***Draft Council Conclusions on the Strategy***

***for the Rights of Persons with Disabilities 2021-2030***

**ACKNOWLEDGING THAT**

1. The European Union is founded on the values of human dignity, freedom, and respect of human rights and committed to combat discrimination, including on the grounds of disability as set out in the Treaty on European Union and the Charter of Fundamental Rights.

2. The European Commission committed to create a Union of Equality to which the Strategy for the Rights of Persons with Disabilities 2021-2030 provides an important contribution, building on progress achieved in the implementation of the United Nations’ Convention on the Rights of Persons with Disabilities and guided by the European Pillar of Social Rights.

3. Around 87 million persons in the European Union have some form of disability and thus face barriers to their economic and social participation. Impairments tend to increase with age: around half of persons aged 65 and over reported disabilities. Evidence calls for intensifying action as more than half of all persons with disabilities (52%) feel discriminated against in their daily lives. Persons with disabilities experience significant gaps in key areas; for example, an employment rate 24.2 p.p. lower than that of persons without disabilities and a risk of poverty or social exclusion 10 p.p. higher than that of persons without disabilities.

**4**. **One billion people, or 15% of the world's population, experience some form of disability, and disability prevalence is higher for developing countries. One-fifth of the estimated global total, or between 110 million and 190 million people, experience significant disabilities.**

**5. The EU is the largest donor of development aid in the world. It is committed to increasing its contribution, and to donating at least 0.7% of its gross national income a year.**

4. Persons with disabilities are a diverse group requiring policies, products and services tailored to specific individual needs. Disability comprises physical, mental, intellectual, or sensory impairments some of which are invisible. The intersection with other personal characteristics such as unfavourable socio-economic conditions, gender, **age** or ethnic identities may cause multiple disadvantages. Women, older persons and children with disabilities suffer situations of violence and abuse (17%) more often compared to people without disabilities (8%), at home and in institutions.

5. Disability is an evolving phenomenon resulting from the interaction between impairments and attitudinal and other barriers in the societal environment. Policies focusing on the potential of persons with disabilities, on combating stereotyping and discrimination and on reducing barriers are essential for ensuring that people with disabilities can enjoy their full rights and benefit from participating in society on an equal basis with others.

6. Considerable efforts have been undertaken at European level to implement the European Commission's European Disability Strategy 2010-2020, the EU level policy framework designed to support the implementation of the United Nations’ Convention on the Rights of Persons with Disabilities (UNCRPD) in the Union. Similarly, the Member States have made efforts at the national level in this area, including with a view to implementing the UNCRPD in the areas under their responsibility.

7. The 2010-2020 Strategy sought to pave the way to a barrier-free Europe, advanced the mainstreaming of disability into national and European policies, and contributed to the development of disability-inclusive policies. Through policies for international cooperation, the EU and its Member States have also led the way globally in promoting the inclusion and full participation of persons with disabilities.

8. In line with the values enshrined in the EU Treaties, the Commission’s new Strategy for the Rights of Persons with Disabilities 2021-2030 presents a comprehensive and ambitious framework designed to improve the lives of persons with disabilities in the EU and beyond and to advance the implementation of the UNCRPD.

9. The new Strategy complements other initiatives that aim to combat discrimination in all its forms and not leave anyone behind, to build a Union of Equality for all including persons with disabilities in line with the principles of the United Nations’ 2030 Agenda for Sustainable Development.

10. The principles enshrined in the European Pillar of Social Rights and the Action Plan adopted by the Commission to implement it, seek to improve the lives of persons with disabilities putting forward measures to ensure a strong, social Europe and a fair and inclusive recovery from the COVID-19 crisis, **with a commitment to better data collection and monitoring of the situation of persons with disabilities through the renewed Social Scoreboard.**

11. The disability dimension has been integrated into the European policies for the green and digital transitions and for a social and healthy Europe: the European Green Deal, the European Commission Digital Strategy to make Europe Fit for the Digital Age, the European Skills Agenda, the European Pillar of Social Rights Action Plan, the Digital Education Action Plan, the European Health Union, the Reinforced Youth Guarantee, the European Child Guarantee and the Commission's Strategy on the Rights of the Child are all disability-inclusive. The Council has recently also suggested that Member States explore innovative ways to ensure that all groups, including persons with disabilities, can access and benefit from the European Charter of Fundamental Rights[[1]](#footnote-1).

**UNDERLINING THAT:**

12. Persons with disabilities have a higher probability of being subject to discrimination and socio-economic disadvantage in a range of different areas. They frequently experience barriers in accessing healthcare, housing, participating in democratic processes, and using products and services, and live in poverty and isolation more often than persons without disabilities. They also tend to have lower educational attainments and employment rates and to leave the workforce earlier. The COVID-19 has exacerbated these problems.

