



# Disability Priorities for the Finnish Presidency

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The European Disability Forum is an independent NGO that represents the interests of 80 million Europeans with disabilities. EDF is a unique platform which brings together representative organisations of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

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## Introduction

The European Disability Forum is an independent umbrella organisation of persons with disabilities that represents the interests of more than 80 million Europeans with disabilities. EDF is a unique platform which brings together representative organisations of persons with disabilities from across Europe, run by persons with disabilities and their families. EDF is a member of the Social Platform and works closely to the European institutions, the Council of Europe and the United Nations.

In this document, you will find a short summary of policy items that will be decided or discussed under the Finnish Presidency. We are looking forward to continued discussions throughout the 6-month Presidency's term with the different services involved at national level and in Brussels, in order to contribute to advancing the rights of persons with disabilities.

## The UN Convention on the Rights of Persons with Disabilities

The UN Convention on the Rights of Persons with Disabilities (UN CRPD) has now been ratified by both European Union itself and all EU Member States. Disability rights must be therefore considered in the development of all policies and legislation.

In 2015, the EU progress in the implementation of the CRPD was reviewed by the CRPD Committee, on the basis of the EU progress report submitted in 2014, and in September 2015 the EU received numerous and specific recommendations from the UN CRPD Committee ('Concluding Observations' - COs). This gives the EU a strong mandate to act in specific areas of its competence. The recommendations provide a clear set of priorities, a roadmap for EU actions in the next years in order to implement the CRPD and promote and respect the rights of persons with disabilities in the EU and should serve as main reference<sup>1</sup>.

All existing and new legislation, policies and programmes adopted by the EU and its member states need to be in line with the Convention. The EU should promote and protect the rights of persons with disabilities in areas such as: equality and non-discrimination, freedom of movement, independent living, education, access to goods and services, including banking, employment, humanitarian aid and international cooperation, legal capacity, access to justice, liberty and security, health, political participation, including right to vote in elections, etc.

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<sup>1</sup>  
[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fEU%2fCO%2f1](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fEU%2fCO%2f1)



In addition, organisations of persons with disabilities must also be involved in decisions affecting them. The UN recommendations call on the EU to set up a structured dialogue with representative organisations of persons with disabilities and involve them in all its decision-making.

The second cycle of review of the EU by the UN CRPD Committee is expected to begin 2021 and preparations will start soon.

To implementation the provisions of the UN CRPD by all EU institutions, the CRPD Committee in [its 2015 Concluding Observations](#) call on the EU to:

- Adopt a comprehensive strategy to implement the Convention across all EU institutions and Member States with budget, timeframe and a monitoring mechanism.
- Conduct a cross cutting comprehensive review of legislation to ensure full harmonisation with the CRPD and involve Disabled Persons' Organisations (DPOs) and National Human Rights Institutions (NHRIs) in this process – this means that the EU should modify or abolish all existing instruments that are contradictory to the CRPD.
- Review the EU impact assessment guidelines in order to include a more comprehensive list of questions (currently there is one question) to better assess compliance with the CRPD – this means that the EU should include in the Better Regulation guidelines and toolbox a comprehensive list of questions to adequately assess whether proposed legislation and policies are compliant with the Convention.
- Set up a structured dialogue for persons with disabilities and their representative organisations in all EU decision making processes, with an independent budget and for sufficient funding for consultation with and participation of persons with disabilities
- Designates CRPD focal points in all EU institutions, bodies and agencies, and the establishment of an inter-institutional coordination mechanism for the implementation of the Convention.

## EU Disability Strategy 2020 – 2030

The current EU Disability Strategy 2010-2020 has been an important tool in implementing the UN CRPD. While it is not directly designed to do so and there are many gaps, EDF strongly recommends renewing the Disability Strategy for the period 2020-2030. However, the new Strategy should be more closely aligned to the UN CRPD, and take into account other



commitments signed up to by the EU and Member States, such as the Pillar of Social Rights and the Sustainable Development Goals.

There is a lot that can be learned from the current Disability Strategy. The experience of the past decade can serve us well in ensuring a strong approach moving forward, an approach that covers all of the rights enshrined in the CRPD. As such, rather than a 'Strategy', EDF is calling for a fully-fledged 'Disability Rights Agenda'. As well as strengthening scope and ambition, EDF is also calling for and advising the EU Institutions on ensuring effective monitoring mechanisms are in place, and sufficiently financed.

