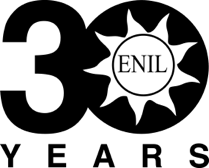
**EU Disability Strategy 2021 - 2030**

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**May 2021**

**Introduction**

The European Commission adopted the European Disability Strategy (“the Strategy” or “EDS”), entitled “[Union of Equality: Strategy for the Rights of Persons with Disabilities 2021 – 2030](https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8376&furtherPubs=yes)” in March. The aim of the strategy is to tackle the challenges disabled people face, at the EU and Member State level, and to ensure that disabled people: enjoy their human rights, have equal opportunities, have equal access to participate in society and economy, are able to decide where, how and with whom they live, can more freely in the EU regardless of their support needs, and no longer experience discrimination.

The purpose of this paper is to set out ENIL’s view of the Strategy, and to explain, in simple language, different parts of the Strategy. The paper was developed in collaboration with the [Independent Living Institute](https://www.independentliving.org/) (Sweden) and it is aimed at members of the European Network on Independent Living – ENIL. We hope that the paper will help ENIL members in their policy work at the EU and national level, with the aim of promoting a CRPD compliant implementation of the Strategy.

**ENIL’s Position on EDS**

ENIL welcomes the second EDS, published by the European Commission, with the aim to build on the work of the previous Strategy 2010-2020 and the UN Convention on the Rights of Persons with Disabilities (“CRPD”).

ENIL notes that there are promising policy commitments from the Commission in this new Strategy, such as ending the practice of institutionalisation across all EU Member States. It is also encouraging to see a written commitment to promote and improve across Member States the following policies:

* Implementing the CRPD, which includes incorporating it into the national laws of all EU27 Member States;
* An awareness that disabled people are adversely affected by the negative consequences of climate change;
* The stated intention to include disabled people in the development of the EU’s Green New Deal;
* Concern over the dangers facing asylum seekers with disabilities;
* The increased risk of exploitation of disabled people at the hands of traffickers;
* The importance of technological innovations to improve the lives of disabled people.

However, ENIL also has some concerns regarding the Strategy and feels that the EC could improve on the following areas:

* There is no clear mention made regarding the monitoring of EU funds. When a Member State is spending EU funds on projects related to disabled people, there appears to be little oversight from the EC as to how these funds are actually being spent. This can lead to situations such as in Austria, where the regional government used over 7 million Euros from rural development funding to develop institutions for disabled people. ENIL, in conjunction with Independent Living Austria (ILA), has begun the process of formal action against this development, but there needs to be a systematic review on the part of the Commission into ensuring that EU funds are correctly spent, in compliance with the CRPD.
* There remains concern about the flagship initiative to provide guidance to Member States on improvements on independent living and inclusion in the community, in order to enable disabled people to live in accessible, supported housing in the community, or to continue living at home (including personal assistance schemes). While the general intention behind promoting independent living is welcomed, we are concerned that the initiative may lead to re-institutionalisation if there is no right of choice to live in mainstream housing, with the personal assistance needed for the individual. Disabled people have a right to choose where and with whom to live and are not to be referred to live in particular living arrangement for disabled people, according to Article 19 of the CRPD and the general Comment No. 5. Disabled people also have the right to an adequate standard of living, including by access to public housing programmes, according to Article 28 d) of the CRPD.
* With regard to preventing violence, abuse and torture in institutions, the EC is planning to commission a study by the European Fundamental Rights Agency. While the study may provide addition impetus for deinstitutionalisation, it is important that it makes it clear that the only way to prevent abuse is by making sure everyone is supported to live in the community. Otherwise, the focus on conditions in institutions may lead to arguments for increased investment in staff and modernisation of institution care facilities, which as we know, is not in line with Article 19 of the CRPD. Also, as demonstrated during the Covid-19 pandemic, thousands have died in residential facilities regardless of the conditions inside.
* The initiative to present a specific framework for Social Services of Excellence for disabled people, aimed to improve service delivery and to enhance the attractiveness of jobs in this area, including through upskilling and reskilling of staff, risks becoming too focused on the role of service providers, if the voices of disabled people and DPOs are not actively included, in line with the CRPD and General Comment No 7.
* It is unclear how the proposed European Disability Card will function, what are its competencies and limitations. We are concerned that the initiative will not solve many of the barriers currently preventing disabled people from enjoying the freedom of movement in the EU. It risks becoming an excuse for the Member States and the Commission not to take more resolute action to make it possible for disabled people to travel, work and study outside of their home country.
* While we encourage the focus on employment in the EDS, we are concerned that it includes sheltered employment as a way forward. We are convinced that sheltered workshops and employment need to be phased out in favour of mainstream jobs with full employment rights, in line with Article 27 of the CRPD. Social security schemes must be available without discrimination to those who do not access employment in line with Article 28 of the CRPD.
* Although there are several sections that reference the importance of the UNCRPD and its implementation, there seems to be little commitment to fully engaging and involving DPOs (Disabled People’s Organisation’s), as defined in the General Comment No. 7, in a meaningful way regarding policy making. In fact, section 9 stipulates that disabled people will only be consulted, and only then in the ‘relevant’ areas. However, since all areas of policy concern disabled people, and as everything has an interconnected impact, it is unclear who decides what is and is not a relevant area, or how meaningful these consultations with disabled people will be.
* Expanding upon this concern, there is no mention of the need for the EU to engage with DPOs from developing nations, despite the EDS committing to development programmes. Any development that sidelines disabled activists and advocates from developing countries will have little to no serious impact.
* There is a lack of coherency in regards to how the EC intends to encourage Member States to implement the strategy at national levels. This once again brings up the issue of the Commission’s oversight regarding the Member States. For instance, although it is mentioned that accessibility has been made mandatory for Member States to access certain funds, there appears to be little consistency with ensuring these funds are not misspent (see concern one, bullet point one).
* Although the competencies for the Oviedo Convention and the Optional Protocol are the jurisdiction of the COE – Council of Europe and not the EC, it is concerning that the EU is not pushing its Member States, who are part of the COE, to abandon the Optional Protocol regarding the Oviedo Convention, as it violates and goes against the EU’s commitment to de-institutionalisation. Similarly, it is unclear how the EC and the Member States aim to implement the 2000 Hague Convention on the international protection of vulnerable adults “in line with the UNCRPD”, when the Convention is based on the outdated concept of guardianship.

