



INFORMATION NOTE TO CRPD COMMITTEE EXPERTS

Disability priorities at the European level

February 2022

The [European Disability Forum](#) is an umbrella organisation of persons with disabilities that defends the interests of over 100 million Europeans with disabilities. We are a unique platform which brings together representative organisation of persons with disabilities from across Europe. We are run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

This information note aims at informing the independent experts of the CRPD Committee about the main priorities at the European level and regional issues that directly affect persons with disabilities in their countries.

We highly encourage the experts to consider these issues during the national review of European countries.

Points added since the information note sent in July 2021 are:

- Proposal on artificial intelligence
- Implementation of the Patient Mobility Directive
- Right to vote and stand for election in the European Parliament

Several other points have been updated, including:

- Draft additional protocol to the Oviedo Convention
- Digital Services and Markets Acts
- Revision of TEN-T Regulation
- Action Plan on long-distance rail and European Investment Bank funding scheme for boosting rail

Table of content

Council of Europe	3
1. Ratification of the Istanbul Convention on violence against women	3
2. Withdrawal of the draft additional protocol to the Oviedo Convention – on forced treatment and placement of persons with psychosocial disabilities	4
Hague Conference on Private International Law	5
Hague Convention on the International Protection of Vulnerable Adults	5
European Union.....	7
1. European Disability Rights Strategy 2021-2030	7
2. Accessibility	8
Transposition of the European Accessibility Act (EAA)	8
Implementation of the Web Accessibility Directive	9
Implementation of the Audiovisual Media Services Directive (Directive (EU) 2018/1808).....	10
Implementation of the European Electronic Communications Code (Directive (EU) 2018/1972).....	12
Ongoing evaluation of regulations linked to transport accessibility	13
Freedom of movement and the European Disability Card.....	15
Proposal of Digital Services and Digital Markets.....	16
3. Women’s rights	17
4. Victims and offenders’ rights.....	17
5. Proposal for regulating Artificial Intelligence	19
6. Implementation of the Patient Mobility Directive	20
7. Right to vote and stand for election in the European Parliament	21
8. International cooperation	21
1.1. European consensus on development	21
Gender equality.....	22
9. Humanitarian action (including Disaster Risk Reduction, DRR).....	23
1.1. Humanitarian action	23
Civil protection	23
Disaster Risk Reduction (DRR).....	24
10. Use of European funds.....	25
1.1. Use of EU funds to promote community living and community-based services.....	25
Use of COVID-19 recovery funds to improve the social inclusion of persons with disabilities	25

Council of Europe

The Council of Europe is an international organisation founded in 1949 with the aim to uphold human rights, democracy and the rule of law in Europe. It has [47 Member States](#) which have ratified the European Convention of Human Rights and are therefore overseen by the European Court of Human Rights, an entity distinct from the European Union. 46 Member States of the Council of Europe ratified the CRPD.

Hungary, Netherlands and Switzerland are members of the Council of Europe.

1. Ratification of the Istanbul Convention on violence against women

The [Council of Europe Convention on preventing and combating violence against women and domestic violence](#) called “Istanbul Convention” was adopted by the Council of Europe in 2011.

12 countries have not ratified the Convention, namely: Armenia, Azerbaijan, Bulgaria, Czechia, **Hungary**, Latvia, Liechtenstein, Lithuania, Russia, Slovakia, Ukraine, and the United Kingdom. The European Union signed but did not ratify the Convention.

Relevant CRPD article: Article 16 - Freedom from exploitation, violence and abuse

Suggested questions:

For States that ratified the Convention:

- Provide information on the steps and timeframe undertaken to ensure the swift implementation of the Istanbul Convention.

For States that did not ratify the Convention:

- Provide information on the steps and timeframe undertaken to ensure the swift ratification of the Istanbul Convention.

Suggested recommendations:

For States that ratified the Convention:

- “Recommends that the State party enact legislation, including monitoring mechanisms, to detect, prevent and combat violence within and outside the home of persons with disabilities, especially for women and children with disabilities, and that it produces an action plan to implement the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), which specifically address women and girls with disabilities.” – as in CRPD Concluding Observations to Italy (CRPD/C/ITA/CO/1)

For States that did not ratify the Convention:

- “Recommends that the State party, without further delay, ratify and implement the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).” – as in CRPD Concluding Observations to Cyprus (CRPD/C/CYP/CO/1)

2. Withdrawal of the draft additional protocol to the Oviedo Convention – on forced treatment and placement of persons with psychosocial disabilities

Since 2014, under the mandate received from Member States of the Council of Europe, the Committee of Bioethics of the Council of Europe (DH-BIO Committee) has been working on a draft additional protocol to the Convention for the protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Oviedo Convention) concerning the protection of human rights and dignity of “persons with mental disorders”. This protocol is based on the medical model of disability and violates the CRPD.

The CRPD Committee adopted a [statement against the draft protocol](#) during its 20th session. Another [press release](#) was published by OHCHR in May 2021 highlighting concerns and opposition of UN experts, including the Chair of the CRPD Committee and the Special Rapporteur on the Rights of Persons with Disabilities. The draft additional protocol is also criticised by the Commissioner for Human Rights and the Parliamentary Assembly of the Council of Europe. The disability movement strongly opposes to the adoption of the draft protocol.

The European Disability Forum and Mental Health Europe launched a public campaign. More information is available at: <https://www.withdrawoviedo.info/join>.

In November 2021, the DH-BIO Committee voted in favour of forwarding the draft additional protocol to the Committee of Ministers for final decision/adoption. The Committee of Ministers of the Council of Europe is foreseen to take a decision on the draft protocol in 2022.

Relevant CRPD article: Article 14 - Liberty and security of person

Suggested questions:

Please provide information on plans to oppose to the adoption of the draft additional protocol to the Oviedo Convention of the Council of Europe in the Committee of Ministers, and instead redirect efforts to develop and implement voluntary measures in line with the CRPD.