## The post 2020 EU Budget

EDF advocates for a [disability-inclusive EU budget post 2020](#). Our focus is on ensuring that no EU money, which is taxpayers' money, will be spent on institutions for persons with disabilities and for products, services, or infrastructure that are not accessible for persons with disabilities. We also want to ensure that EU funds be used as an instrument for bringing persons with disabilities into the community, increasing participation and access to all areas of life. EU investment needs to be used to narrow the disproportionate risk persons with disabilities face concerning unemployment, dropping out of education, poverty and social exclusion. Furthermore, EDF underlines the need for sufficient funding for Disabled Persons' Organisations that should be foreseen in the budget to allow meaningful participation in EU decision-making.

EDF's main focus will be on achieving these objectives in particular by strengthening provisions in the Social Funds +, the Regional Development Funds, the Common Provisions Regulation, Erasmus +, the Citizens Rights and Values Programme, as well as work on Neighbourhood and the World. EDF expects the Council to respect its obligations under the UN CRPD and to strive for an ambitious and disability-inclusive budget in all policy sectors and funding programmes. It is especially crucial to establish general principles that are coherent throughout all sectors.

## Equality and non-discrimination

### Unblocking the equal treatment directive

Protection against discrimination is a fundamental right that is derived from the principle of equality under the Universal Declaration of Human Rights. In the 1997 Amsterdam Treaty and in the 2000 Charter of Fundamental Rights, the EU has committed itself to the principle of





protecting people from discrimination based on sex, ethnic origin, religion and belief, disability, age, and sexual orientation.

In its Concluding Observations, the CRPD Committee call on the EU to adopt equal treatment legislation extending protection against discrimination of persons with disabilities, including prohibiting multiple and intersectional discrimination to all areas of its competence.

EDF calls for the swift adoption of a strong directive, which should be compliant with the CRPD and cover the fields of education, social protection, access to goods and services, including transport, provision of insurance and health care to extend the protection for all persons with disabilities outside the employment field. It should include provisions on reasonable accommodation and recognise its denial as a form of discrimination on the grounds of disability. It is also important that discrimination by association, multiple and intersectional forms of discrimination be covered by the directive. This directive would ensure a harmonized implementation of the CRPD in the field of discrimination across all Member States and therefore create a coherent legal framework across Europe in the protection against discrimination.

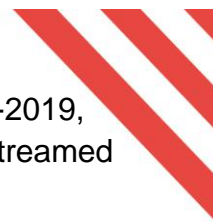
EDF calls on the Council to unblock negotiations regarding the draft directive, to work together with its EU partners, the European Commission, and the European Parliament, and to enter into a dialogue with EU non-discrimination networks as soon as possible.

While the discussions about the transposition of the European Accessibility Act (see below) may also trigger a further discussion of the Equal Treatment Directive, which EDF welcomes, it is important to keep in mind that both Directives are significant in their own right and can not replace each other. They are rather complementing each other on the aspect of accessibility but are both absolutely necessary and have to be both kept in their as a full, overarching, horizontal piece of legislation.

## **Mainstreaming disability in gender equality policy**

There are 46 million women and girls with disabilities in Europe, representing 60% of the overall population of persons with disabilities, and 16% of the EU's female population. Women and girls with disabilities are at a greater risk to face intersectional discrimination based on both gender and disability. They are more likely to be marginalised and excluded in the fields of education and employment.

In its Concluding Observations, the CRPD Committee call on the EU to mainstream a women and girls with disabilities perspective in its forthcoming gender equality strategy, policies and programmes, and to develop affirmative actions to advance the rights of women and girls with disabilities, establish a mechanism to monitor progress and fund data collection and research on women and girls with disabilities.



EDF calls on the Council to promote the adoption of a gender equality strategy post-2019, with a strong disability perspective. Women and girls with disabilities must be mainstreamed in all strategies, policies and programmes that address women and gender equality.

