



# **UNCRPD European Disability Strategy 2010-2020**

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*These slides accompany the explanation of the acquis to Albania and North Macedonia and can only be used for that purpose. Their content is subject to further development of the acquis and interpretation by the Court of Justice of the European Union*



# The EU and the UNCRPD

30 March 2007: the European Community signs the UN Convention on the Rights of Persons with Disabilities (UNCRPD)

Conclusion and Optional Protocol 2008 proposal????

26 November 2009: Council Decision on the conclusion (ratification) of the UNCRPD by the EU

Adoption of the **European Disability Strategy 2010-2020**

22 January 2011: entry into force of the UNCRPD for the EU

August 2015: Dialogue with UN Committee on the implementation of the UNCRPD by the EU

September 2015: UNCRPD recommendations to the EU (Concluding Observations)

February 2017: Publication of progress report on the implementation of the European Disability Strategy 2010-2020 – includes an overview of the UNCRPD recommendations' implementation

# Human Rights approach to disability

=> *Paradigm shift*

**"objects" of charity,**  
medical treatment and social  
protection



**"subjects" with rights,**  
capable of claiming those  
rights and making decisions  
for their lives based on their  
free and informed consent  
as well as being active  
members of society

# Concept of disability

The UN Convention recognises that **disability** is an **evolving concept**

“Persons with disabilities include those who have long-term physical, mental, intellectual or sensory **impairments** which in **interaction with various barriers** may hinder their full and effective participation in society on an equal basis with others”

*(Article 1 UN CRPD)*

# EU competence with regard to the UNCRPD

- The rights recognised cover almost all policy fields: accessibility, employment, education, health, independent living, participation in culture and sport, civil rights
- **Mixed competences** between EU and MS
  - some articles concern only Member States
  - most UNCRPD fields concern matters of **shared competence**
- Annex to the Council Decision - **Declaration of competence** which can be updated as competences evolve



Created by Luis Prado  
from the Noun Project

# Participation in (open) labour market

## Employment rate

- 47,9% people with disabilities
- 71,5% people without disabilities
  - Representative of the situation in a majority of MS: **employment gap**

## Unemployment rate

- 18,1% people with disabilities
- 11,2% people without disabilities
  - At all stages of the life cycle

## Activity rate (employed or unemployed)

- 58,5% people with disabilities
- 80,5% people without disabilities



Created by Hadi Davodpour  
from the Noun Project

# Risk of poverty & social exclusion

People living in household with very low work intensity

- 24% people with disabilities
- 8% people without disabilities

People at risk of poverty after social transfers

- 19% people with disabilities
- 15% people without disabilities

Severely materially deprived household

- 13% people with disabilities
- 8% people without disabilities

People at risk of poverty or social exclusion

- 30,4% people with disabilities
- 21,9% people without disabilities



# European Disability Strategy 2010-2020

- Launched by the Commission on 15 November 2010
- Its major objectives:
  - **empower people with disabilities to enjoy their full rights**
  - **implement the UN Convention**
  - **create a barrier-free Europe**
- It reflects all core elements of the UN Convention on the Rights of Persons with Disabilities, setting a concrete agenda for action of the EU and its Member States in 8 key areas:
  - accessibility, participation, equality, employment, education and training, social protection, health, external action**
- Mid-term Progress Report on its implementation was adopted by the Commission on February 2017



# Mix of tools

- **Legislation**
- **Mainstreaming:** ensure that all relevant EU initiatives promote equal opportunities for people with disabilities
- **Cooperation** with Member States (Disability High-Level Group), civil society & DPOs, international bodies (UN, CoE), EU institutions
- **Funding:** to DPOs, Research, Structural and Investment Funds
- **Awareness-raising:** Access City Award, For Diversity Against Discrimination campaign
- **Information exchange:** annual Work Forum, European Day conference
- **Reporting:** Progress report on Disability Strategy and the EU report on implementation of UNCRDP
- **Studies**
- **Data collection and monitoring:** Eurostat, ANED indicators on Europe 2020 targets, DOTCOM
- **Governance:** UNCRPD Focal point

