



European Ombudsman

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European Ombudsman

Vice-President Kristalina Georgieva
European Commissioner for Budget and Human
Resources European Commission

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United Nations Convention on the Rights of Persons with Disabilities:
UN Committee concluding observation about European Schools

Dear Vice-President Georgieva,

As a member of the EU Framework under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), my office seeks to protect, promote, and monitor the implementation of the UNCRPD at the level of the EU institutions. The European Ombudsman is the main complaints-handling institution within the EU Framework and receives complaints and correspondence from citizens with a disability and from relatives on their behalf.

When dealing with complaints about the education of children with special educational needs in European schools, I have taken the view that, even though the European Schools themselves are not an EU institution or body and are therefore not within my mandate as European Ombudsman, the Commission has a certain responsibility for the European Schools, including the extent to which they comply with the UNCRPD and the Charter of Fundamental Rights. While I understand that the Commission holds just one seat on the Board of Governors, alongside the 28 Member States, I have no doubt it makes every effort, including through its contribution to their financing, to ensure that the Schools' policies and operations live up to the highest standards.

In August 2015, the EU underwent its first review by the UNCRPD Committee as regards implementation of the Convention. The Committee expressed its concern that "*not all students with disabilities receive the reasonable accommodation they need to enjoy their right to inclusive quality education in*



European Schools in line with the Convention, and that the latter do not comply with the non-rejection clause. It is further concerned that European Schools are not fully accessible to children with disabilities nor do they provide for inclusive quality education." Given that my office has received correspondence from concerned parents on this matter, I would be grateful to know how the Commission intends to follow-up on this matter. I copy the Commissioner for Employment, Social Affairs, Skills and Labour Mobility, Ms Thyssen, given her responsibility for the Commission's role as Focal Point under the UNCRPD.

In your response, it would be helpful if the following topics could be addressed:

- General compliance: What, if any, policy improvements is the Commission expecting European Schools to undertake in order to address the shortcomings identified by the UNCRPD Committee? Which steps, if any, does the Commission intend to take, to make sure that the European Schools' policy on educational support is adapted and implemented equally in all establishments in order to ensure compliance with the UNCRPD?
- Assessing needs: Is the assessment carried out by the European Schools of the need for reasonable accommodation based on the "social model" (vs "medical model") put forward in the UNCRPD? Do the assessment authorities respect UNCRPD requirements as regards multidisciplinary assessments?
- Training: Is training on the UNCRPD and its guiding principles provided to those assessing the need for, and granting the right to, reasonable accommodation? Is training also provided to members of complaints boards, assessment boards and management of European Schools?
- Therapy costs: Parents of children with a disability frequently face higher costs linked to the therapy their children need. Are those therapy needs, if linked to reasonable accommodation at school (speech-therapy or graphology for example), covered by the European Schools? This question is particularly pertinent in light of the difficulties I understand certain parents face when seeking reimbursement for costs related to therapeutic measures under the Joint Sickness and Insurance Scheme (JSIS).
- Change of levels: The move to a higher level of education, from primary to secondary for example, is a challenge for every child. How are children with special needs and their parents supported during this transition?
- Exclusion: if, in exceptional circumstances, European Schools cannot cater for a child with special needs, how are parents informed and assisted in their efforts to find an appropriate school? Who bears the additional costs linked to education in an alternative school?



- Redress: Do the available means of redress take into account the particular needs of children with special needs and their parents?
- Planning: European Schools face increasing demands in terms of numbers. How are the requirements of children with special needs being taken into account when developing new projects, such as a fifth European School in Brussels?

I look forward to receiving your reply and to engaging constructively with you on this matter. Should your services require any further information concerning this inquiry, they can contact Elpida Apostolidou (elpida.apostolidou@ombudsman.europa.eu).

Sincerely yours,

Emily O'Reilly

cc: Marianne Thyssen, European Commissioner for Employment, Social Affairs, Skills and Labour Mobility.