Integration of people with disabilities by the European Commission

Summary of decision following own-initiative inquiry OI/3/2003/JMA

People with disabilities face a wide range of obstacles which prevent them from achieving equal opportunities, independence and full economic and social integration. Even though the Union had responded to this challenge by adopting a number of legal and political initiatives to remove those obstacles, the Ombudsman considered that the seriousness of the situation encountered by people with disabilities demanded that the proclaimed commitments be put into practice by means of effective actions. Because of the Commission's central role within the institutional framework of the Union and its specific commitments towards disabled people, the Ombudsman considered it useful to review the actions undertaken by this institution in this area, and to assess whether or not they were consistent with its legal obligations and stated commitments. The Ombudsman therefore decided to open an own-initiative inquiry into the subject of the integration of persons with disabilities by the Commission, in order to ensure that these citizens were not discriminated against in their relations with the institution. He requested the Commission to report on (i) the actions it had taken or intended to take to ensure that persons with disabilities were not discriminated against in their relations with the institution as well as (ii) the timetable for their adoption.

The Ombudsman's inquiry was carried out through an open and transparent dialogue in which individuals with disabilities, representative groups, other ombudsmen at national and regional levels, and the public were invited to contribute.

On the basis of his review, the Ombudsman considers that the Commission has made a genuine effort to integrate people with disabilities, even if certain aspects of its policy do not appear to have met public expectations. The Ombudsman acknowledges that progress has been accomplished in a number of areas, including the following:

(1) ensuring that the employment of persons with disabilities by all EU institutions respects fundamental principles enshrined in the new Staff Regulations, such as non-discrimination on grounds of disability (Article 1d(1)), or the need to provide officials with disabilities with reasonable accommodation, so that they can perform the tasks assigned to them (Article 1d(4));

(2) candidates to EU competitions with a disability can now benefit from a number of measures to facilitate their participation; moreover, the Commission has undertaken to explore the various means by which the recruitment of people with disabilities can be promoted within the institution;
(3) the adoption of new requirements regarding the accessibility of the Commission's premises, fully in line with the standards set out by EU and Belgian law, and specifically addressing the needs of disabled people;

(4) making information more accessible to persons with a disability, in particular as regards the data posted on the Commission's website; the institution has made laudable efforts in this direction;

(5) the Commission has made efforts to make its services more attuned to the difficulties encountered by persons with disabilities, so that they can adequately respond, if need be. In this light, the Commission's Code of Good Practice should be a very helpful tool to sensitise its staff, although efforts should be made to ensure that standards of conduct are fully upheld and periodically updated.

The Ombudsman is mindful of the fact that, as the public underlined during the consultation process, action is still needed in other areas, including the following:

(1) the financial support given by the Commission to officials with a disability or with disabled family members is still perceived as insufficient; the public also considers that the budgetary allocation for cost linked to disability ought to be increased;

(2) the measures adopted to promote the recruitment of disabled persons appear to lack transparency, and a more reliable evaluation of the situation has been asked for;

(3) there also appears to be dissatisfaction with the insufficient accessibility of certain disabled persons to Commission information;

(4) the situation of pupils with disabilities in the European Schools appears to be inadequate and the Schools' policy for the integration of this category of children does not appear to have effectively contributed to their integration;

(5) the application of the Commission's Code of Good Practice has revealed a number of inadequacies, in particular as regards the insufficient number of actions taken to sensitise the institution's staff by means of training courses or seminars.

The Ombudsman is mindful of the fact that the Commission has made a number of commitments in order to tackle the above public concerns. The Ombudsman notes that the Commission has undertaken to:

(1) provide full reimbursement of the costs linked to a handicap; on condition that sufficient funds are made available by the budgetary authority and that an inter-institutional agreement is reached;

(2) consider publishing more general reports on the recruitment of persons with disabilities and in these should include existing and future statistics;
(3) adopt new standards on accessibility of its premises to disabled people, and increase the number of parking spaces for people with disabilities either in or near all of its buildings;

(4) organise in the future specific actions on sensitisation through training sessions and conferences or seminars for staff.

In view of the Commission’s undertakings, the Ombudsman considers that, at present, no further action on the above aspects appears to be needed.

The Ombudsman finds however that, in so far as the situation of pupils with disabilities in the European Schools is concerned, the present state of affairs still appears to be unsatisfactory. In order closely to monitor how this situation evolves in the near future, the Ombudsman therefore considers it necessary that the Commission report by the end of 2007 on the progress accomplished by the European Schools on the integration of children with disabilities. This report will enable the Ombudsman to decide whether any further action regarding this issue is necessary on his part.

The Ombudsman is hopeful that the results of his initiative will help the Commission reassess some of its actions in this realm, with a view to correcting them, if necessary, and, in so doing, to serving all European citizens better.