## Reporting to the UN: art 35 CRPD

Each State Party shall submit to the Committee on the Rights of Persons with Disabilities a report:

- o on **measures taken** to give effect to its obligations under the Convention and on the **progress made**
- o **two years** after the entry into force of the Convention for that state party

## Article 44 CRPD

- o Convention open to 'regional integration organizations' for signature and ratification
- o Provisions of the Convention will apply to such organizations as States Parties within the limits of their competence



## Concluding Observations of the UN Committee on the initial report of the EU

- UN Committee examines reports submitted by State Parties, and makes concluding observations and suggestions for the follow-up
- Out of all recommendations for the EU, 3 were singled out for action within the first 12 months. These are:
  - **to adopt the European Accessibility Act**
  - **to update the EU declaration of competence in the matters governed by the UN Convention**
  - **to remove the Commission from the EU monitoring framework**

They require another report to be submitted to the UN Committee in October 2016, a year after the recommendations were issued. This follow-up response is currently being finalized by the Commission.

- Another periodic report on the implementation of the UN Convention by the EU shall be submitted no later than in 2021.



# Mid-term Progress Report on the European Disability Strategy

- It aims at describing:
  - **the progress achieved so far by the EU in the implementation of the European Disability Strategy**
  - **its links to the Recommendations made by the UN Committee in relation to the implementation of the UN Convention in the EU**

# EDS report annexes

- It features a number of detailed annexes referring to:
  - **Annex 1** - Analysis of the responses to the public consultation on the review of the European Disability Strategy
  - **Annex 2** - Progress in the implementation of the European Disability Strategy
  - **Annex 3** – Link between the recommendations of the UN Committee and key actions in the European Disability Strategy
  - **Annex 4** - Other contributions to the Progress Report
  - **Annex 5** - EU legislative acts which refer to matters governed by the UN Convention

# Highlights of the Staff Working Documents

## **Main highlights of the recent Staff Working Document 2017:**

- Despite emerging challenges, the objectives of the European Disability Strategy remains fully relevant for the next 5 years
- It commends major progress achieved in the area of accessibility and successful efforts on external action
- Commission is committed to continue its action using the competences and instruments at its disposal in order to better address needs of persons with disabilities, especially in the fields of employment, education and inclusion

# Examples of results

**1-accessibility:** Adoption EAA, WAD transport legislation

**2-participation:** disability card, ExAnte conditionalities ESIF, Marrakesh

**3-equality:** guidance for victims of discrimination, Disability definition-UNCRPD

**4-employment:** State Aid, ESIF, Supported employment report

**5-education and training:** Erasmus+, EASNIE, data collection (gaps)

**6-social protection:** Pillar of Social Rights, SPC ISG, OMC

**7-health:** cross border healthcare, rare disease guidance social services, telemedicine

**8- external action:** HR action plan, projects, indicators, training, Disaster risk reduction

## Next steps to be taken by the EU

### The EU will continue working in order to:

- Finalize the implementation of the European Disability Strategy as committed in 2010
- Use the European Disability Strategy to further implement the UN Committee's recommendations
- Start reflexions on what will happen after the period of application of the European Disability Strategy will come to an end in 2020 and thus, strengthen dialogue with Member States, civil society and other stakeholders who put forward their ideas for the future
- Prepare another EU periodic report to the UN Committee, required in 2021
- Continue to mainstream disability in key policy developments and future EU actions
- EP report





# European Accessibility Act

	Demand side	Supply side
<b>Obligations on:</b>	Public authorities	Private sector (mainly)
<b>Material scope:</b>	Purchases via public procurement & public funding (ESIF, TEN-T...)	Certain products and services
<b>Obligations:</b>		Free circulation of products and services
	<b>Functional Accessibility Requirements</b>	
<b>Possibility:</b>	Use of standards	Standards presumption of conformity
<b>Safeguards:</b>	Disproportionate Burden	Disproportionate Burden and Fundamental Alteration
<b>Other Key elements:</b>	Market surveillance	Self-declaration of compliance Market surveillance
	<b>Committee</b>	
<b>Enforcement:</b>	Public Procurement Directives and other legal Acts Action under National Courts	Action under National Courts
<b>Penalties:</b>	Public Procurement Directives and other legal Acts	Member States

