



Brussels, 31 May 2024
(OR. en)

10491/24

LIMITE

SOC 409
ANTIDISCRIM 92

NOTE

From:	Presidency
To:	Delegations
Subject:	Mainstreaming of disability policies

1. UNCRPD

The UN Convention on the Rights of Persons with Disabilities (UNCRPD) is the first international legally binding instrument setting minimum standards for the rights of people with disabilities. The UNCRPD aims to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities. The EU signed the Convention on 30 March 2007 and ratified it on 23 December 2010. This event marks the first time the EU became a party to an international human rights treaty. All EU Member States have also signed and ratified the Convention¹, making the UNCRPD a mixed agreement² with concurrent jurisdiction of both the Union and its Member States.

¹ 22 EU countries have also signed and ratified its optional protocol, which establishes an individual complaints mechanism for the Convention.

² A Declaration of Competence which lays down EU competence in relation to the Convention is included in Annex II of Council Decision 2010/48/EC.

2. Obligations and recommendations for the EU under the UNCRPD

The EU acceded to the UNCRPD by means of the Council Decision 2010/48/EC. Since the UNCRPD entered into force for the EU in January 2011, the Union has been bound by all obligations therein in areas that fall within its competence. This means ensuring that all legislation, policies and programmes at EU level comply with the Convention's provisions on disability rights as well as ensuring its implementation and monitoring.

Article 33 of the UNCRPD obliges State Parties, “*in accordance with their system of organization, [to] designate one or more focal points within government for matters relating to the implementation of the Convention*” and to “*give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels*”. Pursuant to Article 3 of Council Decision 2010/48/EC, the Commission has been designated as the focal point for the implementation of the UNCRPD with respect to matters falling within the Union’s competence³. In addition to the mandatory designation of a focal point, and as encouraged by Article 33, the Commission and the Parliament have established internal coordination mechanisms on disability policy.

In its observations following the first report submitted by the EU under Article 35 of the UNCRPD, the UNCRPD Committee recommended “*that the European Union consider the establishment of an interinstitutional coordination mechanism and the designation of focal points in each European Union institution, agency and body.*”⁴ In the same line, the UNCRPD Committee also underlined in its ‘List of issues’ prior to submission of the second and third periodic reports of the European Union the importance to “*establish focal points on disability across all policy areas, and ensure the dissemination of information about their work in implementing the Convention within European Union institutions*”.⁵

³ The details of this function are laid out in a Code of Conduct (2010/C 340/08) setting out internal arrangements for the implementation by and representation of the EU relating to the UNCRPD.

⁴ <https://ec.europa.eu/social/BlobServlet?docId=14429&langId=en>

⁵ <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPpRiCAqhKb7yhsiPnW8NYRfWwnwCWomhpmLQciKwHvpX3AIY%2Fq%2F5pNAWMv%2FPbjor2PIZf53LChxYgOciIoKyQ1I%2FhRzaEIX4iWWpRtoFV%2F8F172bLcAWYVsYc>

3. Presidency proposal

The Council has underlined the importance of safeguarding the rights of persons with disabilities and ensuring full implementation of the UNCRPD as a way to recognise the inherent dignity and equality of all individuals.⁶

It is recalled that pursuant to Article 19 of the Rules of Procedure of the Council, “*Coreper shall (...) ensure consistency of the European Union’s policies and actions*”. As a preparatory body with a horizontal overview of different policy areas within its remit closely linked to the matters covered by UNCRPD, Coreper I would be best placed to effectively oversee a complex, cross-sectoral issue such as disability, while ensuring consistency.

Therefore, it is suggested that Coreper I take up the role of ensuring the consistency of the work of the Council as regards the obligations set out in the UNCRPD. It is also suggested to encourage the future presidencies to discuss the issue and actions taken for matters relating to disability twice a year in Coreper I, once under each presidency.

Lastly, it is suggested that this recommendation be included in the Presidency Handbook issued by the General Secretariat, under the “Specific tasks of the Presidency” chapter. Doing so would facilitate the implementation of the UNCRPD in matters falling within the Union’s competence, would ensure that continuous attention is paid to disability issues and would improve coordination of efforts across policy areas.

⁶ For instance in the Council Conclusions on the Strategy for the Rights of Persons with Disabilities 2021-2030 (st 9749/1/21) and in the Council Conclusions on European Court of Auditors Special Report No 20/2023 – “Supporting people with disabilities” (st 15575/23).