ENIL hopes the EC will take these concerns on board, and work with us and our members in a proactive and productive way to ensure that the best parts of the EDS are put into practice, while the parts that need improvement are reconsidered and implemented in such way to be fully in line with the CRPD.

**Link to EDS in all EU languages:** [**click here**](https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8376&furtherPubs=yes)

**Link to EDS in Easy-read:** [**click here**](https://ec.europa.eu/social/main.jsp?catId=1535&langId=en)

**Summary of the European Disability Strategy 2021 - 2030**

**Section 1: Vison & Need for Action**

The opening section stresses the need to improve conditions for disabled people, based on a directive from Commission President Ursula Von Der Leyen. The section talks about the achievements of the previous European Disability Strategy (henceforth: henceforth EDS) (2010-2020) stating that accessibility has improved for disabled people, of whom there are over 87 million throughout the EU 27 member states altogether, along with awareness of disability rights.

It discussed the European Pillar of Social Rights (2017) and how it acts as a compass to the right of disabled people to employment.

The strategy also notes that more needs to be done, and that disabled people still face widespread discrimination, and are at a greater risk of poverty than their non-disabled colleagues, in areas such as healthcare, employment, recreation etc. They are 28.4% more likely to be subject to setbacks in these areas; this is compared to 18.4% of persons without disabilities. In 2019, prior to the outbreak of the pandemic, over half of disabled people said they felt discriminated against.

The EDS also notes that in some areas the EU is enabled to work with member states to implement the strategy – such as in the area of transport, but in other areas such as healthcare, education and culture member states have total sovereignty, with the EU relegated to a supporting position. Therefore, the strategy stresses, that member states must take it upon themselves to uphold the UNCRPD and any European laws that relate to these areas. The document does qualify that EU rules make it mandatory for the member states to comply with accessibility rules in exchange for obtaining shared EU finances to aid in their internal development.

**Section 2: Accessibility – An enabler of rights, autonomy and equality**

This section stress the importance of the ICT – information and communication technology and how access to this, along with transport etc., is vital for persons with disabilities. It also makes note of improvements in accessibility, such as the European Accessibility Act (EAA) (2019), the Web Accessibility Directive (2020) and the Electronic Communications Code (2018).

