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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

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To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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COMMISSION STAFF WORKING DOCUMENT

**Report on the Implementation of the UN Convention on the Rights of Persons with
Disabilities (CRPD) by the European Union**

Committee on the Rights of Persons with Disabilities

Combined second and third reports submitted by the European Union under article 35 of the Convention, pursuant to the optional reporting procedure, due in 2021*

[Date received: XX April 2023]

Reply of the European Union to the list of issues prior to submission of the second and third periodic reports of the European Union

Introduction

This document contains the replies of the European Union (EU) to the list of issues, preceding the EU's combined second and third periodic reports on the implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) by the EU to the UN Committee on the Rights of Persons with Disabilities (the Committee). The Committee adopted the list on 20 April 2022 (CRPD/C/EU/QPR/2-3). The European Commission (Commission), as the focal point for the EU implementation of the UNCRPD, has prepared the replies with input from other EU institutions' reports, bodies, such as the EU Framework, and agencies. When preparing the document, the Commission has taken into consideration the European Parliament (Parliament) resolutions of 2021 and 2022¹ and the 2020 report of the European Economic and Social Committee (EESC) Study Group on Disability Rights.² It has also considered the feedback from its internal disability groups: the Association of Staff with a Disability in the Commission (ASDEC) and the Commission Disability Support Group (Commission DSG). Organisations of persons with disabilities (OPDs) have been consulted during one Structured Dialogue meeting and three Disability Platform meetings (two in 2022 and one in 2023), where EU Member States (MS) also participate.

The EU concluded the UNCRPD on 22 January 2011 in its capacity as a regional integration organisation, within the meaning of Article 44 UNCRPD to the extent of its competences. The first report on its implementation of the UNCRPD was published on 5 June 2014 and was considered on 27-28 August 2015 by the Committee, which adopted its concluding observations on 3 September 2015.

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

Reply to the issues raised in paragraph 1 of the list of issues, point (a)

The Commission issued a proposal for a Council Decision on the EU accession to the UNCRPD Optional Protocol³ in 2008, which requires unanimity of the EU MS. Currently,⁴ 22 out of 27 MS are parties to the Optional Protocol.⁵ As stated in its Strategy for the Rights of Persons with Disabilities 2021-2030 (Strategy), the Commission closely follows the progress of accession by

MS to the Optional Protocol and will re-examine the EU's ratification of the Protocol in that light.

Reply to the issues raised in paragraph 1 of the list of issues, point (b)

EU legislation frequently mandates reporting on performance and undergoes periodic review. Disability mainstreaming takes place during legislative revisions and when preparing new legislative proposals. In line with the case law of the EU Court of Justice, EU secondary law⁶ must, as far as possible, be interpreted in a manner that is consistent with the UNCRPD.

Reply to the issues raised in paragraph 1 of the list of issues, point (c)

The EU adopts its budget for several years through a Multiannual Financial Framework (MFF), currently covering 2021-2027.⁷ The MFF specifies instruments and allocates budgets, substantiated in specific programmes.⁸ Numerous programmes contain references and address the rights of persons with disabilities in line with the Strategy. A non-exhaustive list of examples is provided below.

Regional policy and structural reforms: The rules⁹ governing the EU cohesion policy funds contain specific provisions for persons with disabilities. They refer to the UNCRPD in their enabling conditions and require accessibility to be taken into account throughout the preparation and implementation of programmes.¹⁰ In particular, the European Social Fund Plus (ESF+) and the European Regional Development Fund (ERDF) programmes as well as the Recovery and Resilience Facility (RRF) provide the possibility to invest in measures that contribute to the implementation of the Strategy.¹¹ As an example, in 2021-2027, the EU invests around EUR 1.73 billion in measures to enhance the delivery of family and community-based care services under the ESF+, ERDF and Interreg programmes.¹²

MS can also request technical support to help implement the Strategy through the Technical Support Instrument (TSI)¹³. The TSI is part of the MFF 2021-2027 and has a budget of EUR 864 million.¹⁴

Education and culture: The inclusive approach of the Erasmus+ and European Solidarity Corps (ESC) programmes is underpinned by a framework of inclusion measures.¹⁵ This framework addresses the barriers that different target groups, including persons with disabilities, may face. Both programmes provide accessible formats of activities, additional financial support, and support measures for young people with fewer opportunities.¹⁶ Since the start of the 2021-2027 programming period, Erasmus+ has already supported 569 projects covering the topic of disability for more than EUR 52 million.¹⁷ For the same period, 236 projects were selected under the ESC programme for a total budget of more than EUR 1.8 million.

The Creative Europe¹⁸ programme, for the cultural and creative sectors, encourages the active participation of persons with disabilities, both as creators and as audiences.

Research and innovation: The Regulation¹⁹ establishing the Horizon Europe (2021-2027) programme promotes equal opportunities and equality and diversity in all aspects of research and innovation including with regard to disability.²⁰ The programme²¹ includes references to

disabilities under several Clusters^{22,23} The 2021-2022 call for proposals under Pillar II of Horizon Europe included 32 topics with references to persons with disabilities²⁴ for close to EUR 462 million.

The Marie Skłodowska-Curie Actions (MSCA)²⁵ programme ensures fair access to doctoral education, training and knowledge transfer for researchers, including those with disabilities. This stimulates an inclusive R&I labour market and supports cross-border mobility of researchers. The programme provides an allowance²⁶ for MSCA fellows whose participation entails additional expenses linked to disabilities.

Several EU-funded projects to improve web and other areas' accessibility relevant to Articles 9 and 21 of the UNCRPD have been carried out.

Transport: The Connecting Europe Facility (CEF)²⁷ aims to develop the trans-European transport network with a focus on cross-border connectivity. Actions to improve the accessibility of transport infrastructure, especially for users with reduced mobility,²⁸ will be eligible for co-financing. In line with the European Green Deal, the majority of the funding will be dedicated to railway infrastructure that has to comply with accessibility rules.²⁹

Health: The EU4Health Programme³⁰ implements EU legislative and non-legislative initiatives and complements MS policies on health. The supported actions address amongst others inequalities in health and target vulnerable people, including persons with disabilities. In the 2022 Work Programme, EUR 700 000 were earmarked for a study³¹ on access to healthcare for persons with disabilities.

Social inclusion in rural areas: Under the Common Agricultural Policy 2014-2020, MS could invest in social inclusion through the European Agricultural Fund for Rural Development.³² Relevant projects for persons with disabilities can be found on the website of the European Network for Rural Development.³³ Under the Common Agricultural Policy 2023-2027, the majority of MS will target social inclusion challenges through the LEADER approach.³⁴

Respect for rights: The Citizens, Equality, Rights, and Values (CERV) programme provides operating grants to framework partners to support the Strategy and implement the UNCRPD with around EUR 5.8 million per year. The budget allocated to the rights of persons with disabilities was EUR 2.1 million per year in 2021 and 2022.³⁵

External, development and humanitarian action and migration: The Regulation³⁶ establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI-GE)³⁷ takes a rights-based approach, guided by principles such as 'leaving no-one behind', equality and non-discrimination. The Instrument aims to support human rights compliance, and fight inequalities and discrimination globally. NDICI-GE applies the human rights-based approach to mainstream disability in its actions and dedicates EUR 5 million to global action to increase capacities to implement the UNCRPD. Similarly, the Regulation³⁸ establishing the Instrument for Pre-Accession assistance III³⁹ promotes non-discrimination, including of persons with disabilities in the allocation of funding.

EU humanitarian aid must be provided on a non-discriminatory basis, to help particularly the most vulnerable persons.⁴⁰ The 2007 EU Consensus on Humanitarian Aid requires paying particular attention to specific vulnerabilities, such as disability⁴¹. The 2021 EU Humanitarian Aid Communication,⁴² aims to ensure that we meet the needs and rights of specific groups, including persons with disabilities.⁴³ The 2019 Operational Guidance on the Inclusion of Persons with Disabilities in EU-funded Humanitarian Aid Operations aims at fostering disability inclusion, ensuring mainstreaming of disability, and providing Commission partners and staff with the operational tools to ensure those objectives.

To build the capacity of Commission staff and partners on disability inclusion, the Commission is developing an e-learning tool. It builds on the 2019 operational guidance on the inclusion of persons with disabilities in EU-funded humanitarian aid operations.⁴⁴

Support for persons with disabilities is also ensured under the **Asylum, Migration, and Integration Fund** (AMIF). The AMIF requires taking appropriate steps to exclude any form of discrimination prohibited by Article 21 of the Charter of Fundamental Rights of the EU (the Charter), including against persons with disabilities in the framework of the Fund. Third countries participating in the Fund are also obliged to respect human rights.

Reply to the issues raised in paragraph 1 of the list of issues, point (d)

Since May 2015, the Better Regulation Guidelines and Toolbox have been key internal instruments to reinforce EU policy and decision-making processes. The revised guidelines and toolbox from November 2021⁴⁵ strengthen the consultation of persons with disabilities and improve guidance to identify and analyse equality, including disability aspects, in relevant impact assessments and evaluations. The Better Regulation toolbox, in particular tools #29 *Fundamental rights* and #30 *Employment, working conditions, income distribution, social protection and inclusion* now put more emphasis on the impact of policy options on persons with disabilities.⁴⁶ Several new tools (evaluation criteria, digital-ready policy making, education, developing countries, etc.) include examples related to disability concerns.

Reply to the issues raised in paragraph 1 of the list of issues, point (e)

Council Decision 2010/48/EC⁴⁷ concerning the conclusion by the European Community (now EU) of the UNCRPD contains a list of over 40 legal acts included in the EU declaration of competence. In 2017, the progress report⁴⁸ on the implementation of the European Disability Strategy 2010-2020 provided a comprehensive and up-to-date overview of EU legal acts referring to matters governed by the UNCRPD, including information on acts which have been reviewed or repealed. This overview is currently under revision.

Reply to the issues raised in paragraph 2 of the list of issues, point (a)

Following the adoption of the Strategy, all Commission services have nominated their disability coordinators, responsible for mainstreaming disability within their departments. Together they form the Interservice Group on disability (Disability ISG), which meets regularly.⁴⁹

The Task Force on Equality was created in 2019 to mainstream inclusion and equality in all dimensions,⁵⁰ and to support the work of the Commissioner for Equality. Equality coordinators

ensure that equality considerations, including disability, are mainstreamed in the initiatives for which their service is in the lead, liaising with the Disability ISG. In addition, the Task Force raises the awareness of Commission staff on disability-related issues, including via dedicated training sessions.⁵¹

In the European Parliament, the CRPD Network, an Inter Committee working group with 12 other Committees,⁵², organised and chaired by the Committee on Employment and Social Affairs (EMPL) has as mission the political mainstreaming of disability rights and implementation of the UNCRPD. In the Council, the Human Rights Working Party deals with UNCRPD matters.

Reply to the issues raised in paragraph 2 of the list of issues, point (b)

The EU Regulation⁵³ on taxonomy aims to scale up sustainable investment to implement the European Green Deal. The Regulation requires the Commission to publish a report on a possible extension to other objectives, including social ones. In this light, the Platform on Sustainable Finance, an independent advisory body of the Commission, published a report on a possible methodology for a social taxonomy.⁵⁴ The report refers to the standards set out in the core UN human rights conventions and identifies equality and the inclusion of persons with disabilities as contributing to more inclusive and sustainable communities and societies. The report does not prejudice any decision or action by the Commission on the matter.

The Commission will continue pursuing further policy initiatives to promote investments with a positive social impact within the broader legislative framework on sustainable finance.⁵⁵

Reply to the issues raised in paragraph 2 of the list of issues, point (c)

MS are responsible for properly implementing EU law by correctly transposing directives into national law, within the legal deadlines.⁵⁶ As guardian of the Treaties, the Commission is monitoring this process very closely.

The 2022 communication “Enforcing EU law for a Europe that delivers”⁵⁷ presents the tools used by the Commission to ensure that EU law is properly applied. To prevent breaches, the Commission supports MS by means of guidance documents, implementation strategies and transposition workshops. If, despite these accompanying measures, a MS fails to communicate the national transposition measures by the legal deadline, the Commission can launch an infringement procedure against the said MS.⁵⁸ For instance, the Commission recently launched infringement procedures for delays in transposing the European Accessibility Act.

Reply to the issues raised in paragraph 2 of the list of issues, point (d)

Enforcement provisions described under point (c) of paragraph 2 also apply to EU legislation relevant to persons with disabilities in areas such as victims’ rights or employment.

Under the Victims’ Rights Directive,⁵⁹ all victims of crime should have access to specialist support services that correspond to each victim’s individual needs. The most vulnerable victims, including those with disabilities, have access to special protection measures. The evaluation of the Directive⁶⁰ indicates that it has significantly improved the lives of victims across the EU,

though not all victims can fully rely on their rights. The Commission will propose a revision of the Directive in 2023.

The Employment Equality Directive⁶¹ lays down a general framework for combating discrimination, including on grounds of disability, in the area of employment and occupation. Article 5 sets out the right to reasonable accommodation⁶² for persons with disabilities. The Commission closely monitors legislative developments and published the latest implementation report in March 2021.⁶³

Reply to the issues raised in paragraph 3 of the list of issues

The Commission policy on dealing with breaches of EU law is set out in its Communication “EU law: better results through better application.”⁶⁴ In case MS do not fulfill their obligations under EU law, the Commission acts by opening infringement procedures to guarantee that EU law is complied with.⁶⁵ In the case of equal treatment legislation, once a directive has been transposed into national law, it is for the person who believes to have been discriminated to file a complaint with the national authorities, including national courts. Only these are competent to assess the facts of an individual case.⁶⁶

As part of the European Semester process, the Commission monitors the implementation of the European Pillar of Social Rights in the MS. Policy developments the field of disability are monitored in particular with statistical data on the gaps between persons with and without disabilities in relation to education, employment, and poverty risk. The process also implies regular consultations with OPDs.

Reply to the issues raised in paragraph 4 of the list of issues

The budgetary procedure is strictly inter-institutional, with no involvement of external groups. However, persons with disabilities are involved in the preparation and implementation of some programmes.

The rules governing cohesion policy funds (e.g. ERDF and ESF+)⁶⁷ contain various requirements in support of the rights of persons with disabilities.⁶⁸ With regard to external actions, the Commission applies a human rights-based approach⁶⁹ and services are usually requested to take the views of civil society organisations (CSOs) into account when preparing programming documents and during implementation.

As regards administrative expenditure in the Commission, persons with disabilities are involved via the Commission DSG and ASDEC. These associations represent both staff with disabilities and carers of dependents with disabilities. They are regularly involved in the needs assessment and the budget execution which provides support to staff with disabilities or carers of dependents with disabilities.

Reply to the issues raised in paragraph 5 of the list of issues

The Commission organises Strategic Dialogue meetings with OPDs to discuss policies. Major EU-level networks of OPDs receive financial support to implement a wide range of activities⁷⁰

and strengthen their capacity, as well as that of their national or regional members. For the period 2022-2025, the Commission has signed framework partnership agreements (FPAs)⁷¹ with 12 EU-level networks.⁷² The EC annually awards over EUR 6.5 million to these operating grants.⁷³ In addition, disability organisations can respond to public consultations or participate in consultations on new initiatives.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

Reply to the issues raised in paragraph 6 of the list of issues, point (a)

In 2008, the Commission proposed an equal treatment directive to extend the existing EU anti-discrimination legal framework and ensure equal treatment of persons with disabilities in areas outside the field of employment (social protection, healthcare, education, and access to goods and services, including housing).

The proposal is under negotiation in the Council, where MS unanimity is required for its adoption. No agreement has been reached yet. The proposal is a priority for the Commission, which offers its support to the legislator to make progress towards its agreement.

Reply to the issues raised in paragraph 6 of the list of issues, point (b)

In 2022, the Commission put forward measures to strengthen the role and independence of equality bodies,⁷⁴ such as providing them with increased resources and powers to enable them to combat discrimination more effectively. These proposals extend the competence of equality bodies to two existing Directives, the Gender Equality Directive in the field of social security and the Employment Equality Directive that includes disability among the protected grounds.⁷⁵

The proposals contain a legal requirement for equality bodies to be free from external influence, in particular as regards their legal structure, accountability, budget, staffing, and organisational matters. Equality bodies are envisaged to be able to investigate cases of discrimination, issue opinions or binding decisions (depending on the choice of Member States), and act in court in discrimination cases. The proposals include specific provisions on accessibility and reasonable accommodation to guarantee that persons with disabilities have equal access to all services and activities of equality bodies. They also clarify that prevention, promotion, and awareness-raising activities of equality bodies must focus in particular on groups whose access to information can be hindered, for example in relation to disability.

Reply to the issues raised in paragraph 6 of the list of issues, point (c)

The Commission has stressed the importance of an intersectional approach in the EU equality strategies.⁷⁶ All EU social surveys provide statistical data based on sex, age, disability, and migrant background.⁷⁷ The inclusion of the disability variable enables the analysis of discrimination on the grounds of disability in various domains, such as the labour market, health, education, income, living conditions, and ICT. Starting from 2024, the rolling module of the EU

Statistics on Income and Living Conditions (EU-SILC) survey is expected to collect data on ‘the feeling of being discriminated against when using specific services’ every six years.⁷⁸ In addition, the module on the labour market situation of migrants and their immediate descendants (2021) of the European Union Labour Force Survey (EU-LFS) includes a variable on the “feeling of being discriminated against at work in the current job: mainly on the grounds of age, gender, foreign origin, disability, or other ground.” Furthermore, the Commission proposal on combating violence against women and domestic violence, the proposal to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms, and the proposal on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation also refer to intersectionality or discrimination based on several grounds.⁷⁹

Women with disabilities (art. 6)

Reply to the issues raised in paragraph 7 of the list of issues, point (a)

As co-leader of the Gender-Based Violence Action Coalition of the Generation Equality Forum, the Commission committed to delivering on an ambitious set of policy and legal initiatives while ensuring an intersectional approach. Intersectionality is one of the core and guiding principles of the Generation Equality Forum.⁸⁰ Moreover, the EU contributions to G7 and G20 technical work on Gender Equality which regularly include an intersectional perspective with a focus on the rights of women in all their diversity, including women and girls with disabilities.

Reply to the issues raised in paragraph 7 of the list of issues, point (b)

The Commission regularly consults representative organisations of women and girls with disabilities as well as other CSOs through EU public consultations and Strategic Dialogues. In 2022, for example, persons with disabilities were heard in the preparation of Commission proposals such as the revision of Barcelona targets on childcare and the proposal for a directive on combating violence against women and domestic violence. Furthermore, the Strategy pays specific attention to the situation of women and girls with disabilities. All data collected is disaggregated by sex, for example, which in many cases illustrates the additional gaps and fosters targeted actions.

Reply to the issues raised in paragraph 7 of the list of issues, point (c)

The European Institute for Gender Equality (EIGE) includes the gender perspective in all its work, as its core mission is focused precisely on gender equality. The Institute also integrates the disability perspective in its work by using an intersectional approach to identify multiple sources of discrimination and highlight the specific situation of certain disadvantaged groups, such as women with disabilities. The Gender Equality Index reports, for instance, regularly provide information on the situation of persons with disabilities.⁸¹

Children with disabilities (art. 7)

Reply to the issues raised in paragraph 8 of the list of issues, point (a)

The EU Strategy on the Rights of the Child⁸² seeks to pursue more age-disaggregated data collection by Eurostat⁸³ and other EU agencies. Since 2021, the EU-SILC survey collects data on children every three years⁸⁴. The module includes a variable allowing to identify children with disabilities.

Additional qualitative data on the situation of children with disabilities has been gathered in the preparation of the European Child Guarantee (ECG) Council Recommendation.⁸⁵

Reply to the issues raised in paragraph 8 of the list of issues, point (b)

The European Forum on the Rights of the Child is an annual conference⁸⁶ that provides a platform for dialogue between EU institutions and other stakeholders on the rights of the child. Its 14th edition on “Bringing children at the centre” devoted special attention to key actions under the EU SRC, child participation, children involved in conflicts, and integrated child protection systems.⁸⁷

The Commission is also launching an accessible child participation platform, which will be operational in 2023, to connect existing child participation mechanisms at local, national and EU level and to involve children in decision-making processes at EU level.

Reply to the issues raised in paragraph 8 of the list of issues, point (c)

The EU SRC commits to ensuring complementarity with the Strategy to respond to the needs of children with disabilities and provide better access to mainstream services and independent living. It highlights the EU support for investing in quality alternative care and transitioning from institution-based to family- and community-based care for children with disabilities. It also commits to promoting accessible ICT and assistive technologies for children with disabilities. Further, it refers to inclusive education and accessible justice systems.

The ECG Council Recommendation⁸⁸ lists children with disabilities among the groups experiencing specific disadvantages. The Recommendation guides MS to submit national action plans to the Commission.⁸⁹ Out of the 13 action plans that contain policy measures targeted at children with specific disadvantages, twelve focus on children with disabilities. The Commission will follow up on the implementation of action plans⁹⁰ and will continue organising meetings of the ECG coordinators to discuss selected topics.

The EU Agency for Fundamental Rights (FRA) has provided findings and opinions⁹¹ on the rights of children with disabilities and flagged the need to disaggregate data by age and disability. The FRA’s latest research involving children looked at the practical implementation of Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.⁹² When identifying interview partners, the FRA sought to include children with disabilities as suspects or accused persons, in particular to learn about their experiences with individual assessments designed to tailor the legal proceedings to their needs. The final report highlights that individual assessments are not systematically performed and do not significantly influence the way proceedings are conducted. The FRA also focused

specifically on children with disabilities in its 2015 report on violence against children with disabilities.⁹³

Awareness-raising (art. 8)

Reply to the issues raised in paragraph 9 of the list of issues, point (a)

In May 2019, the Commission launched the “EUvsDiscrimination” campaign, tackling discrimination at work.⁹⁴ In September 2022, the Commission launched the “Together for Rights” communication campaign⁹⁵ to promote the rights of persons with disabilities across Europe and beyond. The campaign promotes the Strategy, with a focus on key rights under the UNCRPD: education, employment, leisure and sports, independent living, and accessibility. The Commission has worked closely with several EU-level OPDs on the campaign’s main messages and visuals. Moreover, the campaign counts on Champions: disability influencers from EU MS who produce their own content on the Strategy for their social media channels.

