



**2020/2086(INI)**

13.1.2021

## **OPINION**

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Employment and Social Affairs

on the implementation of Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation in light of the UNCRPD  
(2020/2086(INI))

Rapporteur for opinion: Lucia Ďuriš Nicholsonová

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## SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Recalls that the purpose of the UN Convention on the Rights of Persons with Disabilities (UNCRPD), to which the EU is also a party, is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons, irrespective of any long-term physical, mental, intellectual or sensory impairments; stresses that, by ratifying the UNCRPD, the EU and its Member States have associated themselves with the efforts agreed at international level to uphold the rights of persons with disabilities and promote their inclusion in society and active employment; highlights that according to the European Union Agency for Fundamental Rights (FRA), while the ratification of the convention by all Member States and the EU itself represents a major milestone, gaps persist between the promise of the convention and reality on the ground<sup>1</sup>;
2. Calls on the EU and its Member States to ratify the Optional Protocol to the UNCRPD;
3. Emphasises that the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community is also enshrined in the EU Charter of Fundamental Rights, which is binding on the EU and on the Member States when they are implementing Union law; recalls that the EU and its Member States must respect the rights and observe the principles laid down in and promote the application of the Charter; highlights the need to improve awareness of and information on the Charter;
4. Stresses that, in setting out the right to live independently and be included in the community, Article 19 of the UNCRPD brings together the principles of equality, autonomy and inclusion; calls for a shift in living arrangements and support services for persons with disabilities from institutional and other segregating settings to a system enabling social participation; calls on the Member States to include specific targets with a defined timeframe in their deinstitutionalisation strategies, to adequately finance them and to develop mechanisms to ensure effective coordination between relevant authorities across different administrative sectors and levels<sup>2</sup>;
5. Points out that an inclusive and human rights based approach to education is a necessary prerequisite for fostering participation in society and promoting access to the labour market for persons with disabilities;
6. Takes the view that the promotion of equality in the field of employment and occupation can be effective only if discrimination is comprehensively combated in all areas of life, at both the European and national levels; highlights that reasonable accommodation and accessibility are key components in establishing disability-inclusive policies, as recognised by the UN Special Rapporteur on the rights of persons

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<sup>1</sup> FRA Fundamental Rights Report 2019.

<sup>2</sup> FRA, *From institutions to community living for persons with disabilities: perspectives from the ground*, 2018.

with disabilities<sup>3</sup>;

7. Calls on the Member States to fully implement EU accessibility-related legislation; takes the view that physical, regulatory, digital, logistical and social barriers to accessibility should be eliminated; calls on the Commission and the Member States to promote accessibility and universal design standards for environments, programmes, services and products, to be adopted in consultation with persons with disabilities and their representative organisations; stresses the need to step up research and innovation in the field of accessible technology applied to social and cultural activities and to work processes, including solutions for broadening teleworking opportunities, in order to facilitate participation in society and access to employment for persons with disabilities;
8. Is concerned about the existence of significant barriers to access to information and communications for persons with disabilities, particularly for persons who are blind or deaf, have intellectual disabilities or are on the autism spectrum; recalls that differences in individuals' abilities to receive and impart information and to use information and communications technologies represent a knowledge divide that creates inequality; requests the promotion of the use of accessible and user-friendly means, modes and formats of communication;
9. Regrets that Union law does not protect individuals from discrimination on the ground of disability outside the workplace and employment;
10. Urges the Council to unblock the negotiations on the proposed horizontal equality directive, which would allow protection against discrimination outside the area of employment and occupation through a horizontal approach;
11. Stresses that the UNCRPD prohibits discrimination in a broad sense, including the denial of reasonable accommodation and multiple and intersectional discrimination that derive from a combination of grounds; draws attention to the particularly vulnerable situation of women with disabilities and urges for a swift ratification of the Istanbul Convention by the Union and the Member States; recalls that the UNCRPD also provides for positive discrimination measures to be implemented by the Member States when necessary, which can include specific incentives in the employment area<sup>4</sup>;
12. Calls for a cross-cutting, comprehensive review of Union law and policy to ensure their full compliance with the UNCRPD;
13. Stresses the need to include specific and adequate provisions in the New Pact on Migration and Asylum to properly address the needs of persons with disabilities at all stages and in all processes;
14. Calls for measures to combat preconceived notions regarding the skills and abilities of persons with disabilities, ensuring that they do not suffer discrimination based on such prejudices; highlights that some persons with disabilities may face additional and

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<sup>3</sup> Statement by Catalina Devandas-Aguilar, Special Rapporteur on the rights of persons with disabilities at the 71st session of the General Assembly, New York, 26 October 2016.

