



**2022/2026(INI)**

13.7.2022

# **OPINION**

of the Committee on Petitions

for the Committee on Civil Liberties, Justice and Home Affairs

towards equal rights for persons with disabilities  
(2022/2026(INI))

Rapporteur for opinion: Ulrike Müller

PA\_NonLeg

## SUGGESTIONS

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

- having regard to the Commission proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426), namely the ‘Anti-Discrimination Directive’, which would provide greater protection against discrimination of all kinds but still remains blocked in the Council,
  - having regard to the revised European Social Charter, in particular Article 15 thereof on the right of persons with disabilities to independence, social integration and participation in the life of the community,
  - having regard to its resolution of 29 November 2018 on the situation of women with disabilities<sup>1</sup>,
  - having regard to the principles of the European Pillar of Social Rights, in particular principle 17 on inclusion of persons with disabilities and principle 18 on the right to long-term care,
  - having regard to UN Sustainable Development Goal 11.7 on providing access to safe and inclusive green and public spaces,
- A. whereas through its role, the Committee on Petitions has a special duty to protect the rights of persons with disabilities in the EU, with the exercise of their fundamental freedoms and rights being guaranteed by EU law and the UN Convention on the Rights of Persons with Disabilities (CRPD);
- B. whereas there are approximately 87 million persons with disabilities in the EU, and nearly one in four EU citizens surveyed reported some degree of functional limitation due to health conditions<sup>2</sup>;
- C. whereas work-related discrimination against persons with disabilities is linked to the lack of inclusive education and vocational training, the segregation and discrimination present in the fields of housing and healthcare, and the lack of accessibility of transport and other services and products;
- D. whereas children with disabilities in the EU are disproportionately more likely to be placed in institutional care than children without disabilities, and appear far less likely to benefit from efforts to enable a transition from institutional to family-based care;
1. Stresses that the CRPD and the CRPD Committee’s 2015 recommendations<sup>3</sup> oblige the EU as a signatory of the CRPD to end discrimination for all persons with disabilities

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<sup>1</sup> OJ C 363, 28.10.2020, p. 164.

<sup>2</sup> Eurostat, ‘Functional and activity limitations statistics’, accessed on 6 July 2021.

<sup>3</sup> <https://digitallibrary.un.org/record/812354?ln=en>

and to become a role model in its implementation to ensure their equal enjoyment of all human rights and full participation in all areas of society<sup>4</sup>; regrets that the EU, despite some progress made in recent years, has not yet achieved the overall purpose of the CRPD; calls on the EU institutions and the Member States to reaffirm their commitment to realising equality and inclusion for persons with disabilities; considers the Optional Protocol to be an indivisible part of the CRPD; stresses that the Optional Protocol has not been ratified by the EU and some Member States, and urges those Member States that have not yet ratified it to do so; calls on the Council to take the necessary steps to ensure the accession of the EU to the Optional Protocol; calls on the Member States to carry out national disability awareness-raising campaigns promoting the CRPD and the EU Strategy for the Rights of Persons with Disabilities 2021-2030 and to designate responsible authorities to serve as focal points; stresses that the Member States should ensure that a significant number of persons with disabilities are involved in the work of these authorities;

2. Takes note of the progress made by the Member States in effectively implementing and monitoring the CRPD and in adapting accessibility measures to comply with the standards of the CRPD; calls on the Member States to establish coordinating mechanisms at all administrative levels, in accordance with Article 33 of the CRPD, for its implementation and monitoring;
3. Underlines that 37 % of the EU population aged 15 and over reported (moderate or severe) physical or sensory limitations<sup>5</sup>; recalls that the range and level of services provided to persons with disabilities is insufficient and thus underlines that support should be tailored to individual needs; calls on the Member States to step up their efforts in providing support for persons with disabilities in the following priority areas: health, education, accessibility, employment and working conditions, independent living, coordination, living conditions, social protection and awareness raising;
4. Recalls that the obligations under the CRPD and the recommendations of the CRPD Committee are also binding on all EU institutions, which are responsible for ensuring accessibility and non-discrimination, including for EU staff with disabilities and carers of persons with disabilities; underlines, in particular, that the Petitions Portal should be more accessible and the petitions process more visible to all individuals and organisations in the EU, including persons with disabilities; welcomes the Commission's initiative on an action plan on web accessibility for all EU institutions, bodies and agencies with a view to ensuring the compliance of EU websites with European accessibility standards; urges the EU institutions to improve the level and quality of accessibility in all of their buildings and the accessibility of their public consultations, including interpreting into international and national sign languages used in the EU and producing documents in Braille and in easy-to-read language;
5. Underlines that independent living goes hand in hand with the freedom to choose one's