# Data collection and monitoring

On-line tool with instruments to implement UNCRPD

## Data collection

- *Network of experts - ANED*
- *Studies*
- *Statistics and data collection – LFS-AHM 2011; EHSIS*

Indicators → targets

# Background: the online tool

- 1. Defined in Annex 2 of the Commission Staff Working Paper accompanying the Strategy SEC(2010)1323*
- 2. For each country, key instruments to achieve the effective implementation of the UN Convention: a table, displaying policies, practical measures and legal acts*
- 3. With web link to reference document or relevant information*
- 4. Via our main website:**  
*[http://ec.europa.eu/justice/discrimination/disabilities/index\\_en.htm](http://ec.europa.eu/justice/discrimination/disabilities/index_en.htm)*



# DOTCOM: the Disability Online Tool of the Commission

## The international policy context

### United nations

The [United Nations Convention on the Rights of Persons with Disabilities](#) was adopted in 2006 and came into force in 2008. It establishes a comprehensive framework for the promotion of rights for disabled people. It includes 50 Articles and 31 protocols.

## The online tool

### What information is available?

DOTCOM is constructed from a large database of information about national laws, policies, strategies and initiatives in [the Member States of the European Union, its Candidate countries and other associated countries](#). For each of the 34 countries, and for the EU, it includes summary information on 43 selected policy instruments, organised in eight themes (more than 1,500 records). Each record includes descriptive text and web links to policy documents or sources of further information at the national level. The selection of key instruments has been elaborated from the priorities established in the [Commission Staff Working Paper accompanying the European Disability Strategy](#) (annex 2), in discussion with EU Commission staff and the EU High Level Group on Disability. The data is compiled by ANED's independent country experts, under the guidance of the network's Scientific Director, and updated periodically. The Commission provides Member States' with opportunity to validate the national level data although the published content does not necessarily reflect their official views or those of the EU institutions.

### Use the online mapping tool

The tool is easy to use and offers a range of reporting options. By selecting combinations of countries and instruments (or themes) you can produce different types of reports, examine records in more detail, and export the results in different formats. First, select your country or a group of countries (or 'select all'). Next, select a theme or expand the list to select specific instruments (or

## Search the database

European Union

### Countries

(Select all | Clear all)

- EU Member States
- Candidate / Acceding countries
- Other European countries

### Themes

(Select all | Clear all)

- A. UN Convention status
- B. General legal framework
- C. Accessibility
- D. Independent living
- E. Education
- F. Employment
- G. Statistics and data collection
- H. Awareness and external action

- Details list
- Matrix view

**Individual record contains:**

- Country
- Theme (e.g. Accessibility)
- Instrument (e.g. a law)
- Description of the instrument
- Web link to the source
- Additional links
- Date of update

# Work with civil society and DPOs

*"Nothing about us without us"*

- Consultation
- Information exchange
- Joint-organisation of events
- Co-financing of running costs and projects



# European Pillar of Social Rights

## Building a more inclusive and fairer European Union

- *Sets out a number of **key principles and rights** to support fair and well-functioning labour markets and welfare systems;*
- *will serve as a compass for a **renewed process of convergence** towards better working and living conditions among participating Member States;*
- *is **primarily conceived for the euro area**, but is applicable to all Member States wishing to participate.*

# The relevant principles of the Pillar

- **Principle 9: Work-Life balance**

*"Parents and people with caring responsibilities have the right to suitable leave, flexible working arrangements and access to care services. Women and men shall have equal access to special leaves of absence in order to fulfil their caring responsibilities and be encouraged to use them in a balanced way."*

- **Principle 17: Inclusion of people with disabilities**

*"People with disabilities have the right to income support that ensures living in dignity, services that enable them to participate in the labour market and in society, and a work environment adapted to their needs."*

- **Principle 18: Long-term care**

*"Everyone has the right to affordable long-term care services of good quality, in particular home-care and community-based services."*