In general, major Commission communication initiatives must comply with accessibility requirements. The Commission is currently developing broad guidance and best practices on accessible communication.

The European External Action Service (EEAS) developed and disseminated a Guide on inclusive communication with persons with disabilities to be displayed in EEAS headquarters and delegations’ premises, including best practices and advice.⁹⁶ The guide includes information on terminology to refer to persons with disabilities in line with the UNCRPD.

Persons with disabilities and their organisations are involved in key awareness-raising initiatives, such as the European Year of Youth (EYY) in 2022.⁹⁷ One of the EYY’s flagship initiatives under the policy area “Employment and Inclusion” was the Strategy. Representatives from the European Disability Forum (EDF) participated in the co-design and co-implementation of the Year as part of the EYY stakeholders’ group.

Reply to the issues raised in paragraph 9 of the list of issues, point (b)

The Task Force on Equality Secretariat works on raising awareness on equality issues, including by providing training to staff.

While some courses address equality mainstreaming in general, others focus on a specific ground of non-discrimination, like disability. In 2021-2022, the Task Force organised a total of seven training sessions, including two specifically focused on disability mainstreaming. Some training sessions were addressed to equality coordinators and their teams, while others were open to all staff. A total of 310 colleagues attended these courses. The Task Force is also developing an e-module on equality mainstreaming, covering disability. In addition, it organises annual events to build internal capacity at all levels, from experts to politicians. These events bring together equality coordinators and other colleagues dealing with equality. The very first event, in 2020,

included a workshop on “accessibility and mobility: what it means in practice.” Disability continued to be in focus in subsequent years.

Until 2019, the Commission funded the Academy of European Law (ERA⁹⁸) to develop and deliver training for legal and administrative professionals on legal matters related to the UNCRPD. ERA currently organises an annual event on disability and mainstreams, where possible, the UNCRPD in their legal training.

Reply to the issues raised in paragraph 9 of the list of issues, point (c)

The Erasmus+ programme financially supports the European Agency for Special Needs and Inclusive Education (EASNIE), which is co-funded by the Ministries of Education in its Member Countries (going beyond the EU MS).⁹⁹

Under the 2021-2027 Erasmus+ programme, inclusion and diversity is one of the four horizontal priorities¹⁰⁰ that Cooperation partnerships have to address as a condition to be funded.

Inclusion is thus among the priorities of the Erasmus+ Teacher Academies. Under the 2021 call, the project “Special Education STEAM Academy”¹⁰¹ looks into STEAM¹⁰² education for pupils with fewer opportunities¹⁰³ including pupils with disabilities. Under the 2022 call, the project “Academy for creative, innovative and inclusive schools” will enhance teacher competencies for diversity and inclusion in the classroom, by using drama techniques and drama digital tools.

The European Education Area strategic framework Working Groups are at the heart of the cooperation and mutual learning in education. EASNIE contributes to the work and outputs of the Working Group on Equality and Values and to the one on Pathways to school success.

The Working Group on Promoting Common Values and Inclusive Education produced a Compendium of inspiring practices on inclusive and citizenship education.¹⁰⁴ It includes chapters on supporting “disadvantaged learners,” including learners with disabilities, and fostering social, civic, and intercultural competences. In addition, a European Toolkit for Schools¹⁰⁵ with resources for teachers and a Toolkit for inclusive early childhood education and care¹⁰⁶ have been published. In October 2021, a webinar on “Early childhood education and care in Europe: welcoming children with disabilities, and children with a migrant background”¹⁰⁷ was held.

The Council Recommendation on Pathways to School Success¹⁰⁸ addresses the need for initial teacher education and continuous professional development to better prepare teachers and other staff to work effectively with learners at risk of exclusion, underachievement and early school leaving. The Council Recommendation on the Mobility of Young Volunteers across the EU was adopted on 5 April 2022.¹⁰⁹

Accessibility (art. 9)

Reply to the issues raised in paragraph 10 of the list of issues, point (a)

The Web Accessibility Directive (Directive (EU) 2016/2102) aims to make websites and mobile applications of public sector bodies more accessible¹¹⁰ by laying down common accessibility requirements.

Complementing the accessibility requirements of the European Accessibility Act (EAA) (Directive 2019/882), the EU also has accessibility legislation for products and services in the digital domain, namely for electronic communications,¹¹¹ audio-visual media services^{112, 113} and electronic identification and trust services.¹¹⁴

To facilitate the implementation of accessibility requirements related to the built environment in EU legislation, a European standard EN 17210 has been adopted. Under European Standardisation Mandate 587,¹¹⁵ that standard must be revised to become a European harmonised standard. The standard can be used to comply with the requirement of “buying accessible” enshrined in the Public Procurement Directives, as outlined in the EAA.

European transport legislation contains accessibility requirements related to certain buses,¹¹⁶ maritime,¹¹⁷ trains and railway infrastructure.¹¹⁸ There is currently no EU legislation on the accessibility of aircrafts, airports, ports and bus terminals.

Reply to the issues raised in paragraph 10 of the list of issues, point (b)

The recent standardisation request to develop standards in support of the EAA, M587,¹¹⁹ requires the process to be accessible and involve persons with disabilities in the work. The standardisation request to the three European Standards Organisations (ESOs) – CEN, CENELEC, and ETSI – includes several provisions to that effect, such as inviting European umbrella OPDs, and all other relevant stakeholders, to participate in the drafting process. The process itself needs to satisfy accessibility requirements. The ESOs should also provide reasonable accommodation to participants with disabilities upon request.

The Guide for addressing accessibility in standards from 2014¹²⁰ aims to assist standards developers, technical committees, or working groups in addressing accessibility in standards referring to the UNCRPD and its obligations in this area. It indicates that relevant stakeholders should participate in the development process, including older persons, persons with disabilities and their representative organisations, and persons with knowledge of gender-specific accessibility needs and those of children.

Reply to the issues raised in paragraph 10 of the list of issues, point (c)

The Commission has a diversity and inclusion strategy (C(2017) 5300 final) that ensures the respect and prioritisation of social and professional inclusion and indicates that the Commission will also integrate in its internal provisions the relevant EU legal obligations on accessibility and public procurement. Aspects of accessibility of persons with disabilities are included in specific measures in the field of public procurement, such as requirements to employ persons in disadvantaged situations or persons with disabilities in the performance of the contract.

In May 2021, the Commission published a new “Buying Social” guide¹²¹ on socially responsible public procurement addressing “the impact on society of the goods, services and works purchased by the public sector.” The Guide refers to the UNCRPD, emphasising “design for all” as one of the objectives to be integrated in public tenders, explicitly stating that integrating accessibility considerations in public tenders is an obligation for EU public buyers for procurement which is intended for use by natural persons in accordance with the European Public Procurement legislation.¹²² The guide refers to the obligation to include the accessibility requirements in technical specification contained in Annex I of the EAA when buying products and services in the scope of the directive. The directive also provides for the use of those requirements for other products and services providing presumption of fulfilment of accessibility obligation in other Union acts. To promote the guide, the Commission has launched a series of webinars on different social objectives,¹²³ including on accessibility and professional integration.

EU institutions’ rules and procedures are in line with the main principles stipulated in the UNCRPD. Point 17.2.c of Annex I of the Financial Regulation of 2018¹²⁴ sets out that technical specifications should allow the equal access of economic operators to the procurement procedures. In cases of purchases intended for use by natural persons, the contracting authority must take into account the accessibility criteria for persons with disabilities or the design for all users, except in duly justified cases. This applies to the accessibility of a future building, supplies which include accessibility features, transport services with the possibility to carry wheelchairs, adapting software for use by partially-sighted or deaf people, website, documents, publications, and multimedia. Conference buildings should be accessible and the information should be accessible to all.

Reply to the issues raised in paragraph 10 of the list of issues, point (d)

In September 2022, the Commission adopted a multi-annual action plan (2022-2025)¹²⁵ on web accessibility to bring the Commission’s web presence in line with the Web Accessibility Directive (WAD)¹²⁶ and to encourage the exchange and harmonisation of practices across all EU institutions and bodies. The Commission is starting to publish accessibility statements on its most visited websites, the Commission’s main website, and the “inter-institutional” EU website. The Commission has created a dedicated Task Force on Web Accessibility and a network of accessibility correspondents in every Commission department. They are raising awareness of the accessibility requirements¹²⁷ set out in the Europa Web Guide.¹²⁸

The Commission requires all its websites, and mobile and web-based applications to comply with the WAD, with relevant technical rules set out in European accessibility standard EN 301 549 and with compliance level “AA” of the Web Content Accessibility Guidelines (WCAG 2.1).¹²⁹ The Commission also regularly evaluates the accessibility of its websites. If testing or feedback from users reveals any accessibility issues, the Commission works to resolve them as a priority.

All sites on the “europa.eu”¹³⁰ web domain will be invited to publish an accessibility statement before the end of 2023.

Several projects under the Horizon 2020 Framework Programme contribute to digital accessibility.¹³¹ Horizon 2020 also funds various technology projects aimed at digital inclusion,

including projects targeted at persons with visual and hearing disabilities.¹³² Among these, two projects are currently underway to enhance barrier-free communication among deaf and hearing persons,¹³³ and to develop an automatic translation tool for spoken language to sign language.¹³⁴ Further projects are targeted at persons with motor disabilities¹³⁵ and persons with cognitive, learning, and neurological impairments.¹³⁶

The Digital Services Act (DSA)¹³⁷ concerns all digital service providers. Its rules entered into force in November 2022 with some obligations entering into application as of 17 February 2023 and with full application to all regulated entities as of 17 February 2024. The Act will tackle accessibility issues by developing codes of conduct.¹³⁸

The European Electronic Communications Code¹³⁹ includes measures to ensure equal access and choice of electronic communication services.

The proposal for the Artificial Intelligence Act (AI Act)¹⁴⁰ promotes “codes of conduct intended to foster the voluntary application to AI systems of requirements related for example to environmental sustainability, accessibility for persons with a disability” and states that “information about an emotion recognition system or a biometric categorisation system (...) should be provided in accessible formats for persons with disabilities”. The Commission proposal contains provisions addressing vulnerable users and persons with disabilities. It prohibits the placing on the market, putting into service or using an AI system that exploits any vulnerabilities, including those of persons with disabilities. The proposal also offers the possibility to draw up codes of conduct related to accessibility for persons with disabilities and considers that providers should be encouraged to apply additional requirements related to accessibility for persons with disabilities.

Right to life (art. 10)

Reply to the issues raised in paragraph 11 of the list of issues

Investigating deaths of persons with disabilities in institutions is not an EU competence. Regional monitoring systems and urgent actions aimed at preventing deaths in institutions, fall within the competence of Member States.

The Strategy invites the FRA to examine the situation of persons with disabilities living in institutions in relation to violence, abuse and torture. The FRA is planning such work in 2024.

Situations of risk and humanitarian emergencies (art. 11)

Reply to the issues raised in paragraph 12 of the list of issues, point (a)

Concerning access to emergency communications, Directive (EU) 2018/1972 provides for equivalent access to emergency services through emergency communications in accordance with the EAA. The Commission Delegated Regulation (EU) 2023/444 provides for functional

equivalence requirements for emergency communications used by end-users with disabilities. Regulation (EU) 2022/612 improves the transparency for end-users with disabilities regarding access to emergency services. It ensures that roaming customers with disabilities are informed of alternative means of (non-voice) access to emergency services through emergency communications.

Reply to the issues raised in paragraph 12 of the list of issues, point (b)

In its work with third countries, the Union applies a human rights-based approach and mainstreams inclusion of persons with disabilities in its projects related to migration and climate action.

The current EU legal framework on asylum and migration provides for specific legal guarantees and for support tailored to the needs of persons with disabilities.¹⁴¹

The European Climate Pact¹⁴² is an EU-wide initiative inviting people, communities, and organisations to build a greener Europe. The commitment to diversity and inclusiveness – one of the six values of the Pact – includes bringing down barriers resulting from personal characteristics, and encouraging actions that consider social sustainability, social wellbeing, inclusion, equality, diversity, accessibility, and affordability for all and that aim to reach the most vulnerable individuals and areas. The Commission created a database of European Climate Pact Ambassadors¹⁴³ who engage their communities in climate action and in disability-related matters.¹⁴⁴

The EU Strategy on Adaptation to Climate Change¹⁴⁵ pays particular attention to ensuring that adaptation measures consider different adaptive capabilities of persons with disabilities.

At the Global Disability Summit 2022, the Commission committed to take into account the specific needs of persons with disabilities to ensure their full participation in humanitarian action, including in emergency preparedness activities.¹⁴⁶ The EU has also committed to support capacity building of its humanitarian partners on disability inclusion, strengthen data collection, support inclusive education in crises, and raise awareness around the principles of non-discrimination and inclusiveness. The Commission has strengthened disaggregated data collection by requesting humanitarian partners to provide data on beneficiaries with disabilities in funding proposals. Since January 2019, the Commission reports against the OECD-DAC¹⁴⁷ disability marker. In 2021, the Commission funded 30 humanitarian aid projects targeted at persons with disabilities, on top of around 232 assistance projects that also addressed their needs. During the European Civil Protection Forum in 2022, the Commission organised a workshop to raise awareness on the inclusion of persons with disabilities in emergencies. Through the Union Civil Protection Mechanism, the Commission funded a project to create specific guidelines for first responders, including persons with disabilities.¹⁴⁸

Reply to the issues raised in paragraph 12 of the list of issues, point (c)

The Commission requires all of its humanitarian partners to mainstream the needs of persons with disabilities in their actions in line with the operational guidance on the inclusion of persons

with disabilities in EU-funded humanitarian aid operations (2019).¹⁴⁹ An e-learning module is currently being developed to enhance the implementation of the operational guidance. EU humanitarian partners have mainstreamed disability inclusion in their projects and have conducted activities addressing specific needs of persons with disabilities.¹⁵⁰ With regard to monitoring, all project proposals must have robust output and outcome indicators. Projects are regularly monitored by field experts.

As regards the EU response to the Russian military aggression against Ukraine, particular attention is given to the needs of and risks faced by persons with disabilities.¹⁵¹ The EU has requested its humanitarian partners to address the needs of all vulnerable persons, including persons with disabilities, especially those facing multiple vulnerabilities. Close contact is maintained with disability organisations, including EU-level NGOs and their Ukrainian member organisations, and the EU holds regular exchanges on the specific situation of persons with disabilities affected by the hostilities. EU humanitarian partners are encouraged to take part in the activities of the Protection Cluster in Ukraine¹⁵² that promotes the rights of persons with disabilities. One of the partners in the cluster, HelpAge, coordinates the Age and Disability Technical Working Group advocating for the rights of older persons and persons with disabilities to access essential social services.

Reply to the issues raised in paragraph 12 of the list of issues, point (d)

The COVID-19 pandemic amplified the pre-existing unequal access to healthcare services for persons with disabilities. Persons with disabilities have the right to obtain adequate emergency and intensive care without discrimination, as well as primary care, preventive care, and medical treatments.

Hence, the EU and its MS welcome the Resolution on the World Health Organization (WHO) European Framework for action to achieve the highest attainable standard of health for persons with disabilities 2022–2030.

Following the Commission’s proposal in November 2020, a new Regulation (EU) 2022/2371 on serious cross-border threats to health entered into force on 26 December 2022.¹⁵³

The European Disability Expertise (EDE)¹⁵⁴ network has published a report on the impact of COVID-19 and measures taken by MS.

Reply to the issues raised in paragraph 12 of the list of issues, point (e)

During the COVID-19 pandemic, the Commission’s priority was the health and security of all citizens, including those who are socially and medically vulnerable. In 2020, the European Centre for Disease Prevention and Control (ECDC) provided technical guidance to MS on the protection of such groups, including persons with disabilities and those with specific needs.¹⁵⁵

The Commission secured access to new vaccines and supported MS in their rollout, calling on them to define priority groups for vaccination. MS prioritised older people, residents and

personnel in long-term care facilities, healthcare workers, social care personnel, and persons with certain comorbidities. In order to promote an exchange of emerging good practices and lessons learned regarding equitable uptake of COVID-19 vaccination, the ECDC held a webinar bringing together national public health authorities and civil society to share their experience and evidence of efforts to increase access to and uptake of COVID-19 vaccination among socially vulnerable populations.

In September 2022, the Commission adopted the Communication “EU response to COVID-19: preparing for autumn and winter 2023”,¹⁵⁶ suggesting actions for COVID-19 vaccination targeting vulnerable groups.

Reply to the issues raised in paragraph 12 of the list of issues, point (f)

The European Care Strategy (2022)¹⁵⁷ aims to improve access and quality of long-term care with the EU commitment to support MS in improving access to long-term care.

Investigating deaths of persons with disabilities in institutions is not an EU competence, it is the responsibility of the relevant national authorities.¹⁵⁸

MS are also responsible for providing access to healthcare. The Commission supports MS efforts and encourages improvements of health systems through the European Semester and knowledge building. The State of Health in the EU,¹⁵⁹ prepared in cooperation with the Organisation for Economic Cooperation and Development (OECD) and the European Observatory on Health Systems and Policies, provides an analysis of the key challenges faced by EU health systems. The recent publications focus on the resilience of health systems drawing lessons from the pandemic and addressing challenges of the future. The EU4Health Programme, the RRF, and the cohesion policy funds provide funding opportunities to further address these issues.

The Commission has also highlighted the need for better measurement tools on the barriers experienced by vulnerable groups in accessing healthcare in the report “Improving access to healthcare through more powerful measurement tools.”¹⁶⁰ Further, the action carried out under the 2021 EU4Health work programme in co-operation with the WHO builds further expertise on financially protecting people using healthcare.¹⁶¹ The 2022 EU4Health work programme includes an action that aims to provide guidance¹⁶² to MS on improving access to healthcare for persons with disabilities. Finally, the action planned in the 2023 EU4Health Work Programme will develop indicators to evaluate the impact of in-kind health benefits on poverty reduction.

Equal recognition before the law (art. 12)

Reply to the issues raised in paragraph 13 of the list of issues, point (a)

With reference to paragraph 37 of the Committee’s previous recommendations

As far as the civil aspects of legal capacity are concerned, the EU has the competence to harmonise the rules applied in cross-border cases to designate, for instance, the court with jurisdiction, the applicable law, and to ensure that protection measures are swiftly recognised

from one MS to another in accordance with Article 81 of the Treaty on the Functioning of the European Union (TFEU). The Commission is currently working on a legislative initiative to strengthen judicial cooperation in cross-border cases and establish harmonised rules applying to international situations, including the recognition in one MS of the powers of representation established in another.

Reply to the issues raised in paragraph 13 of the list of issues, point (b)

The Strategy indicates that legal barriers exist in particular for persons with intellectual disabilities, psychosocial disabilities, or with mental health problems, as they are often restricted in or deprived of their legal capacity. The Commission¹⁶³ committed to work with MS to implement the 2000 Hague Convention on the international protection of vulnerable adults in line with the UNCRPD, has published a legal study and is preparing a legislative proposal on the protection of vulnerable adults in cross-border situations,¹⁶⁴ notably those with intellectual disabilities, to pave the way for its ratification by all MS. The rights safeguarded in the UNCRPD are to be protected both in national and cross-border cases, and where measures are taken in relation to persons with disabilities, those measures are to be in line with the UNCRPD.

The Commission will table a Recommendation on the prevention of harmful practices against women and girls, including the need for effective pre-emptive measures and acknowledging the importance of education. The recommendation will also address the strengthening of public services, prevention and support measures, capacity-building of professionals and victim-centred access to justice.¹⁶⁵

Reply to the issues raised in paragraph 13 of the list of issues, point (c)

The 2000 Hague Convention¹⁶⁶ is not open for the ratification by a regional integration organisation such as the EU, only MS can ratify the Convention.

Reply to the issues raised in paragraph 13 of the list of issues, point (d)

The 2022 EU Justice Scoreboard provides figures¹⁶⁷ on specific arrangements for access to justice for persons with disabilities. These arrangements include the availability of information in accessible formats, the availability upon request of specific formats or the accessibility for persons with disabilities of digital solutions for civil and commercial cases, administrative cases, and criminal cases before first instance courts.

The EDF Operating Grant 2023 has among its activities the publication of an Annual Report and a Human Rights Report on Articles 12 and 14 of the UNCRPD.

Access to justice (art. 13)

Reply to the issues raised in paragraph 14 of the list of issues, point (a)

Concerning access to justice in criminal matters, the EU has adopted six directives¹⁶⁸ aiming at a high level of fair trial rights.¹⁶⁹ This legislative framework is complemented by the Commission Recommendation on procedural safeguards for vulnerable persons suspected or accused in

criminal proceedings¹⁷⁰, on which the Commission has commissioned a study¹⁷¹ to assess its effective implementation in MS.

With regard to access to justice for victims with disabilities, the Victims' Rights Directive pays special attention to the most vulnerable victims. Under the Directive, victims have the right to understand and to be understood. The Directive facilitates access to information for the most vulnerable victims and to premises where criminal proceedings are conducted. The most vulnerable victims have access to special protection measures. The EU Strategy on Victims' Rights 2020-2025¹⁷² aims to further empower all victims of crime, including victims with disabilities, so that they can fully rely on their rights.

Reply to the issues raised in paragraph 14 of the list of issues, point (b)

One of the objectives of the "Together for Rights" communication campaign is to raise awareness of the situation of persons with disabilities and promote a positive image; fighting stereotypes.

With regard to women and girls with disabilities, the CERV programme provides funding to CSOs working on gender equality, including those working with women and girls with disabilities. EUR 200 million is earmarked to address gender equality and gender-based violence under CERV, including projects targeting women and girls with disabilities.¹⁷³ The Commission has awarded EUR 1.9 million to four transnational European projects tackling violence against women and girls with disabilities.

Reply to the issues raised in paragraph 14 of the list of issues, point (c)

Information on legal aid in general and on Directive 2003/8/EC in particular is electronically available in a user-friendly and easily accessible format on the European e-justice portal.¹⁷⁴

To support the implementation of the Directive, the Commission has adopted the relevant standard forms. These forms and information on authorities and languages, together with the information on legal aid in the EU, are in line with all accessibility requirements. They are available on the website of the European Judicial Network in civil and commercial matters.

In 2012, the Commission adopted a report on the application of the Directive.¹⁷⁵ On 7 and 8 November 2022, the European Judicial Network in civil and commercial matters exchanged experiences on the application of the Directive and discussed possible shortcomings and solutions.