13. Accessibility of buildings, transport, products and services, including web-based services, and of information and communication technologies, is a prerequisite for equal participation in the life of the community and for independent living. In addition to the UNCRPD requirements, the EU Law has set out minimum standards that should be effectively and coherently implemented.

14. The full enjoyment of the rights to free movement and to equal participation in democratic processes by persons with disabilities requires policies for ensuring wider recognition of disability status across the EU and for promoting equal participation in elections, including local, regional and national elections and the elections to the European Parliament.

15. Policies to promote independent and decent living and to facilitate the employment of persons with disabilities are gaining urgency, especially in ageing societies. Strategies for independent living should comprise adequate housing and quality services in the community, including for persons with intellectual and/or psychosocial disabilities, in order to enable them to choose appropriate living arrangements.

16. Calling for inclusive labour markets, the Council[[2]](#footnote-2) recommended that persons with disabilities should receive tailored support for transitions to the general labour market, for labour market reintegration and for equal enjoyment of workers´ rights, including in sheltered employment. Such support is necessary with a view to allowing persons with disabilities to achieve their full potential, which will also benefit society and the economy.

17. The digital transition offers new opportunities in terms of communication, self-determination and assistive technologies for persons with disabilities. New technologies need to be accessible for all persons with disabilities and supporting service providers should be equipped with adequate skills enabling them to cater to the needs of persons with disabilities. The COVID-19 pandemic showed the importance of accessibility of ICT tools necessary for teleconferencing, telework arrangements, remote learning, online shopping, and access to public services and information as well as the shortage of ICT professionals with training in the implementation of accessibility.

18. Ensuring equal access and non-discrimination requires legislation and action in different policy fields and across areas. The COVID-19 pandemic has refocused attention on efforts to safeguard access to the entire healthcare portfolio[[3]](#footnote-3) for persons with disabilities, to make education and lifelong learning inclusive and accessible for all from an early age and to bring unemployed persons with disabilities into the labour market. Facilitating access to culture and sports has a recognised value as a means of supporting social inclusion[[4]](#footnote-4). Research, training of professionals and accessibility policies are also needed to improve the participation for persons with disabilities and are key areas in the access to justice.

19. The European Commission's Strategy for the Rights of Persons with Disabilities 2021-2030 should be supported by ambitious national strategies, objectives and targets, taking into account national competences, so as to advance in the creation of a disability-inclusive European Union in line with the UNCRPD and to improve the lives of persons with disabilities.

20. National policies to implement the UNCRPD also have an international dimension. The goal should be to systematically and sustainably mainstream disability into EU external action policies including development cooperation and international humanitarian aid to increase the **rights** of persons with disabilities.

21. There are still significant gaps and methodological discrepancies in the collection of statistical data on the situation of persons with disabilities among Member States. These should be addressed in order to ensure that information provided is relevant in terms of both quality and frequency. **The absence of data collection on persons with disabilities in institutional care needs to be urgently addressed.**

22. By implementing Human Resources strategies for diversity and inclusion together with accessibility policies for buildings, venues, communication and publications, the European Commission and other European institutions should lead by example for policymaking at national, regional and local level.

23. In line with the commitments they had undertaken as parties to the UNCRPD, at the European Inclusion Summit 2020, Member States declared their determination to build a Europe where persons with disabilities can participate in all areas of society. A regular exchange of views between the EU, its Member States and representatives of the interests of persons with disabilities should ensure efficient delivery of this objective, in particular when supported by contact points for disability matters to be established in all Commission services and EU institutions.

24. [*To be added: reference to the upcoming High-level conference on the Strategy for the Rights of Persons with Disabilities organized by the Portuguese Presidency.*]

25. This set of Conclusions builds on previous work and political commitments voiced by the European Parliament, the Council, the Commission and relevant stakeholders in this area, including in the documents listed in the Annex.

**THE COUNCIL OF THE EUROPEAN UNION AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL**

26. WELCOME AND ENDORSE the European Strategy for the Rights of Persons with Disabilities 2021-2030 and **INVITE THE MEMBER STATES** to swiftly implement the related EU law and put in place policies in all areas covered by the Strategy to support its implementation.