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<sup>4</sup> Petitions Nos 1077/2017 and 0226/2021.

<sup>5</sup> [https://ec.europa.eu/eurostat/statistics-explained/index.php/Functional\\_and\\_activity\\_limitations\\_statistics#Functional\\_and\\_activity\\_limitations](https://ec.europa.eu/eurostat/statistics-explained/index.php/Functional_and_activity_limitations_statistics#Functional_and_activity_limitations)

place of residence<sup>6</sup>, inclusive education<sup>7</sup>, a guarantee of democratic rights<sup>8</sup> such as the right to vote<sup>9</sup>, access to the open labour market with an adequate salary<sup>10</sup>, adequate social benefits and support systems, access to public infrastructure, services and goods, particularly healthcare, information and communication, transport and banking, so that no one is left behind; calls on the Member States to ensure mutual recognition of deinstitutionalisation and independent living in the community, enabling social participation, and in which services are provided in the community according to individual will and preference; calls on the Member States to ensure that persons with disabilities have equal opportunities to access adequate support regardless of the area they live in, whether urban, rural or remote;

6. Urges the Commission to step up its efforts to meet the needs of persons with disabilities, such as those expressed in Parliament's resolutions of 7 October 2021 on the protection of persons with disabilities through petitions: lessons learnt<sup>11</sup>, including in particular the need for a gradual convergence of the definitions of accessibility, participation and community-based living as a means of enhancing cohesion among Member States, and of 8 July 2020 on the rights of persons with intellectual disabilities in the COVID-19 crisis<sup>12</sup>; calls on the Commission to use the European Accessibility Act as a basis for adopting a robust EU framework for an accessible and inclusive environment with fully accessible public spaces and services, including public transport, communication, and administrative and financial services, and a fully accessible built environment;
7. Highlights that persons with disabilities are exposed to different forms of discrimination most frequently, in all areas of life, in particular people with intellectual, psychosocial and mental disabilities, and women and girls, migrants and members of the LGBTIQ community with disabilities; regrets that the EU has not taken enough measures to address equality and non-discrimination in its legislation and policies; calls for anti-discrimination legislation to be improved by strengthening equality bodies to protect the rights of persons with disabilities and for the proposed horizontal Anti-Discrimination Directive, which would provide greater protection against discrimination of all kinds through a horizontal approach, to be unblocked in the Council<sup>13</sup>; calls also for adequate follow-up of the European Framework for Action on Mental Health and Wellbeing to be ensured and for the EU Compass for Action on Mental Health and Wellbeing to be improved;
8. Urges the Commission to conduct a cross-cutting and comprehensive review of EU legislation in order to ensure its full harmonisation with the provisions of the CRPD, including by adopting, without further delay, a plan detailing the overall strategy to achieve this goal;

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<sup>6</sup> Petition No 0988/2020.

<sup>7</sup> Petitions Nos 1340/2020 and 1529/2020.

<sup>8</sup> Petition No 1132/2016.

<sup>9</sup> Petition No 1135/2021; European Economic and Social Committee report of 20 March 2019 on the real rights of persons with disabilities to vote in European Parliament elections.

<sup>10</sup> Petitions Nos 0608/2020 and 1280/2021.

<sup>11</sup> OJ C 132, 24.3.2022, p. 129.

<sup>12</sup> OJ C 371, 15.9.2021, p. 6.