Reply to the issues raised in paragraph 14 of the list of issues, point (d)

See response to the issues raised under paragraph 13 point (d) above.

Liberty and security of the person (art. 14)

Reply to the issues raised in paragraph 15 of the list of issues, point (a)

The EU is not a party to the Oviedo Convention. As a party to the UNCRPD, and in line with its competences, the EU is engaged in ensuring and promoting human rights and fundamental freedoms of all persons with disabilities, without discrimination of any kind.

The Commission supports MS that are consistent with the 2018 statement of the UNCRPD Committee¹⁷⁶ and initiatives that comply with the UNCRPD. The issue was raised in the Work Forum on the implementation of the UNCRPD and in the High-Level Group on Disability in May 2019. The Commission also assisted MS in obtaining information on the Additional Protocol to the Oviedo Convention.

Reply to the issues raised in paragraph 15 of the list of issues, point (b)

The Commission is currently working on a Recommendation on material detention conditions and procedural rights in pre-trial detention in order to provide guidance to MS on common minimum standards on these matters, as established through the case-law of the European Court of Human Rights and the Recommendations of the Council of Europe. The Recommendation is envisaged to include guidance on reasonable accommodation and support for persons with disabilities.

Third-country nationals in detention should be treated in a humane and dignified manner with respect for their fundamental rights and in compliance with international and national law. The return policy and procedures are implemented within the framework of the Charter. The Directive on returning illegally staying third-country nationals (2008/115/EC) lays down that particular attention is to be paid to the situation of vulnerable persons, including persons with disabilities, and that emergency health care and essential treatment of illness must be provided.¹⁷⁷

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

Reply to the issues raised in paragraph 16 of the list of issues, point (a)

The ethics review mechanism of EU-funded research pays particular attention to the terms and conditions of the involvement of persons with disabilities in research. More specifically, the Guidance on how to complete the ethics self-assessment¹⁷⁸ includes questions about the participation and effects of technology on persons with disabilities. The Guidance on identifying serious and complex ethics issues in EU-funded research¹⁷⁹ includes a special reference to disabilities as a trigger point for evaluating a grant application as raising serious and/ or complex ethics issues. A future Guidance Note on informed consent in the domain of AI envisages a specific section on persons with disabilities.

The above guidelines are an integral part of the “Horizon Europe” funding framework and applicants are invited to design and use informed consent forms that are accessible, comprehensible, and easily understood by the target group. The experts involved in the ethics review follow the same guidelines and consistently emphasise the need for accessible informed consent forms.

Regarding the templates of informed consent, the Commission does not have and/or promote a particular type of informed consent form, as this process is primarily in the hands of MS, especially when it comes to medical research. There are still disparities across the EU in relation to the structure and type of the informed consent form,¹⁸⁰ and the consent requirements vary between countries due to national laws and regulations that are not harmonised in the EU.

Regarding specific measures taken towards third countries to prevent and investigate torture and ill-treatment of persons with disabilities, the EU Action Plan on Human Rights and Democracy 2020-2024,¹⁸¹ the EU Human Rights Guidelines on Non-discrimination in External Action,¹⁸² and the Guidelines on EU Policy Towards Third Countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹⁸³ provide tools and measures on preventing torture and ill-treatment in cooperation programmes. The EU takes a holistic and victim-centred approach towards torture victims who quite often find themselves with disabilities (mental and physical) due to torture and ill-treatment, including when receiving rehabilitation. The EU works on improving access to quality care for persons with disabilities as part of universal health coverage in countries where it cooperates on health or supports social protection.¹⁸⁴

Reply to the issues raised in paragraph 16 of the list of issues, point (b)

The Victims' Rights Directive provides for a set of rights for all victims of crime, including for victims with disabilities. The objective of the Directive is to ensure that victims of crime receive appropriate information, support, protection, and are able to participate in criminal proceedings. According to the Directive, victims must be recognised and treated in a respectful, sensitive, tailored, professional, and non-discriminatory manner by all actors coming into contact with them.

Under Article 1 of the Charter "Human dignity is inviolable. It must be respected and protected." Article 4 of the Charter stipulates that "No one shall be subjected to torture or to inhuman or degrading treatment or punishment." The Commission ensures, within the remit of its competences, the respect of the Charter, including its Articles 1 and 4. According to its Article 51(1), the Charter is addressed to MS only when they are implementing EU law. Outside the scope of implementation of EU law, it is for MS, including their judicial authorities, to ensure that fundamental rights are effectively respected and protected in accordance with their national legislation and international obligations. The Commission has no competence to intervene in that situation and that situation does not fall within the remit of this report.

The horizontal enabling conditions (HECs) of the 2021-2027 cohesion policy legal framework¹⁸⁵ include criteria to establish mechanisms and strategic frameworks to ensure compliance with the Charter and the UNCRPD. The HEC on effective application and implementation of the Charter requires that effective mechanisms are in place.¹⁸⁶

MS must ensure that enabling conditions remain fulfilled and respected throughout the programming period. In case an enabling condition is not fulfilled, the Member State's expenditure related to operations affected will not be reimbursed by the Commission.

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

Reply to the issues raised in paragraph 17 of the list of issues, point (a)

The EU Strategy on Victims' Rights (2020-2025) calls for targeted measures for persons with disabilities. This entails accessible and inclusive services, venues, communication, and training of personnel. The Strategy calls for special support for victims of trafficking in human beings.

The EU Strategy on Combatting Trafficking in Human Beings 2021-2025¹⁸⁷ takes into account the specific situation of persons with disabilities. The Anti-trafficking Directive (2011/36/EU) stipulates that MS should attend to victims with special needs, in particular those with disabilities. In December 2022, the Commission adopted a package containing its evaluation and a proposal for its modification.¹⁸⁸

The Commission has reinforced its focus on better protecting children with disabilities through enhanced and targeted prevention efforts, as outlined in the EU Strategy for a More Effective Fight Against Child Sexual Abuse 2020-2025.¹⁸⁹

The recent proposal for a directive on combating violence against women and domestic violence¹⁹⁰ puts special emphasis on women with disabilities through targeted support for victims with specific needs, and accessible helplines.

Reply to the issues raised in paragraph 17 of the list of issues, point (b)

The EIGE covers the disability perspective, identifying multiple sources of discrimination to highlight the situation of certain disadvantaged groups,¹⁹¹ including persons with disabilities.

The Commission is carrying out an EU survey on gender-based violence against women and other forms of inter-personal violence (EU-GBV) in cooperation with national statistics institutions. In countries that do not participate in the survey, data is collected by the EIGE and the FRA based on the methodology of Eurostat. The results should be available in 2023/2024. All standardised social variables, including the global activity limitation indicator (GALI), are included. Discussions are ongoing regarding the regular collection of data (every five years).

Reply to the issues raised in paragraph 17 of the list of issues, point (c)

In its opinion from 6 October 2021, the EU Court of Justice confirms that the EU may proceed to the conclusion of the Istanbul Convention, even if not ratified by or without consent of all MS. The Court also concedes that the EU Council has the discretion to wait for a vote until the greatest possible common accord is achieved. This opinion helps to envisage the next steps for finalising the EU's accession to the Convention. In January 2022, the EU Council resumed negotiations to align the Council Decisions to the Court Opinion. The provisional agreement on the Council Decisions and the request to seek the consent of the European Parliament were adopted in the General Affairs Council on 21 February. The European Parliament is fully committed to give its consent to the EU accession in the shortest possible timeframe. The Swedish Presidency of the Council aims to finalise the accession process by the end of its semester.¹⁹²

The proposal for a directive on combating violence against women and domestic violence¹⁹³ recognises that women with disabilities are at a higher risk of experiencing gender-based violence, suggesting further measures to ensure accessibility of facilities, reporting procedures, specialist support services, helplines, and ensuring that support services have sufficient capacities to accommodate the needs of victims with disabilities. The proposed directive would require MS to pay particular attention to the increased risk of violence linked to intersectionality.

Protecting the integrity of the person (art. 17)

Reply to the issues raised in paragraph 18 of the list of issues

The research Commission procedure follows the Charter, the Declaration of Helsinki, and the Oviedo Bioethics Convention and recommends/requires the involvement of proxies or legal representatives only as a last resort and for the shortest period of time.

The ethics review mechanism of EU-funded research pays particular attention to the terms and conditions of the involvement of persons with disabilities.

To ensure that research funded by the EU does not employ substituted decision-making, our ethics panels insist on obtaining informed consent from the research participants themselves, without involving a proxy. If consent cannot be given in writing, the panels propose alternative forms of consent that must be formally documented and independently witnessed. Additionally, the guidance How to complete your ethics self-assessment¹⁹⁴ states that in case of consent by a representative, assent should be sought whenever possible and dissent should always be respected.

Reply to the issues raised in paragraph 19 of the list of issues

Forced sterilisation, contraception, and abortion are specifically prohibited under the Istanbul Convention, which has been ratified by 21 MS. Forced sterilisation has been recently introduced as a specific criminal offence in Spain, France, Malta, and Portugal, as well as in Belgium and Italy under other offences for aggravated personal injury.¹⁹⁵ The upcoming Commission recommendation on combating harmful practices¹⁹⁶ might serve as a policy framework to prevent forced sterilisation and forced abortion of women and girls in the EU. Research on the use of sterilisation on persons with disabilities remains very scarce, data is limited and lacks comparability across MS.

Liberty of movement and nationality (art. 18)

Reply to the issues raised in paragraph 20 of the list of issues, point (a)

EU law coordinates national social security systems with regard to insured persons in cross-border situations. Regulation (EC) No 883/2004¹⁹⁷ provides rules for determining the MS responsible for granting social security benefits to individuals who have been subject to schemes

of more than one MS. It ensures that the principles of equal treatment and non-discrimination are respected, and that persons moving within Europe are not adversely affected.

Each MS is free to determine the conditions for granting invalidity pensions, as long as it does not discriminate, directly or indirectly, against nationals of other MS. There can be important differences between MS as to the criteria for disability assessments.

Under EU rules, benefits in kind for sickness and long-term care are provided, on an equal footing with nationals, in the MS where the person resides, while cash benefits are exported by the MS where the person remains insured.

The Commission is currently working on a legislative proposal for a European Disability Card. The aim is to promote the free movement of persons with disabilities by ensuring that disability status is mutually recognised across the EU. Card holders would benefit from the same preferential conditions to access relevant services in all MS, irrespective of where their disability status was granted. The initiative will build on the experience of the EU Disability Card pilot project.¹⁹⁸

The Commission can support national authorities in designing, implementing, and monitoring structural reforms in the area of disability assessment. Ten such projects in eight MS were supported by the TSI and the SRSP with a total budget of EUR 2.7 million.

Reply to the issues raised in paragraph 20 of the list of issues, point (b)

The EU Roma Strategic Framework for equality, inclusion and participation¹⁹⁹ asks MS to set out targets and measures for specific groups, including persons with disabilities, in their national Roma strategic frameworks.

The Council Recommendation on Roma equality, inclusion and participation²⁰⁰ sets out concrete measures for MS to fight multiple and structural discrimination against Roma; step up meaningful participation by and consultation of Roma people; support equal participation and active engagement of all pupils, including children with disabilities, in mainstream educational activities and processes; promote and facilitate equal access for vulnerable Roma populations, including those with disabilities to quality health care and ensure access for Roma to community and family-based services for persons with disabilities.

In its January 2023 assessment report of MS' national Roma strategic frameworks, the Commission takes stock of the measures developed by MS and considers that the needs of persons with disabilities are addressed in only a small number of national Roma strategic frameworks, calling on MS to address the areas for improvement.

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

Reply to the issues raised in paragraph 21 of the list of issues, point (a)

With reference to paragraph 51 of the Committee's previous concluding observations, and current information about the role of European funds in financing the institutionalization of persons with disabilities across European Union member States

The Strategy reiterates the Commission's support for national, regional, and local authorities in their efforts on deinstitutionalisation and independent living through the 2021-2027 shared management funds.²⁰¹ In 2023, the Commission plans to issue guidance for MS on the use of EU Funds to improve independent living and inclusion in the community of persons with disabilities through accessible and supported community-based housing or continuation of living at home. In 2024, the Commission will also present a framework for Social Services of Excellence for persons with disabilities.

The Common Provisions Regulation requires that MS and the Commission take appropriate steps to prevent any discrimination based on disability during the preparation, implementation, monitoring, reporting, and evaluation of cohesion policy programmes. The 2021-2027 legal framework also contains horizontal enabling²⁰² conditions²⁰³ applicable to all cohesion policy operations.²⁰⁴ It includes a national framework to ensure implementation of the UNCRPD that includes objectives with measurable goals, and arrangements to ensure that accessibility policy, legislation, and standards are properly reflected in the preparation and implementation of the programmes.

Reply to the issues raised in paragraph 21 of the list of issues, point (b)

The Commission supports MS in making progress towards deinstitutionalisation and steering investments towards family and community-based solutions. Under shared management, MS continue to have the responsibility for setting up, selecting, and monitoring individual projects.

One of the thematic enabling conditions²⁰⁵ for the cohesion policy funds in 2021-2027 requires that a national or regional strategic policy or legislative framework for social inclusion and poverty reduction includes measures for the shift from institutional to family- and community-based care. Another thematic enabling condition is that a national or regional framework for health and long-term care contains measures to promote community and family-based services through deinstitutionalisation, including prevention and primary care, home-care and community-based services. MS must ensure that enabling conditions remain fulfilled and respected throughout the programming period and must inform the Commission of any modification impacting their fulfilment. The provisions that the Commission is to follow when assessing whether an enabling condition is fulfilled or not are enshrined in Article 15 of Regulation (EU) 2021/1060. The monitoring committees must examine the fulfilment of enabling conditions and their application throughout the programming period.²⁰⁶ The Commission is prohibited from reimbursing the MS for expenditure incurred by beneficiaries and paid out in implementing operations linked to specific objectives for which enabling conditions have not been met.

In accordance with the Regulation (EU) 2021/1058,²⁰⁷ in 2021-2027 one of the specific objectives of the ERDF is to promote the transition from institutional to family and community-based care. Within this framework, specific measures include support for accessible individual housing units to implement deinstitutionalisation (accompanied by ESF+-funded provision of

services); transformation of long-term care institutions into providers of community-based services; development and adaptation of social and health infrastructures for the provision of community-based services; provision and/or modernisation of physical and technical equipment to support deinstitutionalisation, including telecommunication technologies; and vehicles for transport of persons with disabilities.

Conditional on the above conditions, national authorities can in some cases use EU funding for residential care facilities, since investments in institutions are not prohibited by the applicable legal framework. A MS may consider residential care facilities necessary or justified, depending on its state of progress towards deinstitutionalisation, which requires the development and availability of services for persons with disabilities, including community-based ones. In certain cases when the measures supported by the ERDF and ESF+ include investments to develop infrastructure and provide services in residential care facilities, the programming documents comprise specific safeguards. These safeguards require to ensure compliance with the UNCRPD, including general comment No. 5 and the concluding observations, the national deinstitutionalisation strategy, the EU Charter, and the Strategy.²⁰⁸ The infrastructure developments should be designed and implemented hand in hand with the services ensuring conditions for independent living (potentially funded by the ESF+) to respond to complex individual needs. To prevent further institutionalisation, an important policy orientation for the 2021-2027 period is that MS should make services developments their first priority. Infrastructure developments, including those fostering accessibility, should only follow.

Reply to the issues raised in paragraph 21 of the list of issues, point (c)

The question relates to a note expressing the opinion of the Commission's Legal service. In line with the functions of the Legal Service as an internal service of the Commission, notes of the Legal Service are purely internal and available only to the College and the services of the Commission and are not intended for public dissemination and debate. The Legal Service does not revise its notes, which are delivered upon request from the Commission services.

Under the RRF, the estimated cost of measures related to long-term care amounts to approximately EUR 7.3 billion. Many measures will contribute to improving the quality and access to long-term care services.

Many national recovery and resilience plans (RRPs) support national deinstitutionalisation strategies by promoting models geared towards community care and home care solutions. To increase the availability of care services and expand the range of options for people in need of care, the RRF also supports investments in residential care infrastructure and related services that are compliant with certain conditions, including the principle of independent living. Investments in social care homes/nursing homes and related long-term infrastructure and services under the RRF had been considered on a case-by-case basis. Various measures which enable, improve and contribute to adequate and integrated long-term care systems and expand the range of quality care options for potential care recipients had been considered. The measures in the RRFs have been assessed positively if they would, for instance, contribute to the EU's long-term care policy objectives, form part of a broader reform of the long-term care system, be accompanied by quality assurance mechanisms for integrated care services, address accessibility and affordability

issues, contribute to the de-institutionalisation process or contribute to ensuring geographical balance and equal accessibility of long-term care provision (rural/urban, etc.).

Reply to the issues raised in paragraph 21 of the list of issues, point (d)

The partnership principle is embedded in the cohesion policy regulations. The Code of Conduct on Partnership aims to enhance the possibility for diverse stakeholders to be involved in the preparation, implementation, and evaluation of programmes, including by participating in monitoring committees.

The Commission paid special attention to the above during the negotiations on the Partnership Agreements and programmes, the modified programmes fostering crisis repair following the COVID-19 pandemic, when preparing REACT-EU²⁰⁹ and CARE²¹⁰ as part of the 2014-2020 programming period, and during the 2021-2027 period, including for the Territorial Just Transition Plans.

As an example, the Commission set up the European Community of Practice on Partnership 2021-2027, where persons with disabilities are represented by the European Network on Independent Living and the Romanian Federation of Organisations of Persons with Disabilities. Another example is the group for structured dialogue, which was created to fulfil a legal obligation of the Commission under the Common Provisions Regulation 2021-2027.²¹¹ This new expert group²¹² consists of 36 EU-level umbrella organisations representing public authorities, economic and social partners, and civil society, including the EDF.²¹³

Reply to the issues raised in paragraph 21 of the list of issues, point (e)

The 2021-2027 legal framework covering the cohesion policy funds includes a horizontal enabling condition on the effective application and implementation of the Charter. It requires that effective mechanisms are in place, including to ensure the compliance of programmes and their implementation with the relevant provisions of the Charter. It also requires that effective reporting arrangements are in place to report cases of non-compliance or complaints regarding the Charter to the monitoring committees. In case an enabling condition is not fulfilled, relevant expenditure will not be reimbursed by the Commission

Ensuring effective administrative or judicial procedures and access to justice is primarily the responsibility of MS. They can in principle organise administrative and judicial procedures in the way that they consider most useful. In case their national procedures are so deficient that the mechanisms in place to ensure compliance with the Charter cannot be considered effective, the aforementioned enabling condition may not be fulfilled. Such a conclusion can however not be drawn on the basis of isolated individual cases. If the access to administrative and judicial procedures is sufficient and results in an outcome that is equal to the one of others, the Commission has no legal basis to require MS to strengthen the access to justice further for that specific category of persons.

Personal mobility (art. 20)

Reply to the issues raised in paragraph 22 of the list of issues, point (a)

The EU has shared competence with MS in matters related to transport policy. The accessibility of urban transport is regulated by MS, taking into account the specificities of each region or city. The only exception is the accessibility of urban buses. In accordance with Regulation (EU) 2019/2144, buses with a capacity of more than 22 passengers and constructed with standing areas to allow frequent passenger movements must be designed and constructed to be accessible by persons with reduced mobility, including wheelchair users.

The EU passenger rights legislation in force applies to air, rail, waterborne, and bus and coach transport. It guarantees that persons with disabilities are not discriminated against and that they receive the necessary assistance to use these modes of transport free of charge.²¹⁴ Except in the case of air transport, if a carrier requires a passenger with a disability or reduced mobility to travel with an accompanying person to ensure their safety, the accompanying person must be provided with free transportation.

To enhance personal mobility, the Recast Rail Passenger Rights Regulation²¹⁵ extends the rights of persons with disabilities to almost all rail services, reduces the pre-notification period for them to request assistance, and requires railway companies and railway station managers to train their staff to provide assistance to passengers with disabilities.

Reply to the issues raised in paragraph 22 of the list of issues, point (b)

The 2022 Technical Specifications for Interoperability revision package does not provide for substantial modifications of Commission Regulation (EU) No 1300/2014. The ongoing revision²¹⁶ Regulation (EU) 1299/2014 with regard to autonomous boarding is more relevant, as it defines the platform height and platform gap . The revision will guarantee that providing one of the harmonised platform heights (corresponding to the entry height of compliant vehicles) will be a compulsory element of all rail infrastructure upgrading projects, with very few exceptions.

Reply to the issues raised in paragraph 22 of the list of issues, point (c)

The EU Regulations on air, bus and coach, and waterborne passenger rights mentioned above allow the carriers to deny transport to persons with disabilities if transporting them would contradict national, international, and EU legislation, or a decision of a competent authority related to transport safety.²¹⁷ As these rules constitute an exception to the principle of non-discrimination, they should be applied very restrictively.²¹⁸

In the case of rail passenger rights, the carrier can deny transport to a person with a disability only if such transport would be contrary to the carrier's non-discriminatory access rules. These rules must be adopted with the active participation of persons with disabilities to guarantee that carriers do not abuse such rules to deny transporting passengers with disabilities.²¹⁹

The Commission proposed²²⁰ a revision of the guidelines on the Trans-European Transport Network (TEN-T).²²¹ It aims for seamless mobility and accessibility of the entire TEN-T infrastructure and all modes of transport for all users, including persons with disabilities.²²²

Reply to the issues raised in paragraph 22 of the list of issues, point (d)

If a passenger with a disability is unlawfully denied boarding, the person is entitled to compensation in the case of aviation.²²³ If a passenger's mobility equipment is lost or damaged, the carrier must pay full compensation to the passenger in case of rail,²²⁴ waterborne,²²⁵ and bus and coach journeys.²²⁶

As of June 2023, the Recast Rail Passenger Rights Regulation will be applicable, extending the rules of compensation in cases of loss of or injury to assistance dogs used by persons with disabilities. The proposal²²⁷ for the revision of the Regulation (EC) 2027/97 contains a provision that would allow air passengers with disabilities to receive full compensation for their damaged or lost mobility equipment.

