



**European Committee
of the Regions**

SEDEC-VII/020

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OPINION

Strategy for the Rights of Persons with Disabilities

THE EUROPEAN COMMITTEE OF THE REGIONS

- is of the view that local and regional governments need to be recognised as strategic partners in the design, implementation and monitoring of the strategy;
- supports the launch of the Disability Platform in 2021 and asks to be part of this platform – to be set up by the European Commission – as an observer;
- reiterates the need to adopt the principle that public administrations should set an example of how to structure social inclusion and guarantee rights and equal opportunities for people with disabilities. The CoR should follow this principle of leading by example and establish a timeline for this;
- notes the lack of proper recognition for informal care, which predominantly concerns women and has re-emerged as a key issue during the pandemic;
- urges the European Commission to consider accessibility as a binding criterion when carrying out the planned revision in 2021 of the legislative framework on energy in buildings;
- agrees with the need to adopt a European card for people with disabilities before the end of 2023;
- calls on the Commission to envisage a European agreement on the right to vote of persons with disabilities, so as to remove the barriers of all types;
- highlights the need for comparable data on disability;
- stresses the need to adapt the skills of persons with disabilities through education and professional training and the action plan for digital education 2021-2027;
- reiterates the need to facilitate self-employment and self-entrepreneurship for people with disabilities;
- calls for local and regional authorities, as well as associations of people with disabilities and their family members, to participate in learning programmes for people with disabilities, and calls for the active participation of local and regional authorities in the integration of social inclusion policies into education policies.

Rapporteur-general

Daniela Ballico (IT/ECR), Mayor of Ciampino (RM)

Reference document

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Union of equality: Strategy for the rights of persons with disabilities 2021-2030
COM(2021) 101 final

**Opinion of the European Committee of the Regions –
Strategy for the rights of persons with disabilities**

I. POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS

1. stresses that the rights of persons with disabilities, as enshrined in Articles 2, 9, 10, 19, 168 and 216(2) of the Treaty on the Functioning of the European Union (TFEU) and Articles 2 and 21 of the Treaty on European Union (TEU), Articles 3, 15, 21, 23 and 26 of the Charter of Fundamental Rights of the European Union, Articles 3 and 17 of the European Pillar of Social Rights, as well as in the UN Convention on the Rights of Persons with Disabilities ratified on 26 November 2009, must be guaranteed and promoted in all areas and at all levels of the European Union and the Member States;
2. welcomes the Communication on a *Union of equality: Strategy for the rights of persons with disabilities 2021-2030*, as a strategic initiative intended to promote their autonomy and inclusion, guarantee the exercise of their rights on an equal basis, and protect citizens most at risk of discrimination and social marginalisation;
3. is of the view that local and regional governments need to be recognised as strategic partners in the design, implementation and monitoring of the strategy because of their responsibilities and the work they do in carrying out those responsibilities;
4. calls for greater recognition of local and regional authorities, as many policies on the inclusion of persons with disabilities must be carried out and implemented on the ground, working closely with the person with a disability. To ensure full ownership, we need adapted national, regional and local policies and resources, as well as sufficient additional resources from the European funds to implement a fair transition to independent living and participation in the community for people with disabilities;
5. stresses the importance of the strategy's political framework and its actions, as the strategy provides a fresh opportunity to achieve specific objectives in the area of inclusion and independent living for persons with disabilities in the European Union, starting with the Member States. The strategy comes at a difficult time, as the COVID-19 pandemic has seriously jeopardised the survival, health and dignity of people with disabilities. It has shown up all the weaknesses in social protection and inclusion systems;
6. welcomes the fact that a framework of specific measures has been established to guarantee rights and opportunities to a fifth of the population who are living with disabilities, whether physical and/or non-visible, sensory or intellectual, mental health problems or multiple disabilities. Having a disability is an indicator of being at greater risk of poverty, exclusion and depression, especially when the environment is not designed for humans in all their diversity;