<sup>13</sup> Petitions Nos 0164/2020 and 0226/2021.

9. Stresses the vital importance of enhancing actions aimed at fully upholding the human rights and fundamental freedoms of persons with disabilities, and removing any obstacle preventing them from having full and equal participation in society; calls on the Commission and the Member States to ensure that all measures to implement the EU Strategy for the Rights of Persons with Disabilities 2021-2030 at national and EU levels are in full compliance with the CRPD;
10. Strongly condemns violence against women, stressing its lifelong implications for their physical and mental health; is greatly alarmed that violence against women threatens the security of over 250 million women in the EU, with women with disabilities facing a risk 2 to 5 times higher of being victims of violence; calls on the Council to conclude, as a matter of priority, its work on the EU's ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in order to strengthen the overall action to combat violence faced by all women and support all victims, thereby also contributing to the adequate implementation of the CRPD and of the Convention on the Elimination of All forms of Discrimination Against Women;
11. Highlights that persons with disabilities often face disproportionate hurdles in exercising their right to free movement for working reasons; notes that there is no mutual recognition of disability status between Member States; calls for the creation of an EU disability card to be recognised in all Member States, to cover all areas of life, including transport, and calls on the Commission to extend the scope of this EU disability card to secure freedom of movement for persons with disabilities;
12. Points out that petitioners' most common concerns regarding equal rights for persons with disabilities centre around accessibility and social protection, along with employment rights and the right to live independently in the community; is extremely concerned that persons with disabilities are still disproportionately affected by unemployment; underlines the urgent need to conduct research on sheltered workshops and gain insight into how many persons with disabilities, including women with disabilities, are in employment in the open labour market; highlights that sheltered workshops should aim to respect the rights of persons with disabilities and serve as a step towards inclusion in and transition to the open labour market; strongly encourages Member States to introduce proactive measures and offer incentives for businesses employing persons with disabilities in order to foster an inclusive workplace; recalls that the COVID-19 crisis has fostered remote work, which could provide for wider access to employment for persons with disabilities; stresses, however, that this should not reduce the opportunities for disabled persons to work in their place of employment, as it would, otherwise, deprive them of their freedom of choice and potentially lead to reduced accessibility of the built environment and transportation; urges the Member States to take serious measures to tackle unemployment and the payment gap, in particular for women with disabilities<sup>14</sup>;
13. Recalls that in order to develop appropriate and effective policies and find solutions tailored to the needs of persons with disabilities in all their diversity in the EU, there is a need for comparable and reliable EU data; calls, therefore, on the Commission and the

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<sup>14</sup> Petitions Nos 0608/2020, 1139/2021, 0226/21 and 0070/2022.

Member States to intensify their efforts towards the establishment of a common framework for European statistics on individuals and households, in order to collect reliable data on the participation of persons with disabilities, also disaggregated by gender, in the various levels and types of education and labour and in social life;

14. Stresses that there is an urgent need to conduct a study and research to collect data disaggregated by different types of disability and different barriers faced by the different groups of persons with disabilities, in particular when trying to access the labour market, which would greatly improve understanding of how unemployment affects persons with disabilities and help the Commission and Member States in their aim and efforts to improve labour market outcomes for persons with disabilities in the EU;
15. Stresses that the cost of living with a disability is one of the greatest challenges faced by persons with disabilities; underlines, in this respect, an urgent need to collect data to further analyse the issue of living costs for persons with disabilities; stresses that this data will help to understand why it is that persons with disabilities are so disproportionately affected by poverty, and why the issue of losing one's disability allowance when a person starts earning a wage can be so problematic and dangerous; underlines that the loss of disability allowance following the take-up of paid work is one of the principal reasons that persons with disabilities cannot easily transfer to the labour market, and that puts them at the greatest risk of in-work poverty;
16. Recalls the high number of EU citizens deprived of their right to participate in elections, including European Parliament elections, because of their disabilities or mental health problems; urges the Commission, especially in view of the next European elections in 2024, to work with Member States in the European Cooperation Network on Elections to guarantee the democratic rights of persons with disabilities, including persons with intellectual and psychosocial disabilities, by ensuring that voting procedures, materials and facilities are easy to access and participation in public and political life is actively promoted;
17. Underlines that the reform of the EU electoral law would provide an initial response to the need to guarantee the right to vote for persons with disabilities in all the Member States;
18. Urges the Commission and the Member States to introduce public and private sector workplace quotas for persons with disabilities in order to foster an inclusive workplace;
19. Urges the Member States to improve the accessibility of buildings, transport and communication, including web accessibility, and remove physical, digital, logistical and social barriers in all areas in order to fully protect all fundamental rights of persons with disabilities, ensuring their active and equal participation in society; recalls that the Member States must speed up the transposition of the European Accessibility Act<sup>15</sup>; calls on the Commission to use the New European Bauhaus initiative to promote and support housing solutions, based on a design-for-all approach, enabling persons with disabilities to live at home and to remain active in society;