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

Reply to the issues raised in paragraph 23 of the list of issues, point (a)

With reference to paragraph 21 of the Committee's previous concluding observations

The EAA²²⁸ requires interoperability between mainstream accessible and assistive technologies. The Commission requested that the European standardisation organisations develop harmonised standards supporting implementation.

The Commission underscores the importance of raising awareness about the potential of digital tools to support inclusion for all learners, including for vulnerable learner groups. The Digital Education Action Plan 2021-2027 focuses on classrooms with adapted pedagogical practice. The upcoming Council Recommendation on enabling factors for successful digital education aims to support MS in the digital transformation of their education and training systems. The WAD²²⁹ covers the accessibility of public sector websites and mobile applications.

The Commission has been improving the accessibility of its own publications through several digital formats with alternative texts and long descriptions for visual elements; use of immersive reader function; involving accessibility experts; making key publications available in 24 EU official languages²³⁰ and, where relevant, in the first language of large foreign-born populations living in the EU.²³¹ The EU Pioneers audiobooks²³² pilot project took place in 2022. The Commission intends to produce more publications in this format in 2023.²³³

The audio-visual portal (Commission AV Portal) and video player (Europa video player) follow all the requirements for the Europa website, including the Web Content Accessibility Guidelines (WCAG). International sign language (ISL) interpretation is increasingly added on corporate videos and recordings.²³⁴ The Commission cooperates regularly with EU-level OPDs on this topic.

In addition, the Eurobarometer reports available as PDFs are accessible for visually impaired users.²³⁵

Reply to the issues raised in paragraph 23 of the list of issues, point (b)

A number of EU rules have been adopted to make the EU more accessible for persons with disabilities: the EAA covering products and services, the WAD, the Electronic Communications Code, the Audiovisual Media Services Directive (AVMSD)²³⁶ and copyright legislation, and the Digital Services Act (DSA).²³⁷

The revised AVMSD²³⁸ strengthens the provisions on accessibility by obliging media service providers to make their services continuously and progressively more accessible to persons with disabilities through proportionate measures.

The DSA modernises rules on content moderation practices of online platforms and their interaction with freedom of speech and healthy and well-informed public debate. It defines clear responsibilities and liability for providers of intermediary services. The DSA also envisages that the Commission encourages and facilitates the drawing up of codes of conduct to promote full and effective, equal participation, by improving access to online services that, through their initial design or subsequent adaptation, address the particular needs of persons with disabilities.²³⁹

Reply to the issues raised in paragraph 23 of the list of issues, point (c)

The European Electronic Communications Code specifies that MS are obliged to ensure, in light of national conditions and as appropriate, that support and specific measures are provided to consumers with disabilities in order to enhance their access.

The Commission takes a comprehensive approach towards staff with disabilities. Medical costs are reimbursed under the Joint Sickness Insurance Scheme (JSIS). In addition, reimbursement of nonmedical costs is provided and a holistic social support for persons concerned is implemented.²⁴⁰ The new inter-institutional guidelines for the implementation of aid for persons with disabilities²⁴¹ of May 2020 enlarge the group of staff members being in principle eligible for financial support. The level of reimbursement for eligible nonmedical costs increased considerably, from 65%-95% depending on income to always 100% now. A multi-service ad hoc committee on reasonable accommodation has been established.

As indicated in the Strategy, the Commission will examine by 2023 the functioning of the internal market for assistive technologies.

Respect for privacy (art. 22)

Reply to the issues raised in paragraph 24 of the list of issues, point (a)

According to the European Declaration on Digital Rights and Principles for the Digital Decade,²⁴² signed in December 2022,²⁴³ people are making their own informed choices in the digital environment, while being protected against risks and harm to their health, safety, and fundamental rights. A number of commitments are made including avoiding unlawful discrimination by ensuring that algorithmic systems are based on suitable datasets; not using technologies to pre-determine people's choices (regarding health, education, employment, their

private lives), and ensuring that digital systems are safe and used in full respect of people's fundamental rights.

Reply to the issues raised in paragraph 24 of the list of issues, point (b)

The DSA obliges the Commission to encourage and facilitate the development of codes of conduct at the EU level with relevant stakeholders within one year from the date of its application.²⁴⁴ The objective is to ensure that services are accessible for persons with disabilities, that service providers publicly explain how accessibility requirements are met, and that this information is easily retrievable. While the codes of conduct are voluntary, the Commission expects that the DSA will establish, in addition to the already existing legislation, standards respected by online intermediaries.

Respect for home and the family (art. 23)

Reply to the issues raised in paragraph 25 of the list of issues, point (a)

The European Care Strategy²⁴⁵ aims for quality, affordable, and accessible care services across the EU as well as for improving the situation for both care receivers and the people caring for them. The Strategy calls for a person-centred approach to care and puts forward actions, such as technical support in the adoption of integrated care approaches for MS, strategic partnership with the WHO for cooperation on quality of care and support for informal carers.

The Council Recommendation on access to affordable high-quality long-term care²⁴⁶ and the European Care Strategy provide guidance on the development of sustainable long-term care that ensures better and more affordable access to quality long-term care for all, including persons with disabilities, and the challenges faced by formal and informal carers. The Recommendation calls on MS to improve the adequacy of social protection for long-term care and to increase the offer of long-term care services, while providing a balanced mix of care options and settings to cater for different long-term care needs and to support the freedom of choice of people in need of care. Special emphasis is placed on the need to develop and/or improve home care and community-based care, close territorial gaps, and ensure that long-term care services and facilities are accessible to persons with specific needs and disabilities, respecting the equal right of all persons with disabilities to live independently in the community, with choices equal to others.

Reply to the issues raised in paragraph 25 of the list of issues, point (b)

The ECG Council Recommendation calls on MS to guarantee that, by 2030, children in need have effective access to a set of key services: free early childhood education and care, free education (including school-based activities, and at least one healthy meal each school day), free healthcare, healthy nutrition, and adequate housing. Children with disabilities are listed among the groups experiencing specific disadvantages that should be taken into account by MS when designing their national integrated measures.

Free and effective access to services covered by the ECG will reduce the financial strain on the families of children with disabilities and contribute to their social integration. Access to formal childcare is expected to have a beneficial impact on children and their parents, especially mothers, making it easier for them to enter the labour market.²⁴⁷

Reply to the issues raised in paragraph 25 of the list of issues, point (c)

The EU Strategy on the Rights of the Child,²⁴⁸ highlights that “all children, including those with disabilities and from disadvantaged groups, have an equal right to live with their families and in a community. [...] The shift to quality community and family-based care, and support for ageing out of care, need to be ensured.” The Strategy announced an initiative on integrated child protection systems²⁴⁹ and recommends that MS promote national strategies and programmes to speed up de-institutionalisation and the transition towards quality, family- and community-based care.

Education (art. 24)

Reply to the issues raised in paragraph 26 of the list of issues, point (a)

The EU supports and supplements MS’ efforts in developing inclusive education systems through initiatives under the European Education Area and Digital Education Action Plan, and through EU Funds.²⁵⁰ The recent Pathways to School Success initiative has a special focus on groups at risk, such as pupils with disabilities, and calls for full compliance with the UNCRPD.

The EASNIE carries out monitoring and analysis, provides information and recommendations for policy and practice on inclusive education across Europe.

A dedicated Working Group on the European Schools, was set up to address the recommendations adopted by the Committee in the 2015 Concluding Observations. Based on the work delivered by the Working Group, namely the “Report on Inclusive Education in the European Schools”,²⁵¹ the Action Plan on Education Support and Inclusive Education in the European Schools²⁵² is being implemented. The Action Plan includes 13 areas of intervention, based on the UNCRPD general comment No. 4.²⁵³

The Action Plan, the Policy,²⁵⁴ and Procedural Document²⁵⁵ on Educational Support and Inclusive Education have been reviewed. An external evaluation of the implementation of the Action Plan is being carried out by the EASNIE in 2021-2023.

Reply to the issues raised in paragraph 26 of the list of issues, point (b)

Following the pandemic, EU Funds have been mobilised to address inequalities and make education systems more inclusive and resilient. The RRF, together with the cohesion policy funds, provides substantial financial support for compensatory learning programmes and for access to quality education for all. EU funds, including the ERDF, help to modernise infrastructure aimed at strengthening equal access to quality and inclusive education services and to provide innovative learning environments along with the conditions for inclusive digital education through equipment and platforms.

The need to improve the economic and social integration of persons with disabilities through outreach and accessibility is addressed by the RRF through investments in assistive devices and ICT and IT tools,²⁵⁶ improving access to digital services,²⁵⁷ renovating infrastructure,²⁵⁸ or expanding early intervention education programmes.²⁵⁹ A number of national RRFs include further reforms to ensure continuous support to persons with disabilities. These reforms include revising the existing legal framework on disability²⁶⁰ or designing new national strategies for the inclusion of persons with disabilities.²⁶¹ Several Member States made efforts to mainstream the inclusion of persons with disabilities in their national plans, for instance by ensuring appropriate accessibility standards in renovation schemes.²⁶²

Reply to the issues raised in paragraph 26 of the list of issues, point (c)

The Erasmus+ programme supports projects that promote social inclusion and improve outreach to people with fewer opportunities, including persons with disabilities. Support is available for costs such as preparatory visits, funding for accompanying persons, to cover additional travel costs not covered by the regular grant, additional funding for the organisations that manage mobilities for persons with disabilities that require extra support and 100% reimbursement of the real costs that participants with physical, mental, or health-related conditions can incur to be able to participate in the activities on equal footing with other participants.

Reply to the issues raised in paragraph 26 of the list of issues, point (d)

The College of Heads of Administration adopted in 2020 conclusion n°281/20 – “Guidelines for the implementation of aid for persons with a disability” entered into force in May 2020. It applies to schooling decisions from 1 September 2020. The guidelines provide for 100% reimbursement of education costs of children with disabilities where “the European Schools’ inclusiveness policy cannot cater for the needs of the child concerned.”

Health (art. 25)

Reply to the issues raised in paragraph 27 of the list of issues, point (a)

The Commission recognises the importance of access to healthcare, including sexual and reproductive health and rights (SRHR). Through the European Semester, it calls on MS to close gaps in access to healthcare and improve their health systems.

The mutual learning programme in Gender Equality²⁶³ supports regular exchanges of good practices between MS and relevant stakeholders on the gender aspects of health. In November 2022, the Commission organised a dedicated seminar on SRHR focusing on good practices to increase access to contraception for the most disadvantaged groups of young women, including women with disabilities.²⁶⁴

The EU4Health programme is the main financial instrument to support EU health policies including the fight against health inequalities. MS can also use funding from the RRF and

cohesion policy funds to modernise their health systems including for measures to improve access for persons with disabilities to healthcare and SRHR and prevention services.

Under the CERV programme 2021-2027,²⁶⁵ the Commission supports the work of the International Planned Parenthood Federation European Network that works to advance and protect gender equality, women's rights, and SRHR in the EU.

Reply to the issues raised in paragraph 27 of the list of issues, point (b)

The objectives of the European Health Union are to better protect citizens' health, equip the EU and its MS to better prevent and address future pandemics, and improve the resilience of Europe's health systems. The objective of the future guidelines on access to healthcare for persons with disabilities²⁶⁶ is to provide direction to MS to increase access and overcome barriers in access to healthcare for persons with disabilities, including a particular focus on access to cancer diagnosis and care. The guidelines will build on the preparatory study,²⁶⁷ which will map and analyse the main bottlenecks in accessing healthcare for persons with disabilities, and a specific survey, which will generate quantitative and qualitative data on persons with disabilities in view of improving cancer diagnosis and care for them in all MS.

Reply to the issues raised in paragraph 27 of the list of issues, point (c)

After an external evaluation of Directive 2011/24/EU,²⁶⁸ the Commission adopted the third Report on the Operation of the Directive, in May 2022.²⁶⁹ The report includes follow-up actions to enhance its implementation, improve access to information and raise awareness of patients' rights to cross-border healthcare.

The EDF actively participated in the evaluation and provided recommendations that were duly taken into account when preparing the Staff Working Document (SWD), highlighting in particular the accessibility of information on cross-border healthcare for persons with disabilities and additional obstacles they face when accessing cross-border healthcare. The evaluation showed that the Directive remains relevant to the needs of EU citizens thus no revision is planned.

National Contact Points (NCPs) play an essential role in enabling patients to make use of their right to cross-border healthcare. The Report invited NCPs to recognise and support the right of persons with disabilities to equal access to information on healthcare in other EU countries. A support knowledge and capacity-building workshop with NCPs took place in February 2023.²⁷⁰

Reply to the issues raised in paragraph 27 of the list of issues, point (d)

"Mental health and neurological disorders" form one of the key strands addressed by the "Healthier Together" initiative on non-communicable diseases (NCD),²⁷¹ adopted in June 2022. The initiative supports MS in identifying and implementing effective policies and actions to reduce the burden of major NCD, while also reducing health inequalities. The Commission developed a guidance document, with input from competent authorities of MS and stakeholders,

including persons living with mental health problems, migraine, neurological disorders, or those recovering from a stroke.

A new initiative on mental health has been announced in the Commission's work programme for 2023.²⁷²

Work and employment (art. 27)

Reply to the issues raised in paragraph 28 of the list of issues, point (a)

Among the principles of the European Pillar of Social Rights is the right of people with disabilities to labour market participation and to a work environment adapted to their needs.²⁷³ The Disability Employment Package²⁷⁴ develops guidance to help make this right a reality. As a first deliverable of the Package, the European Network of Public Employment Services (PES Network) published in 2022 a practitioner toolkit²⁷⁵ providing a practical guide on how PES can promote the participation of persons with disabilities in the labour market and improve their labour market outcomes, contributing to closing the employment gap with persons without disabilities.

The Council Recommendation reinforcing the Youth Guarantee²⁷⁶ promotes strengthening the focus on NEETs (in particular those belonging to vulnerable groups, including those with disabilities and with multidimensional problems), using specifically-trained service providers and complementary strategies such as youth work, young 'ambassadors' and cooperation with partners that are in contact with specific groups of young people. The Council Recommendation on vocational education and training (VET)²⁷⁷ underlines the importance of making VET programmes inclusive and accessible for vulnerable groups, such as persons with disabilities. The Council Recommendation on individual learning accounts²⁷⁸ defines as a key objective "support [for] all working-age adults in accessing training" and calls for accessibility for persons with disabilities. The Council Recommendation on a European approach to micro-credentials²⁷⁹ aims to improve access to education and training, including in non-formal and informal settings, for all learners, including disadvantaged and vulnerable groups.

Reply to the issues raised in paragraph 28 of the list of issues, point (b)

Council Directive 2000/78/EC²⁸⁰ prohibits discrimination based on, *inter alia*, disability and sexual orientation in the area of employment and occupation. In 2018, the Commission also issued a recommendation asking Member States to consider designating an equality body to address discrimination on the grounds of, *inter alia*, disability and sexual orientation within the scope of application of this Directive. In 2022 the Commission proposed binding legislation to strengthen the powers of equality bodies²⁸¹.

In addition, the Commission adopted its first-ever LGBTIQ Equality Strategy in 2020. Both in monitoring the application of Directive 2000/78/EC and in implementing the Equality Strategy, the Commission is attentive to the specific barriers faced by lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons with disabilities²⁸². Using an intersectional perspective, a LGBTIQ Equality Subgroup under the High-Level Group on non-discrimination, equality and

diversity has prepared Guidelines for Strategies and Action Plans to Enhance LGBTIQ Equality²⁸³ to support MS in this field.

In 2020, the Commission carried out an information campaign on combating discrimination in the workplace and produced a good practice guide for companies.

Reply to the issues raised in paragraph 28 of the list of issues, point (c)

Co-legislators reached an agreement on the Directive on pay transparency measures in December 2022.²⁸⁴ The Directive not only addresses gender pay discrimination, but also intersectional discrimination based on a combination of gender and any other ground.

A consultation with MS on introducing a disability variable in the Structure of Earnings Survey²⁸⁵ has taken place, and highlighted the difficulty of obtaining good data, as disability is not a variable that is automatically declared by employees to employers. In addition, there are comparability problems, since national disability status may differ from country to country.

Reply to the issues raised in paragraph 28 of the list of issues, point (d)

The Directive on adequate minimum wages²⁸⁶ entered into force in November 2022. MS have until 15 November 2024 to transpose it into national law. The Directive establishes an EU framework for setting adequate minimum wages, promoting collective bargaining on wages, and enhancing the effective access of workers to minimum wage protection. As the Directive applies in a general way, it would also imply that workers with disabilities, including those in sheltered employment, receive equal remuneration for work of equal value, including minimum wage protection. In addition, it requires easy access to comprehensive information on working conditions for all workers, including persons with disabilities. It also requires effective monitoring and data collection in the field of minimum wage protection, including statistics and information disaggregated by disability.

Reply to the issues raised in paragraph 28 of the list of issues, point (e)

The EU Declaration on Digital Rights and Principles for the Digital Decade²⁸⁷ includes safeguards to ensure that AI and digital systems are safe and used in full respect of fundamental rights. In line with these principles, the proposed regulation for an Artificial Intelligence Act²⁸⁸ identifies the dangers of AI systems in perpetuating patterns of discrimination, for example against persons with disabilities, which will be addressed by the Act.²⁸⁹

Reply to the issues raised in paragraph 28 of the list of issues, point (f)

In accordance with the applicable legislation of the JSIS,²⁹⁰ medical expenses are covered up to 80/85%, but by way of derogation, they are fully reimbursed (i.e. 100%) in cases of illnesses recognised as serious. Taking account of the case-law, the Commission takes a flexible and

holistic approach to the application of criteria for the recognition of a serious illness,²⁹¹ resulting in a significant number of medical expenses linked to disabilities being reimbursed at 100%.

The Commission amended the implementing provisions in 2020 to codify this flexible and holistic approach and enhance legal safety.²⁹² This was done after consultations with the associations of persons with disabilities, the staff unions, the Staff Committee, the Staff Regulations Committee, and the Joint Committee for Equal Opportunities. The involvement of all actors, including Staff representatives, resulted in this new approach for the recognition of serious diseases. This approach is more favourable to the persons concerned by setting up an overall assessment of the four criteria for the recognition of a serious illness, in particular the criterion on shortened life expectancy.

With regard to reasonable accommodation (RA), an ad-hoc committee was established in the Commission in 2020, composed by staff from the most relevant services,²⁹³ to make recommendations to implementing services on a case by case basis on the RA needed. The ad-hoc committee has encouraged services to work together to provide RA for staff members with disabilities.

Following the adoption of a Decision on the provision of RA for statutory staff with a disability in the EEAS, an Advisory Group on Reasonable Accommodation was established on an ad-hoc basis to advise the authority responsible for deciding on requests for reasonable accommodation.

The Inter-Institutional Informal Network of Disability Advisers²⁹⁴ has been set up to share information on best practices, coordinate and update relevant policies and implement provisions. Measures implemented by EU institutions and bodies include the Council's Positive Action Programme for Trainees with a Disability,²⁹⁵ which provides more employment opportunities to persons with disabilities. The European Parliament adopted a diversity roadmap²⁹⁶ for 2022-2023 with 42 (of a total of 78) specific disability-related measures divided into sections mirroring the chapters of the UNCRPD. Actions in the roadmap include improving inclusion and accessibility in early child education centres managed by the Parliament, specific support for trainees with disabilities and their supervisors, regular checks and evaluations to assess the accessibility of Parliament's web pages and applications, and Positive Action Programmes to promote the employment of trainees with disabilities and contract staff with disabilities. As regards the Commission, the "HR Action plan 2023 – 2024 Diversity and inclusion in the workplace" delivers on the commitments of the Commission's new Human Resources Strategy. In the Disability and Neurodiversity Inclusion Reverse Mentoring Programme,²⁹⁷ European Investment Bank employees act as a mentor to (senior) leaders with the goal of giving them a fresh perspective on staff's personal experience of disability and neurodiversity.

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

Reply to the issues raised in paragraph 29 of the list of issues, point (a)

Through the European Semester, the Commission monitors developments in the risk of poverty and social exclusion and in access to quality housing for different vulnerable groups, including persons with disabilities, and issues recommendations to MS to improve the situation.

The Commission promotes accessible housing, in particular social housing, through several strategies and the regulations of relevant EU Funds.²⁹⁸ In terms of strategies, the Affordable Housing Initiative (AHI),²⁹⁹ launched in 2021, aims to ensure that social and affordable housing facilities benefit from the Renovation Wave strategy for Europe,³⁰⁰ in synergy with the New European Bauhaus (NEB).³⁰¹

Inclusiveness is one of the core principles of the NEB. The NEB Compass³⁰² is a guiding framework for project makers wishing to apply the NEB principles and criteria to their activities. It states the importance of ensuring accessibility and affordability regardless of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation and of prioritising less represented individuals, groups, and communities for every NEB project. One of the NEB citizens' engagement projects³⁰³ concerns children with autism and their families³⁰⁴ and will explore how play areas can create a more inclusive and multi-sensorial experience.

As a flagship initiative of the NEB, the AHI focusses on people and innovation (e.g. home automation, renewable energy production, access to green spaces for residents, assistive technologies, smart-living tools, co-living platforms). One of the demonstration projects will test renovation as a lever to address energy poverty and access to healthy housing for all households, including for low income persons with disabilities.³⁰⁵

Accessibility is also one of the Horizon Europe programme basic principles.³⁰⁶ The 2023-2024 Work Programmes put a special focus on inequalities in the built environment and housing, faced among others by persons with disabilities,³⁰⁷ and on accessibility and digital solutions to foster participative design, planning and management of buildings, neighbourhoods and urban districts.³⁰⁸

The Commission works with the OECD to develop and maintain the Affordable Housing Database³⁰⁹ and help countries monitor access to good-quality affordable housing. As part of this analytical work, financially supported by the EU Employment and Social Innovation (EaSI) programme, the OECD published in 2021 a policy brief on the challenges faced by persons with disabilities in the housing market and recommendations to improve access to affordable and accessible housing.

Reply to the issues raised in paragraph 29 of the list of issues, point (b)

Pension systems are MS competence, but the EU facilitates the exchange of experience, provides policy and analytical support and funds innovative projects and reform preparations. The Pension Adequacy Report,³¹⁰ published every three years, explores, *inter alia*, how leaving a job due to one's disability or providing care for adults who have been "incapacitated" for work impacts on pension rights.