Suggested recommendations:

‘Calls upon the State party to oppose to the adoption of the draft Additional Protocol to the Council of Europe Convention for the Protection of Human Rights and Dignity

of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (ETS No 164) (Oviedo Convention) of the Council of Europe, in line with its obligations under article 14 of the Convention', and instead redirect efforts to develop and implement voluntary measures in line with the CRPD.

(See [CRPD Committee statement against the draft additional protocol](#) and Concluding observations to Slovenia ([CRPD/C/SVN/CO/1](#)), paragraph 24).

Hague Conference on Private International Law

The [Hague Conference on Private International Law](#) (HCCH) is an intergovernmental organisation with the purpose of working for the progressive unification of the rules of private international law in the areas of family and child protection, civil procedure and litigation, and commercial and financial law.

The HCCH has currently [88 Members](#): 87 States and the European Union (EU) as a Regional Economic Integration Organisation. All EU Member States are members of the HCCH. **Hungary, the Netherlands and Switzerland are members of the HCCH.**

Any State can become parties of HCCH Conventions. However, only members of the HCCH participate in its negotiations.

Hague Convention on the International Protection of Vulnerable Adults

In 2000, the Hague Conference adopted a [Convention on the Protection of Vulnerable Adults](#). It entered into force in 2009.

As of January 2022, it has been [ratified](#) by **13 European countries**: Austria, Belgium, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Luxembourg, Monaco, Portugal, **Switzerland** and the United Kingdom.

6 countries have signed but not ratified the Convention: Greece, Ireland, Italy, Luxembourg, **Netherlands** and Poland.

The Convention aims to facilitate decisions in cross-border situations in relation to persons who "by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests". In particular, the Convention:

- determines which courts have jurisdiction to take protection measures
- determines which law is to be applied; and who may be a "vulnerable person"
- establishes a system of central authorities which should cooperate, locate "vulnerable adults" and give information on the status of vulnerable persons to other authorities

A risk of the ratification of the 2000 Hague Convention is that its implementation could promote measures of substituted decision making and foster institutionalisation, when Member States do not implement it in compliance with the CRPD.

The [EU Disability Rights Strategy 2021-2030](#) includes a concrete reference to the 2000 Convention. It indicates that the European Commission “will work with Member States to implement the 2000 Hague Convention on the international protection of vulnerable adults in line with the UNCRPD, including by way of a study on the protection of vulnerable adults in cross-border situations, notably those with intellectual disabilities, to pave the way for its ratification by all Member States.”

The Council of the EU adopted [Council conclusions on the Protection of Vulnerable Adults across the European Union](#) in June 2021 that recommends that EU Member States “ensure that the national measures on the protection of vulnerable adults are in line with the CRPD.”

In December 2021, the European Commission launched a [public consultation on EU-wide protection for vulnerable adults](#) opened until 29th of March. This consultation will assess the need for improved EU cooperation in the area of civil judicial cooperation and “vulnerable adults”.

Relevant CRPD article: Article 12 - Equal recognition before the law

Suggested questions:

For countries that ratified the 2000 Hague Convention:

- Provide information on measures taken to ensure that the State implement the 2000 Convention in line with the CRPD. Please report on the implementation of the 2000 Convention and cases in which the Convention was used to protect the rights of persons with disabilities and ensure their right to self-determination and free movement.

For countries that **did not** ratify the 2000 Hague Convention:

- Please provide information on steps taken to ensure that national measures on the protection of vulnerable adults, including in cross border situation, are in line with the CRPD and recommendations of the EU Council conclusions on the Protection of Vulnerable Adults across the European Union adopted in June 2021.

- Please inform whether the State Party is planning to ratify the 2000 Hague Convention, and which safeguards it will adopt to ensure that implementation is done in line with the CRPD Committee.

Suggested recommendations:

For countries that ratified the 2000 Hague Convention:

- Take measures to ensure that the implementation of the 2000 Hague Convention on the International Protection of Vulnerable Adults does not violate the right of equality before the law and legal capacity of persons with disabilities, and to put in place supported decision making mechanisms.

- Assess the impact of the implementation of the 2000 Hague Convention on the International Protection of Vulnerable Adults on persons with disabilities and their right to self-determination, and abolish any measures that go against the CRPD.

For countries that **did not** ratify the 2000 Hague Convention:

- Ensure that national measures on the protection of vulnerable adults, including in cross border situation, are in line with the CRPD and recommendations in the EU Council conclusions on the Protection of Vulnerable Adults across the European Union adopted in June 2021.

European Union

The European Union (EU) is a unique economic and political union between 27 European countries. The Member States of the EU are: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden.

The EU has specific competences to adopt legislation in some areas such as common commercial policy, transport, consumer protection, environment and some aspects of social policy, and can support Member States in other areas such as education, culture and tourism. The two main legislative acts that can be adopted by the EU are regulations and directives. While regulations are directly applicable in all Member States, directives need to be transposed by each of them in their national law by introducing new legislation or amending existing laws in line with directives.

1. European Disability Rights Strategy 2021-2030

In March 2021, the European Union adopted [a Strategy for the rights of persons with disabilities](#) for the next decade. The Strategy will guide the action of Member States as well as EU institutions, building on the achievements of the previous ten years and offering solutions to the challenges ahead.

The Strategy calls on Member States to take specific actions to implement and complement the strategy. For example, it recommends Member States to:

- Adopt ambitious national strategies to foster the implementation of the CRPD and of this Strategy at national, regional and local level.

- Ensure partnership with regional and local authorities, representative organisations of persons with disabilities, civil society, fundamental rights bodies and other stakeholders in the design and implementation of EU funds
- Take into account the specific needs of persons with disabilities in all policies to be dealt with at Council level and in Council conclusions.
- Raise awareness and develop support strategies for patients with disabilities related to rare diseases and identify and examine ways of facilitating access to state-of-the-art treatment including making use of digital innovations across Member States.