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20764>

<sup>4</sup> Committee on the Rights of Persons with Disabilities, *General comment No. 6 (2018) on equality and non-discrimination*.

specific barriers due to a combination of disability and other factors, including socio-economic factors; underlines in this respect the need for an intersectional and holistic life-cycle approach to prevent stigmatisation, social exclusion and poverty; calls for comprehensive awareness-raising campaigns to highlight the contributions of persons with disabilities to society, aimed at the general public, parents and children, as well as public officials and professionals; highlights that the media can play an important role in disseminating information about persons with disabilities and in contributing to bringing about a change for the better in public attitudes towards them;

15. Stresses the need for a common definition of ‘disability’ at EU level across all areas of EU policy, including definitions of relevant key terminology; notes that there is no mutual recognition of disability status between EU Member States; calls on the Commission to consider further actions on mutual recognition of disability status and possible measures to facilitate the free movement of people with disabilities; calls on the Commission to encourage the participation of the Member States in the voluntary system of mutual recognition of the EU disability card;
16. Welcomes the inclusion of the EU disability rights strategy for 2021-30 in the Commission’s work programme for 2021; insists that the future strategy should focus on the full implementation of the UNCRPD and reflect the outcome of the public consultation conducted prior to its preparation by the Commission; stresses that the collaboration of authorities, organisations and civil society at the European, national and local levels is indispensable in order to ensure the implementation of the UNCRPD; stresses that the principle of ‘nothing about persons with disabilities without persons with disabilities’ should be applied in all decision-making processes; encourages the Member States and the EU institutions to ensure adequate funding for and enhance cooperation with organisations representing persons with disabilities;
17. Regrets that persons with intellectual or psychosocial disabilities experience multiple legal, institutional, communicational and social barriers to exercising their rights, which prevents them from voting, standing for election to public office, exercising civic participation or simply having a say in their own lives; encourages the Member States to take immediate measures to reform their legal frameworks in order to ensure that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life, in line with Article 12 of the UNCRPD, and recalls that the political rights of persons with disabilities and the opportunity to enjoy them on an equal basis with others must be guaranteed, in compliance with Article 29 of the UNCRPD;
18. Calls on the Member States to address discrimination and violence against children with disabilities through an integrated approach, recognising that they face a higher risk of being victims of such behaviours; stresses that the voice of children with disabilities should be represented in the design, implementation and monitoring of laws, policies, services and measures addressing them;
19. Regrets that the risk of being subjected to exploitation, violence and abuse is significantly higher for persons with disabilities<sup>5</sup>; is concerned about the lack of awareness of victim’s rights and of the possibility of seeking redress, and about

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<sup>5</sup> Council of Europe, *Freedom from exploitation, violence and abuse of persons with disabilities - Contribution to the Council of Europe Strategy on the Rights of Persons with Disabilities*, 2017.

underreporting of all forms of discrimination and violations of the fundamental rights of persons with disabilities; stresses that according to the Organization for Security and Co-operation in Europe (OSCE), an important contributor to underreporting is the fear of persons with disabilities that they will not be taken seriously by authorities<sup>6</sup>; urges the Commission and the Member States to ensure that all relevant authorities and practitioners are targeted in capacity-building efforts to ensure their understanding of the fundamental rights-based approach to disability; believes that national equality bodies must be strengthened and access to judicial and non-judicial mechanisms must be improved, including by adapted assistance and communication methods, as well as by simplifying often lengthy and complex legal procedures;

20. Regrets that discrimination and exclusion experienced by persons with disabilities have been further exacerbated by the COVID-19 pandemic, with particular regard to persons living in institutions<sup>7</sup>; stresses that psychosocial support and empowerment are very much needed to combat the effects of isolation and the increase in domestic violence, which has a particular impact on persons with disabilities<sup>8</sup>; is concerned by the insufficient investment and the lack of action by authorities in this regard; calls for targeted efforts to ensure appropriate personal protective equipment for professionals in and users of care and support services in order to enable the continuation of these services in a safe environment; calls on the Commission and the Member States to mobilise essential investment and resources to guarantee the continuity of care and support services, in line with the principles of the UNCRPD and the European Pillar of Social Rights, in the framework of the Coronavirus Response Investment Initiative (CRII and CRII +);
21. Stresses that the collection of robust, disaggregated, comparable disability-related data is necessary for evidence-based policy-making in accordance with the UNCRPD; regrets that policy implementation is not comprehensively monitored through results indicators; proposes that progress should be measured against specific and updated targets established at Union level on the basis of Eurostat work; insists that monitoring should involve an independent entity that includes persons with disabilities; urges Member States to process equality data in full compliance with Union data protection and privacy law.