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<sup>15</sup> Petitions Nos 0954/2019, 1491/2020, 1135/21 and 1213/2021.

20. Calls on the Member States to fully implement and continuously monitor all accessibility-related legislation, including Directive (EU) 2019/882 (the European Accessibility Act) in order to effectively and definitively remove and prevent barriers for workers with disabilities, and to improve and ensure the availability of accessible services and the suitability of the conditions under which these services are provided; calls, in this context, on the Member States to consider, when transposing the European Accessibility Act into national legislation, the interconnectivity between the accessibility of services and the accessibility of the built environment;
21. Urges the Commission and the Member States to ensure that architectural barriers inside and outside buildings and in all public and private spaces are removed; recommends, further, that they ensure that no new barriers to accessibility for persons with disabilities are created anywhere;
22. Reminds the Member States that independent living, quality social and employment services, adequate social protection and a strengthened social economy are indispensable for decent living for all persons with disabilities, as highlighted in the EU Strategy for the Rights of Persons with Disabilities 2021-2030;
23. Recalls that accessibility should go hand in hand with adequate infrastructure; encourages the Member States to increase spending from the ESF+, the ERDF and the Just Transition Fund to adapt public infrastructure, including transport, and public spaces for all;
24. Stresses that legislation in most EU countries promotes independent living, but that there is a serious implementation gap, especially in rural areas;
25. Recalls that petitioners have repeatedly highlighted the limitations in terms of access to education for persons with disabilities, especially during crises such as the COVID-19 pandemic; underlines that children with disabilities, including those with intellectual disabilities, have the right to inclusive education on the same footing as other children, including the possibility to access mainstream schools, as stipulated in Article 24 of the CRPD, in particular in education establishments where students of all abilities learn together in the same classroom environment, in line with the education systems' need to adapt to the needs of children with disabilities, and not vice-versa; recalls, in this context, the need to make reasonable adjustments and to provide an adequate number of teachers and educators; calls on the Member States to further increase their education systems' capacity to provide high-quality accessible education for all learners by promoting specific measures and personalised support, such as accessible and tailored curricula, and to ensure that accessible digital tools are designed and used where possible<sup>16</sup>; encourages Member States to refrain from segregating students and to provide sufficient financial and specialised support for inclusive education in schools, third level education and programmes (including Erasmus+, Discover EU and the European Solidarity Corps);
26. Calls for the collection of EU-wide disability-related data with a human-rights-based approach and of data related to the impact of the COVID-19 crisis on persons with disabilities, in order to provide the evidence needed to scale up rapid assessments and

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<sup>16</sup> Petitions Nos 0956/2018 and 1340/2020.



urgently develop strategies and prepare interventions together with the Member States to address the backlash in terms of rights and development observed due to the implementation of COVID-19 containment measures;