We encourage the CRPD Committee to use the above-mentioned recommendations from the EU Strategy to strengthen its own recommendations to EU countries in its Concluding observations.

2. Accessibility

Transposition of the European Accessibility Act (EAA)

The [European Accessibility Act](#) is horizontal European law (directive) adopted in April 2019 with the aim of making products and services, mainly digital, more accessible for persons with disabilities. The Directive also provides a set of accessibility requirements deemed for public procurement of products and services and the use of EU funds. EU Member States have **until 28 June 2022 to transpose the text into national law**. It is important that Member States take an ambitious stance on the EU text, which has weaknesses as it does not require accessibility of all transport infrastructure and the built environment.

In the meantime, the EU has started a parallel standardisation process to develop technical accessibility requirements for all the products and services covered by the Act. These standards will ensure that companies and public authorities know how to fulfil the legal requirements of the Act. The involvement of organisations of persons with disabilities is crucial in the developments of these technical documents, however DPOs experience accessibility, financial, and other barriers for equal participation, as the European and national standardisation procedures are often not inclusive.

More information:

- [Recording of webinar on the transposition of the EAA](#)
- [EDF toolkit on transposition of EAA](#)
- [EDF statement on European Commission's draft standardisation request for the European Accessibility Act](#)

Relevant CRPD article: 9 (accessibility)

Suggested questions:

- Please provide information on the steps and timeframe to ensure the swift transposition of the European Accessibility Act. Will your country meet the 28 June 2022 deadline?
- Are there any plans to go beyond the scope of the directive to fully implement article 9 of the CRPD? In particular, what are the plans to implement the voluntary accessibility requirements for the built environment? What are the plans to make use of the accessibility requirements for products and services other than those included in the scope of the Directive in national public procurement?
- How will the State ensure that national representative organisations of persons with disabilities have access to and are meaningfully involved in the standardisation process for the EAA through national standards bodies?

Suggested recommendations:

- Recommends taking immediate measures to swiftly transpose the European Accessibility Act in its national law.
- Recommends going beyond minimum accessibility requirements of the Act (e.g. making Annex III accessibility requirements for the built environment mandatory in national law), expanding scope of services, and shortening application deadlines especially concerning those of under 'transitional measures' (e.g. accessibility of emergency communications by call centres for emergency services (PSAPs)).

Implementation of the Web Accessibility Directive

In December 2016, the EU [Directive on the accessibility of websites and mobile applications of public sector bodies](#) entered into force. Since September 2020 all websites of public sector bodies need to be accessible and comply with **European Standard EN 301 549**, regardless of when they were created. Since June 2021 all mobile applications also need to be accessible, in line with the same European standard.

EU Member States must also put in place other provisions in the Web Accessibility Directive, such as adding an accessibility statement in all public sector websites and apps with relevant information for users with disabilities, as well as a link to a feedback mechanism and information about how to complain if the website or app is not accessible. Member States also need to monitor the implementation of the Directive and appoint an enforcement body. In addition, the Directive stipulates that Member States need to raise awareness about web accessibility, including through relevant training courses; they also need to involve persons with disabilities in the implementation of the Directive.

More information:

- [EDF toolkit on transposition of the Directive](#)
- [WAI-CooP project 'Frequently Asked Questions' website on the EU Web Directive](#)

Relevant CRPD articles: Article 9 - Accessibility; Article 21 - Freedom of expression and opinion, and access to information

Suggested questions:

- Confirm whether or not all websites of public sector bodies have been made accessible (as required since September 2020), and that all websites include an accessibility statement.
- Confirm whether or not all mobile applications have been made accessible (as required since June 2021), and that all mobile applications include an accessibility statement.
- Explain any delays in implementation of the Directive and what action is being taken to ensure swift and full compliance.

Suggested recommendations:

- Take immediate action to swiftly implement the Web Accessibility Directive and ensure that all public sector bodies' websites and mobile applications are accessible, in line with [European Standard EN 301 549](#)
- Ensure the national body tasked with enforcing the Directive is adequately resourced with suitably trained staff to investigate complaints and swiftly take relevant action.

Implementation of the Audiovisual Media Services Directive (Directive (EU) 2018/1808)

The Audiovisual Media Services Directive (AVMSD) was adopted on 14 November 2018. Member States had to transpose it **by 19 September 2020**, [though some Member States did not meet this deadline](#). Denmark, **Hungary, the Netherlands** and Sweden have notified transposition measures and declared their notification complete.

The Directive creates an EU-level framework to coordinate national legislation on all audiovisual media, both traditional TV broadcasts and on-demand services (for example, Netflix, Amazon Video, Now TV). It sets out requirements concerning aspects such as prohibition of hate speech and discrimination based on disability and other grounds, commercial information on TV programs, protection of minors, independence of the national regulatory bodies that monitor audiovisual services, and the promotion of European audiovisual productions. Article 7 of the Directive

specifically obliges Member States to ensure that, without undue delay, services provided by media service providers under their jurisdiction are made continuously and progressively more accessible to persons with disabilities.¹ This includes public communications and announcements in natural disaster situations.

The Directive sets regular reporting obligations for media service providers to relevant national authorities. It also requires the 1st reporting on implementation of accessibility requirements by Member State to the European Commission by 19 December 2022.

More information:

- [EDF transposition toolkit on the AVMSD](#)
- [Recording of webinar on the AVMSD](#)

Relevant CRPD article: Article 21 - Freedom of expression and opinion, and access to information

Suggested questions:

- Provide information on the steps taken to ensure the swift transposition of the Audiovisual Media Services Directive (as required since 19 September 2020).
- Inform how the State ensures that within this Directive persons with disabilities have equal access to audiovisual media content, including to emergency information and announcements in all forms of audiovisual media, including traditional TV broadcasting, and video on-demand services.
- What are the measures did the State take to ensure that provision of emergency public information through audiovisual media, including live broadcasting, is accessible to persons who are Deaf, blind, deafblind, persons with intellectual and psychosocial disabilities, and other persons with disabilities who rely on access services to receive crucial emergency information?

