

Letter from the European Ombudsman to Commissioner Oettinger concerning the United Nations Convention on the Rights of Persons with Disabilities (‘UNCRPD’) and the European Schools (SI/4/2018/EA)

Correspondence - 19/12/2018

Case SI/4/2018/TE - **Opened on** 19/12/2018 - **Decision on** 06/06/2019 - **Institution**
concerned European Commission |

Mr Günther Oettinger

Commissioner for Budget and Human Resources

European Commission

Strasbourg, 19/12/2018

Subject: United Nations Convention on the Rights of Persons with Disabilities (‘UNCRPD’) and
the European Schools (SI/4/2018/EA)

Dear Commissioner Oettinger,

I wrote to the Commission in 2016 to ask how it intended to follow-up on the UNCRPD Committee’s concluding observation on the European Schools [1] . While the Commission noted that the European Schools’ system is not part of the EU public administration, it informed me that it was reflecting on ways to implement the UN recommendations [2] .

In July 2018, the Commission adopted a Diversity and Gender Equality Report and Action Plan [3] . I was pleased to note a reference to the fact that the overall educational support policy for European Schools, including intensive support for pupils with special educational needs (‘SEN’), was being evaluated. I understand that the results of this evaluation were discussed by the Board of Governors of the European Schools this month and that follow up action is imminent. I very much welcome this progress.

The action plan further mentions that in spring 2019, the Commission will enter into discussions



with the other institutions on the possibility **fully** to cover the costs of schooling for children with disabilities who are not accommodated in the European Schools' system.

In 2005, following an inquiry into a number of complaints, my predecessor sent a special report on this matter to the European Parliament. The Commission was asked to take the necessary steps to ensure that parents of SEN children who are excluded from the European Schools are not required to contribute to the educational costs of their children [4] . In 2006, the European Parliament endorsed the Ombudsman's conclusions and called on the Commission to take the necessary steps [5] .

In the meantime, the EU has committed to uphold and protect the rights of persons with disabilities enshrined in the UNCRPD. I trust that this commitment will guide discussions on this matter. I look forward to hearing about the outcome of these discussions.

Should your staff require any further information or clarifications, they can contact Ms Elpida Apostolidou (Tel: +32 228 41876).

Emily O'Reilly European Ombudsman

[1] The UNCRPD Committee noted that *"not all students with disabilities receive the reasonable accommodation needed to enjoy their right to inclusive quality education in European Schools in line with the Convention, and that the schools do not comply with the non-rejection clause"*. It also noted that *"European Schools are not fully accessible to children with disabilities nor do they provide for inclusive, quality education."*

[2] The correspondence on this issue is available at:
<https://www.ombudsman.europa.eu/en/case/en/48406> [Link]

[3] European Commission, A better workplace for all: From equal opportunities towards diversity and inclusion, Diversity and Gender Equality Report 2018 and Action Plan, Brussels, 19 July 2018.

[4] Special Report from the European Ombudsman to the European Parliament following the draft recommendation to the European Commission in complaint 1391/2002/JMA, available at the following link: <https://www.ombudsman.europa.eu/en/special-report/en/385> [Link]

[5] European Parliament report of 28 March 2006 on the Special Report by the European Ombudsman following a complaint against the European Schools (2005/2216(INI)).