

Speech of the European Ombudsman at the Workshop on the Protection of the Rights of Persons with Disabilities: The new Disabilities Strategy

Speech - **City** Brussels - **Country** Belgium - **Date** 28/10/2020

Thank you Chair,

Thank you to the Committee on Petitions for organising this most important Workshop on the New Disability Strategy and I am very happy that this event can now take place today in this digital format.

I think that this pandemic has shown the many ways in which we have to innovate, and have innovated, when barriers are put in our way and this should make us much more conscious not just of the need to remove barriers that are placed in the way of people with disabilities but of how effective collective innovation can be in removing them.

I intend to give an Ombudsman perspective on this topic and provide some concrete examples of cases my office has dealt with.

As European Ombudsman my office handles around 2000 complaints a year made against the institutions, bodies, offices and agencies of the EU. This includes complaints in the area of disabilities. I also have the power to carry out inquiries on my own initiative.

My office is currently chairing the EU CRPD Framework that also includes the European Parliament, the EU's Fundamental Rights Agency and the European Disability Forum which Mr Vardakastanis has just represented.

The Framework has jointly called on the Commission to adopt a more ambitious disability strategy and we sent a letter to Commissioner Dalli to this effect in January.

We were happy to have had the opportunity for a discussion with the Commissioner in July and I believe I can speak on behalf of all Members of the Framework when I say, that we appreciate today's dialogue and are looking forward to further close cooperation in the future.

I also welcome the new round of public consultation on the strategy announced two weeks ago. Our own submission – along with 2,500 others – was made last summer.



A hallmark of any democracy is the equal treatment of all. The health of a democracy can be measured by the extent to which it enables even the most vulnerable to participate to the fullest extent possible in every part of the life of that democracy.

The pandemic has however shone a light into the gap between the aspiration and the reality. Yes, everyone has suffered, but those already on the fringes of society whether because of advanced age, poverty, mental or physical disability, homelessness or unemployment, have suffered significantly more.

If there is a positive to be gained from the COVID-19 crisis it is that can and must serve as a catalyst for major societal and other change.

Legislative work serves as the foundation for the change but the real impact happens right here, in the day to day work of the EU institutions.

It is here that the EU needs to ensure the rights of persons with disability through its influence in the Member States, and through acting as a role model through the way in which it organises its own administration.

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- Regarding the first point, I would like to illustrate the EU's responsibility through a case I dealt with on the use of EU funds in the Member States. This is particularly relevant in the light of how EU funds will be used in the future.

In 2018 I received a complaint on how the Commission dealt with concerns raised about alleged human rights abuses in social care institutions that had received EU funding. This money was part of the Structural and Investment Fund which encompasses several hundred billion euros. After investigating the claims, I wrote to the Commission with suggestions for improvements. They included:

- 1. to seek to adhere to the UN CRPD Committee's guidance that EU funds should not be used to maintain existing institutions but rather should focus on deinstitutionalisation;
- 2. to address the lack of an appropriate legal basis identified in this case to ensure that the spending of EU funds complies fully with the CRPD;
- 3. to monitor the extent to which the member state's authorities adhere to the deinstitutionalisation process.

The Commission followed up on this case positively, and in particular on the Ombudsman's suggestion that EU funds should, to the greatest extent possible, not be used to maintain institutions and should instead be used to support deinstitutionalisation.

The Commission also expressed greater ambition for the future, saying that its proposals for the 2021-2030 programming period have further strengthened the focus on the transition from institutional to community and family-based services in accordance with the UN CRPD. My office will follow the progress in this area closely and I am hopeful that these commitments will be honoured in the coming years.



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The second way in which the EU needs to embody the CRPD is through its own administration – serving as a role model when it comes to addressing the needs and respecting the rights of persons with disabilities. If the EU doesn't practice what it preaches, it cannot build credibility when it makes demands on the national level. Therefore, we must promote inclusion and accessibility in all places of work and involve persons with disabilities in all policy and legislative decisions that are taken. My office has dealt with some of these issues through complaints and our own initiative work in the past. We have looked into how the Commission ensures that its websites and online tools are accessible; what measures are being taken during the COVID-19 pandemic to accommodate the needs of staff members with disabilities; we have worked with the European Personnel Selection Office to encourage persons with disabilities to participate in staff selection procedures; and we have worked with the Commission to change its sickness insurance rules.

My office has also followed up on concerns raised by the UN Committee regarding the European Schools. In this area the Committee noted that *"not all students with disabilities receive the reasonable accommodation they need to enjoy their right to inclusive quality education in European Schools and that the latter do not comply with the non-rejection clause"*. Although the European schools are an inter-governmental body and not an EU body, the Commission sits on the Schools' Management Board and contributes to their financing. We, therefore, wrote to the Commission about this and have seen some positive developments but more remains to be done.

These are just some of many examples where small improvements have been made towards making the EU administration practice what it preaches. However, in the midst of the Covid-19 pandemic the Commission must realise that now is the time for change and now is the time for ambitious proposals which will help support those who deserve it most. The communal experience of the last few months has created significantly greater public awareness of the challenges faced by many sectors of our society and that provides an even greater incentive and opportunity for all of us to do more.

To reiterate my office's contribution made to the consultations, as an Ombudsman I believe that the Commission's Disability strategy should:

- include commitments by the EU administration to become a role model when it comes to employing persons with disability and promoting inclusion and accessibility.
- ensure that the EU administration strives for the highest accessibility standards both for physical and digital infrastructures. EU websites and contact forms should be fully accessible to persons with disabilities.

The Strategy should also:

- ensure, in cooperation with the relevant national authorities, that EU budget is spent in a way that complies with the CRPD.
- include proper monitoring methodology in order to measure progress. As the academic study by Professor Waddington and Dr Broderick has found, relevant benchmarks and indicators



established from the outset would be helpful in establishing a baseline data set.

I once again thank you for today's opportunity to exchange views and to support the Commission in preparing its Disability Strategy.

Thank you.