Suggested recommendation:

- Recommend that the State sets mandatory rules on quantitative and qualitative targets for improving accessibility of audio-visual media content for persons with disabilities.

¹ Nevertheless, the Directive is very general about advancing accessibility, so specific qualitative, quantitative and temporal targets have to be decided at national level. It is therefore very important that Member States take ambitious position to advance accessibility of audiovisual media on the basis of the Directive.

Implementation of the European Electronic Communications Code (Directive (EU) 2018/1972)

The European Electronic Communications Code (a Directive) sets an EU-level legal framework to coordinate national legislation on electronic communications networks and services. It was adopted in December 2018 and entered into force on 21 December 2018. Deadline for transposition by Member States was **21 December 2020**.

Among the aims of the Code are to promote fair and sustainable competition, interoperability of electronic communication services, accessibility and security of networks and services for the benefit of end-users. The Code also aims to ensure the provision of good quality, affordable, publicly available services through healthy competition and choice, to ensure that end-users, including end-users with disabilities, access those services on equal basis with other users (such as businesses). For the latter purpose, the Code lays down the necessary rights for end-users. The Code also obliges Member States to ensure equal access for persons with disabilities to the single European emergency number '112'.

The Code recognises the right of easy and equivalent access by persons with disabilities to affordable high quality electronic communications services regardless of their place of residence within the European Union.

More information:

- [Recording of webinar on the Electronic Communications Code](#)
- [EDF toolkit on transposition of the Code](#)
- [EDF Recommendations on equal access and choice to electronic communications services](#)
- [Ensuring effective access to emergency services in the EU](#)

Relevant CRPD articles: Article 9 - Accessibility; Article 11 - Situations of risk and humanitarian emergencies; Article 21 - Freedom of expression and opinion, and access to information

Suggested question:

- How have you ensured that total conversation² and real-time text services are available to all persons with disabilities and fully interoperable with an adequate level of quality, including when contacting emergency services?

Suggested recommendations:

² A Total Conversation service is an audiovisual conversation service providing bidirectional symmetric real-time transfer of motion video, text and voice between users in two or more locations. This real time text differs from instant messaging systems because it is the transmission bi-directionally of one character at a time. More information: <https://www.itu.int/en/ITU-T/studygroups/com16/accessibility/Pages/conversation.aspx>

- Recommends taking measures to ensure the full implementation of the European Electronic Communications Code in national law, in line with article 9 of the CRPD, including by ensuring that specific terminal equipment such as augmentative and alternative communication devices or other assistive technologies are made available and affordable to persons with disabilities as required by the Code.
- Recommends that the accessibility requirements for the single European emergency number '112' are extended to national emergency numbers, missing children (116000) and child helpline (116111) hotlines, and other important numbers, such as COVID-19 hotlines and contact numbers for requesting assistance for passengers with disabilities.
- Recommends that State ensures availability of total conversation and real-time text technologies as mainstream ways of communication, especially in relation to emergency communication.

Ongoing evaluation of regulations linked to transport accessibility

EU Regulations are legal instruments that are directly applicable in the EU Member States. It means that contrary to Directives, they do not need transposition into national law.

The EU has just revised its [Regulation on Rail Passengers' Rights \(Regulation 2021/782\)](#) which contains amongst others the provision to provide assistance to persons with disabilities at railway stations and on board of trains. Some improvements have been achieved (lowering of pre-notification time to book assistance lowered to 24 h instead of 48 h) but it did not go far enough.³ Now the European Commission is evaluating the other [Passengers' Rights Regulations](#) (for air, waterborne transport, and bus and coach). It is important to follow this topic closely to try and extend the provisions for persons with disabilities under those Regulations.⁴

Regarding rights of air passengers, the EU is investigating whether it will re-launch its proposal to revise the Air Passengers' Rights Regulations (rights for all passengers - [261/2004](#)⁵ and specific rights for passengers with disabilities - [1107/2006](#)). A revision would allow addressing issues such as denied boarding because of ones' disability, and lack of full compensation for damaged or lost mobility equipment or assistance animal, among other issues.

³ A general "turn-up-and-go" principle would have been more in line with the CRPD but this opportunity was missed.

⁴ To learn more about the passengers' right regulation and their relevance for persons with disabilities you may view the recording of our webinar on the EDF website: <https://www.edf-feph.org/publications/passenger-rights-march-2020/>

⁵ It has been stuck in Council since 2013.

The EU has recently completed the revision of [Regulation 1300/2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility \(TSI PRM\)](#). The Specifications ensure that all new trains and certain stations will have to be accessible to persons with disabilities. However, there are important shortcomings such as independent boarding and accessible circulation inside the trains which are not addressed yet. Another, more ambitious revision is therefore necessary as well as the implementation of the current Regulation. In the meantime, in the EU Disability Rights Strategy 2021-2030, the EU has promised to launch an 'inventory of assets', a public database to identify accessibility barriers of train stations, so they can be removed step by step. This database will also help passengers make informed plans for their journeys in relation to accessibility.

The EU has recently launched an [Action Plan to boost long-distance and cross-border passenger rail services](#), however apart from referenced to the European Accessibility Act, TSI-PRM, and Rail Passengers Rights Regulation, there are no concrete plans to advance accessibility of rail networks for persons with disabilities. This is particularly unfortunate, as the European Investment Bank launched the ["Green Rail Investment Platform"](#) at the same time to help increase the availability of rolling stock in the Union.

