

# Shaping the EU agenda for disability rights - European Disability Strategy after 2020

Letter - 30/09/2019

## Introduction

With the *European Disability Strategy* [1] coming to an end in 2020, it is time to think about a **comprehensive strategy** up to 2030 that covers all aspects and issues under the UN Convention on the Rights of Persons with Disabilities (CRPD). While it is difficult to anticipate precisely future trends and developments, it seems likely that the number of people with disabilities will increase [2]. The EU will need an ambitious plan to meet their needs.

The members of the EU CRPD Framework have decided to share their views on what a future strategy should contain. The Ombudsman's contribution will focus primarily on the EU administration in accordance with her mandate.

## How to strengthen the EU agenda for disability rights

The Ombudsman believes that the European Commission's post-2020 European Disability Strategy should focus on the following areas.

### 1. Employment

Building on the UNCRPD Committee's recommendation [3], **the EU administration should become a role model in the employment of persons with disabilities**. It should promote **inclusion and accessibility** in the workplace, including in EU delegations and other offices in third countries.

With a view to increasing the number of persons with disabilities employed in the EU administration, the institutions should work closely with the European Personnel Selection Office to ensure recruitment procedures take full account of the needs of persons with disabilities, enabling them to participate on an equal level with other candidates. To the greatest extent possible, the applicable rules and practices should include measures to ensure the special needs of those with disabilities can be accommodated ('reasonable accommodation'). This



includes making available the latest technologies and appropriate facilities.

A number of Member States use quota systems to promote the employment of persons with disabilities. The Ombudsman calls on the Commission to study the effectiveness of such quota systems, with a view to promoting best practices and potentially introducing such a system for the EU administration.

The new **European Labour Authority**, which will have a broad remit on labour, social affairs and inclusion matters, could prove to be a useful source of expertise in this area. [4]

The Commission, as the largest employer of EU staff, should review the applicable rules on how to accommodate the needs of staff members with disabilities, which date from 2004. By failing to revise these rules, the Commission risks not meeting the obligations set out by the UNCRPD on **reasonable accommodation**. In revising the rules, the Commission should closely consult with staff members with disabilities, relevant associations, representatives of the medical service and social workers. The rest of the EU administration should follow this example and ensure their rules on reasonable accommodation reflect the obligations set out in the UNCRPD.

Similarly, the Ombudsman calls on the Commission to promote **training and in-house expertise on disability-related matters** at the workplace, with a view to raising awareness and offering the necessary assistance. She also urges the Commission to ensure that all new recruits and existing staff members with disabilities have **easy and open access to a specialised social assistant** throughout their employment.

All EU institutions, bodies and agencies should have in place a **zero tolerance policy on discrimination** in the workplace, prohibiting in particular any forms of harassment and **discrimination** that may affect persons with disabilities.

## 2. Accessibility and digital administration

The EU administration should strive for the highest accessibility standards both for physical infrastructure [5] and in digital terms.

Regarding digital accessibility, the EU institutions, bodies and agencies should work towards meeting the highest standards and available norms on web accessibility, namely **compliance level AAA** under the Web Content Accessibility Guidelines (WCAG) [6]. Given its leading role among the EU institutions in the area of web accessibility, the Ombudsman encourages the Commission to adopt an ambitious approach.

The **EU administration's websites and contact forms** should be fully accessible to persons with disabilities. Effort should be taken to increase significantly the availability of '**easy-to-read**' **information** about the EU administration's work.

The Commission and other EU bodies should also make greater efforts to ensure that persons



with disabilities **can easily participate in public consultations**, and receive the relevant related documents in an accessible format. This means making available, to the maximum possible extent, alternative forms of submitting contributions, in particular where the issues concern persons with disabilities. In this context, specific communication means (such as sign language, Braille, etc.) should be taken into account to the greatest degree possible. In general, the EU administration should promote innovative methods of communication on its digital platforms, which could improve their accessibility to persons with disabilities (for instance voice commands).

Every citizen has a Treaty-based right to vote in the European elections. To this end, the participation of persons with disabilities deserves particular attention. The relevant EU institutions should work with national authorities to ensure persons with disabilities face no accessibility problems in voting, and that the secrecy of their votes is not compromised.

### 3. EU funds

The EU budget provides funding for a broad range of projects and programmes within the Member States, as well as being a leading global source of development and humanitarian aid. These EU funds must be spent appropriately and in full **respect for fundamental rights** of final recipients and beneficiaries. The Commission should ensure that EU funds are spent in a way that complies with the principles of the UNCRPD. In case of misuse, the Commission should consider, when appropriate, resorting to **infringement proceedings**.