The Commission also pledges to:

* Provide, in 2021, practical guidance to Member States to support the Implementation of the accessibility obligations under the public procurement Directives, and promote training for public procurers to buy accessible;
* Include, in 2021, accessibility and inclusiveness in the reinforced EU digital government strategy, focusing on human-centric and user-friendly digital public services across Europe that respond to the needs and preferences of European citizens, including the needs of disabled people;
* Evaluate, in 2022, the application of the Web Accessibility Directive and assess whether the Directive should be revised to address any gaps identified, such as scope, technological advances, and coherence with other relevant EU legislation;
* Review, in 2021, and in line with the Sustainable and Smart Mobility Strategy, the passenger rights regulatory framework, including rights for disabled people with reduced mobility in transport by air, water, bus and coach;
* Launch, by 2022, an Inventory of Assets on rail infrastructure, i.e. of accessible parts of train stations, aiming at identifying the existing obstacles and barriers to accessibility.
* Review, in 2021, the Regulation on Union Guidelines for the development of the trans-European transport network to strengthen the provision on accessibility.
* Revise, in 2021, its Urban Mobility Package to strengthen Sustainable Mobility Planning which requires Member States to adopt local mobility plans “taking into consideration the needs of different groups, including persons with disabilities” – (EDS: p. 8).

Additionally the EC have announced a flagship initiative, called ‘Accessible’ which it aims to launch in 2022. This initiative aims to bring together professionals, national representatives, experts to try and make the EU’s accessibility policies more streamlined. This project will be launched through the new Disability Platform.

**Section 3: Enjoying EU Rights**

The EC states its belief that disabled people should enjoy all EU rights, which includes going to another member state country. It also commits to:

* Work with member states to ensure fully accessible elections.
* In 2022, discuss the diversity of society, as part of the European Democracy Action Plan (EDAP) to ensure that candidates chosen in elections reflect the diversity of society.
* Ensure that employees are given accessibility training across Europe. In particular, in areas such as Europe’s new Green New Deal (GND), the Renovation Wave and the New European Bauhaus.
* By 2023, the EU aims to have established a European Disability Card which will be a continuation of the ongoing pilot project of the EDS that is taking place in 8 member states and also the European parking card (EPC) for disabled people.
* The EC pledges to work with member states in areas such as labour, benefits etc., to ensure an improved standard of living for disabled people who cross borders into other EU states.
* Aim to meet the needs of disabled citizens as outlined under the EDAP.
* Establish a guide on good electoral process working with member states to achieve this through the European Cooperation Network (ECN).

**Section 4: Decent Quality Of Life and Living Independently**

These are a few of the areas the EC listed in the EDS as being vital for disabled people:

* Independent Living
* Lifelong learning
* Accessible housing
* Social and employment protection

The EC will, by 2023, issue guidance to all its member states on how to improve independent living within the community for disabled people and, by 2024, will issue guidance on “Social Service of Excellence” for persons with disabilities throughout the EU27 states.

The strategy also calls on member states to prioritise de-institutionalisation in relation to mental health and other disabilities, and to also prioritise accessible social housing for disabled people.

***Independent Living & Community Based Services***

It’s noted that disabled people living in rural areas are more cut off from services, while many disabled people face continued segregated living conditions. There is also a lack of employment in the area relating to disability which only exacerbates an already bad situation. On top of that, COVID-19 has intensified the dire situation regarding institutions. There’s also a limited availability of support from families due to the pandemic, and personal assistance (PA).

* The EU will offer assistance to Member States, including the 2021-2027 shared management funds (SMF’s), the technical support instrument (TSI), the Renovation Wave (TRW) and other schemes, to ensure that de-institutionalisation is prioritised.

***Developing Skills for Jobs***

The EDS commits to developing skills for jobs for disabled people. It recommends that member states develop accessible and inclusive Vocational Education And Training (VET) programmes to ensure the inclusion of marginalised groups, after noting that many current VET schemes segregate disabled people off into special VET schools, despite the right to attend mainstream training programmes.

* In 2022, the EC will produce a package to improve the outcomes of persons with disabilities in the labour market. It will also:
* Publish a report for later this year on the EU Equality and Employment Directive.
* Issue an action plan on the social economy in order to improve the enabling environment, also intended for this year.

***Sustainable and quality jobs***

Member states are encouraged to:

* Develop by 2024 programmes to reduce the unemployment rate amongst disabled people.
* Create employment support programmes.
* Invest in self-employment and entrepreneurship.

***Social protection***

Member states have made improvements in this area, but further reform is needed according to the EDS.

* States should publish by 2022 a study programme on social protection and by the end of this year, an implementation report on the EU Employment And Equality Directive (EED).

**Section 5: Equal Access & Non-Discrimination**

The EDS affirms disabled people have the right to protection against violence, and equal access to justice, culture, housing etc.

***Access to Justice***

The EC pledges to improve accessibility regarding the justice system for disabled people. It pledges to particularly monitor disabled women, who are more likely to face violence than other women, and to protect those in institutions.

***Inclusive Education***

It is acknowledged that a great deal more needs to be done. Many disabled people face segregated education, and many don’t finish degrees due to access issues. The EU is committed through the European Education Area (EEA) to improving inclusive education, which is one of the six axes prioritised by the EEA. There will also be a prioritisation of lifelong learning for all, and initiatives such as the Pathways to School Success Initiative (PSSI). Member states can avail of programmes such as Erasmus+ and European Solidarity Corps (ESC) in order to improve education for disabled people.