In 2021, the EU has launched the [revision of Regulation 1315/2013 on Union Guidelines for the development of the trans-European transport network \(TEN-T\)](#). The Regulation governs the EU policy on transport infrastructure, which notably aims at facilitating transport flows across Member States and supporting territorial, economic and social cohesion. Article 49 (previously article 37) on "Accessibility for all users" has particular importance for persons with disabilities as it requires transport infrastructure to "allow seamless mobility and accessibility for all users, in particular elderly people, persons of reduced mobility and passengers with a disability". Nevertheless, the practical impact of TEN-T is limited due to lack of concrete indicators, targets and monitoring mechanism for the Regulation. This revision is therefore a chance to improve on those aspects.

More information:

- [EDF analysis of the adopted recast Rail Passengers' Rights Regulation \(1371/2007\)](#)
- [EDF Position on Air Passengers' Rights Regulation \(1107/2006\)](#)
- [EDF Feedback to Call for Evidence for an Impact Assessment of EU Passenger Rights Regulations](#)
- [EDF Analysis of the European Commission Proposal for revising the TEN-T Regulation](#)

Relevant CRPD articles: Article 9 - Accessibility; Article 20 - Personal mobility

Suggested questions:

- How is the State implementing the [Regulation 1300/2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility \(TSI PRM\)](#)? Does it have a National Action Plan to improve Rail Accessibility? Can persons with disabilities independently access stations and rail services operating in the State?
- What actions does the State plan to meet the objectives of the EU's Sustainable and Smart Mobility Strategy in relation to equal access to transport and protection of rights of passengers with disabilities?
- How is the State planning to improve access to intermodal transport for persons with disabilities during the revision of the TEN-T Regulation? Does the State plan to develop a national action plan with targets and timelines for improving accessibility of the network? Does the State have a monitoring mechanism to ensure that new TEN-T infrastructure doesn't create barriers for persons with disabilities?

Suggested recommendations:

- Recommends that the national legislation and policies comply with the revised [Regulation on Rail Passengers' Rights \(Regulation 2021/782\)](#) which obliges to provide assistance to persons with disabilities at railway stations and on board of trains. Recommends that national enforcement bodies (NEBs) are sufficiently funded, resourced and trained on accessibility/disability-related issues to ensure effective protection of passengers with disabilities.
- Recommends that the State allocates funding for improving transport infrastructure, and advancing accessibility in accordance European accessibility standards, such as the [European Standard on accessibility and usability of the built environment \(EN17210\)](#).

Freedom of movement and the European Disability Card

In 2018, the European Commission launched the European Disability Card to allow for easier mutual recognition of rights between EU Member States. It was only a pilot project covering 8 Member States (Belgium, Cyprus, Estonia, Finland, Italy, Malta, Romania, Slovenia), of which not even all have introduced the Card yet. In 2020, the Commission did an evaluation study to decide whether a second funding round for the project could be envisaged. Following the positive evaluation, the Commission decided to make the delivery of the Disability Card a Flagship Initiative in the EU Disability Rights Strategy 2021-2030. They have now planned to introduce the Disability Card in all EU Member States by 2023. However, the initiative is still vague and it will be important to follow up to extend the Card to more areas such as transport, and ensure mutual recognition of disability status.

Relevant CRPD article: Article 20 - Personal mobility

Suggested question:

- What steps will the State take to advocate for the extension of the European Disability Card in its country and across all EU Member States?

Suggested recommendation:

- Recommends that the State supports the EU Disability Card Project by widening the scope, commits its own resources, and promotes the use of the Card.

Proposal of Digital Services and Digital Markets

In 2020, the European Commission published two proposals for Regulation of digital services and platforms in the EU. The [Digital Services Act \(DSA\)](#) includes rules for online services, which millions of Europeans use every day (e.g. internet providers, cloud services, online marketplaces, app stores, social media, etc.). The [Digital Markets Act \(DMA\)](#) aims to regulate so-called “gatekeeper” platforms - the biggest players who have significant market power, for example Facebook, Apple, Google, or Amazon.

In the European Commission’s proposals accessibility of digital services and platforms for persons with disabilities is not ensured. However, such requirements for online platforms were introduced in the European Parliament’s position for the DSA and DMA, with reference to the European Accessibility Act. It is important that this improvement is maintained during the triilogue negotiations (between the EU institutions – EU member states take part in the negotiation in the Council of the EU), and the final EU laws ensure accessibility for persons with disabilities. The position of the Council representing Member States will be crucial.

More information:

- [The European Parliament agreed on safer and accessible online platforms for persons with disabilities](#)
- [EDF Position Paper on the Digital Services Act and the Digital Markets Act \(Word and PDF\)](#)
- [MEPs require major digital companies to ensure accessibility for persons with disabilities – IMCO vote on the DMA](#)
- [Access denied? EU must ensure accessible digital services for persons with disabilities!](#)

Relevant CRPD article: Article 9 - Accessibility

Suggested question:

- What steps has the State taken to ensure that accessibility and rights of consumers with disabilities is included in the final text of the Directive of digital services and platforms in the EU?

Suggested recommendation:

- Recommends the State to call for accessibility of digital services and platforms for persons with disabilities, in the negotiations at the Council of the EU.

3. Women's rights

In March 2020, the EU adopted a [Strategy on Gender Equality \(2020-2025\)](#) with policy objectives and actions to make significant progress by 2025 towards a gender-equal Europe. For the first time, this Strategy makes specific references to the CRPD and women and girl, in particular in relation to combatting gender-based violence, including forced abortion and sterilisation, and gender-stereotypes.

While the Strategy mostly focuses on EU policies, it also requires Member States to take specific actions (such as to ratify and implement the Istanbul Convention or to target actions that support the specific needs of women in the asylum procedure).

Relevant CRPD articles: Article 6 - Women with disabilities; Article 15 - Freedom from exploitation, violence and abuse

Suggested questions:

- How does the State's national gender equality strategy include women and girls with disabilities?
- Which measures will the State take to implement the recommendations directed at EU Member States in the EU Gender Equality Strategy in a way that is inclusive to women and girls with disabilities?