The Council commits to

**• nominate its disability coordinator, as foreseen in the Strategy, and make it publicly known.**

**• be part of the Disability Platform.**

**• establish an interinstitutional coordination mechanism between the Commission, the Parliament and the Council. It can be launched by a meeting of the Presidents of these three institutions to discuss action on disability issues at the highest level and to commit to action.**

* **call upon the Commission to work with the Council to update the EU declaration of competences with regards to matters governed by the CRPD as recommended by the CRPD Committee in 2015 and included in the Strategy.**

**• negotiate with the European Parliament an amendment to the 1976 Electoral Law of the EU to ensure the right to vote to all persons with disabilities to complement the actions foreseen in the Strategy.**

**• defining next steps to support the full implementation of the flagship initiatives**

**INVITE THE MEMBER STATES TO**

27. Continue developing national strategies to implement the UNCRPD and the European Commission's Strategy for the Rights of Persons with Disabilities 2021-2030 at national, regional and local level **in consultation with Disabled Persons’ Organisations.**

**Take concrete action for the swift adoption of equal treatment legislation protecting all persons with disabilities from discrimination in all areas of life, either by unblocking the current Anti-Discrimination Directive proposal or through alternative measures having the same impact**

28. Take into account the situation of persons with disabilities when setting national targets to achieve the headline targets set in the European Pillar of Social Rights Action Plan and in the European Skills Agenda, namely targets for reducing the employment rate gap between persons with and without disabilities; targets for promoting adult learning of persons with disabilities; and targets for the reduction on the number of persons with disabilities in risk-of-poverty or social exclusion.

**Support the inclusion of persons with disabilities in the open labour market while allowing for reasonable accommodation, and address the issue of compatibility between disability allowances and paid work**.

29. Advance in ratifying the Optional Protocol of the UNCRPD as far as concerned and re-examine the EU accession to the Optional Protocol.

**Ensure equal and effective access to justice by persons with disabilities, including by ensuring supported decision-making, provisions of procedural accommodations and accessibility of police stations, courts and tribunals, by revising discriminatory laws and by training all professionals working in the legal and judicial system on the rights of persons with disabilities under the UNCRPD.**

30. Ensure the effective and coherent transposition,implementation, **and enforcement** of all EU law on accessibility of products, services, media, transport and buildings and reinforce cooperation through the AccessibleEU resource centre to be launched in 2022. **AccessibleEU should also identify gaps in existing accessibility legislation and provide input for new laws at national and European level, supporting Member States to implement accessibility in practice.**

31. Promote the development of **de-institutionalisation**, Community-based social services and independent living, taking into account established good practices. Use EU funding to strengthen the quality of services providing support in the community.

**Address current issues on equal recognition before the law as well as legislation on guardianship, including by working with the Commission to collect and foster practices of supported decision-making.**

32. **Ensure the right to vote of persons with disabilities, and p**romote the exercise of **their** electoral rights **by agreeing with the European Parliament on a reform of the EU Electoral Law of 1976.**

33. Further promote the coordination of the UNCRPD National Focal Point with other ministries including by establishing **a focal point in the Council**, contact points for disability matters in ministries and public bodies and work with relevant European Commission services to implement the Strategy.

34. When implementing the UNCRPD and the Strategy, **systematically consult** with and active**ly** involve of persons with disabilities in the development and implementation of legislation and policies, including through their representative organisations.

35. Make use of EU funding and financial programmes including the Recovery and Resilience Facility, the Cohesion Policy Funds and Horizon Europe to advance the implementation of the UNCRPD and of this Strategy, including in the areas of accessibility, community-based social services, independent living and socio-economic inclusion of persons with disabilities **and strictly monitor that now EU funding is spent on institutions and/or projects that create further barriers to accessibility.**

**35. Require the EU to create an External Disability Action Plan to guide and promote the work by the EC and its Member States on disability in international cooperation and humanitarian action.**

**38. Encourage the EU to organise a Global Disability Summit to showcase its international leadership in international cooperation and humanitarian aid.**

**INVITE THE MEMBER STATES AND THE COMMISSION, in accordance with their respective competences, to**

36. Work together towards full implementation of the UNCRPD and take initiatives to adapt EU and national legislation accordingly where necessary **and update the EU declaration of competences with regards to matters governed by the CRPD as recommended by the CRPD Committee in 2015 and foreseen in the Strategy.**

**- Work together to launch the Disability Card with an ambitious scope and with participation of all Member States and designated funding. The Disability Card should be linked to EU legislation to ensure mutual recognition of disability status across the EU.**

**- To identify gaps in current accessibility legislation and close those gaps with new laws addressing for example accessibility of household appliances, buildings, medical devices, healthcare, etc.**

**Work together to ensure that all initiatives to protect the rights of persons with disabilities in civil and criminal cross-border issues fully comply with the UN CRPD, and advance access to justice to persons with disabilities in line with article 12 and 13 of the UN CRPD;**

37. Promote structured cooperation between the Member States, the Commission and representative organisations of persons with disabilities, including by involving the national UN focal points in the new Disability Platform, and by cooperating with representatives from the regional and local level.

38. Ensure systematic disability mainstreaming in line with the UNCRPD, including the screening, monitoring and evaluation of all EU legislative acts, EU programmes and EU funding, as well as national legislation and policies **and work of the EU globally**.