## **Ratification of the Istanbul Convention on violence against women**

Women with disabilities are 2 to 5 times more likely to be victims of violence than other women. The adoption of the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) by the Council of Europe was an important step forwards for all women, including women with disabilities.

In its Concluding Observation, the CRPD Committee recommended that the European Union accede to the Istanbul Convention as a step to combating violence against women and girls with disabilities. Yet, EU Member States failed to agree on the EU ratification of the Convention.

EDF calls on the Council to further their efforts to ensure the EU's accession to the Istanbul Convention, and to support all efforts in the Member States to ratify the Convention.

## **Accessibility**

### **European Accessibility Act**

EDF welcomes the adoption of the European Accessibility Act which is a milestone for the EU, adopting its first ever horizontal accessibility law. However, the Act has significant shortcomings especially concerning accessibility of transport infrastructure and vehicles, as well as the built environment.

According to Article 9 CRPD “States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communication, including information and communication technologies systems, and to other facilities and services open or provided to the public”. In order to bring the EU closer to implementing the UN CRPD, additional policy measures need to be taken to complement the European Accessibility Act.

### **Accessible transport**

Despite several existing EU initiatives, persons with disabilities still have difficulties in accessing the transport system because of physical, communication, informational or attitudinal barriers.



EDF calls for the establishment of a multimodal, seamless and accessible travel chain and ticketing system that will enable persons with disabilities to travel spontaneously and independently on an equal basis with others. We also call for a stricter enforcement of the Passenger Rights legislation and better implementation and quality control of the assistance offered at airports and stations.

Under the Finnish Presidency, it is expected that the revision of Regulation 1371/2007 on Rail Passengers' Rights will be discussed in the Council. EDF would like to underline that it is essential to retain all the current provisions concerning persons with disabilities (Chapter V) as well as focusing on the improvement of the following aspects:

- Elimination of the 48-hours pre-notification period to receive assistance at railway stations.
- Availability of assistance at all times that passenger service operate
- Booking of assistance free of charge
- If there is no accessible means to buy a ticket at the station, persons with disabilities shall be allowed to buy tickets on board free of charge
- Minimum provisions for compulsory disability awareness training for all staff

Furthermore, EDF advocates for the adoption of the proposal for a revised Regulation 261/2004 and asks the Council to ensure that the liability restrictions of airlines in case of loss, damage, or destruction of mobility equipment are waived for persons with disabilities. EDF supports the requirement proposed by the European Commission to give persons with disabilities the possibility to fill out a special declaration of interest free of charge.

While passengers' rights are very important, it has to be kept in mind that accessibility of vehicles, stations/stops, and infrastructure is the necessary prerequisite to enjoy those rights. Therefore, additional legislative initiatives are needed to fill the gap that has been created by the Accessibility Act. For example, urban, suburban and regional transport are exempt from compliance with the accessibility requirements in the Act. This has a greatly limiting impact on the daily lives of millions of disabilities in Europe, as transport infrastructure in these areas remains inaccessible.

If the revision of the TEN-T Guidelines (Regulation 1315/2013) falls under the Finnish Presidency, this will of course also be an important file with the potential to improve accessibility for persons with disabilities. EDF demands, among others, that the guidelines keep their clear reference to supporting projects that make transport infrastructure more accessible to persons with disabilities and expand this aspect to give priority to those projects.





## Accessible ICT and the Digital Single Market

As our society becomes increasingly digitalized and information driven, increased obstacles will prevent participation of persons with disabilities. If accessibility and design for all principles are not addressed from the onset, these barriers can only increase. However, when they are available, affordable and accessible, persons with disabilities use ICTs to a greater extent than their peers to overcome some of the barriers they find in the offline world.

Accessible technologies can enable access to the labour market, an independent life, and participation in all aspects of society. Accessibility is best achieved and most cost effective when incorporated from the outset, and it also represents a potential business opportunity. Guidelines and standards to address accessibility are already in place with benefits for all users.

The UN CRPD explicitly requires accessibility for information and communication technologies and systems in article 9.