7. welcomes the strategy regarding the UN Convention on the Rights of Persons with Disabilities, which is the first universal action plan for guaranteeing rights and opportunities to persons with disabilities;
8. supports the launch of the Disability Platform in 2021 and asks to be part of this platform – to be set up by the European Commission – as an observer, in order to ensure that persons with disabilities are effectively included in all programmes and policies. Stresses the need to involve local and regional authorities fully, given that they are key players in managing policies directly concerning people with disabilities in their local areas;
9. calls for enhanced cooperation with the representative European institutions and therefore highlights that the CoR could contribute to the work of the platform by harnessing local and regional authorities and raising their awareness of the challenges associated with the new strategy. These include countering stereotypes and discrimination against persons with disabilities and promoting appropriate and equal treatment of them in everyday life;
10. stresses the importance of working with civil society organisations, associations of persons with disabilities and their family members, with a view to putting the "nothing about us without us" principle into practice, providing mechanisms to enable persons with disabilities and their family members to participate, through bodies working in the sector, while at the same time creating specific spaces for women and girls with disabilities;
11. reiterates the importance of adopting a holistic intersectional approach; calls for the inclusion of specific actions relating to vulnerable groups of persons with disabilities facing barriers based on the intersection of multiple grounds, such as sex, gender, sexual orientation, racial or ethnic origin, age, religion and belief, or a difficult socioeconomic or other vulnerable situation. Recommends therefore that the European Commission extend this intersectional approach and develop initiatives that will have an impact on the planning, management and assessment of public policies;
12. reiterates the need to adopt the principle that public administrations should set an example of how to structure social inclusion and how to guarantee rights and equal opportunities for people with disabilities, both in terms of employment opportunities on the open labour market and in producing accessible services. To this end, the CoR, as an employer and institutional player, should follow this principle of leading by example and establish a timeline for this;
13. stresses the need, in particular with regard to finding employment and the accessibility of goods and services, to point out how the private sector can be involved, through public-private partnerships;
14. notes that the strategy considers the pandemic only in terms of independent living and briefly inclusion in education. Moreover, notes the lack of proper recognition for informal care, which predominantly concerns women and has re-emerged as a key issue during the pandemic as services to family members have been scaled back. This has highlighted the importance of essential care and support work, as well as the need to enhance access to technology and its use in the personal environment;

15. calls on the Member States to include suitable measures for people with disabilities in the national reform programmes and in the national recovery and resilience plans.

Accessibility, independence and equality

16. endorses the European Commission's plan to launch AccessibleEU, a resource centre that will bring all stakeholders together, in 2022. Moreover, calls for: an assessment of the internal market for assistive technologies by 2023, support for the implementation of the accessibility requirements stipulated in the public procurement directives; an assessment of the application of the Web Accessibility Directive; and the launch of an inventory of assets on rail infrastructure and their level of accessibility;
17. welcomes the ratification of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) by the EU and its Member States; calls on the Council and all member states to sign the UNCRPD Optional Protocol;
18. agrees with the European Commission on the need to monitor the implementation of the various directives on accessibility so that the European Union and the institutions are able to put in place appropriate implementation policies; accessibility rules should be scrupulously adhered to and improved in order to provide accessible environments, both in residential buildings and all elements relating to the accessibility chain;
19. points out that people with disabilities must be given every opportunity to lead an independent life, and that the right to autonomy throughout their lifetime must be guaranteed. Personal assistance for people with a physical disability and a higher level of dependency must be regulated;
20. highlights the key role played by all persons with disabilities as experts on themselves. In this regard, local and regional authorities play a key role when it is necessary to recognise their active participation in the decision-making processes, including on accessibility. To this end, highlights the European Access City Award, awarded annually by the European Commission to three European cities that have excelled in making the urban environment more accessible to all of their citizens, and with particular regard for problems related to age and general mobility levels, and encourages similar initiatives to reward accessibility in the rural and natural environment;
21. urges the European Commission to consider accessibility as a binding criterion when carrying out the planned revision in 2021 of the legislative framework on energy in buildings in order to make them more accessible to people with disabilities.

Enjoying EU rights

Moving and residing freely

22. agrees with the need to adopt a European card for people with disabilities before the end of 2023, in order to guarantee that they can enjoy their EU rights to the fullest and also with a view to the

mutual recognition of disability status in all Member States. Looks forward to the Commission's future proposal on the European card and hopes that it will overcome the difficulties encountered in the testing phase;

23. supports the Commission's intention to ensure more effective cooperation with the Member States, to ensure that they transpose the card as soon as possible, and at the same time, work towards harmonising recognition of disability. The latter is fundamental for guaranteeing the right to mobility within the European Union, starting with the right to be able to enjoy comparable benefits and support, as well as breaking down barriers.

