



## Convention on the Rights of Persons with Disabilities

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### Committee on the Rights of Persons with Disabilities

Thirteenth session

25 March-17 April 2015

### List of issues in relation to the initial report of the European Union

#### A. Purpose and general obligations (arts. 1–4)

##### General obligations (art. 4)

1. Please provide a timescale for when the European Union intend to ratify the Optional Protocol to Convention.
2. Please indicate what steps the European Union is taking to develop a strategy on the implementation of the Convention within the EU, including all its institutions.
3. Please indicate what concrete initiatives the European Union is taking to ensure the understanding and use of the human rights based approach to disability at all levels of EU policy making and implementation within the European Parliament, European Commission, the Council of the EU, Court of Justice of the EU, EU agencies and consultative bodies?
4. Please clarify whether there are any plans to incorporate the barriers persons with disabilities face in the definition of “activity limitation” used in the European Union Statistics on Income and Living Conditions (EU-SILC) (paragraph 16 of the Report).
5. Please explain if the denial of reasonable accommodation for persons with disabilities constitutes a prohibited act of discrimination under European Union’s legislation outside the scope of employment, in all areas of participation.
6. Please indicate what concrete initiatives the European Union is taking or planning to take to ensure that all new and existing legislation, regulation and policies are systematically harmonized with the Convention? How is the Impact Assessment Board obliged to secure compliance with the Convention in their opinions?
7. Please explain how the European Union ensures and financially supports the close and independent consultation and active involvement of representative organisations of persons with disabilities in developing and implementing all EU decision making processes?

## **B. Specific rights (arts. 5–30)**

### **Equality and non-discrimination (art. 5)**

8. Please provide follow-up information on the outcome of several infringement procedures against Member States for incorrect implementation of Directive 78/2000, referred to in paragraph 38 of the Report.

9. Please provide a timescale for when the Council will adopt the additional Equal Treatment Directive to extend the existing EU anti-discrimination legal framework to areas outside the field of employment, referred to in paragraph 40 of the Report.

### **Women with disabilities (art. 6)**

10. Please indicate what measures were taken to carry out the recommendations to “tackle intersectional discrimination on the grounds of gender and disability covering education, employment, poverty, health, violence, forced sterilisation and access to justice” (paragraph 180).

### **Children with disabilities (art. 7)**

11. Please indicate what measures were taken to tackle “challenges in the practical implementation of legal provisions resulting in obstacles faced by children with disabilities in their day-to-day life” (paragraph 189).

### **Awareness-raising (art. 8)**

12. Please indicate what concrete and systematic awareness raising and training initiatives has the European Union taken since its’ ratification of the Convention to ensure that it is known and used at all EU levels and within all institutions and agencies, including for example the European Economic and Social Committee (EESC) and Committee of the Regions (COR)?

### **Accessibility (art. 9)**

13. Please indicate what monitoring mechanisms are in place to ensure the implementation of accessibility requirements for goods and services (paragraph 47), public procurement procedures (paragraph 48), public transport (paragraph 53) and information and communication (paragraphs 55-60), Please provide information on application of sanctions against those who fail to ensure accessibility in the above-mentioned areas.

14. Please provide a timescale for when the European Union will adopt the European Accessibility Act, referred to in paragraph 51. How is the European Union actively involving the representative organisations of persons with disabilities in this regard?

### **Situations of risk and humanitarian emergencies (art. 11)**

15. Please explain how the Directorate-General for Humanitarian Aid and Civil Protection (ECHO) ensure that humanitarian aid and relief from the EU are inclusive of and accessible to all persons with disabilities. In particular, please provide information about refugees with disabilities in the European Union.

16. Please indicate what measures have been taken to make Europe-wide emergency single call number (112) accessible to all persons with disabilities, especially those who are deaf or hard of hearing.

17. Please clarify whether there are protocols in place for the protection of all persons with disabilities, including those with communication difficulties, in the event of a natural

disaster or in other situations of risk or humanitarian emergencies. If so, to what extent have persons with disabilities and their representative organizations been actively participating in all steps and procedures of them?

#### **Access to justice (art. 13)**

18. Please explain how the European Union will ensure the implementation of EU legislation on access to justice in compliance with the Convention, and that the mandates, rules, procedures and practices of the European court of Justice, the Fundamental Rights Agency and the European Ombudsman are in line with the Convention.

#### **Freedom from exploitation, violence and abuse (art. 16)**

19. Please indicate what monitoring mechanisms are in place to ensure the implementation of directives referred to in paragraph 84 of the Report. Please provide information on how women and girls with disabilities are included in EU programmes and legislation on violence against women.

#### **Protecting the integrity of the person (art. 17)**

20. The study entitled “Discrimination generated by the intersection of gender and disability” (Directorate General for Internal Policies, 2013) recommended a legislative proposal to ban forced sterilization. Has this recommendation been followed up by the European Union?

#### **Liberty of movement and nationality (art. 18)**

21. Please explain what measures the European Union can take to ensure equal opportunities for, and equal access to, and effective enjoyment of all rights for nationals of an EU Member State who are persons with disabilities after they have moved to another Member State. What measures is the European Union taking in particular to ensure that persons with disabilities can transfer their social protection, disability and personal assistance benefits to another Member State in order to exercise their freedom of movement.