27. Highlights that children with disabilities continue to be disproportionately represented in institutional care, remain in institutions on a long-term or permanent basis, and face high levels of discrimination and neglect;
28. Recalls that the EU Strategy for the Rights of Persons with Disabilities 2021-2030 proposes creating a European disability card by the end of 2023, to be recognised in all Member States; underlines the importance of swift action in terms of implementation of the European disability card<sup>17</sup>; is convinced that this card will be a key instrument to help persons with disabilities exercise their right to free movement in a barrier-free Europe, and that it should therefore be mandatory in all Member States;
29. Is deeply concerned about the high unemployment rates of persons with disabilities, especially women, compared with other groups in the EU;
30. Calls on the Commission and the Member States to invest in training professionals regarding the needs of persons with disabilities; reiterates that the implementation of the relevant EU funding programmes and allocation of funds under these programmes should contribute to the transition towards inclusive education; stresses that persons with disabilities should be guaranteed access to education, including during crises such as the COVID-19 pandemic and others, and that Member States should tackle all forms of discrimination and exclusion in this area;
31. Calls on the Commission and the Member States to remove any physical, legal and pedagogical barriers that impede equal access to learning and teaching environments for teachers and students with disabilities and special needs;
32. Reiterates that persons with disabilities, including those with intellectual and psychosocial disabilities, should have the right to the highest attainable state of both physical and mental health and access to healthcare, free from discrimination, of the same scope and quality as other EU citizens<sup>18</sup>; regrets the inequity of access to assessment for hidden disabilities, for example specific learning disabilities such as dyslexia and dyscalculia; calls on the Commission and the Member States to develop common guidelines on learning disabilities and implement inclusive education policies, ensuring equal access for students with disabilities; calls on the Member States to consider shifting to supported decision-making schemes rather than depriving intellectually impaired persons of their legal capacity to make decisions;
33. Stresses that during the COVID-19 pandemic, severe gaps emerged in the capacity and preparedness of healthcare and social care systems of various Member States to adequately support persons with disabilities, including those with mental disabilities, due to lack of resources, weak governance and inadequate involvement of persons with disabilities in planning measures to counter the spread of the virus and provide the necessary assistance; strongly believes that Member States must greatly improve their

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<sup>17</sup> Petition No 1249/2014.

<sup>18</sup> Petitions Nos 0687/2020 and 0470/2020.

healthcare and social care systems by addressing all existing shortcomings in order to ensure that, even during a crisis, full support is given to everyone, and notably to the most vulnerable, thereby adequately protecting the health and social rights of all;

34. Stresses the urgent need for EU legislation aimed at protecting citizens against all forms of discrimination in the EU and considers this to be indispensable for the correct implementation of CRPD policies; calls for the adoption of the EU horizontal Anti-Discrimination Directive tabled by the Commission in 2008; calls on the Commission to present an alternative solution in order to move forward in tackling discrimination across the EU, in all areas of life, as soon as possible;
35. Calls on the Commission to put in place the set of measures recommended by the European Ombudsman in her inquiry in case OI/2/2021/MHZ<sup>19</sup> aimed at ensuring that the use by Member States of EU Structural and Investment Funds as well as of the funds under the Recovery and Resilience Facility are in line with the EU's obligations, under the CRPD, to promote the right of persons with disabilities to independent living;
36. Stresses that the Member States should take measures to strengthen the protection of persons with disabilities against discrimination;
37. Highlights the importance of ongoing legislative processes to regulate digital platforms and services and artificial intelligence as they pertain to the rights of persons with disabilities; underlines the paramount importance of better ensuring that this legislation complies with the CRPD and improves the accessibility of digital technologies for persons with disabilities;
38. Calls on the Commission to conduct a comprehensive update of EU disability strategy and funding programmes with a view to complying fully with the CRPD by constructively involving disability organisations; calls on the Commission and the Member States to involve disability organisations in the dialogue and in all stages of the implementation of the EU Strategy for the Rights of Persons with Disabilities 2021-2030;
39. Underlines that the UN Disability Rights Committee discovered very recently that persons with disabilities in Hungary do not have a mechanism to make autonomous decisions because of their disabilities, and recommended that Hungary amend its legislation to ensure that the country's supported decision-making mechanisms respect the dignity, autonomy and will and preferences of persons with disabilities in exercising their legal capacity; highlights that the Committee also stressed the importance of providing support to persons with disabilities to live independently and equally with others in the community, regardless of their type of disability, suggesting that Hungary redesign its measures and redirect its effort and budgets into community-based support services; is firmly convinced that the Hungarian authorities must fully, consistently and swiftly implement the recommendations of the Committee;
40. Reminds the Member States of UN Sustainable Development Goal 11.7, the aim of which is to provide universal access to safe, inclusive and accessible green and public spaces, in particular for children and women, persons with disabilities and older