Suggested recommendation:

- Ensure that the rights of women and girls with disabilities are included under the national strategy on gender equality, in relation to all area of life and adopt targeted measures to implement the recommendations directed at EU Member States in the EU Gender Equality Strategy.

4. Victims and offenders' rights

In 2012, the European Union adopted a [Directive on the rights, support and protection of victims of crime](#). EU countries had to implement the provisions of the Directive into their national laws by 16 November 2015. The European Commission has issued a [guidance document](#) to assist EU countries in this process.

The directive establishes minimum standards on the rights, support and protection of victims and ensures that persons who have fallen victim of crime are recognised and treated with respect. They must also receive proper protection, support and access to justice. It specifically requires States to ensure the needs of victims with disabilities are met when ensuring their rights to:

- understand and be understood

- information
- support
- participate in criminal proceedings
- protection and individual assessment

For certain groups of victims, the EU adopted specific rules. These rules build on the victims' rights directive but respond more directly to the specific needs of some victims. The EU legislation exists to provide protection and support for:

- [victims of human trafficking](#)
- [child victims of sexual exploitation and child pornography](#)
- victims of terrorism

In a similar way, the EU adopted several directives to protect the rights of suspect and accused, that should be implemented by States without discrimination on the grounds of disability. More specifically, the EU established rules on:

- the [right to information](#) which applies across the EU since 2 June 2014,
- the [right to interpretation and translation](#) which applies across the EU since 27 October 2015,
- [Right to have a lawyer](#), which applies across the EU since 27 November 2016,
- the right to be [presumed innocent and to be present at trial](#)
- special [safeguards for children suspected and accused in criminal proceedings](#)
- the [right to legal aid](#)

To support the implementation of EU laws on Victims' Rights, the European Commission has adopted a [Victims' Rights Strategy \(2020-2025\)](#) in 2020. The Strategy requires States to ensure that support services for victims are accessible to victims with disabilities.

An [EU Handbook on Victims of Terrorism](#) published in January 2021 also requires accessibility of support services for victims with disabilities

Relevant CRPD articles: Article 13 - Access to justice; Articles 15-16 - Violence, torture and ill treatment

Suggested questions:

- Provide information on measures taken to ensure that the rights of victims with disabilities and people with disabilities suspected or accused of an offence is fully fulfilled in line with relevant EU directives and the EU Victims' Rights Strategy (2020-2025).

- Inform on measures taken to ensure that women and girls with disabilities victims of domestic and gender-based violence can access shelters and other services available to victims.

Suggested recommendation:

- Take measures to ensure that the right to access to justice of victims with disabilities and people with disabilities suspected or accused of an offence is fully fulfilled, in accordance with the CRPD and obligations of the State under EU law, including the EU Victims' Rights Strategy (2020-2025). Support to victims must include - the provision of accessible shelters and services for women and girls with disabilities victims of domestic and gender-based violence.

5. Proposal for regulating Artificial Intelligence

In 2021, the European Commission released a proposal for new legislation establishing a [legal framework on Artificial Intelligence](#) (AI) in the EU. This proposal is a step in the right direction. However, much work still needs to be done to improve the existing regulation and establish trustworthiness of AI for persons with disabilities.

Notably, the Commission proposal lacks mandatory accessibility requirements for AI systems and practices. The text falls short of the commitments under the CRPD and lacks consistency with EU accessibility legislation such as the European Accessibility Act.

Besides lack of accessibility requirements, the proposal fails to address potential risks of AI use that would infringe upon fundamental rights of persons with disabilities to privacy and non-discrimination, such as use of AI for the purpose of remote biometric identification, biometric categorisation, emotion recognition by private and public entities, predictive policing, and for determining individuals' access to employment, education, essential private and public services, justice, and asylum.

The proposal is now in discussion at the European Parliament, and Member States are developing their positions. To fix many of the loopholes and gaps in the Commission proposal, [civil society organisations, including EDF have called on the EU to put fundamental rights first in the Artificial Intelligence Act](#).

More information:

- [EU law must ensure trustworthy and accessible Artificial Intelligence \(AI\) for persons with disabilities!](#)
- [EDF Position Paper on the EU AI Act \(PDF and Word\)](#)
- [Civil society and EDF call on the EU to put fundamental rights first in the Artificial Intelligence Act](#)
- [EDF "Plug and Pray?" Report: A disability perspective on artificial intelligence, automated decision-making and emerging technologies](#)
- [EDF input to UN Special Rapporteur's thematic report on Artificial Intelligence and the rights of persons with disabilities](#)

Relevant CRPD articles: Article 5 - Equality and non-discrimination; Article 9 – Accessibility; Article 22 - Respect for privacy

Suggested question:

- Provide information on how the State ensure or plan to ensure mandatory accessibility requirements for all AI providers and users, as well as that AI providers and users fully respect rights of persons with disabilities to non-discrimination and privacy.

Suggested recommendation:

- Recommends the State to call for mandatory accessibility requirements for AI systems and use, and strong safeguards against risk of infringement of privacy and discrimination of persons with disabilities by AI systems, including in the negotiations about the Artificial Intelligence Act at the European level.

6. Implementation of the Patient Mobility Directive

In 2021, the EU adopted [Directive 2011/24/EU on patients' rights in cross-border health care](#) (Patient Mobility Directive) that gives the right to EU citizens to seek healthcare in another EU Member State.