Fostering participation in the democratic process

24. agrees with the need as pointed out by the strategy, to foster the participation of people with disabilities in civic and political life, as they are still subject to discrimination, including when exercising their right to vote;
25. calls on the Commission to envisage a European agreement on the right to vote of persons with disabilities, so as to remove the barriers of all types and to reaffirm the full right of persons with disabilities to express their political preference in the same way as any other European citizen. Points out that as things stand, the Commission has adopted a programme of consultations on inclusive European elections which does not include the topic of disability. Recommends that this programme include persons with disabilities, and all areas where elections are conducted, as soon as possible;
26. agrees that there is a need to improve access to healthcare for persons with disabilities. Also agrees with the Commission's assessment of the inadequacy of social-welfare and socio-health services, the limits of which have been exposed during the pandemic. Highlights the particularly difficult situation in remote and rural areas. Notes that this is the first time segregation has featured in a European document of such importance and welcomes this move. Believes that it is absolutely right to address the question of the segregation of persons with disabilities and their de-institutionalisation, so that they can exercise their right to successful independent living in the community, through development of local services that include health monitoring, digitalisation of support for personal autonomy and personal assistance, with the possibility to choose where, with whom and how to live.

Developing new skills for new jobs

27. points out that throughout the European Union, the pandemic crisis has led to job losses for people with disabilities. Notes that this has also happened to the relatives of people with disabilities who provide care, and particularly concerns their mothers, partners and daughters;
28. shares the view that stepping up the digital and green transitions offers opportunities, due to the use of information and communication technologies, artificial intelligence and robotics adapted to the requirements of people with disabilities, and the need to invest in their digital skills;

29. highlights the need to collect comparable data on disability in order to better assess the situation of people with disabilities in different contexts, measure policies and actions, monitor their progress, and proceed with appropriate action;
30. calls on the Commission to systematically tackle the lack of information regarding persons with disabilities, especially in the rural areas. As called for by the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and reaffirmed by the UN Human Rights Committee, this information gap must not only be filled using disaggregated data, but also with inclusion indicators that monitor policies and the fulfilment of the rights of persons with disabilities;
31. concurs that there is a need to adapt the skills of persons with disabilities through education and professional training and the next action plan for digital education 2021-2027. Also supports the strategy of implementing these actions on the basis of a strong commitment by the Member States to ensuring that they have inclusive and accessible programmes, as well as the necessary resources, making the most of existing ones and ensuring complementarity between them. Would also highlight the need to make it easier for persons with disabilities to attend university;
32. stresses the need for specific provisions enabling the upskilling and reskilling for persons with disabilities in order to harness the potential of the digital transition in particular. On this basis, welcomes the use of apprenticeships as a tool for social inclusion in the Youth Guarantee Programme;
33. supports the European Commission's initiative to urge Member States to set clear targets for increasing the employment rate of persons with disabilities, especially in the open labour market, and to strengthen the capacity of employment services. Reiterates the need to facilitate self-employment and self-entrepreneurship for people with disabilities. Calls on the Member States to consider tax breaks for companies hiring employees with disabilities or preferential taxation for self-employed persons with disabilities and especially entrepreneurship;
34. welcomes the issuing of the Action Plan on Social Economy which envisages the improvement of the enabling environment for the social economy, including opportunities related to persons with disabilities. Calls for more investments in social enterprises with a focus on integration. Maintains that social enterprises can promote a market-oriented model for activities which, if managed successfully, can be expanded and be financially sustainable in the open labour market¹.