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<sup>19</sup> <https://www.ombudsman.europa.eu/en/decision/en/155353>

persons, by 2030;

41. Urges the Member States to ensure that persons with disabilities are involved in the policy-making process without any restrictions; notes that the CRPD requires full involvement in policy making, which means allowing persons with disabilities to participate and be represented in policy formulation and decision making in all areas at EU, national and local level, in line with the principle of disability mainstreaming;
42. Urges swift revision of the Employment Equality Directive, with a view to fully harmonising it with the provisions of the CRPD and implementing a participatory process aimed at ensuring the direct and full involvement of representative organisations, and full representation of civil society in the form of organisations for persons with disabilities in the overall decision-making process;
43. Stresses the need to step up research and innovation in the field of accessible technology in order to strengthen inclusiveness for persons with disabilities;
44. Calls on the Commission and the Member States to invest in public educational infrastructures as well as in training and professional learning for the education workforce in order to ensure that the learning and development needs of children and students with disabilities are met;
45. Calls on the Commission and the Member States to ensure and promote, according to Article 30 of the CRPD, the right of persons with disabilities to participate in cultural life, including access to cultural materials in accessible formats and to television programmes, films, theatre and other cultural activities in accessible formats; highlights the importance of improving accessibility to cultural heritage sites for persons with disabilities;
46. Recalls that the lessons learned from the pandemic as to how culture benefited persons with disabilities, as well as society overall, should lead to further support for access to culture for persons with disabilities by securing specific relevant funds and expanding access to funding for cultural activities for persons with disabilities horizontally, in as many EU funding programmes as possible, while ensuring that in possible future crises there will already be mechanisms in place to secure adequate access to culture for persons with disabilities, as needed.

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	13.7.2022
<b>Result of final vote</b>	+: 21 -: 0 0: 3
<b>Members present for the final vote</b>	Alex Agius Saliba, Andris Ameriks, Alexander Bernhuber, Eleonora Evi, Agnès Evren, Gheorghe Falcă, Ibán García Del Blanco, Vlad Gheorghe, Peter Jahr, Radan Kanev, Stelios Kypouropoulos, Cristina Maestre Martín De Almagro, Dolors Montserrat, Ulrike Müller, Frédérique Ries, Loránt Vincze, Michal Wiezik, Tatjana Ždanoka
<b>Substitutes present for the final vote</b>	Mara Bizzotto, Jarosław Duda, Angel Dzhambazki, Maite Pagazaurtundúa
<b>Substitutes under Rule 209(7) present for the final vote</b>	Mazaly Aguilar, Francisco Guerreiro

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

<b>21</b>	<b>+</b>
NI	Tatjana Ždanoka
PPE	Alexander Bernhuber, Jarosław Duda, Agnès Evren, Gheorghe Falcă, Peter Jahr, Radan Kanev, Stelios Kypouropoulos, Dolors Montserrat, Loránt Vincze
Renew	Vlad Gheorghe, Ulrike Müller, Maite Pagazaurtundúa, Frédérique Ries, Michal Wiezik
S&D	Alex Agius Saliba, Andris Ameriks, Ibán García Del Blanco, Cristina Maestre Martín De Almagro
Verts/ALE	Eleonora Evi, Francisco Guerreiro

<b>0</b>	<b>-</b>
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<b>3</b>	<b>0</b>
ECR	Mazaly Aguilar, Angel Dzhambazki
ID	Mara Bizzotto

Key to symbols:

+ : in favour

- : against

0 : abstention