#### **Living independently and being included in the community (art. 19)**

22. Please explain how European funding, especially the European Structural and Investment Fund (ESIF), is used to ensure, protect and promote the inclusion of persons with disabilities in their local communities? How are representative organisations of persons with disabilities involved in the policy-making, implementation, monitoring and evaluation of the use of that funding?

23. In 2012, the European Union Agency for Fundamental Rights (FRA) published a report on the right to independent living. Please indicate what measures were taken to carry out the recommended “efforts on de-institutionalisation accompanied by reforms in the areas of education, healthcare, employment, culture and support services” (paragraph 106).

#### **Personal mobility (art. 20)**

24. Please indicate what concrete initiatives the European Union is taking to secure spontaneous and independent travel for persons with disabilities, as well as assistance and accompanying persons free of charge at local, regional, national and international level?

25. Please explain how the European Union is systematically monitoring and following up on the implementation of all directives and regulations on air, rail, bus and coach passengers, and sea and inland waterways by Member States and operators?

**Freedom of expression and opinion, and access to information (art.21)**

26. Please indicate what the current legal status of braille and sign language is in the European Union and its Member States.

**Education (art. 24)**

27. Please indicate what concrete initiatives the European Union has taken to ensure that the funding instruments and the actions of Member states towards fulfilment of the education targets within the Europe 2020 Strategy promote inclusive quality education. In what way are representative organisations of persons with disabilities involved in the monitoring at EU and Member State level?

28. Please clarify whether there are disability specific indicators in the Europe 2020 strategy when pursuing the target on education.

**Health (art. 25)**

29. Please explain how the European Union can prevent disability-based discrimination in health care service provision and ensure the training of the health care professionals on human rights of persons with disabilities, in the view of its' shared competences with the EU Member States in the field of health care.

**Habilitation and rehabilitation (art. 26)**

30. Please explain what measures the European Union can take to ensure equal access to habilitation and rehabilitation services for nationals of an EU Member State who are persons with disabilities, after they have moved to another Member State.

**Work and employment (art. 27)**

31. Please provide precise data on amount of money invested in wage subsidies for workers with disabilities employed at the open labour market, in work place adaptations at the open labour market and in the hiring of work place assistants for workers with disabilities employed at the open labour market.

32. Please indicate what concrete steps the European Union has taken to ensure that persons with disabilities are prioritised in all EU policy-making and implementation on employment, such as the Europe 2020 strategy and the EU funding instruments, and that the effect is measured in a comparative way across the EU Member States?

**Adequate standard of living and social protection (art. 28)**

33. Please provide data on the effects of the international financial crisis and the austerity measures taken on the daily life of persons with disabilities in EU Member States.

34. Please provide information on programmes targeted at the reduction of poverty of persons with disabilities, especially women, girls and boys with disabilities.

**Participation in political and public life (art. 29)**

35. Please indicate what measures the European Union takes to ensure to all EU citizens with disabilities enjoy the equal rights to vote and stand for elections at the European parliamentary level.

**Participation in cultural life, recreation, leisure and sport (art. 30)**

36. Please provide a timescale for when the European Union intends to accede the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind,

Visually Impaired, or Otherwise Print Disabled, which allows access to published material to blind persons, persons with visual impairments or persons with other difficulties in having access to printed materials; and information about measures to ensure its effective implementation.

## **C. Specific obligations**

### **Statistics and data collection (art. 31)**

37. Please indicate what steps the European Union and its competent institutions, including EUROSTAT (such as in EU-SILC), is taking to implement the Convention and its human rights based approach to disability in the collection of data in all fields of life.

### **International cooperation (art. 32)**

38. Please explain how the European Union ensures that all EU international cooperation policies and programmes, including in the area of development, humanitarian aids and disaster risk reduction, are inclusive of and accessible to all persons with disabilities.

### **Implementation and monitoring (art. 33)**

39. Please explain how the currently existing EU Monitoring Framework is considered an independent monitoring mechanism in accordance with the Paris Principles, in particular its criteria of independence and allocation of sufficient financial and human resources.

40. Please provide information as to what extent persons with disabilities and their representative organizations have been actively involved in all processes of implementation, monitoring and evaluation of the Convention in the European Union.

## **D. EU Institutions Compliance with the Convention (as public administrations)**

### **General obligations (art. 4)**

41. Please indicate what the results of the planned Equality and diversity audit of selection processes are. Has a formal reasonable accommodation policy for persons with disabilities been adopted?

### **Equality and non-discrimination (art. 5)**

42. Please indicate what the European Parliament criteria to assess reasonableness and proportionality of accommodation measures are, which are included into its draft internal rules. Please inform the Committee on how employees of EU institutions who are parents of children with disabilities are protected against discrimination in all its forms.

### **Accessibility, freedom of expression and opinion; access to information (arts. 9 and 21)**

43. Please indicate what the timetable to ensure the full accessibility of all European Union's official websites and other communication channels, is.

**Education (art. 24)**

44. Please provide information on available quality inclusive education programmes for children with disabilities, members of families of EU civil servants, attending European schools.

**Work and employment (art. 27)**

45. Please indicate the percentage of persons with disabilities employed within EU institutions, and if there is any specific policy concerning their employment.

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