Equal access and non-discrimination

35. recognises that the issue of access to justice is not secondary and relates in particular to institutional discrimination against persons with intellectual, psychosocial and mental health disabilities. Urges the Member States to raise the profile of best practices as a way of disseminating them and achieving a multiplier effect;

¹ Eurofound (2021), Disability and labour market integration: Policy trends and support in EU Member States, https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef20013en.pdf

36. points out that a large number of EU citizens have developmental disabilities and/or mental illnesses and could therefore be placed under plenary or partial guardianship. Expresses its concern, however, that a person placed under plenary guardianship can lose virtually all their legal rights and that the decisions that affect them most in their lives are taken by legal representatives. Many adults are placed in an institution against their will at the behest of a representative appointed by a court. The CoR calls on the Member States to adopt rules implementing Article 12 of the UNCRPD² and to involve users, their families, user rights advocate organisations and specialists in the decision-making;
37. believes that the issue of combating violence against persons with disabilities – in particular women, children and adolescents with disabilities – must be addressed, along with the issue of people with intellectual and relational disabilities. Points out that there is a need to step up action in this regard in the new strategy. For example, sheltered residential facilities should be better monitored, and all counselling centres and shelters for women should be made fully accessible;
38. Agrees that one of the main challenges facing the European Union in the area of disability is the need to combat discrimination in all areas of the lives of persons with disabilities;
39. recognises that education is the main vehicle for tackling inequalities, and this also applies to people with disabilities. Agrees that the guarantee of inclusive education should cover childhood, adolescents and adults with disabilities. Recognises that European programmes in this area support and promote such activities. Calls for local and regional authorities, as well as associations of people with disabilities and their family members, to participate in learning programmes for people with disabilities in order to promote the exchange of good practices, and calls for the active participation of local and regional authorities in the integration of social inclusion policies into education policies.

Improving access to art and culture, leisure and recreational activities, sport and tourism

40. supports promoting the personal development of persons with disabilities, especially children and young people, as with everyone else, through access to art, culture, recreational activities, leisure activities, sport and tourism;
41. stresses, in particular, the role played by sport in promoting the inclusion of people with disabilities, and urges the Member States to promote programmes enabling children, young people and people with disabilities with greater limitations on their participation.

Leading by example

42. recognises the importance of adopting a structured system to efficiently implement the strategy. The first step is the systematic inclusion of persons with disabilities in decision-making;

²

https://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf

43. highlights the need to effectively combat physical and mental disability stereotypes in the public discourse, media representation and education in practice, opting for a zero tolerance to physical/mental disability-based prejudices and stigmatisation, including to discriminatory language usage. Local and regional authorities are very well placed to lead by example both as employers and as service providers, and because of their proximity to citizens;
44. shares the Commission's commitment to boosting its human resources strategy so that people with disabilities are included in workplaces and supported through reasonable arrangements that enable them to be as productive as their colleagues: this includes access to buildings and all working tools, with particular attention to the design, development and use of technology that works for people;
45. supports the need to strengthen the framework for monitoring the implementation of the strategy by introducing effective indicators based on existing data to measure and assess the impact of the social inclusion of people with disabilities and with a view to promoting and incorporating measures following this evaluation; notes the importance of drawing up annual reports summarising Member States' progress on the inclusion of persons with disabilities, including good practices by local and regional authorities and associations of people with disabilities and their family members;
46. calls on the European Union, the Member States and their regional and local authorities to strengthen the disability-related aspects in their national and regional statistical systems, so that reliable and regular data can be obtained in consultation with Eurostat.

Brussels, 7 May 2021

The President
of the European Committee of the Regions

Apostolos Tzitzikostas

The Secretary-General
of the European Committee of the Regions

Petr Blížkovský

II. PROCEDURE

Title	Strategy for the Rights of Persons with Disabilities
Reference(s)	COM(2021) 101 final
Legal basis	Article 307 of the Treaty on the Functioning of the European Union
Procedural basis	Rule 41(b)(i) of the CoR's Rules of Procedure
Date of Council/EP referral/Date of Commission letter	
Date of Bureau/President's decision	16 March 2021
Commission responsible	Commission for Social Policy, Education, Employment, Research and Culture (SEDEC)
Rapporteur	Daniela Ballico (IT/ECR)
Analysis	17 March 2021
Discussed in commission	
Date adopted by commission	
Result of the vote in commission (majority, unanimity)	
Date adopted in plenary	5-7 May 2021
Previous Committee opinions	<i>A union of equality: strategy for gender equality 2020-2025</i> , rapporteur: Concepción Andreu Rodríguez: (ES/PES)
Date of subsidiarity monitoring consultation	N/A