The Commission, in co-operation with the relevant national authorities, should ensure that EU funds are used to enable persons with disabilities to **live independently**, and support other initiatives aimed at enhancing their quality of life, employability and access to education, amongst other things.

To improve monitoring in this area and encourage information sharing, the Commission should enhance its cooperation with national human rights institutions and national ombudsmen. The European Ombudsman will also seek to gather information on how EU funds are spent at national level, with the help of the **European Network of Ombudsmen**. This could help draw attention to any improvements that are needed.

### 4. Health insurance

The EU administration should seek to ensure that former, current and future staff members with disabilities, or dependent family members affected by a disability, benefit from comprehensive **health insurance** that can provide them with the **best possible medical care and quality of life**. In this context, the Commission should envisage drawing up a roadmap for action to prepare for a possible increase in the number of those benefitting from the Joint Sickness Insurance System (JSIS) [7] who may develop different types of disabilities. The **rules on the reimbursement of medical expenses must keep up with the progress in medicine**. The



Ombudsman therefore calls on the Commission to update these rules regularly, with a view to recognising innovative therapies, new treatments and medicines.

The Ombudsman welcomes the fact that the Commission has created a **JSIS Disability Centre of Excellence** within its Paymaster Office, which helps staff members or their family members affected directly by a disability. She encourages the Commission to make this service available to staff members with disabilities in all other EU institutions and bodies as well.

## 5. Lifelong learning

The right to **lifelong learning** is set out in Article 24 of the UNCRPD. The EU administration should strive to become a role model in facilitating lifelong learning opportunities and career mobility for persons with disabilities.

To this end, the EU administration should encourage and facilitate exchange programmes, study visits, secondments, work placements, traineeships and training opportunities for persons with disabilities. Such opportunities should be available to the widest section of society possible.

The Ombudsman also urges the Commission to promote and support lifelong learning opportunities for persons with disabilities through measures, grants and exchange possibilities throughout the EU. She believes that, by facilitating Erasmus+ initiatives, vocational training, research projects and work placements, the EU could offer persons with disabilities a life-changing experience, improving their chances and reducing disparities in access to equal opportunities.

EU-backed initiatives should, in particular, aim to promote equal opportunities for **young people with disabilities**. The Ombudsman notes, for example, 'DiscoverEU', an initiative aimed at giving young people the chance to explore Europe by offering 18-year-olds a free interrail ticket. DiscoverEU was organised by the Commission twice in 2018, with around 180 000 applying for the 29 500 passes. Funds were also allocated so people with disabilities could take part. [8]

## 6. Monitoring

In order to measure progress over the course of the next strategy, it would be helpful to have in place the relevant benchmarks and indicators from the outset. The absence of comprehensive data on many of the issues affecting persons with disabilities is a serious shortcoming that makes it difficult for monitoring mechanisms to do their work.

[1] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - *European Disability Strategy 2010-2020: A renewed commitment to a barrier-free Europe*, COM(2010) 636



final, available at:

<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0636:FIN:en:PDF> [Link].

[2] United Nations Department of Economic and Social Affairs overview on ageing and disability, available at:

<https://www.un.org/development/desa/disabilities/disability-and-ageing.html> [Link].

[3] UN CRPD Committee's recommendation under point 89 of its *Concluding observations on the initial report of the European Union*, adopted by the Committee at its fourteenth session (17 August - 4 September 2015).

[4] In accordance with the Commission's Proposal for a Regulation establishing a European Labour Authority, 2018/0064 (COD), available at:

[https://ec.europa.eu/info/law/better-regulation/initiative/1216/publication/191396/attachment/090166e5b93a0875\\_en](https://ec.europa.eu/info/law/better-regulation/initiative/1216/publication/191396/attachment/090166e5b93a0875_en) [Link].

[5] Building on the Ombudsman's work in this area. See for instance cases [OI/3/2003/JMA](#) [Link] and [2631/2007/MHZ](#) [Link].

[6] These guidelines were developed by the World Wide Web Consortium (W3C) in 2008, with help from individuals and organisations around the world. They set out how to make web content more accessible to people with disabilities. There are three levels of commitment: compliance levels A, AA and AAA, with AAA including the most accessibility criteria. As of January 2010, all new websites developed by the Commission on the europa.eu domain have to comply with level AA. [http://ec.europa.eu/ipg/standards/accessibility/index\\_en.htm](http://ec.europa.eu/ipg/standards/accessibility/index_en.htm) [Link]

[7] Current or retired staff members and their dependents.

[8] <https://www.ombudsman.europa.eu/en/event-document/en/114168>