The EU's Mutual Information System on Social Protection (MISSOC) database provides detailed, comparable and regularly updated information about national social protection systems and can be used to check the compatibility of disability and old-age pensions.³¹¹

Participation in political and public life (art. 29)

Reply to the issues raised in paragraph 30 of the list of issues, point (a)

In the Strategy and the Citizenship Report 2020, the Commission committed to supporting the exercise of electoral rights by persons with disabilities. The Commission has been facilitating the exchange of good practices in the framework of the European Cooperation Network on Elections (ECNE)³¹² and has also contracted studies on the political participation of persons with disabilities. In its proposal to recast the directives on the voting rights of mobile EU citizens,³¹³ the Commission introduced a requirement for MS to make electoral information accessible to persons with disabilities and older persons. Its flagship proposal on political advertising envisages accessibility requirements for information, including digital information that should be used to render political information accessible for persons with disabilities.

The Commission is preparing, in close cooperation with MS in the ECNE, a guide of good electoral practice addressing participation of citizens with disabilities in the electoral process and a compendium on e-voting, both to be published in 2023. Also, ahead of the 2024 European Parliament elections, the Commission is working on the inclusive participation of persons with disabilities including on collecting good practices.

Reply to the issues raised in paragraph 30 of the list of issues, point (b)

The multilingual digital platform of the Conference on the Future of Europe complied with the WCAG 2.1³¹⁴ standard and was accessible and comprehensible by all and adherent to the international guidelines on accessible web content. Automated e-translation helped overcome language barriers.

Diversity in the European Citizens' Panels of the Conference was ensured through a random selection of citizens. The Commission applies the same criteria for the selection of participants for its new generation of Citizens' Panels.

The annual State of the Union Address is a unique opportunity to promote a barrier-free Europe. In 2022, the President's live Address was made accessible through international sign language interpretation on her Twitter account³¹⁵.

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

Reply to the issues raised in paragraph 31 of the list of issues, point (a)

The Marrakesh Directive³¹⁶ and accompanying Regulation³¹⁷ aligned EU legislation on copyright with the EU provisions of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, adopted at the World Intellectual Property Organization (WIPO) in 2013 and ratified by the EU in 2018.

The Marrakesh Directive provides for a mandatory exception to copyright for the benefit of blind, visually impaired, and otherwise print disabled persons. It facilitates the cross-border

exchange of accessible copies developed under the exception within the EU's internal market. All MS have transposed the Directive. The Marrakesh Regulation facilitates the exchanges of accessible format copies between EU MS and the third countries parties to the Marrakesh Treaty.

The EU copyright framework through the InfoSoc Directive³¹⁸ allows MS to introduce exceptions or limitations to copyright covering other works or subject matters or disabilities than those that make the object of the Marrakesh Directive. Member States must ensure that these exceptions or limitations are applied without prejudice to the specific rules laid down in the Marrakesh Directive.

On the basis of Article 9 of the Marrakesh Directive, Commission services have recently published a report on the availability, in accessible formats, of works and other subject matters that are not covered by the Directive.³¹⁹

In the course of 2023, the Commission will carry out an evaluation of the Marrakesh Directive and Regulation, which will take into account the views of civil society actors, including organisations representing persons with disabilities and older persons.

Reply to the issues raised in paragraph 31 of the list of issues, point (b)

The revised AVMSD³²⁰ strengthens the provisions on accessibility by obliging media service providers to make their services continuously and progressively more accessible to persons with disabilities, including sign language, subtitling for the deaf and hard of hearing, spoken subtitles, and audio description. While enforcing and monitoring the provisions of the Directive, MS are obliged to report on the above measures and to encourage the development of accessibility action plans. The first report on the application of the revised Directive is expected to be adopted in the first half of 2023.

Reply to the issues raised in paragraph 31 of the list of issues, point (c)

Between 2019 and 2023, the Creative Europe Programme has supported Europe Beyond Access,³²¹ a large-scale cooperation project focusing on improving access of artists with disabilities to stages in the live-performance sector. It has focused on four major strands: Artistic Exchanges, Audience Development & Engagement, Capacity Building and Public Performances & Commissions. In 2021, the implementing consortium commissioned a study "Time to Act: How lack of knowledge in the cultural sector creates barriers for disabled artists and audiences".³²² In May 2023, Europe Beyond Access will organise, in partnership with Brussels' Kunsten Festival des Arts, a symposium exploring how the mainstream European cultural sector can better include persons with disabilities as artists, arts professionals and audiences. The symposium will draw on the experience of the partners of project, but will also share contributions from European Ministries of Culture, Arts Councils, independent organisations and individual artists.

Regarding access of audiences to cultural heritage sites, Accessible Resources for Cultural Heritage EcoSystems (Arches)³²³ was a three-year project exploring how to make museums accessible to all through a participatory research methodology and the development of accessible technology. It brought together persons with disabilities, technology companies, universities and museums to develop technological solutions, such as tactile reliefs made with the latest 3D

modelling techniques, barrier-free apps, games for smartphones and tablets, and sign-language avatars as cutting-edge technologies. They also published a series of toolkits, including “Towards a participatory museum. A How-to-Guide on inclusive activities”.³²⁴

A 2018 report, “Mapping on the access to sport for people with disabilities,”³²⁵ provided insight into participation in sport amongst persons with disabilities. The study also aimed to develop good practices to address the identified barriers and provide information on the funding opportunities available to support such actions.

The broad scope of cohesion policy support for culture in 2021-2027, in particular through ERDF, allows MS to facilitate equal access to culture with a particular attention towards the inclusion of more vulnerable people, including persons with disabilities, for example through accessible cultural infrastructure, services and products; means to mobilise new audiences; or cultural initiatives aiming to improve social inclusion and employment opportunities.

Reply to the issues raised in paragraph 31 of the list of issues, point (d)

In the area of culture and sports, programme regulations, projects and outreach activities ensure accessibility to persons with disabilities.

The Erasmus+ programme funds projects supporting the inclusion of persons with disabilities through sport.³²⁶ To raise awareness of the opportunities offered by the mobility actions in all programme sectors,³²⁷ the Commission and the National Agencies in charge of the management and implementation of the programme in Member States and third countries associated to the programme regularly communicate on the scheme. The European Week of Sport is an example of an inclusive event where attention goes to the participation of disadvantaged and vulnerable groups, including persons with disabilities, in grassroots sport.

The annual #BeInclusive EU Sport Awards³²⁸ reward, among others, work supporting the inclusion of persons with disabilities through sport. The Commission’s HealthyLifestyle4All³²⁹ campaign gives increased importance to accessibility in sport, focusing on additional pledges from both mainstream and disability-specific sport organisations to increase access to sport for persons with disabilities.

The Creative Europe programme³³⁰ explicitly refers to the UNCRPD in its legal base and supports actions towards the inclusion of persons with disabilities, both in the creative process and as part of the audience. Good examples are the large-scale cooperation project Europe Beyond Access³³¹ and the scheme Perform Europe³³² that offered the possibilities for artists with disabilities to carry out a performance in the framework of Creative Europe. The programme objectives are pursued in a way that encourages inclusion, equality, diversity and participation.

The Culture Moves Europe mobility scheme, under the Creative Europe Programme, offers additional financial support for people with disabilities to enable their participation in international mobility projects, both under individual mobility and residency actions.³³³

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

Reply to the issues raised in paragraph 32 of the list of issues, point (a)

The Washington Group short set of questions are included in the EU-SILC rolling module on health, which is conducted every three years, starting from 2022. Once data is available, the Commission will investigate the feasibility of disaggregating data by type of impairment. In addition, there are discussions with MS on covering all domains of the Washington Group short set of questions in the European Health Interview Survey.

Reply to the issues raised in paragraph 32 of the list of issues, point (b)

Eurostat has developed a strategy for data collection on disability allowing the production of indicators showing the gap between persons with and without disabilities in a number of areas, such as work and employment, education, health, housing conditions, income and poverty, use of information and communication technologies, participation in cultural life, recreation, leisure, and sport. The strategy is based on including the GALI variable in all existing EU social surveys coordinated by Eurostat, thus allowing for survey-produced indicators that are broken down by disability, in addition to sex and age. Based on this statistical data and experts' reports,³³⁴ the Commission publishes indicators on poverty, education, and employment gap between persons with and without disabilities for all MS on an annual basis, in addition to a periodic collection of health-related data indicators showing the health situation of persons with disabilities.

The Commission has supported the Bridging the Gap project³³⁵ that included the work of the Office of the High Commissioner for Human Rights (OHCHR) in developing a set of human rights-based indicators and a related resource package on the UNCRPD³³⁶ to reinforce the disability-inclusive 2030 Agenda for Sustainable Development.³³⁷ The indicators facilitate the understanding and implementation of the Convention's provisions, and the project provided guidance on measuring the implementation of the UNCRPD and tracking progress over time.

Reply to the issues raised in paragraph 32 of the list of issues, point (c)

Since 2003, the EU-SILC survey has annually collected disability data, i.e. on long-standing activity limitation due to health problems. This allows to build meaningful indicators related to poverty, social inclusion, and living conditions. In addition, another disability measure, based on the short set of questions of the Washington Group, is collected every three years in EU-SILC and could be used to produce comparable data on the living conditions of persons with disabilities.

Reply to the issues raised in paragraph 32 of the list of issues, point (d)

The Social Scoreboard, revised in 2021 to monitor the implementation of the EPSR and its action plan, includes the disability employment gap among its headline indicators. The indicator is

currently based on data collected via the EU-SILC survey. As of April 2023, the indicator will become available via the EU-LFS every two years. Together with other Social Scoreboard indicators, the disability employment gap supports the analysis of identifying MS' policy challenges related to the EPSR in both the Joint Employment Report³³⁸ and Semester Country Reports. This analysis is carried out by applying the Social Scoreboard methodology agreed with MS, which analyses both the (last available year) level and (one-year) change for each MS in comparison to the EU average. According to this assessment, each MS can be identified as being in a “critical situation,” “to watch,” “good but to monitor,” “on average,” “better than average,” or “best performer” as concerns the disability employment gap.

International cooperation (art. 32)

Reply to the issues raised in paragraph 33 of the list of issues, point (a)

The NDICI-GE instrument³³⁹ obliges the EU to apply a human rights-based approach (HRBA) to its external cooperation. HRBA includes equality and non-discrimination as part of its five working principles. The Commission revised the HRBA toolbox in 2021.³⁴⁰

In the context of the EU's enlargement policy, the Commission reviews the state of play and progress made by partner countries on issues related to the rights of persons with disabilities, including progress towards adopting the EU acquis³⁴¹ in its annual Enlargement Package of reports. With regard to EU cooperation with countries under the European Neighbourhood policy, one of the priorities of the new post-2020 policy frameworks for cooperation with both the Southern and Eastern neighbours is to continue working on ensuring the full enjoyment of rights by persons with disabilities in line with the UNCRPD.

The EU's work towards the implementation of the UNCRPD globally is guided by external action policy documents, notably the 2017 European Consensus on Development,³⁴² the EU Action Plan on Human Rights and Democracy 2020-2024,³⁴³ the EU Human Rights Guidelines on Non-Discrimination in External Action,³⁴⁴ and the EU Guidelines on EU Policy Towards Third Countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.³⁴⁵ These provide best practices on the standards for law enforcement and care services for the appropriate treatment and effective protection of persons with disabilities. Further guidance is provided by the Staff Working Document “Applying the HRBA to International Partnerships”.^{346,347} Progress is monitored annually using the corporate results indicator within the OECD-DAC disability marker.³⁴⁸

Reply to the issues raised in paragraph 33 of the list of issues, point (b)

Disability-specific Focal points are present in the vast majority of the EU delegations in the world. Their mandate is to serve as an entry point on disability matters and ensure mainstreaming of disability in delegations' operations. In addition, Human rights Focal points³⁴⁹ in delegations have a mandate to follow issues related to the rights of persons with disabilities.

Internal disability networks bring together colleagues in EU delegations in Europe's eastern and southern neighbourhoods with those in Headquarters responsible for policies directly and indirectly related to non-discrimination of persons with disabilities. In addition, the Commission

service responsible for humanitarian assistance has a network of seven thematic protection and gender experts,³⁵⁰ based in various locations, who are tasked to provide thematic advice on disability inclusion and monitor humanitarian projects.

The Commission monitors disability inclusive investments by systematically using the OECD-DAC disability marker³⁵¹ when adopting Action Programmes. The marker is the basis for the corporate result framework indicator measuring progress on disability inclusion in external work.³⁵² The Commission mainstreams disability inclusion into relevant projects it finances globally, through a quality review process.

Reply to the issues raised in paragraph 33 of the list of issues, point (c)

Regular training and capacity-building is available for EU staff through the EU Learn and the EU International Partnerships Academy³⁵³ platforms: HRBA training workshops, an interactive HRBA Toolbox, an introduction training to disability, and different training materials on HRBA and disability are available. In addition, the EEAS offers human rights training courses, including on the rights of persons with disabilities, for staff in EU delegations, headquarters, and open to MS administrations.

Training on unconscious bias is mandatory for EEAS management staff, and is available to members of the selection panel, as well as other EU staff.

The Commission's annual Fundamental Rights Network Seminar brings together all colleagues working on human rights-related matters in both the EU headquarters and in delegations of the Enlargement and Neighbourhood regions and is a regular opportunity to train colleagues on the implementation of the UNCRPD. The 2022 edition was dedicated to key international and European policy frameworks related to the rights of persons with disabilities, and included a presentation by the UN Special Rapporteur on the rights of persons with disabilities.

The Commission services including the EEAS have published accessibility factsheets for 139 delegations and the headquarters in Brussels to inform EU staff with a disability on the suitability and accessibility of the premises and the city where it is located. The documents are available on the Intranet in a format readable with a screen reader or Narrator.

A new technical assistance contract "Knowledge Hub for expertise on Gender equality, Disability, and Human Rights Based Approach" is available to support capacity-building and learning activities for EU staff both at headquarters' and country level, including at least one specific disability training and one webinar each year.

Under the Technical Assistance and Information Exchange (TAIEX)³⁵⁴ and Twinning programmes, the Commission, along with MS, provides technical assistance to partner countries administrations in preparing reforms to align with the UNCRPD. The SOCIEUX+³⁵⁵ project has also provided capacity-building on disability to some countries' administrations at their request. In addition, the Bridging the Gap project,³⁵⁶ funded by the EU in response to the requirement to make development cooperation accessible to and inclusive of persons with disabilities, provided capacity-building to EU staff and MS administrations between 2018 and 2021.

The EEAS has established communication channels for guidance or information to persons with disabilities, including a functional mailbox for issues and questions related to the EEAS Disability Policy. Each year, the Commission and EU delegations across the world raise awareness either on or around the International Day of Persons with Disabilities, communicating on new developments and actions implemented for colleagues with a disability.

Reply to the issues raised in paragraph 33 of the list of issues, point (d)

It is common for the Commission to consult CSOs, including OPDs, around meetings with partner countries. The Commission holds regular meetings and consultations with Brussels-based CSOs and regularly meets with OPDs in international fora such as the Global Action on Disability (GLAD). A structured dialogue with CSOs is also standard practice in EU delegations, and is organised regularly. A Guidance note on inclusive consultations³⁵⁷ was issued by the Commission in 2021 to improve the inclusiveness of and accessibility for OPDs to these dialogues. The Commission also encourages building meaningful partnerships with local OPDs in line with the Grand Bargain commitments.³⁵⁸ Most recently, OPDs were part of the consultations of the formulation of the EU Global Health Strategy³⁵⁹ and the Youth Action Plan³⁶⁰ in EU External Action (2022-2027).

Consultations with stakeholders and rights holders in project formulation is one of the principles of the HRBA. Moreover, the Commission has financed a project to support the dissemination of the Inter-Agency Standing Committee Guidelines³⁶¹ on the Inclusion of Persons with Disabilities in Humanitarian Action, which also aims to enhance coordination, support engagement of OPDs within humanitarian structures, and build their capacity.³⁶²

National implementation and monitoring (art. 33)

Reply to the issues raised in paragraph 34 of the list of issues, point (a)

In order to implement the 64 actions of the Strategy, the Commission established the Disability ISG in October 2021. The Commission's Directorate-General for Employment, Social Affairs, and Inclusion (DG EMPL) coordinates the Disability ISG composed of disability coordinators from each of the Commission's services and the EEAS. In May 2021, all Commission services were called to nominate disability coordinators for both their services and the agencies under their responsibility, as well as EU delegations through the EEAS. All Commission services have appointed disability coordinators and 33 agencies as well. During the Disability ISG meetings, disability coordinators report on the implementation of the Strategy and the UNCRPD in the work under their remit within the EU institutions.

Reply to the issues raised in paragraph 34 of the list of issues, point (b)

All EU equality strategies present common features, including promoting an intersectional approach to discrimination. Intersectionality is also at the core of the work of the Task Force on Equality, with equality coordinators having an overview of all grounds of discrimination

mentioned in Article 10 TFEU. Preparation, monitoring, and implementation of the EU strategies duly involve relevant stakeholders.

The implementation of the Strategy is monitored through a framework³⁶³ since May 2022. The monitoring framework is publicly available and indicates the progress achieved on the Commission's actions within the Strategy. The monitoring framework's website is updated every year, with the next update scheduled in Q2 2023. It is not only a tool used to monitor the implementation of the Strategy, but it also gives statistical data on the situation of persons with disabilities and will provide information on the implementation of MS' actions proposed in the Strategy in the future.

Reply to the issues raised in paragraph 34 of the list of issues, point (c)

The EU framework responsible for the promotion, protection, and monitoring of the UNCRPD was revised in 2015, following the concluding observations³⁶⁴ by the UNCRPD Committee requesting the Commission to withdraw given its role as focal point.

The EU Framework is composed of four members: the European Parliament, the European Ombudsman, the FRA, and the EDF.

The participation of EDF in the EU Framework is funded by the Commission's CERV Programme.³⁶⁵

The European Ombudsman finances its participation in the EU Framework with its own budget. The office's work in this area is led by one administrator and one principal adviser (whose responsibilities also include areas beyond disabilities). The two staff members prepare and participate in the EU Framework's meetings and activities.³⁶⁶

The FRA devotes 1.55 full-time equivalent from its regular annual budget to the EU Framework.³⁶⁷

GLOSSARY

AHI	Affordable Housing Initiative
AI	Artificial Intelligence
AMIF	Asylum, Migration and Integration Fund
ASDEC	Association of Staff with a Disability in the European Commission
AVMSD	Audiovisual Media Services Directive
BMVI	Instrument for Financial Support for Border Management and Visa Policy
CAP	Common Agricultural Policy
CARE	Cohesion's Action for Refugees in Europe
CEF	Connecting Europe Facility
CERV	Citizens, Equality, Rights and Values programme
CF	Cohesion Fund
Charter	Charter of Fundamental Rights of the European Union
Commission	European Commission
Committee	UN Committee on the Rights of Persons with Disabilities
Council	Council of the European Union
Court of Justice	Court of Justice of the European Union
CSO	Civil society organisation
DG EMPL	Directorate-General for Employment, Social Affairs, and Inclusion
DMA	Digital Markets Act
DSA	Digital Services Act
DSG	Disability Support Group
EAA	European Accessibility Act
EaSI	Employment and Social Innovation
EASNIE	European Agency for Special Needs and Inclusive Education
ECDC	European Centre for Disease Prevention and Control
ECG	European Child Guarantee
ECNE	European Cooperation Network on Elections
EDE	European Disability Expertise
EDF	European Disability Forum
EEAS	European External Action Service
EESC	European Economic and Social Committee
EIGE	European Institute for Gender Equality
EMFAF	European Maritime, Fisheries and Aquaculture Fund
EPSR	European Pillar of Social Rights
ERA	Academy of European Law
ERDF	European Regional Development Fund
ESC	European Solidarity Corps
ESF+	European Social Fund Plus (successor to ESF)
ESI Funds	European Structural and Investment Funds
ESO	European Standards Organisation
EU	European Union
EU-LFS	European Union Labour Force Survey

Eurostat	Statistical office of the European Union
EU-SILC	European Union Statistics on Income and Living Conditions
FRA	European Union Agency for Fundamental Rights
GALI	Global Activity Limitation Indicator
GLAD	Global Action on Disability
HRBA	Human Rights-Based Approach
ISF	Internal Security Fund
ISG	Inter-Service Group
ISL	International Sign Language
JSIS	Joint Sickness Insurance Scheme
JTF	Just Transition Fund
LGBTIQ	Lesbian, gay, bisexual, transgender, intersex and queer
MFF	Multiannual Financial Framework
MISSOC	Mutual Information System on Social Protection
MS	Member State
MSCA	Marie Skłodowska-Curie Actions
NCD	Non-Communicable Disease
NCP	National Contact Point
NDICI-GE	Neighbourhood, Development and International Cooperation Instrument – Global Europe
NEB	New European Bauhaus
NGO	Non-governmental organisation
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
Ombudsman	European Ombudsman
OP	Optional Protocol to the UN Convention on the Rights of Persons with Disabilities
OPD	Organisation of persons with disabilities
Parliament	European Parliament
PES	Public Employment Services
RA	Reasonable Accommodation
REACT-EU	Recovery Assistance for Cohesion and the Territories of Europe
R&I	Research and Innovation
RRF	Recovery and Resilience Facility
RRP	Recovery and Resilience Plan
SRC	Strategy on the Rights of the Child
SRHR	Sexual and reproductive health and rights
Strategy	Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030
SWD	Staff Working Document
TAIEX	Technical Assistance and Information Exchange
TEN-T	Trans-European Transport Network
TF	Task Force
TFEU	Treaty on the Functioning of the European Union
TSI	Technical Support Instrument
TSI	Technical Specifications for Interoperability

UNCRPD	UN Convention on the Rights of Persons with Disabilities
VET	Vocational Education and Training
WAD	Web Accessibility Directive
WCAG	Web Content Accessibility Guidelines
WHO	World Health Organization
WIPO	World Intellectual Property Organization

ANNEX

Statistical information on disability in the EU

A. Population of persons with disabilities

Table A.1: Persons with disabilities aged 16 and over living in private households, EU level, 2020 (Estimation)

Persons without disabilities	Persons with disabilities	Total
Number in Millions (1 000 000)		
276.2	91.6	367.8
Percent (%)		
75.1	24.9	100

Source: S. Grammenos (2022), “European comparative data on persons with disabilities”, European Disability Expertise, forthcoming. Data source: 1) Eurostat. <https://ec.europa.eu/eurostat/data/database>; Extracted on 14-04-2022 and 2) EU-SILC release 1 in 2022, v.1, April 2022.

