of national and local disability organisations based in the countries where these investments are being made. EDF also feels that all EU external action (including international cooperation, resilience building, addressing climate change and implementing humanitarian response) must fully respect all other crosscutting issues including gender equality, disaggregation of data and funding, and must be included as part of the mandate of the Disability Platform. To ensure this, we recommend that sufficiently resourced, coordinated and empowered disability coordinators are embedded in all European Commission and other EU bodies responsible for these fields of work.

## On Access to Justice

The actions dealing with access to justice and persons with disabilities as victims of crimes are hugely important. EDF considers that these actions, particularly those on training of professionals in the justice system and law enforcement officers, must also give guidance on how to ensure that persons with disabilities are not denied access to justice due to legal incapacitation or subjected to delays when seeking justice because of accessibility issues, lack of support in decision-making or a lack of availability of assistance for communication, such as sign language interpretation. EDF also recently recommended that the EU Justice Scoreboard incorporate a “CRPD compliant justice” indicator.

## On the Hague Convention

We have some concern over the action point on supporting Member States to implement the 2000 Hague Convention, which risks running contrary to the United Nations Convention on the Rights of Persons with Disabilities (CRPD) with regards to issues such as recognition of guardianship measures, institutionalisation, forced treatment and coercion. This needs to be addressed alongside the CRPD Committee and disability organisations before the EC embarks further upon this action point. EDF and the International Disability Alliance call on the Hague Conference to amend the 2000 Hague Convention.

## On changes within the European Commission itself

We are pleased to see a commitment by the Commission to lead by example. Proposals such as those on the accessibility of Commission buildings and websites, as well as plans to nominate an EU candidate to the CRPD committee, are to be commended but need to be strictly enforced and not stray from the timeline for implementation outlined in the Strategy. We also strongly support the Commission’s call for the EU institutions and bodies, agencies and delegations to designate disability coordinators without delay.

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