



## Disability Assessment, Mutual Recognition and the EU Disability Card

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It's good to be here today. Let me begin by thanking the Committee on Petitions for organising this important discussion. I'm glad that we are able to meet in person this time.

I think the issues we are discussing today, and the problems we are working to solve, demonstrate the EU's commitment to equality—to building a society where each and every individual is valued irrespective of traits such as age, ethnicity, mental or physical disability, or economic status.

Our democratic system aspires to ensure equal treatment for all, not only before the law, but also in enabling people to participate in their communities to the fullest extent possible.

As we know however, transforming these ideals into reality is often much easier said than done. In designing public programmes or delivering public services, well-meaning institutions may overlook or misunderstand the needs of some, such as persons living with disabilities. We must always remember that if governments wish to effectively support *all their citizens*, they must not lose sight of the differences between them.

One key area that my office has recently been involved in when it comes to the rights of persons with disabilities is independent living and inclusion in the community. This right is part



of the UN Convention on the Rights of Persons with Disabilities, to which the EU is a signatory. In practice, this means EU governments should strive to replace dedicated institutional care with support services available within local communities through a process known as deinstitutionalisation.

This year, I concluded an inquiry into how the European Commission monitors ESI (European Structural and Investment) funds to ensure they were being used by Member States for deinstitutionalisation and not to restore existing care institutions or build new ones. Over the course of the inquiry, we received input from national ombudsmen and civil society organisations, where we heard that certain Member States were unfortunately still using EU funding to prolong institutional care, which is contrary to both EU rules and the UN convention. We also learned that there was often no specific deinstitutionalisation strategy in certain countries.

To remedy the situation, I suggested the Commission provide clearer guidance to Member States and to its own staff about the need to promote deinstitutionalisation through EU funding. The guidance should also cover the newer Recovery and Resilience Facility so that it does not face the same issues found in the ESI funds. To be as useful as possible, it should include examples of effective measures that have been used to support the transition to family and community-based care.

In addition, I suggested that the Commission encourage Member States to facilitate the participation of organisations representing persons with disabilities in monitoring committees that verify whether ESI funds are being properly utilised.

It is crucial that persons with disabilities have their voices heard when it comes to decisions that affect their lives. As the now familiar motto goes 'nothing about us without us'.

Finally, where there are concerns that ESI-funded activities are at odds with the obligation to promote deinstitutionalisation, the Commission should be prepared to intervene, including via infringement proceedings if necessary.

The Commission has replied to my suggestions for improvement and my team is in the process of assessing its reply. We expect to publish our analysis in the near future.

Closer to home, I believe that we have a fundamental obligation to set a good example as EU institutions when it comes to the rights of persons with disabilities; if we are to expect the best from Member States, we must likewise demand the same of ourselves.

For instance, at the European Ombudsman, we consistently work to ensure that our website complies with accessibility standards. This is useful for all our visitors, but it can be vital for persons with disabilities. We use subtitles in our videos, ensure our content can be read by the visually impaired, and have an easy-to-read section for those with intellectual disabilities.

Within the European civil service as a whole, it is essential we all strive to ensure fair and equal



treatment for colleagues with disabilities. This is especially the case when faced with challenges that may have a disproportionate impact on them, such as the COVID-19 pandemic.

When the pandemic started, I wrote to the European Commission to ask what measures they were taking to accommodate the needs of staff with disabilities. Based on their positive response, as well as input from the European Network of Ombudsmen, other EU institutions, and organisations representing persons with disabilities, we published a list of best practices. Some examples include having a dedicated support line and email for staff members with disabilities; ensuring adapted IT equipment, assistive technology, and suitable furniture for remote work; and providing training on reasonable accommodation to managers. I hope that this list can help ensure a consistent approach across the EU administration with respect to the pandemic, as well as any future crises we may face.

Let me conclude by saying that Europe should be at the forefront when it comes to the protection of the rights of persons with disabilities. Initiatives such as the EU Disability Card can help make that happen by removing hurdles for Europeans with disabilities so that they can benefit from free movement as much as their fellow citizens. In this sense, it is also crucial that we get issues like assessment and mutual recognition right, which is what makes discussions such as today's so important.

Thank you.