Note: Two different sources have been used for the estimation: Eurostat data for disability prevalence and EU-SILC UDB for total population, aged 16+, living in private households. For Germany and Italy, total population, aged 16+, provided by the EU SILC UDB 2019 was used. This affects the EU aggregate. Rounding errors and the use of different sources might explain certain marginal discrepancies between absolute and percentage data.

Table A.2: Persons aged 16 and over living in private households, EU level, 2020

Persons without disabilities	Persons with moderate disabilities	Persons with severe disabilities	Total
Number in Millions (1 000 000)			
275.8	64.7	27.3	367.8
Percent (%)			
75.1	17.5	7.4	100

Source: S. Grammenos (2022), “European comparative data on persons with disabilities”, European Disability Expertise, forthcoming. Data source: 1) Eurostat. <https://ec.europa.eu/eurostat/data/database>; Extracted on 14-04-2022 and 2) EU-SILC release 1 in 2022, v.1, April 2022.

Note: Two different sources have been used for the estimation: Eurostat data for disability prevalence and EU SILC UDB for total population, aged 16+, living in private households. For Germany and Italy, total population, aged 16+, provided by the EU SILC UDB 2019 was used. This affects the EU aggregate. Rounding errors and the use of different sources might explain certain marginal discrepancies between absolute and percentage data.

A.3: Population aged 15 and over declaring severe physical and sensory functional limitations, EU level, 2019

- About 2.1 % of persons aged 15 and over declared a severe difficulty (a lot of difficulty or cannot do at all / unable to do) in seeing, even wearing glasses or contact lenses. This represents 7.7 million persons (1.7 million persons cannot do at all).

- About 1.2 % of persons aged 15 and over have severe hearing difficulties in a quiet room. They represent 4.5 million persons. Severe difficulties include ‘a lot of difficulty’ (3.5 million) and ‘cannot do at all / unable to do’ (1.0 million).
- About 5.3 % of persons aged 15 and over have severe difficulties walking half a kilometer on level ground without the use of any aid. They represent 19.8 million persons.
- About 5.6 % of persons aged 15 and over have severe difficulties walking up or down 12 steps. They represent 20.7 million persons.
- About 2.4 % of persons aged 15 and over have severe difficulties in remembering or concentrating. They represent 8.6 million persons.
- About 9.6 % of persons aged 55 and over have severe difficulties in biting and chewing. They represent 13.7 million persons. Severe difficulties include ‘a lot of difficulty’ (9.8 million) and ‘cannot do at all / unable to do’ (3.9 million).

Source: S. Grammenos (2022), “Independent living and community inclusion of persons with disabilities”, European Disability Expertise, forthcoming. Data source: EHIS wave 3, 2019; version October 2022.

B. Participation in employment

Table B.1: Employment gap between persons with and without disabilities (age 20-64), 2020, percentage points

	2020
European Union	24.4
Belgium	36.3
Bulgaria	33.0
Czechia	25.6
Denmark	18.1
Germany	32.4
Estonia	20.6
Ireland	38.8
Greece	27.7
Spain	21.6
France	23.7
Croatia	32.9
Italy	14.9
Cyprus	23.5
Latvia	16.7
Lithuania	22.7
Luxembourg	22.1
Hungary	31.2
Malta	29.4
Netherlands	25.4
Austria	20.5
Poland	31.3
Portugal	18.2
Romania	30.4
Slovenia	21.7
Slovakia	23.6
Finland	19.9
Sweden	28.9

Source: Eurostat database, EU-SILC dataset [h1th_d1m200](#)

Table B.2: Persons aged 20-64 who are employed, EU level, 2020, %

	Not Employed	Employed	Total
Number in Millions (1 000 000)			
Persons without disabilities	51.3	154.8	206.2
Persons with disabilities	21.6	22.2	43.7
Total	72.9	177.0	249.9
Percent (%)			
Persons without disabilities	24.9	75.1	100.0
Persons with disabilities	49.3	50.7	100.0
Total	29.2	70.8	100

Source: Source: S. Grammenos (2022), “European comparative data on persons with disabilities”, European Disability Expertise, forthcoming. Data source: 1) Eurostat. <https://ec.europa.eu/eurostat/data/database>; Extracted on 14-04-2022 and 2) EU-SILC release 1 in 2022, v.1, April 2022.

Table B.3: Employment rate of persons with disabilities by gender, EU level, 2020, %

Females with disabilities	Males with disabilities	Persons with disabilities
48.1	53.7	50.7

Source: S. Grammenos (2022), “European comparative data on persons with disabilities”, European Disability Expertise, forthcoming. Data source: Own calculations based on Eurostat database extracted on 14-04-2022 and 2) EU-SILC release 1 in 2022, v.1, April 2022.

Table B.4: Employment rate of persons with disabilities (aged 20-64) by degree of disability, EU level, 2020, %

Severe disabilities	Moderate disabilities	Without disabilities
29.6	58.3	75.1

Source: S. Grammenos (2022), “European comparative data on persons with disabilities”, European Disability Expertise, forthcoming. Data source: EU-SILC release 1 in 2022, v.1, April 2022 and own calculations for Germany and Italy, affecting the EU aggregate.

Table B.5: Persons declaring that they work less than 30 hours per week due to personal illness or disability, EU level, 2020, %

Persons with disabilities	Persons without disabilities
30.7	1.4

Source: S. Grammenos (2022), “The employment of persons with disabilities”, European Disability Expertise, forthcoming. Data sources: EU-SILC UDB 2018, release 2020, v.1, and EU-SILC UDB 2020, v.1, April 2022.

Note: Data cover only persons working less than 30 hours per week. Data for Germany and Italy refer to 2019. This affects the EU aggregate.

Table B.6: Persons who would like to work more hours but cannot find a job(s) or work(s) of more hours, EU level, 2020, %

Persons with disabilities	Persons without disabilities
14.7	21.1

Source: S. Grammenos (2022), “The employment of persons with disabilities”, European Disability Expertise, forthcoming. Data sources: EU-SILC UDB 2018, release 2020, v.1, and EU-SILC UDB 2020, v.1, April 2022.

Note: Data cover only persons working less than 30 hours per week. Data for Germany and Italy refer to 2019. This affects the EU aggregate.

Table B.7: Unemployment (persons aged 20-64), EU level, 2020, %

Persons with disabilities	Persons without disabilities	Total
17.7	8.6	9.9

Source: S. Grammenos (2022), “European comparative data on persons with disabilities”, European Disability Expertise, forthcoming. Data source: EU-SILC release 1 in 2022, v.1, April 2022 and own calculations for Germany and Italy, affecting the EU aggregate.

Note: the data are indicative (estimations based on self-declarations)

Table B.8: Unemployment rate of persons with disabilities (aged 20-64) by gender, EU level, 2020, %

Females with disabilities	Males with disabilities
17.9	17.4

Source: S. Grammenos (2022), “European comparative data on persons with disabilities”, European Disability Expertise, forthcoming. Data source: EU-SILC release 1 in 2022, v.1, April 2022 and own calculations for Germany and Italy, affecting the EU aggregate.

Table B.9: Youth unemployment (aged 16-24), EU level, 2020, %

Persons with disabilities	Persons without disabilities	Total
31.3	21.2	21.5

Source: S. Grammenos (2022), “European comparative data on persons with disabilities”, European Disability Expertise, forthcoming.

Note: Available EU-SILC 2020 microdata for research, at the time of elaborating the abovementioned report, do not contain data for Germany and Italy. In order to fill this gap, EU-SILC 2019 indicators were used for these countries, corrected for 2019-2020 change. As correction factor, the percentage change drawn from the LFS survey has been used. Consequently, these indicators are indicative. This affects the EU aggregate.

Table B.10: Labour market participation (employed or unemployed), EU level, 2020, %

Persons with disabilities	Persons without disabilities	Total
61.6	82.2	78.6

Source: S. Grammenos (2022), “European comparative data on persons with disabilities”, European Disability Expertise, forthcoming. Data source: EU-SILC release 1 in 2022, v.1, April 2022 and own calculations for Germany and Italy.

This implies that about 26.9 million persons with disabilities (aged 20-64) are economically active out of 43.7 million persons with disabilities of the same age group.

C. Participation in education and training

Table C.1: Population aged 25-64 declaring to currently participate in an (formal) education programme or to have recently attained their highest education level, EU level, 2020, %

Persons with disabilities	Persons without disabilities	Total
3.3	5.4	5

Source: S. Grammenos (2022), “European comparative data on persons with disabilities”, European Disability Expertise, forthcoming. Data source: EU-SILC release 1 in 2022, v.1, April 2022 and EU-SILC UDB 2019.

Note: Available EU-SILC 2020 microdata for research, at the time of elaborating the abovementioned report, do not contain data for Germany and Italy. In order to fill this gap, EU-SILC 2019 indicators were used for these countries. Consequently, these indicators are indicative. This affects the EU aggregate.

Table C.2: Early school leavers aged 18-24, EU level, 2020, %

Persons with disabilities	Persons without disabilities	Total
22.9	9.3	10.3 (Target: <10)

Source: S. Grammenos (2022), “European comparative data on persons with disabilities”, European Disability Expertise, forthcoming. Data source: EU-SILC release 1 in 2022, v.1, April 2022 and own calculations for Germany and Italy.

Table C.3: Young people aged 16-29 neither in employment nor in education and training (NEET), EU level, 2020, %

Persons with disabilities	Persons without disabilities	Total
30.6	12.6	14.1

Source: S. Grammenos (2022), “European comparative data on persons with disabilities”, European Disability Expertise, forthcoming. Data source: EU-SILC release 1 in 2022, v.1, April 2022 and EU-SILC UDB 2019 for Germany and Italy.

Note: Available EU-SILC 2020 microdata for research, at the time of elaborating the abovementioned report, do not contain data for Germany and Italy. In order to fill this gap, EU-SILC 2019 indicators have been used for these countries. Consequently, the indicators are indicative. The LFS provides relatively stable estimates between 2019-2020 for Italy but an important increase for Germany (+ 1.5 percentage points). These LFS estimates refer to all persons (Data extracted on 21/05/2022 from Eurostat). The sample of Bulgaria is relatively small and the estimate is indicative. This affects the EU aggregate.

Table C.4: Population aged 30-34 who have completed a tertiary or equivalent education, EU level, 2020, %

Persons with disabilities	Persons without disabilities	Total
33.5	45.3	44.1

Source: S. Grammenos (2022), “European comparative data on persons with disabilities”, European Disability Expertise, forthcoming. Data source: EU-SILC release 1 in 2022, v.1, April 2022 and own calculations for Germany and Italy.

D. Risk of poverty and social exclusion

Table D.1: Population aged 16 and over at risk of poverty by disability status, EU level, %

Females			Males			Total		
Persons with disabilities	Persons without disabilities	Total	Persons with disabilities	Persons without disabilities	Total	Persons with disabilities	Persons without disabilities	Total
2020								
22.0	15.5	17.3	19.6	14.1	15.3	21.0	14.8	16.3
2021								
22.1	15.5	17.3	19.7	14.2	15.5	21.1	14.9	16.4

Source: Eurostat database, EU-SILC dataset [hlth_dpe020](#)

Table D.2: Severely materially deprived persons (aged 16 and over) by disability status, EU level, %

Females			Males			Total		
Persons with disabilities	Persons without disabilities	Total	Persons with disabilities	Persons without disabilities	Total	Persons with disabilities	Persons without disabilities	Total
2020								
11.9	5.8	7.4	10.6	5.1	6.4	11.3	5.4	6.9
2021								
11.2	5.1	6.8	10.5	4.6	5.9	10.9	4.9	6.4

Source: Eurostat database, EU-SILC dataset [hlth_dm010](#)

Table D.3: Population aged 16 and over at-risk-of-poverty or social exclusion by disability status and gender, EU level, %

Females			Males			Total		
Persons with disabilities	Persons without disabilities	Total	Persons with disabilities	Persons without disabilities	Total	Persons with disabilities	Persons without disabilities	Total
2020								
34.8	20.1	22.8	34.3	18.6	21.1	34.6	19.4	22.0

2021								
34.8	20.4	23.0	35.3	18.7	21.4	35.0	19.5	22.2

Source: Eurostat database, EU-SILC dataset [hlth_dpe010](#)

Table D.4: Population living in households with very low work intensity (age 16-59), EU level, 2020, %

Persons with disabilities	Persons without disabilities	Total
22.4	6.6	9.0

Source: S. Grammenos (2022), “European comparative data on persons with disabilities”, European Disability Expertise, forthcoming. Data source: Eurostat database, EU-SILC dataset [hlth_dpe040](#) (data extracted on 14/04/2022)

Table D.5: Population aged 50 and over who received a governmental support due to the COVID-19 crisis in 2021 by disability status, EU-26, %

Persons with disabilities	Persons without disabilities	Total
6.1	7.7	7.0

Source: SHARE Wave 9. COVID-19 Survey 2. Release version: 8.0.0.

Table D.6: Mean value of total net wealth of persons with disabilities as a proportion to persons without disabilities, EU-28, 2016. Age adjusted (Experimental data)

	EU
Persons without disabilities	100
All persons with disabilities	74.4
Persons with moderate disabilities	77.1
Persons with severe disabilities	67.9

Source: S. Grammenos (2022), “European comparative data on persons with disabilities”, European Disability Expertise, forthcoming. Data source: EU-SILC 2016 and own calculations.

Note: The data cover persons aged 16+.

Table D.7: Population aged 16 and over who declare unable to keep home adequately warm by, 2020, EU-level

Persons with disabilities	Persons without disabilities	Total
10.6	6.5	7.5

Source: S. Grammenos (2022), “European comparative data on persons with disabilities”, European Disability Expertise, forthcoming. Data source: Eurostat database, EU-SILC dataset [hlth_dhc140](#) (data extracted on 31/05/2022)

Table D.8: Population aged 16 and over reporting unmet needs for medical care due to ‘financial reasons’, ‘waiting list’ or ‘too far to travel’, 2020, EU level, %

Persons with disabilities	Persons without disabilities	Total
4.1	0.9	1.7

Source: S. Grammenos (2022), “European comparative data on persons with disabilities”, European Disability Expertise, forthcoming. Data source: EU-SILC release 1 in 2022, v.1, April 2022 and own calculations for Germany and Italy.

* The present document is being issued without formal editing. Please refer to the glossary at the end of the document for abbreviations used in the text.

¹ European Parliament resolution of 10 March 2021 on equal treatment in employment and occupation in light of the UNCRPD ([P9_TA\(2021\)0075](#)), European Parliament resolution of 7 October 2021 on the protection of persons with disabilities through petitions: lessons learnt ([P9_TA\(2021\)0414](#)), and European Parliament resolution of 13 December 2022 towards equal rights for persons with disabilities ([P9_TA\(2022\)0435](#)).

² See: [Contribution to the EU report to the United Nations Convention on the Rights of Persons with Disabilities Committee \(europa.eu\)](#)

³ See: Proposal for a Council Decision concerning the conclusion, by the European Community, of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities ([COM/2008/0530 final - COD 2008/0171](#)).

⁴ January 2023.

⁵ Belgium, Czechia, Denmark, Germany, Estonia, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Austria, Portugal, Slovenia, Slovakia, Finland, Sweden.

⁶ Treaties are the starting point for EU law and are known in the EU as primary law. The body of law that comes from the principles and objectives of the treaties is known as secondary law; and includes regulations, directives, decisions, recommendations and opinions. See: [Types of EU law](#).

⁷ See: [Council Regulation \(EU, Euratom\) 2022/2496](#) of 15 December 2022 amending Regulation (EU, Euratom) 2020/2093 laying down the multiannual financial framework for the years 2021 to 2027.

⁸ The legal texts of the programmes, calls to execute the budget, and details on projects and actions are published on the Commission website. For more information consult: [EU budget](#).

⁹ See: [Regulation \(EU\) 2021/1060](#) of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund (ERDF), the European Social Fund Plus (ESF+; successor to the European Social Fund (ESF)), the Cohesion Fund (CF), the Just Transition Fund (JTF) and the European Maritime, Fisheries and Aquaculture Fund (EMFAF; successor to the European Maritime and Fisheries Fund (EMFF)) and financial rules for those and for the Asylum, Migration and Integration Fund (AMIF), the Internal Security Fund (ISF) and the Instrument for Financial Support for Border Management and Visa Policy (BMVI).

¹⁰ See: Art. 9.3 of [Regulation \(EU\) 2021/1060](#).

¹¹ The Commission does not prescribe specific amounts to be included, these are earmarked by the programme authorities. Under shared management, the responsibility for selecting operations and reporting under respective categories of expenditure lies with the programme authorities.

¹² As explained above, this figure could cover also support to other groups than persons with disabilities.

¹³ Successor of the Structural Reform Support Programme 2017-2020.

¹⁴ The Commission does not prescribe specific amounts to be included in the TSI programmes, these are earmarked by national and regional authorities based on the established needs.

¹⁵ See: [Commission Implementing Decision - framework of inclusion measures of Erasmus+ and European Solidarity Corps 2021-27](#).

¹⁶ As defined in Article 2(25) of the Erasmus+ Regulation, young people with fewer opportunities are those who, for economic, social, cultural, geographical or health reasons, a migrant background, or for reasons such as disability and educational difficulties or for any other reasons, including those that can give rise to discrimination under Article 21 of the Charter of Fundamental Rights of the European Union, face obstacles that prevent them from having effective access to opportunities under the programme.

¹⁷ The information reflects the number of contracted projects until mid-November 2022 (in the fields of youth, school, VET, adult education and higher education). Data on the number of projects and contracted grant may further evolve with the finalisation of the selection and contracting of projects of 2022 Call year.

¹⁸ See: [Creative Europe](#) programme.

¹⁹ Regulations are legal acts that apply automatically and uniformly to all EU countries as soon as they enter into force, without needing to be transposed into national law. They are binding in their entirety on all EU countries.

²⁰ See: [Regulation \(EU\) 2021/695](#) of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (Text with EEA relevance).

²¹ See: [Council Decision \(EU\) 2021/764](#) of 10 May 2021 establishing the Specific Programme implementing Horizon Europe – the Framework Programme for Research and Innovation, and repealing Decision 2013/743/EU (Text with EEA relevance).

²² Cluster 1 (Health), Cluster 2 (Culture, Creativity and Inclusive Society), and Cluster 4 (Digital, Industry and Space).

²³ Health; Culture, Creativity and Inclusive Society; Digital, Industry and Space.

²⁴ The topics including references to disabilities were in the areas of health (5 topics); culture, creativity and inclusive society (8 topics); civil security for society (7 topics); digital, industry and space (1 topic); climate, energy and mobility (4 topics); food, bioeconomy, natural resources, agriculture and environment (7 topics).

²⁵ See: [Marie Skłodowska-Curie Actions](#) (MSCA).

²⁶ It is available under all MSCA schemes and can be used for the special needs of recruited doctoral candidates, postdoctoral researchers, and even R&I staff sent on short-term secondments. The allowance can cover, for example, costs of assistance by third persons, supplementary travel/transportation costs, or expenses for the adaptation of the work environment (specialised equipment, PC screens, wheelchair ramps, etc.).

²⁷ See: [Regulation \(EU\) 2021/1153](#) of the European Parliament and of the Council of 7 July 2021 establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014 (Text with EEA relevance).

²⁸ Persons with reduced mobility include persons with disabilities but also others with short-term impairments.

²⁹ See: [Commission Regulation \(EU\) No 1300/2014](#) of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (Text with EEA relevance) - PRM TSI.

³⁰ See: [Programme Regulation \(EU\) 2021/522](#).

³¹ See also paragraph 27, point b. The launch of the study is scheduled for early 2023, and the final report is planned to be produced after two years.

³² Focus area 6A: Facilitating diversification, creation and development of small enterprises, as well as job creation: EUR 3 060.7 million (UK expenditure: EUR 335.9 million); Focus area 6B: Fostering local development in rural areas: EUR 15 295.7 million (UK expenditure: EUR 207 million); Focus area 6C: Enhancing the accessibility, use and quality of information and communication technologies (ICT) in rural areas: EUR 1 000.4 million (UK expenditure: EUR 75.3 million).

³³ See: [European Network for Rural Development](#) (ENRD).

³⁴ LEADER is a 'bottom up' approach, in which farmers, rural businesses, local organisations, public authorities and individuals from different sectors come together to form local action groups. See: [LEADER/CLLD](#) approach.

³⁵ These were used by the Commission services for contracts related to studies, projects and activities such as prizes for the Access City Award.

³⁶ See: [Regulation \(EU\) 2021/947](#) of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe.