***Healthcare***

The EC pledges to continue to combat cancer which will include an evaluation of the Directive 2011/24/EU to ensure a greater protection of patient rights regarding cross-border healthcare. The EC also pledges to investigate to what extent the National Contact Points (NCP) on cross-border healthcare have been made accessible.

Furthermore, it plans to:

* Address issues related to health and disability through the Steering Group on Promotion and Prevention (SGPP) for the sharing of validated health-related good practices to support Member States in their health reforms;
* Support stakeholders to address and alleviate the burden that the COVID-19 pandemic imposes on the mental health of European citizens;
* Address specific inequalities for persons with disabilities in accessing cancer prevention, early detection and care through specific actions identified through the inequalities registry in the “Europe’s beating cancer plan.” (EDS: p.20).

***Arts, Culture, Recreation, Leisure, Sport & Tourism***

The importance of cultural and leisure activities is stressed, in terms of both economic and personal development, and there is a commitment to ensure accessibility for disabled people. The EU commits to launching a scheme that will promote the importance of Article 30 of the UNCRPD to try and ensure member states improve disabled people’s access to leisure, recreation, sports and culture. The EC plans to:

* Promote tourism through the European Capital Smart Tourism award.

***Ensuring Safety and Protection***

Climate change is acknowledged as significantly impacting disabled people and there is also an acknowledgement to protect disabled asylum seekers to ensure that they are treated justly. The strategy also notes the danger that traffickers pose to disabled people and how they are often taken advantage of. The EU pledges to:

* Implement the Common European Asylum System (CEAS) acquis, taking into account disabled people who are seeking to be beneficiaries of international protection.
* To train officers who are dealing with asylum seeker claims in accessibility regarding disabled people.

**Sections 6-9: Promotion of the EDS, Effective implementation, leading by example, and awareness, governance and measuring progress**

The final four sections of the strategy pledge to promote it, implement it efficiently and lead by example, and finally deal with awareness, governance and measuring progress of the EDS. To achieve this EC intends to:

**Promote:**

This will include:

* Promote the strategy globally.
* Work with the UNCRPD Committee.
* Organise regular structured dialogues during the Conference of States Parties – COSP with EU countries.
* Provide technical assistance on administrative policies.
* By the end of this year, update the toolbox on a rights based approach to development cooperation encompassing all human rights

**Effectively delivering the strategy:**

This will include:

* Policy makers and stakeholders must take the needs of disabled people into account.
* They must ensure that the UNCRPD is worked into national policy and upheld in law.
* Establishing the Disability Platform to replace the High Level Group on Disability. This may be used to monitor member states implementation of the UNCRPD.
* EU states should engage in disability mainstreaming to ensure that the EDS is carried out
* Develop coherent impact assessments that include disability issues built into them.
* The EU will continue to promote the implementation of the EDS and UNCRPD by use of the multiannual financial framework (MFF) 2021-2027 which allocates funding to member states.
* The Common Provisions Regulation (CPR) provides a framework for the Cohesion Policy Fund and the European Social Fund (ESF), the newly introduced Just Transition Fund (JTF) and the European Regional Development Fund (ERDF).
* EU funding is aimed at areas such as de-institutionalisation.

**Leading by Example:**

This will include:

* Adopt by this year’s end an action plan on web accessibility .
* Improve all audio and visual communications and graphic design services including publications and events by 2023.
* Ensure accessibility in Commission buildings.
* Supporting training of staff in interpreting international sign language (ISL).

**Awareness, Governance and monitoring progress:**

This will include:

* The EC commits to working with member states to promote awareness raising of disability rights.
* Holding disability inclusive events, which includes the European Day Of Persons With Disabilities.
* The EC will ensure disabled people have representation and consultation on relevant dialogues and are represented by their DPOs.
* Not all EU members have signed up to the Optional Protocol of the UNCRPD. This makes it harder for disabled people to bring forward claims to the UNCRPD committee about human rights violations. The EU is considering a joint adoption of the optional protocol if member states continue to refuse adopting it.
* Develop by 2023 new disability indicators which will include a roadmap on how to implement them, which will include employment guarantees, rights for children with disabilities, protection from poverty and social exclusion.

**Section 10: Conclusion**

The conclusion simply re-iterates the importance of implementing the strategy and working closely with the UNCRPD and its committee in order to ensure the progression of disability rights at all levels of society, within the EU 27 states and beyond.

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