An evaluation of the Directive is ongoing. According to research conducted by EDF, patients with disabilities continue to face barriers in accessing cross-border healthcare. The National Contact Points in charge of providing information on access to cross-border healthcare do not systematically provide accessible and targeted information to patients with disabilities. For example, on the National Contact Points' websites, no information is provided on reasonable adjustments of healthcare facilities and services, neither on sexual nor reproductive healthcare services. Few websites provide information on physical accessibility of healthcare facilities.⁶

In addition, EU law on cross-border healthcare include an optional provision on reimbursement of additional disability-related costs. Whether disability-related costs (e.g., increased transport costs and costs incurred by personal assistants) are reimbursed has an obvious impact on the capacity of patients with disabilities to exercise their right to planned cross-border healthcare. A previous report showed that no additional costs were reimbursed in 76% of a small sample.⁷

More information:

- [EDF report on access to cross-border healthcare by patients with disabilities](#)

Relevant CRPD article: Article 25 – Health

Suggested question:

- Provide information on the implementation of the Directive 2011/24/EU on patients' rights in cross-border health care, and whether National Contact Point provide

⁶ More detailed information on the Directive is available in [EDF report on access to cross-border healthcare by patients with disabilities in the EU](#).

⁷ IF, [Impact of cross-border healthcare on persons with disabilities and chronic conditions](#) (2016), 3, 15.

information on the rights of patients with disabilities and whether all information is available in accessible formats. Also inform on whether the State reimburse additional disability-related costs.

Suggested recommendation:

- Recommends to take measures to adequately ensure access to cross-border healthcare across the EU in line with Directive 2011/24/EU, ensuring that the National Contact Point is disability-inclusive and that reimbursement of additional disability-related costs are covered.

7. Right to vote and stand for election in the European Parliament

In 2020, the European Parliament launched a resolution [proposing a reform of the European Union \(EU\) electoral law of 1976](#). It is an important opportunity to make the EU Parliament elections more accessible and inclusive of EU citizens with disabilities. However, it is not yet certain whether the Member States in the Council will agree with such proposal and how the new regulation will ensure that all EU citizens with disabilities can vote, including by increasing the accessibility of the EU elections which are arranged at national level.

Relevant CRPD article: Article 29 – Political participation

Suggested question:

- How does the State Party ensure the right to vote and stand for elections of persons with disabilities, including those under substituted decision-making mechanisms, in national and European elections? What measures have been put in place to maximise the accessibility of such elections to guarantee that all persons with disabilities can vote independently and in secret, and can freely chose assistance t vote?

Suggested recommendation:

- Recommend that the State liaise with organisations of persons with disabilities to adopt accessibility requirement of the proceeding of the national and European elections as well as reasonable accommodation, and no restriction in form of assistance.

8. International cooperation

1.1. European consensus on development

On 19 May 2017, the Council adopted a new [European Consensus on Development](#). This joint statement by the three European institutions (European Parliament, the European Commission and the Council) sets out a framework for development cooperation for the EU and its Member States. The document is a direct response by

the EU to the 2030 Agenda and the Sustainable Development Goals, when it comes to international cooperation.

The explicit reference to the rights of persons with disabilities within the EU Consensus on Development symbolises an outstanding improvement for accelerating the implementation of a rights-based approach to development cooperation. The EU Consensus embraces a rights-based approach that strengthens links between SDGs and the rights of persons with disabilities. This framework shows that a disability inclusive EU external action plan is crucial to strengthen the rights of persons with disabilities worldwide. It mentions that persons with disabilities will not be left behind and multiple discrimination towards vulnerable individuals will be specifically addressed.

Gender equality

Gender equality is placed at the heart of the EU agenda for achieving the SDGs in order to promote women's rights, gender equality and empowerment of women. However, women and girls with disabilities are also not systematically reached in international cooperation. At the international level, the EU and the United Nations (UN) embarked on a global, multi-year initiative focused on eliminating all forms of violence against women and girls (VAWG) - the [Spotlight Initiative](#). The EU invested initially 500 million Euros, but women and girls with disabilities are not specifically included. It is also unclear how they are included pragmatically in the new [EU Gender Action Plan III](#).

Relevant CRPD article: Article 32 (international cooperation)

Suggested question:

- Provide information on the steps and timeframe to ensure the implementation of the European Consensus on Development and further advance the rights of persons with disabilities, including women and girl with disabilities, in international cooperation. Which measures will the State take to actively reach women and girls with disabilities in international cooperation by using the new EU Gender Action plan III?

Suggested recommendations:

- Call the State Party to train its staff in delegations on the use of the Organisation for Economic Co-operation and Development- Development Assistance Committee ([OECD DAC](#)) [disability marker](#), to track development finance in support of persons with disabilities.

- Interrupt any international development funding that is being used to perpetuate the segregation of persons with disabilities, and re-allocate such funding towards projects and initiatives that aim at compliance with the Convention.

- Ensure to actively reach women and girls with disabilities in international cooperation by using the new EU Gender Action Plan III, as well as proactively support the engagement of organisations of persons with disabilities in programmes and projects.

9. Humanitarian action (including Disaster Risk Reduction, DRR)

1.1. Humanitarian action⁸

The EU committed to 'strong progress' on each of the five core responsibility areas of the 2017 [World Humanitarian Summit](#) in Istanbul. The [Charter on Inclusion of Persons with Disabilities in Humanitarian Action](#) (which can be seen as a 'tool' to implement the CRPD in situations of risk and humanitarian emergency) was launched at the summit, and has since been endorsed by the EU and (currently) 14 of its Member States⁹.

In June 2019, the EU Directorate-General for European Civil Protection and Humanitarian Aid Operation (ECHO) published a [Guidance Note on the Inclusion of Persons with Disabilities in EU-funded Humanitarian Aid Operations \(that will apply to the Member States of the EU where they are involved in humanitarian projects funded by the EU\)](#). This guidance note is related in purpose to the UN [IASC Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action](#) which were launched at the end of 2019.

In 2020 EDF provided comprehensive input into the review of the [ECHO 'Single Form' Guidelines](#) and to the ECHO '[EC Communication on EU humanitarian aid](#)'. The Guidelines now contain some mention of disability inclusion, including reference to the Washington Group short set of questions for data disaggregation and the need for DPO participation, and they apply to Member States where they are involved in projects funded by the EU.¹⁰ The Communication also makes explicit reference to persons with disabilities but these are very light, following far short of the EDF recommendations.