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- ³⁷ See: Neighbourhood, Development and International Cooperation Instrument – Global Europe ([NDICI – Global Europe](#)).
- ³⁸ See: [Regulation \(EU\) 2021/1529](#) of the European Parliament and of the Council of 15 September 2021 establishing the Instrument for Pre-Accession assistance (IPA III).
- ³⁹ See: [Instrument for Pre-Accession assistance III](#).
- ⁴⁰ Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid OJ L 163, 2.7.1996, p. 1–6, Article 1.
- ⁴¹ Joint Statement by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the European Commission, OJ C 25, 30.1.2008, p. 1–12, paragraph 39.
- ⁴² See: Communication from the Commission to the European Parliament and the Council on the EU’s humanitarian action: new challenges, same principles ([COM\(2021\) 110 final](#)).
- ⁴³ In this respect, the Commission has also strengthened disaggregated data collection by encouraging the use of the [Washington Short Set of Questions](#).
- ⁴⁴ See: [The Inclusion of Persons with Disabilities in EU-funded Humanitarian Aid Operations](#).
- ⁴⁵ See: [Better regulation: guidelines and toolbox](#).
- ⁴⁶ The revision increases reference to disability concerns and in particular to the UNCRPD, and provides new or revised examples on how to identify and assess the impact of policy options on persons with disabilities. Tool#29 includes a checklist to help the Commission in checking the impacts of various policy options on equality, to ensure non-discrimination and to promote equality. One example in Tool#30 draws attention to the impact of options on the work organisation and skills development of persons with disabilities (e.g. use of IT and digital services if they are not accessible to persons with disabilities). In addition, Tool#30 provides information on useful sources on disability and relevant Sustainable Development Goals disability indicators.
- ⁴⁷ See: Council Decision of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities ([2010/48/EC](#)).
- ⁴⁸ See: [SWD\(2017\) 29 final Progress Report on the implementation of the European Disability Strategy \(2010 - 2020\)](#).
- ⁴⁹ See also paragraph 34, point a.
- ⁵⁰ Irrespective of sex, racial or ethnic origin, age, disability, sexual orientation, religion or belief.
- ⁵¹ See also paragraph 1, point d.
- ⁵² Namely the Committees on Civil Liberties, Justice and Home Affairs (LIBE), Petitions (PETI), Human Rights (DROI), Development (DEVE), Budgets (BUDG), Environment, Public Health and Food Safety (ENVI), Internal Market and Consumer Protection (IMCO), Transport and Tourism (TRAN), Regional Development (REGI), Culture and Education (CULT), Legal Affairs (JURI) and Women’s Rights and Gender Equality (FEMM),
- ⁵³ See: [Regulation \(EU\) 2020/852](#) of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (Text with EEA relevance).
- ⁵⁴ See: [Final Report on Social Taxonomy](#) (published on 28 February 2022).
- ⁵⁵ For instance, Article 18 of the Taxonomy Regulation requires that economic activities comply with the minimum safeguards to be considered as environmentally sustainable in line with the Taxonomy. The minimum safeguards must ensure alignment, among others, with the UN Guiding Principles on Business and Human Rights.
- ⁵⁶ Directives require EU countries to achieve a certain result, but leave them free to choose how to do so. EU countries must adopt measures to incorporate them into national law (transpose) in order to achieve the objectives set by the directive. National authorities must communicate these measures to the European Commission. Transposition into national law must take place by the deadline set when the directive is adopted (generally within 2 years). When a country does not transpose a directive, the Commission may initiate infringement proceedings.
- ⁵⁷ See: [Communication from the Commission – Enforcing EU law for a Europe that delivers](#).
- ⁵⁸ Using the full potential of Article 260(3) TFEU introduced by the Lisbon Treaty, the Commission automatically opens such cases and systematically asks the Court of Justice to impose financial sanctions when MS fail to transpose directives on time. The Commission also systematically assesses whether the national measures notified to the Commission correctly transpose a given directive correctly. If this is not the case, the Commission can ensure conformity of the national legislation with the directive by launching an infringement procedure on the basis of Article 258 TFEU where, ultimately, the Court of Justice could confirm that the MS failed to transpose the directive correctly.

⁵⁹ See: [Directive 2012/29/EU](#) of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

⁶⁰ See: Evaluation of Directive 2012/29/EU ([SWD/2022/0179 final, June 2022](#)).

⁶¹ See: [Council Directive 2000/78/EC](#) of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

⁶² A report on reasonable accommodation is to be delivered as part of the Disability Employment Package under the Strategy.

⁶³ See: [Report on the application of the Racial Equality Directive and the Employment Equality Directive](#).

⁶⁴ See: [Communication from the Commission - EU law: Better results through better application](#).

⁶⁵ See also paragraph 2, point c.

⁶⁶ Opening infringement procedures for individual situations would not be effective, considering the EU Court of Justice cannot order a given MS to pay damages to an individual adversely affected by an infringement of EU law.

⁶⁷ See also paragraph 1, point c.

⁶⁸ In particular with regard to partnership (Art. 8.1), implementation (Art. 9.3), operation selection (Art. 73) as well as in terms of enabling conditions (Annex III) and specific objectives (Annex IV).

⁶⁹ Article 8.2 of the Neighbourhood, Development and International Cooperation Instrument (NDICI) reads as follows: “The Instrument shall apply a rights-based approach encompassing all human rights, whether civil and political or economic, social and cultural in order to integrate human rights principles, to support the right holders in claiming their rights, with a focus on poorer, marginalised and vulnerable people and groups, including persons with disabilities, and to assist partner countries in implementing their international human rights obligations. That approach shall be guided by the principles of “leaving no one behind”, equality and non-discrimination on any grounds.”

⁷⁰ Such as advocacy, awareness raising, fighting discrimination, supporting the development of equality policies or of disability indicators for data collection.

⁷¹ FPAs are a long-term cooperation mechanisms that set out the framework conditions governing potential annual operating grants to partners based on a 4-year strategic action plan.

⁷² Activity funded by the Citizens, Equality, Rights and Values Programme (CERV) and the Employment and Social Innovation strand (EaSI) of the European Social Fund Plus (ESF+).

⁷³ Such grants intend to cover regular expenses that enable the above-mentioned bodies to implement work programmes related to the political priorities of the Commission in the disability area. The implementation of these work programmes allows the Commission to benefit from the networks’ expertise on the challenges faced by persons with disabilities across MS as well as be supported in its outreach activities at EU, national, and local levels. The partnership of the Commission and EU-level networks of disability organisations is of key importance in developing evidence-based and impactful policy making.

⁷⁴ See: [Equality Package: Commission proposes to strengthen equality bodies to fight discrimination](#).

⁷⁵ Directive 1979/7 and Directive 2000/78, see also paragraph 2, point d.

⁷⁶ The Strategy for the Rights of Persons with Disabilities, the Gender Equality Strategy, the EU Anti-racism Action Plan, the LGBTIQ Equality Strategy, the EU-Roma Strategic Framework for Equality, Inclusion and Participation, and the EU Strategy on Combating Antisemitism and Fostering Jewish Life.

⁷⁷ Migrant background is measured either through the “country of citizenship” (three main groups are used for dissemination purposes: nationals / foreign EU citizens / foreign non-EU citizens) or the “country of birth” (also with three main groups: native / foreign-born EU origin / foreign-born non-EU origin) variables.

⁷⁸ Respondents will be asked to select the main ground for the feeling of being discriminated against, with one of the grounds being “disability” or “long-term health problem.”

⁷⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022PC0105&from=EN>

The proposal indicates that Member States should pay due regard to victims affected by such intersectional discrimination.

Proposal for a Directive to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms. COM(2021) 93.

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021PC0093>

Proposal for a Directive on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and deleting Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU. COM(2022) 688.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022PC0688&from=EN>

⁸⁰ See: [Action Coalitions: Global Acceleration Plan. Executive Summary \(p. 16\)](#).

⁸¹ See: [Gender Equality Index](#).

⁸² See: EU strategy on the rights of the child ([COM/2021/142 final](#)).

⁸³ Eurostat is yet to investigate whether reliable data for children with disabilities can be produced regarding their material deprivation, access to health care, living arrangements and conditions. There is no data source with regard to children with disabilities not living in private households.

⁸⁴ See: [Commission Implementing Regulation \(EU\) 2019/2242](#) of 16 December 2019 specifying the technical items of data sets, establishing the technical formats and specifying the detailed arrangements and content of the quality reports on the organisation of a sample survey in the income and living conditions domain pursuant to Regulation (EU) 2019/1700 of the European Parliament and of the Council (Text with EEA relevance).

⁸⁵ See: [European Child Guarantee](#). Recommendations allow the EU institutions to make their views known and to suggest a line of action without imposing any legal obligation on those to whom it is addressed. They have no binding force.

⁸⁶ The Forum took place in a room accessible to speakers with disabilities, and subtitles were ensured for online hard of hearing participants.

⁸⁷ See: [14th European Forum on the rights of the child: Bring children to the centre: empowering, protecting and including children](#).

⁸⁸ See: [Council Recommendation \(EU\) 2021/1004](#) of 14 June 2021 establishing a European Child Guarantee.

⁸⁹ By end January 2023, eighteen MS had submitted their final action plans.

⁹⁰ The ECG Recommendation requires MS to report every two years on their progress in implementing the ECG.

⁹¹ These include: (1) presentations to FRA stakeholders, such as the European child-friendly justice network, addressing the difficult access to justice for children with disabilities; (2) written input during the development and implementation of policy files, such as the European Child Guarantee, the Strategy on the Rights of the Child (2021-2024), and the Council of Europe Strategy for the Rights of the Child (2022-2027); (3) contributions to research projects, for example as member of the advisory board of the DataCare project by Eurochild/UNICEF or as project partner of the Norway Grant project with the Bulgarian National Statistical Institute – these reports specifically address children and persons with disabilities.

⁹² See: [Procedural safeguards for children who are suspects or accused persons in criminal proceedings](#).

⁹³ See: [Violence against children with disabilities: legislation, policies and programmes in the EU](#).

⁹⁴ See: [How the EU helps fight discrimination at work](#).

⁹⁵ See: [Together for Rights: the Strategy for persons with disabilities](#).

⁹⁶ Internal document published on the EEAS intranet.

⁹⁷ Several activities on the EYY map of the European Youth Portal target young people with disabilities: (1) in Germany: *Einfach machen: Auslandsjahr mit Behinderung* (Just do it: Year abroad with disability); (2) from the European Social and Economic Committee: *Employment of young people with disabilities*; (3) in France: *Journée régionale "Inclusion dans les ACM"* (Regional day "Inclusion in reception centres for minors").

⁹⁸ Europäische Rechtsakademie.

⁹⁹ See: [Inclusive education in action](#).

¹⁰⁰ The other priorities are digital transformation, environment and fight against climate change, participation in democratic life, common values and civic engagement.

¹⁰¹ ¹⁰¹ See : [SpicE – Special Education STEAM Academy](#).

¹⁰² science, technology, engineering, the arts and mathematics.

¹⁰³ This is the term used in the Erasmus+ programme, referring to people who, for economic, social, cultural, geographical or health reasons, or for reasons such as disability or barriers linked to education and training systems as well as barriers which can occur as a result of discriminations, face obstacles that prevent them from having effective access to opportunities under the Programme.

¹⁰⁴ See: [Compendium of inspiring practices on inclusive and citizenship education](#).

¹⁰⁵ See: [European Toolkit for Schools: Promoting inclusive education and tackling early school leaving](#).

¹⁰⁶ See: [Toolkit for inclusive early childhood education and care: Providing high quality education and care to all young children](#).

¹⁰⁷ See: [Webinar on Early childhood education and care in Europe: welcoming children with disabilities, and children with a migrant background](#).

¹⁰⁸ See: [Council Recommendation on Pathways to school success](#).

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- ¹⁰⁹ See: [Proposal for a Council Recommendation on the mobility of young volunteers across the European Union](#). The text, which updates the Council Recommendation from 2008, gained relevance for young people with disabilities by ensuring that access to transnational volunteering activities is a realistic opportunity for all young people. The recommendations mention the support of adequate structures in providing information and guidance regarding existing volunteering opportunities, in formats that are accessible to persons with disabilities. Additionally, organisers of volunteering activities are encouraged to promote social inclusion by providing, inter alia, reasonable and suitable accommodation that is accessible to young people, in particular those with disabilities.
- ¹¹⁰ In the context of this Directive, accessibility is understood as principles and techniques to be observed when designing, constructing, maintaining, and updating websites and mobile applications so that persons with disabilities can perceive, understand, navigate, and interact with them. The implementation of the Directive is supported by European standard EN 301549.
- ¹¹¹ See: [Directive \(EU\) 2018/1972](#) of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast) (Text with EEA relevance).
- ¹¹² Directive (EU) 2018/1808
- ¹¹³ See: [Regulation \(EU\) No 910/2014](#) of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC.
- ¹¹⁴ See: [Regulation \(EU\) No 910/2014](#) of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC.
- ¹¹⁵ See: [Register of Commission Documents](#).
- ¹¹⁶ Accessibility of buses was also explored in the 2021 study on the [“EU Framework for Passenger Rights. Part B. Evaluation of Regulation \(EU\) No 181/2011 on the rights of passengers travelling by bus and coach.”](#)
- ¹¹⁷ [Directive 2009/45/EC](#) of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships is concerned with the accessibility of certain maritime passenger ships.
- ¹¹⁸ [Commission Regulation \(EU\) 1300/2014](#) on the technical specifications for interoperability relating to accessibility of the Union’s rail system for persons with disabilities and persons with reduced mobility (also called “TSI-PRM”) deals with the accessibility of trains and railway stations in Europe.
- ¹¹⁹ See: [Standardisation request M/587](#)
- ¹²⁰ See: [CEN-CENELEC Guide 6](#).
- ¹²¹ See: [Buying Social - a guide to taking account of social considerations in public procurement \(2nd edition\)](#).
- ¹²² [Directive 2014/24/EU](#) and [Directive 2014/25/EU](#)..
- ¹²³ See: [EU Growth webinars](#).
- ¹²⁴ The Regulation is applicable to the general budget of the Union. Article 17 on Technical specifications, point 17.1 states that technical specifications shall include the characteristics required for works, supplies or services, including minimum requirements, so that they fulfil the use for which they are intended by the contracting authority.
- ¹²⁵ See: [Web accessibility action plan](#).
- ¹²⁶ [Directive \(EU\) 2016/2102](#) of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies. Although this Directive does not apply to the websites and mobile applications of Union institutions, those institutions are encouraged to comply with the accessibility requirements set out in this Directive.
- ¹²⁷ The Commission strives to ensure its websites, online content, and audio-visual products are fully accessible to persons who have visual, hearing, motor or cognitive disabilities.
- ¹²⁸ See: [Europa Web Guide: 12. Accessibility](#).
- ¹²⁹ Compliance with the international standards improves accessibility across the entire web presence of the Commission , enabling persons with disabilities to access, use, understand, and interact with Commission websites, mobile applications, and all the digital content published on the Commission websites on an equal basis with other users.
- ¹³⁰ The Europa “europa.eu” domain belongs to the “eu” top-level domains established by [Regulation EC 733/2002](#) and managed by the Commission on behalf of all EU institutions. Among several benefits of using the domain are the security standards required by the Commission ’s IT department that protect the web content as well as the guarantee that the web content respects the EU’s own data protection and accessibility rules following the legal standards applied on Europa.

¹³¹ See: Web Accessibility Initiative – Communities of Practice ([WAI-CooP](#)) (2021-2023); Authoritative Implementation Guidance and International Cooperation to Support Training, Awareness Raising, and Capacity Building ([WAI-Guide](#)) Project (2019-2022).

¹³² 8 projects have been launched since 2014 – 6 of them are closed now, among which SUITCEYES was for the deafblind;

¹³³ See: [EASIER – Intelligent Automatic Sign Language Translation](#)

¹³⁴ See: [SignON – Sign Language Translation Mobile Application and Open Communications Framework](#)

¹³⁵ 5 projects (all concluded) aimed to help patients with Parkinson’s, or to facilitate grasping, or to give persons with severe motor disabilities the ability to control multimedia interfaces with the eyes and mind.

¹³⁶ 9 projects, ranging from Easy Reading that translates online content to an easy-to-read version to tools enabling people with cerebral palsy, ADHD, autism, intellectual disabilities, and Down’s syndrome to better access digital and social life.

¹³⁷ See: [The Digital Services Act package](#).

¹³⁸ The aim is to address at least the following objectives: (a) designing and adapting services to make them accessible to persons with disabilities by making them perceivable, operable, understandable and robust; (b) explaining how the services meet the applicable accessibility requirements and making this information available to the public in an accessible manner for persons with disabilities; and (c) making information, forms and measures provided pursuant to this Regulation available in such a manner that they are easy to find, easy to understand, and accessible to persons with disabilities.

¹³⁹ [Directive \(EU\) 2018/1972](#) of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast).

¹⁴⁰ Commission proposal for a Regulation of the European Parliament and of the Council Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act) and Amending Certain Union Legislative Acts ([COM/2021/206 final](#)).

¹⁴¹ September 2020 under the New Pact on [Migration and Asylum](#).

¹⁴² See: [European Climate Pact](#).

¹⁴³ EDF has been encouraged to become a European Climate Pact Ambassador.

¹⁴⁴ See: [Rinaldo Pinto – European Climate Pact Ambassador in Italy](#).

¹⁴⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Forging a Climate-Resilient Europe ([COM/2021/82 Final](#)).

¹⁴⁶ INTPA commitments on funding of the UNPRPD is under the financing decision C(2022)6137 Annex 13. Other commitments were undertaken in relevant equality strategies and can be found under: the [EU action plan on human rights and democracy 2020-2024](#), the [EU gender action plan III \(2021-2025\)](#), the [EU anti-racism action plan 2020-2025](#), the [EU strategy on the rights of the child 2021-2024](#), [EU Guidelines for the promotion and protection of the rights of the child](#), the [Youth action plan in EU external action 2022-2027](#), the [EU Human Rights Guidelines on Non-Discrimination](#), ECHO operational guidance on ‘The inclusion of persons with disabilities in EU-funded humanitarian aid operations (2019)’

Commitments can be found under <https://idata.tools/gds/portal>

¹⁴⁷ Organisation for Economic Cooperation and Development’s Development Assistance Committee

¹⁴⁸ The project is called [SEE ME \(Safe and Equal in Emergencies\)](#).

¹⁴⁹ See also paragraph 1, point c.

¹⁵⁰ These include, inter alia, organisation of medical evacuation of persons with disabilities, rehabilitation works in accommodation facilities for internally displaced people to render them accessible, provision of protection assistance to vulnerable children with disabilities (including mental health and psycho-social support), strengthening quality inclusive learning environments, provision of home-based care, delivering hygiene kits for those with specific needs, provision of assistive devices in collective centres, and provision of multipurpose cash assistance for persons with disabilities.

¹⁵¹ See in particular Article 13(4) of Temporary Protection Directive

¹⁵² See: [Protection and Shelter/NFI and CCCM Clusters in Ukraine](#).

¹⁵³ In recital (10), it is stipulated that “it is crucial that the Union supports Member States in reducing health inequalities, within and between Member States [...], in addressing the challenges of vulnerable groups [...]. The Commission, in liaison with the Member States and all relevant stakeholders, should ensure the coordination and exchange of information [...]” Moreover, according to Article 4(7), the Health Security Committee “shall ensure

regular consultations with public health experts, international organisations, and stakeholders, including healthcare professionals, depending on the sensitivity of the subject.”

¹⁵⁴ See: [European Disability Expertise](#).

¹⁵⁵ See: [Guidance on the provision of support for medically and socially vulnerable populations in EU/EEA countries and the United Kingdom during the COVID-19 pandemic](#).

¹⁵⁶ See: [EU response to COVID-19: preparing for autumn and winter 2023](#).

¹⁵⁷ See: [A European Care Strategy for caregivers and care receivers](#).

¹⁵⁸ See also paragraph 11.

¹⁵⁹ See: [State of Health in the EU](#).

¹⁶⁰ The report was developed in co-operation with the Expert Group on Health Systems Performance. It provides proposals of metrics that can be used to better understand barriers of people who experience particular problems in accessing healthcare. See: [Improving access to healthcare through more powerful measurement tools: An overview of current approaches and opportunities for improvement](#).

¹⁶¹ The project will provide the analysis of affordability of healthcare using the metrics of the catastrophic out-of-pocket spending and impoverishing effect of out-of-pocket spending. The analysis will identify groups which are affected by problems in accessing healthcare due to the lack of policies of financial protection.

¹⁶² See: “[Study on Guidance to Increase Access to Healthcare for People with Disabilities Including Information and Data on Cancer Prevention and Care](#).” The call for tender was launched in December 2022. The study will start in Q2 2023 and last for two years.

¹⁶³ The EU is not a contracting party

¹⁶⁴ See: [Study on the cross-border legal protection of vulnerable adults in the EU](#).

¹⁶⁵ COM(2020) 152 final

¹⁶⁶ The Hague Convention of 13 January 2000 on the International Protection of Adults ([HCCH 2000 Protection of Adults Convention](#)).

¹⁶⁷ See: [EU Justice Scoreboard](#).

¹⁶⁸ Each of the six Directives contains provisions and/or recitals that, in some form, aim to ensure special assistance and reasonable accommodation for persons with disabilities where these disabilities affect the enjoyment of the rights enshrined in the Directives (please see: Directive 2010/64/EU, Article 2(3); Directive 2012/13/EU, Article 3(2); Directive 2013/48/EU, Article 13; Directive (EU) 2016/1919, Article 9; Directive (EU) 2016/343, Recital 42; Directive (EU) 2016/800 see, for instance, Recitals 36, 65 and Article 7). The EC continues to monitor the transposition and application of the Directives. At present, there are 36 open infringement procedures against MS for failing to completely or correctly transpose the directives. With the exception of the infringements for failure to notify transposing measures for Directive 2016/800, none of the infringement proceedings concern provisions or issues related to special assistance or reasonable accommodation for persons with disabilities. Should relevant non-conformity issues be identified during the Commission’s continuous monitoring exercise, the Commission will, as in all cases, take every appropriate measure to ensure compliance with the Directives, including launching infringement proceedings pursuant to Article 258 TFEU, where necessary.

¹⁶⁹ See: [Rights of suspects and accused](#) and [Your rights if accused or suspected of criminal offences in the EU](#).

¹⁷⁰ See: Commission Recommendation of 27 November 2013 on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings ([2013/C 378/02](#)).

¹⁷¹ The study has found that MS’ legislation only partially reflects the provisions of the 2013 Commission Recommendation. There appears to be no common EU-wide definition of vulnerable adults, and the definitions used for specific procedural safeguards differ between MS. The identification of vulnerabilities from the early stages of criminal proceedings is not ensured systematically and adequately. Vulnerable adults are often not effectively represented and assisted. Procedural safeguards do not apply systematically, nor do they apply at the same level for each stage of the procedure. The Commission is currently assessing the best way forward to address these issues.

¹⁷² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions ([COM/2020/258 final](#)).

¹⁷³ There is no earmarked funding under CERV for projects on gender equality of women with disabilities. This focus is mainstreamed in the gender equality and gender-based violence objectives of CERV that has a total budget of EUR 200 million.

¹⁷⁴ See: [Legal aid](#).

¹⁷⁵ See: Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Directive 2003/8/EC to improve access to justice in cross border disputes by establishing minimum common rules relating to legal aid for such disputes ([COM\(2012\) 71 final](#)).

¹⁷⁶ Statement by the Committee on the Rights of Persons with Disabilities calling States parties to oppose the draft Additional Protocol to the Oviedo Convention, adopted during the Committee’s 20th session held from 27 August 21 September 2018 in Geneva.

¹⁷⁷ See: [Directive 2008/115/EC](#) of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in MS for returning illegally staying third-country nationals.