39. Coordinate in order to identify fields and possibilities for action with the objective to raise awareness regarding disability matters, to combat stigmatisation **intersectional and multiple forms of discrimination and hate speech and hate crimes faced by persons with disabilities, with specific attention and measures to protect the rights of children with disabilities, women and girls with disabilities and older persons with disabilities.**

**Ensure that all initiatives taken are gender and age sensitive and include the perspective of women and girls with disabilities.**

40. Strengthen cooperation on disability matters in the context of EU financial programmes and funding, development cooperation, humanitarian aid and enlargement.

41. Enhance cooperation on comprehensive and regular data collection, coordinated by EUROSTAT, thus also contributing to improved monitoring in the context of the European Semester. **Data disaggregation should be cross-cutting and Eurostat should collaborate with National Statistics Offices to more systematically use methodologies such as the Washington Group set of questions to enable disaggregation by type of disability.**

42. Expand data collection on the situation of persons with disabilities, including those living in institutions, in areas such as accessibility, health and healthcare, employment, training, skills, education, social protection, poverty and social inclusion, living conditions and use of new technologies. **Adopt the Commission’s proposal for a renewed Social Scoreboard as part of the new Action Plan of the Pillar of Social Rights, with regular data collection and analysis of national trends regarding the situation of persons with disabilities. Revise the Justice Scoreboard to add an indicator on CRPD compliance of the national justice systems. Ensure that data on persons with disabilities are collected by all relevant EU bodies such as the EU Fundamental Rights Agency and the European Institute on Gender Equality.**

43. Ensure synergies between the Strategy, the national strategies and the United Nations´ 2030 Agenda for Sustainable Development.

**Improve coherence of the EU’s external action and policies concerning persons with disabilities in general and strengthen the involvement of EU Delegations with training, resourcing, and better coordination.**

44. Support peer learning activities on national disability strategies and national, regional and local disability policies and practices in different areas.

45. **Actively involve** and seek cooperation with civil society organisations representing or working with persons with disabilities **and ensuring that those organisations are sufficiently funded to operate efficiently.**

**INVITE THE COMMISSION TO**

**- Provide resources for the staffing and operation of the AccessibleEU centre.**

**- Propose legislation to implement the Disability Card in all Member States with an ambitious scope.**

**- establish a CRPD unit in the European Commission, with sufficient human and financial resources, to ensure coordination of the CRPD and implementation of the Disability Rights Strategy at the EU level in collaboration with the Disability Platform.**

46. Ensure the alignment between its Strategy for the Rights of Persons with Disabilities 2021-2030 and the EU policy initiatives for the green and digital transitions.

47. Ensure synergies between the Strategy, other equality strategies, and the policies and instruments for building a European Health Union, education and skills development, youth, children and ageing.

48. Foster disability mainstreaming and coordinated action across Commission services through establishing disability coordinators for the implementation and monitoring of its Strategy for the Rights of Persons with Disabilities 2021-2030, working closely with persons with disabilities and their representative organisations.

49. Monitor the implementation of enabling conditions in the context of the Member States’ frameworks for the implementation of the UNCRPD and accessibility as well as their use of EU financial programmes and funding for the economic and social inclusion of persons with disabilities.

50. Promote mutual learning and the exchange of good practice between Member States so as to enhance the knowledge base regarding accessibility and other areas such as community-based social services, independent living and measures to enhance the employability of persons with disabilities, including employment services.

**51. Update the Toolbox on the “Rights Based approach, encompassing all human rights to EU development cooperation”.**

**INVITE THE EMPLOYMENT COMMITTEE (EMCO) AND THE SOCIAL PROTECTION COMMITTEE (SPC) TO**

51. Review the EU Social Scoreboard in line with the European Pillar of Social Rights Action Plan with a view to better monitoring the situation of persons with disabilities under the European Semester process.

52. Continue conducting peer learning activities on social and employment policies, implementing the rights of persons with disabilities in these areas.

1. [Council Conclusions on strengthening the application of the Charter of Fundamental Rights](https://data.consilium.europa.eu/doc/document/ST-6795-2021-INIT/en/pdf) [↑](#footnote-ref-1)
2. Council conclusions on [Improving the employment of people in a vulnerable position in the labour market](https://data.consilium.europa.eu/doc/document/ST-14646-2019-INIT/en/pdf).;[.](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019XG0607(03)) [↑](#footnote-ref-2)
3. European Inclusion Summit 2020. [Declaration](https://www.european-inclusion-summit.eu/SharedDocs/Downloads/Webs/EIS/EN/AS/Declaration-EIS-2020.pdf?__blob=publicationFile&v=4). [↑](#footnote-ref-3)
4. [Council conclusions on Access to sport for persons with disabilities](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019XG0607(03)). [↑](#footnote-ref-4)