Civil protection

The European single emergency number 112 is still not fully accessible across the EU. In 2019, infringement procedures have been launched against Croatia, Czechia, Germany, Greece, and Spain [for failing to ensure equivalent access to the 112 emergency number to persons with disabilities](#). At the moment there are great differences on how persons with disabilities can call the emergency number across

⁸ More information on the EU and humanitarian aid:

<https://www.europarl.europa.eu/factsheets/en/sheet/164/humanitarian-aid>.

⁹ Belgium, Bulgaria, Republic of Cyprus, Czechia, Denmark, Finland, France, Germany, Italy, Luxembourg, Netherlands, Poland, Spain and Sweden

¹⁰ But major gaps still remain, including specific and effective indicators on disability inclusion, reference to the OECD disability DAC marker and regular disability inclusion training of all ECHO and partners' staff.

EU countries, even in some cases requiring pre-registration. This situation hinders the safety and free movement of persons with disabilities when traveling across the Union. In many cases, these solutions only cater specific disability groups. The European Accessibility Act aims at solving this situation by adopting a harmonised approach to the accessibility of this emergency number through common technical standards ([see section on Accessibility above](#)).

Disaster Risk Reduction (DRR)

In 2015, the EU and its Member States participated in development of the [Sendai Framework](#), which is relatively inclusive of persons with disabilities and was the first of the 2030 Global Agenda initiatives. Throughout 2016 EU also participated in development of terminology and indicators for Sendai implementation, although its interventions supported weakening/removal of the Sendai framework requirement to disaggregate data by disability. Also in 2016, the EU developed an [Action Plan on Sendai implementation](#), which helps the EU to support Member States in implementation of Sendai. However, EDF is unaware of any significant progress, either within Europe or in external action, regarding disability inclusive DRR measures that are the result of this Sendai action plan.

The European Forum for Disaster Risk Reduction (EFDRR) Roadmap 2021-2030¹¹ was adopted in November 2021 and is very inclusive of persons with disabilities. This document, and the ongoing mid-term review of the Sendai framework, are ideal opportunities for the EU and its Member States to strategise and measure much-needed improvements in disability-inclusive resilience building.

Relevant CRPD Article: Article 11 - Situations of risk and humanitarian emergencies

Suggested questions:

- Provide information on the steps and timeframe that are planned to ensure the development and implementation of a regional humanitarian action plan that is inclusive of Persons with Disabilities by adhering to obligations under UN CRPD Article 11 and applying the IASC Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action.

- Provide information on the steps and timeframe that are planned to ensure the development and implementation of a regional Action Plan on the Sendai Framework, in line with global [monitoring of the Sendai framework](#) and the [European DRR roadmap \(2021-2030\)](#).

Suggested recommendations:

¹¹ <https://www.undrr.org/publication/european-forum-disaster-risk-reduction-roadmap-2021-2030>

- In future development and improvement of EU humanitarian and DRR policies and frameworks, ensure meaningful participation and full inclusion of persons with disabilities by prioritising adherence to CRPD articles 4.3, 11 and 32, the Sendai framework and in full synergy with the IASC guidelines.

- Implement the OECD DAC marker in humanitarian projects and programmes.

10. Use of European funds

1.1. Use of EU funds to promote community living and community-based services

The EU developed various funds called “European structural and investment funds” (European Regional Development Fund, European Social Fund, Cohesion Fund, European Agricultural Fund for Rural Development, European Maritime and Fisheries Fund). They can be used by Member States for a wide range of measures. Although the EU monitors their use, there may be a risk that some countries use them in a way that may not comply with the CRPD, for instance to perpetuate institutionalisation.

Relevant CRPD article: Article 19 - Living independently and being included in the community

Suggested question:

- Provide information on the use of EU funds, and measures taken to ensure that the funds are invested in line with the CRPD, and in particular, with the aim to promote community living and community-based support services, achieving deinstitutionalisation and independent living of persons with disabilities.

Suggested recommendation:

- “Calls upon the State party to re-examine the allocation of funds, including the regional funds obtained from the EU, dedicated to the provision of support services for persons with disabilities, and the structure and functioning of the small community living centres, and ensure the full compliance with the provisions of article 19 of the Convention.” - as in CRPD Concluding Observations to Hungary ([CRPD/C/HUN/CO/1](#)), paragraph 35.

Use of COVID-19 recovery funds to improve the social inclusion of persons with disabilities

As a result of the economic and social crisis arising from the COVID-19 pandemic, the EU has made a considerable amount of emergency funds available to the Member States. The package of emergency funds is called “Next Generation EU”. The most considerable part of this package is a fund called the Recovery and

Resilience Facility, a total of €650billion. This fund designed to “provide large-scale financial support to reforms and investments undertaken by Member States, with the aims of mitigating the economic and social impact of the coronavirus pandemic and of making the EU economies more sustainable, resilient and better prepared for the challenges posed by the green and digital transitions.” In order to receive the funds, in 2021 Member States each presented a national “Recovery and Resilience Plan” to the European Commission for approval.

Relevant CRPD articles: Article 11 - Humanitarian action; Article 19 - Living independently and being included in the community; Article 32 - International cooperation

Suggested question:

- Provide information on how the Recovery and Resilience Plan presented by your country aims to mitigate the disproportionate social and economic impact of the pandemic on persons with disabilities. Explain how the actions foreseen to support persons with disabilities in the recovery effort will help to further the principles of the CRPD.

Suggested recommendation:

- Calls upon the State party to re-examine the priorities for spending in their Recovery and Resilience Plan, and to ensure that no money goes towards furthering the segregation of persons with disabilities or any inaccessible structures.

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