¹⁷⁸ See: [EU Grants: How to complete your ethics self-assessment](#).

¹⁷⁹ See: [Identifying serious and complex ethics issues in EU-funded research](#).

¹⁸⁰ Article 29 of the Clinical Trials Regulation only outlines specific conditions for informed consent and explains what type of information must be given and how.

¹⁸¹ See: [Council Conclusions on the EU Action Plan on Human Rights and Democracy 2020-2024](#).

¹⁸² See: [EU Human Rights Guidelines on Non-discrimination in External Action](#).

¹⁸³ See: [EU Guidelines on EU Policy Towards Third Countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#).

¹⁸⁴ Proposal for a COUNCIL RECOMMENDATION on access to affordable high-quality long-term care COM/2022/441 final

¹⁸⁵ Article 15 of [Regulation \(EU\) 2021/1060](#) of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy.

¹⁸⁶ See also reply to paragraph 21, point e.

¹⁸⁷ See: [EU Strategy on Combatting Trafficking in Human Beings \(2021-2025\)](#).

¹⁸⁸ See: [Trafficking in human beings: Commission proposes stronger rules to fight the evolving crime](#).

¹⁸⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions ([COM/2020/607 final](#)).

¹⁹⁰ Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence ([COM/2022/105 final](#)).

¹⁹¹ As defined by EIGE, disadvantaged groups are “groups of persons that experience a higher risk of poverty, social exclusion, discrimination and violence than the general population, including, but not limited to, ethnic minorities, migrants, people with disabilities, isolated elderly people and children.”

¹⁹² See: [Swedish Presidency of the Council of the European Union](#) (1 January – 30 June 2023).

¹⁹³ The Commission adopted its legislative proposal on 8 March 2022. The proposal is currently negotiated by the co-legislators.

¹⁹⁴ See: [EU Grants: How to complete your ethics self-assessment](#).

¹⁹⁵ See: [Group of Experts on Action against Violence against Women and Domestic Violence \(GREVIO\): Mid-term Horizontal Review of GREVIO baseline evaluation reports](#).

¹⁹⁶ Instrument under negotiations

¹⁹⁷ [Regulation \(EC\) No 883/2004](#) of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (Text with relevance for the EEA and for Switzerland).

¹⁹⁸ See: [Study assessing the implementation of the pilot action on the EU Disability Card and associated benefits - Publications Office of the EU](#).

¹⁹⁹ See: [The new EU Roma strategic framework for equality, inclusion and participation \(full package\)](#).

²⁰⁰ See: Council Recommendation of 12 March 2021 on Roma equality, inclusion and participation 2021/C 93/01 ([ST/6070/2021/INIT](#)).

²⁰¹ See also the Commission’s reply of 30.6.2021 to the European Ombudsman Complaint ref. OI/2/2021, (C(2021) 4970 final).

²⁰² See also reply to the issues raised in paragraph 16 of the list of issues, point (b).

²⁰³ Article 15 of Regulation (EU) 2021/1060, see also paragraph 1, point c.

²⁰⁴ The regional policy of the European Union.

²⁰⁵ Enabling conditions that are applicable only to certain policy objectives.

²⁰⁶ Article 40 of Regulation (EU) 2021/1060, see also paragraph 1, point c of this document.

²⁰⁷ Recital 24. See: [Regulation \(EU\) 2021/1058](#) of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund.

²⁰⁸ A few 2021-2027 programming documents include explicit commitments specifying that investments in residential care institutions or facilities will not be supported. Following the partnership principle of the Common Provision Regulation (CPR), bodies representing persons with disabilities should also be part of the consultations on the programmes when relevant. Article 8(1)(c) CPR provides that the partnership shall include “relevant bodies representing civil society, such as (...) non-governmental organisations, and bodies responsible for promoting (...) rights of persons with disabilities”. “Such as” means that relevant NGOs should be involved, but it is primarily for the MSs to assess which ones are relevant and hence which NGOs and bodies to include. The Commission can and should encourage the Member State to include bodies representing persons with disabilities in the partnership, but the wording of the legislation does not allow to require it.

²⁰⁹ Recovery Assistance for Cohesion and the Territories of Europe. See: [Regulation \(EU\) 2020/2221](#) of the European Parliament and of the Council of 23 December 2020 amending Regulation (EU) No 1303/2013 as regards additional resources and implementing arrangements to provide assistance for fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and for preparing a green, digital and resilient recovery of the economy (REACT-EU).

²¹⁰ See: [Regulation \(EU\) 2022/562](#) of the European Parliament and of the Council of 6 April 2022 amending Regulations (EU) No 1303/2013 and (EU) No 223/2014 as regards Cohesion’s Action for Refugees in Europe (CARE).

²¹¹ Article 8(5) of the Common Provisions Regulation 2021-2027 provides that “at least once a year, the Commission shall consult organisations which represent partners at Union level on the implementation of programmes”.

²¹² [Register of Commission expert groups and other similar entities](#).

²¹³ The full list of members is available [here](#).

²¹⁴ Regulations: [\(EC\) 1107/2006](#), (EC) 261/2004, [\(EU\) 2021/782](#), [\(EU\) 1177/2010](#), [\(EU\) 181/2011](#).

²¹⁵ [Regulation \(EU\) 2021/782](#) of the European Parliament and of the Council of 29 April 2021 on rail passengers’ rights and obligations (recast) (Text with EEA relevance).

²¹⁶ [Regulation \(EU\) 1299/2014](#) of 18 November 2014 on the technical specifications for interoperability relating to the ‘infrastructure’ subsystem of the rail system in the European Union (Text with EEA relevance).

²¹⁷ Article 4 of [Regulation \(EC\) 1107/2006](#) for air, Article 10 of [Regulation \(EU\) 181/2011](#), and Article 8 of [Regulation \(EU\) 1177/2010](#).

²¹⁸ Carriers shall publicise their safety rules; if carriers refuse to transport a passenger because of his or her disability, they shall provide a justification; carriers shall allow a person with a disability to be accompanied by someone who can help them comply with the safety rules in question. If carriers deny transporting someone, they shall make all reasonable efforts to provide an alternative service for the passenger concerned.

²¹⁹ [Regulation \(EU\) 2021/782](#).

²²⁰ [COM\(2021\) 812 final](#): Proposal for a regulation of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network, amending Regulation (EU) 2021/1153 and Regulation (EU) No 913/2010 and repealing Regulation (EU) 1315/2013.

²²¹ [Regulation \(EU\) No 1315/2013](#) of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (Text with EEA relevance).

²²² See Article 49 of the proposal.

²²³ [Regulation \(EC\) 261/2004](#) of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (Text with EEA relevance).

²²⁴ [Regulation \(EC\) 1371/2007](#) of the European Parliament and of the Council of 23 October 2007 on rail passengers’ rights and obligations.

²²⁵ [Regulation \(EU\) 1177/2010](#) of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (Text with EEA relevance).

²²⁶ [Regulation \(EU\) 181/2011](#) of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (Text with EEA relevance).

²²⁷ [COM\(2013\) 0130 final](#): Proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event

of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air.

²²⁸ See: [Directive \(EU\) 2019/882](#) of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance).

²²⁹ See paragraph 1, point c and paragraph 10, point d.

²³⁰ For example, the main Commission decisions, which are also available in voice-overs.

²³¹ Work is ongoing on making more publications available in Ukrainian and Russian.

²³² See: [EU Pioneers: The trailblazers who helped build today's Europe](#).

²³³ Pilot projects for 2023 and 2024 include easy-to-read and Braille versions of the most relevant publications, including Braille QR codes as part of a universal design for printed materials distributed during EU in-person events for the general public, both for children (5-18 y.o.) and over 18 years old; different formats and supports of materials accessible to non-readers are available (videos, online games, etc.); the Commission included persons with disabilities in the images and pictures that illustrate its publications.

²³⁴ In 2022, for the first time the State of the Union speech at the European Parliament had live ISL interpretation.

²³⁵ The Eurobarometer website and the eUI library follow the Europa Component Library eUI principles as look and feel.

²³⁶ See: [Directive \(EU\) 2018/1808](#) of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in MS concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities.

²³⁷ See: [Regulation \(EU\) 2022/2065](#) of the European Parliament and of the Council on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act). Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act)

²³⁸ See: [Revision of the Audiovisual Media Services Directive \(AVMSD\)](#).

²³⁹ See: Article 47 of the Digital Services Act.

²⁴⁰ Pursuant to the Staff Regulations.

²⁴¹ Adopted on 30 April 2020 by the College of Heads of Administration, Conclusion No 281/20.

²⁴² See: [Digital Decade](#).

²⁴³ See: [European Declaration on Digital Rights and Principles](#).

²⁴⁴ See also paragraph 23, point b.

²⁴⁵ See: [A European Care Strategy for caregivers and care receivers](#).

²⁴⁶ See: [Council Recommendation on access to affordable high-quality long-term care](#).

²⁴⁷ See also paragraph 8, point c.

²⁴⁸ See: [The EU Strategy on the Rights of the Child and the European Child Guarantee](#).

²⁴⁹ See also paragraph 8, point c.

²⁵⁰ See: the study report 'Data collection and analysis of Erasmus+ projects: Focus on inclusion in education' which reviews the outcomes of such Erasmus+ projects, implemented between 2014 and 2020. The study report is available under the page [Inclusive education in Europe: Learning from Erasmus+](#).

²⁵¹ See: Report on "[Inclusive Education in the European Schools](#)."

²⁵² See: [Action Plan Educational Support and Inclusive Education](#).

²⁵³ They focus on central monitoring and guidance of schools in the implementation of the respective actions and incorporation of the changes, improving communication between stakeholders and with the local/national systems, introducing more flexibility to the curricula and finding political commitment for their approval and recognition.

²⁵⁴ See: [Policy on the Provision of Educational Support and Inclusive Education in the European Schools](#).

²⁵⁵ See: [Provision of Educational Support and Inclusive Education in the European Schools – Procedural Document](#).

²⁵⁶ For example in Bulgaria, Greece, Italy, Lithuania.

²⁵⁷ For example in Croatia.

²⁵⁸ For example in Greece, Portugal, Romania, Slovakia, Latvia, Bulgaria, Italy.

²⁵⁹ For example in Greece.

²⁶⁰ In the case of Italy.

²⁶¹ In Portugal and Romania.

²⁶² See: [Recovery and Resilience Scoreboard](#).

²⁶³ See: [Mutual Learning Programme in gender equality](#).

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- ²⁶⁴ See: [The EU Mutual Learning Programme in Gender Equality - Sexual and Reproductive Health and Rights Seminar - France - 29-30 November 2022](#).
- ²⁶⁵ See: [Citizens, Equality, Rights and Values programme](#).
- ²⁶⁶ See also paragraph 12, point f.
- ²⁶⁷ See: “[Study on Guidance to Increase Access to Healthcare for People with Disabilities Including Information and Data on Cancer Prevention and Care](#).” The call for tender was launched in December 2022. The study will start in Q2 2023 and last for two years.
- ²⁶⁸ See: [Directive 2011/24/EU](#) of the European Parliament and of the Council of 9 March 2011 on the application of patients’ rights in cross-border healthcare.
- ²⁶⁹ See: Report from the Commission to the European Parliament and the Council on the operation of Directive 2011/24/EU on the application of patients' rights in cross-border healthcare ([COM/2022/210 final](#)), plus Annex ([COM\(2022\) 210 final](#)) and Commission Staff Working Document ([SWD/2022/200 final](#)).
- ²⁷⁰ See: [Cross-border healthcare - Workshop with National Contact Points to improve information to patients](#).
- ²⁷¹ See: [Healthier together – EU non-communicable diseases \(NCD\) initiative](#).
- ²⁷² Commission Communication on a comprehensive approach to mental health.
- ²⁷³ See: [The European Pillar of Social Rights in 20 Principles](#).
- ²⁷⁴ See: [Disability Employment Package](#).
- ²⁷⁵ See: [How to improve labour market outcomes for persons with disabilities](#).
- ²⁷⁶ See: Council Recommendation of 30 October 2020 on A Bridge to Jobs – Reinforcing the Youth Guarantee and replacing the Council Recommendation of 22 April 2013 on establishing a Youth Guarantee (2020/C 372/01)
- ²⁷⁷ See: Council Recommendation of 24 November 2020 on vocational education and training (VET) for sustainable competitiveness, social fairness and resilience ([2020/C 417/01](#)).
- ²⁷⁸ See: [Council Recommendation on individual learning accounts](#).
- ²⁷⁹ See: [Council Recommendation on a European approach to micro-credentials for lifelong learning and employability](#).
- ²⁸⁰ See: [Council Directive 2000/78/EC](#) of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.
- ²⁸¹ See reply to paragraph 6, point c.
- ²⁸² Even if intersectional discrimination is not covered by the Directive.
- ²⁸³ See: [Guidelines for Strategies and Action Plans to Enhance LGBTIQ Equality](#).
- ²⁸⁴ See: [EU action for equal pay](#).
- ²⁸⁵ See: [Structure of Earnings Survey](#).
- ²⁸⁶ See: [Directive \(EU\) 2022/2041](#) of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union.
- ²⁸⁷ See: [Declaration on European Digital Rights and Principles](#).
- ²⁸⁸ See: Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) ([COM/2021/206 final](#)).
- ²⁸⁹ See also: paragraph 10, point d.
- ²⁹⁰ Article 72(1) of the Staff Regulations of Officials of the Union. Please see the up-to-date [consolidated version](#) of the Staff Regulations.
- ²⁹¹ Commission Decision C(2007) 3195 of 2 July 2007 laying down general implementing provisions for the reimbursement of medical expenses.
- ²⁹² Commission Decision C(2020) 3002 of 12 May 2020 amending the Decision of 2 July 2007 laying down general implementing provisions for the reimbursement of medical expenses.
- ²⁹³ Members of the EC ad-hoc committee on reasonable accommodation are staff from the human resources service responsible for disability support matters and working conditions, the medical service, the Directorate-General for Informatics, the Office for Infrastructure and Logistics in Brussels and Luxembourg and the Diversity and Inclusion Office.
- ²⁹⁴ An informal group of officials dealing with disability, i.e. exchanging information and best practices on disability-related matters only. Members represent the following EU institutions and bodies: Council of the European Union, Committee of Regions, Court of Justice of the European Union, European Commission, European Court of Auditors, European Central Bank, European External Action Service, European Economic and Social Committee, European Investment Bank, European Parliament, European Personnel Selection Office, European Ombudsman representatives.
- ²⁹⁵ See: [Positive action programme for trainees with a disability](#).

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- ²⁹⁶ See: [Diversity: Parliament sets milestones towards a more inclusive administration.](#)
- ²⁹⁷ See: [European Investment Bank Disability Inclusion Reverse Mentoring programme.](#)
- ²⁹⁸ Such as ERDF and ESF+. The ERDF can support investments in accessible individual social housing (purchasing, building, renovating, renting), with adequate equipment, as well as equipment for making persons' own houses accessible as a preventive measure to institutionalisation. Housing measures should always be accompanied by actions that facilitate access to mainstream non-segregated services in education, employment, health- and social-care, etc.
- ²⁹⁹ See: [Affordable housing initiative.](#)
- ³⁰⁰ See: [Renovation Wave](#)
- ³⁰¹ See: [New European Bauhaus.](#)
- ³⁰² See: [The New European Bauhaus Compass.](#)
- ³⁰³ See: [EIT Community New European Bauhaus Initiative.](#)
- ³⁰⁴ See: [Climate-KIC.](#)
- ³⁰⁵ See: [SUPERSHINE project.](#)
- ³⁰⁶ See recital (8) and Article 14 of Regulation (EU) 2021/695; see also paragraph 1, point c.
- ³⁰⁷ See: [Horizon Europe. Work Programme 2023-2024: 5. Culture, Creativity and Inclusive Society.](#) The call topic in question (HORIZON-CL2-2024-TRANSFORMATIONS-01-09).
- ³⁰⁸ See: [Horizon Europe. Work Programme 2023-2024: 8. Climate, Energy and Mobility.](#) the call topic: HORIZON-CL5-2023-D4-02-05: Supporting the creation of an accessible and inclusive built environment (Built4People Partnership)
- ³⁰⁹ See: [Affordable housing.](#)
- ³¹⁰ See latest edition: [2021 pension adequacy report.](#)
- ³¹¹ See: [MISSOC comparative tables.](#) Please select "Compatibility with other benefits" in the selection tree for the respective social risks.
- ³¹² See: [European cooperation network on elections.](#)
- ³¹³ See: Proposal for a Council Directive laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for Union citizens residing in a Member State of which they are not nationals (recast) ([COM/2021/732 final](#)).
- ³¹⁴ See: [Web Content Accessibility Guidelines.](#)
- ³¹⁵ The address can be found under <https://audiovisual.ec.europa.eu/en/video/I-230056>
- ³¹⁶ See: [Directive \(EU\) 2017/1564](#) of the European Parliament and of the Council of 13 September 2017 on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled.
- ³¹⁷ See: [Regulation \(EU\) 2017/1563](#) of the European Parliament and of the Council of 13 September 2017 on the cross-border exchange between the Union and third countries of accessible format copies of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled.
- ³¹⁸ See: [Directive 2001/29/EC](#) on the harmonisation of certain aspects of copyright and related rights in the information society.
- ³¹⁹ See: [Report on the availability of certain copyright protected works for persons with disabilities within the internal market.](#)
- ³²⁰ See also paragraph 23, point b.
- ³²¹ [Europe Beyond Access: disability challenging the status quo on stage.](#)
- ³²² See: [Time to Act: How lack of knowledge in the cultural sector creates barriers for disabled artists and audiences.](#)
- ³²³ See: [Arches project.](#)
- ³²⁴ See: [How-to guide on inclusive activities.](#)
- ³²⁵ See: [Mapping on access to sport for people with disabilities.](#)
- ³²⁶ In the programming period 2014-2020, the Erasmus+ Sport programme supported social inclusion in 453 projects, of which 98 projects fully focused on sport and disabilities. For the new 2021 programming period, 64 projects are supported in social inclusion, with 28 projects fully focused on sport and disabilities.
- ³²⁷ See: [What is a mobility project?](#)
- ³²⁸ See: [#BeInclusive EU Sport Awards.](#)
- ³²⁹ See: [The HealthyLifestyle4All Initiative.](#)
- ³³⁰ See also paragraph 1, point c.
- ³³¹ [Europe Beyond Access | IETM, funded under the European Cooperation Projects scheme](#)

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- ³³² See: [Perform Europe](#)
- ³³³ In individual mobility action, the amount of this top-up will complement basic grant (travel and per diem) and will depend on the specific needs of the person and can amount up to 100% of the basic mobility grant. The budget should be agreed with the Culture Moves Europe team.
- In residency action, the calculation of the disability top up is also based on the needs but depends on the duration.
- ³³⁴ See also paragraph 12, point d.
- ³³⁵ See: [Bridging the Gap](#) project.
- ³³⁶ See: [SDG-CRPD resource package](#).
- ³³⁷ See: [Human Rights indicators on the Convention on the Rights of Persons with Disabilities in support of a disability inclusive 2030 Agenda for Sustainable Development](#).
- ³³⁸ The report is a key document of the European Semester process of governance (according to Article 148 TFEU).
- ³³⁹ See also paragraph 1, point c.
- ³⁴⁰ See: [Human Rights-Based Approach: The EU Toolbox for Placing Rights-Holders at the Centre of International Partnerships](#).
- ³⁴¹ The [European Union acquis](#) is the collection of common rights and obligations that constitute the body of EU law, and is incorporated into the legal systems of EU MS.
- ³⁴² See: [European Consensus on Development](#).
- ³⁴³ See: [EU Action Plan on Human Rights and Democracy](#).
- ³⁴⁴ See: [EU Human Rights guidelines](#).
- ³⁴⁵ See also paragraph 16, point a.
- ³⁴⁶ See: Applying the Human Rights Based Approach to international partnerships: An updated Toolbox for placing rights-holders at the centre of EU's Neighbourhood, Development and International Cooperation ([SWD\(2021\) 179 final](#)).
- ³⁴⁷ Please see also section the humanitarian aid instrument in reply to the issues raised in paragraph 1 of the list of issues, point (c).
- ³⁴⁸ See also paragraph 1, point c and paragraph 12, point b.
- ³⁴⁹ Disability-specific Focal points are present in approximately in 80% of the delegations of the Commission department for International Partnerships, in addition to Human Rights focal points who also follow disability as part of the human rights portfolio.
- ³⁵⁰ An internal group of technical experts responsible for different sectors (e.g., health, shelter, nutrition). The experts on protection and gender also cover disability inclusion.
- ³⁵¹ See also paragraph 12, point b; and paragraph 33, point a.
- ³⁵² According to the indicator data, 25% of new projects managed by the Commission were disability-inclusive in 2021, whereas in 2020 the same figure was at 14%, and in 2019 at 5,4%.
- ³⁵³ See: [EU International Partnerships Academy](#).
- ³⁵⁴ See: [Technical Assistance and Information Exchange instrument](#).
- ³⁵⁵ See: [SOCIEUX+. EU expertise on social protection, labour and employment](#).
- ³⁵⁶ See: [Bridging the Gap project](#).
- ³⁵⁷ Internal document published on the [International Partnership Academy website](#) where it can be seen by external stakeholders if they register.
- ³⁵⁸ See: [Grand Bargain factsheet](#).
- ³⁵⁹ See: [EU Global Health Strategy](#).
- ³⁶⁰ See: [EU adopts the first Youth Action Plan in EU External Action](#).
- ³⁶¹ Inter-Agency Standing Committee (IASC) Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action IASC Guidelines, Inclusion of Persons with Disabilities in Humanitarian Action, 2019 | IASC ([interagencystandingcommittee.org](#)).
- ³⁶² See also reply to paragraph 9, point a.
- ³⁶³ See: [Monitoring framework](#).
- ³⁶⁴ Concluding observations on the initial report of the European Union UN CRPD/C/EU/CO/1.
- ³⁶⁵ EDF allocates two full-time staff for five days per person per year, in order to prepare and attend meetings, review documents and work on joint activities (e.g. joint submissions). See: [Financial information about EDF](#).
- ³⁶⁶ See: The latest European Ombudsman [Annual Activity Report](#), which details achievements, initiatives taken and the financial and human resources spent during the year.
- ³⁶⁷ See: [FRA annual work programme](#).