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<sup>6</sup> OSCE, *Hate Crime Reporting*, 2015, and OSCE-ODIHR, *Factsheet on hate crime against people with disabilities*, 2017.

<sup>7</sup> FRA, *Coronavirus pandemic in the EU – Fundamental rights implications bulletins*, 2020; Inclusion Europe, *Neglect and discrimination. Multiplied - How Covid-19 affected the rights of people with intellectual disabilities and their families* (2020).

<sup>8</sup> United Nations, *Policy Brief: A Disability Inclusive Response to COVID-19*, May 2020.

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	12.1.2021
<b>Result of final vote</b>	+: 53 -: 4 0: 7
<b>Members present for the final vote</b>	Magdalena Adamowicz, Malik Azmani, Katarina Barley, Pietro Bartolo, Nicolas Bay, Vladimír Bilčík, Vasile Blaga, Ioan-Rareș Bogdan, Patrick Breyer, Saskia Bricmont, Joachim Stanisław Brudziński, Jorge Buxadé Villalba, Damien Carême, Caterina Chinnici, Clare Daly, Marcel de Graaff, Lena Düpont, Cornelia Ernst, Laura Ferrara, Nicolaus Fest, Jean-Paul Garraud, Maria Grapini, Sylvie Guillaume, Andrzej Halicki, Balázs Hidvéghi, Evin Incir, Sophia in 't Veld, Livia Járóka, Marina Kaljurand, Assita Kanko, Fabienne Keller, Peter Kofod, Łukasz Kohut, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Lukas Mandl, Nuno Melo, Roberta Metsola, Nadine Morano, Javier Moreno Sánchez, Maite Pagazaurtundúa, Nicola Procaccini, Emil Radev, Paulo Rangel, Terry Reintke, Ralf Seekatz, Michal Šimečka, Birgit Sippel, Martin Sonneborn, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Tomas Tobé, Dragoș Tudorache, Bettina Vollath, Jadwiga Wiśniewska, Elena Yoncheva, Javier Zarzalejos
<b>Substitutes present for the final vote</b>	Nathalie Loiseau, Sira Rego, Miguel Urbán Crespo, Hilde Vautmans, Petar Vitanov

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

53	+
EPP	Magdalena ADAMOWICZ, Vladimír BILČÍK, Vasile BLAGA, Ioan-Rareș BOGDAN, Lena DÜPONT, Andrzej HALICKI, Balázs HIDVÉGGHI, Livia JÁRÓKA, Jeroen LENAERS, Lukas MANDL, Nuno MELO, Roberta METSOLA, Nadine MORANO, Emil RADEV, Paulo RANGEL, Ralf SEEKATZ, Tomas TOBÉ, Javier ZARZALEJOS
S&D	Katarina BARLEY, Pietro BARTOLO, Caterina CHINNICI, Maria GRAPINI, Sylvie GUILLAUME, Evin INCIR, Marina KALJURAND, Łukasz KOHUT, Juan Fernando LÓPEZ AGUILAR, Javier MORENO SÁNCHEZ, Birgit SIPPEL, Petar VITANOV, Bettina VOLLATH, Elena YONCHEVA
RENEW	Malik AZMANI, Sophia IN 'T VELD, Fabienne KELLER, Nathalie LOISEAU, Maite PAGAZAURTUNDÚA, Michal ŠIMEČKA, Ramona STRUGARIU, Dragoș TUDORACHE, Hilde VAUTMANS
GEENS/EFA	Patrick BREYER, Saskia BRICMONT, Damien CARÊME, Alice KUHNKE, Terry REINTKE, Tineke STRIK
THE LEFT	Clare DALY, Cornelia ERNST, Sira REGO, Miguel URBÁN CRESPO
NI	Laura FERRARA, Martin SONNEBORN

  

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ID	Nicolas BAY, Jean-Paul GARRAUD, Marcel de GRAAFF
ECR	Assita KANKO

  

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ID	Nicolaus FEST, Peter KOFOD, Annalisa TARDINO
ECR	Joachim Stanisław BRUDZIŃSKI, Jorge BUXADÉ VILLALBA, Nicola PROCACCINI, Jadwiga WIŚNIEWSKA

Key to symbols:

+ : in favour

- : against

0 : abstention