The Digital Single Market strategy brought important achievements to the digital inclusion of persons with disabilities, such as the eGovernment Action Plan 2016-2020, the revision of the Audiovisual Media Services Directive and the European Electronic Communication Code. In addition to the Web Accessibility Directive and the European Accessibility Act, the legal framework has significantly improved in the past years. However, technology evolves rapidly and, therefore, a focus should be put on mainstreaming accessibility as a core aspect of any initiative dealing with new technologies: from Artificial Intelligence to access to assistive technologies.

Particularly, more efforts should be made on availability and affordability of assistive technologies, on interoperability of these assistive technologies with mainstream ICT products and services, access to public and private online services, and on those emerging technologies in which the EU and its Member States may work intensively in the coming years.

This will allow a broad range of citizens (80 million Europeans with disabilities, and 190 million older people in Europe) to “go digital”, as well as many European companies to compete with innovative and accessible services and products across Europe. In line with the General Comment N° 2 of the UN CRPD Committee, the future DSM must ensure full, equal and unrestricted access for all potential consumers, including persons with disabilities and older people, taking full account of their needs, dignity and diversity. To achieve this goal it is necessary to consult and actively involve them and their representative organisations in the policy making and standards development alike.



## The European Disability Card

The EU Disability Card was launched as a pilot initiative, creating a voluntary system of mutual recognition between Member States. In the first round of the project, 8 Member States participated: Belgium, Cyprus, Estonia, Finland, Malta, Italy, Romania, and Slovenia. The European Disability Card will facilitate free movement of persons with disabilities. It will also contribute to the EU objective of Europe as the number one tourism destination.

The EU Disability Card is attributed by a Member State to its citizens with disabilities according to the national evaluation system. When travelling abroad in one of the 7 other partner states, the holder of the card will be granted rights to support or other advantages on the same basis as the nationals. The scope of the support or advantages is determined by the host Member State and clearly indicated on a dedicated website. Up to now, the scope is mainly related to culture, leisure, sports and transportation.

EDF advocates for an extension of the pilot project to make sure as many persons with disabilities in the EU can benefit from this Card and to make it a true European initiative. EDF also recommends a stronger legal base for the Card, harmonizing it more on EU level to ensure more transparency for its users.

## Social Policy

### Pillar of Social Rights

EDF is working to keep up the momentum of the Social Pillar that began with the Work-Life Balance Directive. We will be advocating for the next Commission to continue working towards realising the Pillar's 20 Principles.

For us, it will be particularly important to see concrete proposals being put forward on the basis of Principle 17 – Inclusion of persons with disabilities. We also want to see a strong proposal emerge on Principle 20 – access to essential services, and particular attention paid to persons with disabilities within proposals linked to access to employment.

Furthermore, it is also important to protect persons that do not work. A minimum living allowance and access to basic goods and services should be guaranteed for everyone. The implementation of the Social Pillar should therefore be based on the UN Convention on the Rights of Persons with Disabilities and favour independent living and inclusion in the community by stopping the cuts in government support to persons with disabilities who depend on it.



## Sustainable Developments Goals (SDGs)

The SDG framework provides an excellent opportunity to promote the rights of persons with disabilities globally, and to implement the EU's commitments to the CRPD. EDF calls on the EU and its members states:

- to develop an overarching Sustainable Development Strategy with a timeline of 2030 and a concrete implementation plan which coordinates the achievement of the 17 goals, 169 targets and their indicators. This new EU Sustainable Development Strategy and associated implementation policies should be subject to a broad consultation with all stakeholders through an institutionalised and inclusive process. to ensure that the EU does not cherry-pick the easiest or preferred goals and must go beyond policy-as-usual by aiming for the highest level of ambition in all the targets, guaranteeing that no-one is left behind and that planetary boundaries are fully respected; persons with disabilities through their representative organisations should be included in the full process, from design to implementation, and monitoring.

## International cooperation

The EU and all its 28 member states have ratified the CRPD. The "[Concluding observations on the initial report of the EU](#)" (2015) by the Committee on the Rights of Persons with Disabilities were extensive on external policies and programmes, giving the EU, many points to follow-up on. The EU is also the largest development donor and has just published its draft budget, for the period 2021-2027, devoting €123 billion for external actions. The "[EU Consensus for Development](#)" (2017), which is the European strategy for international cooperation, will frame the spending of the external actions budget. It referred for the first time to persons with disabilities and the CRPD. The EU Consensus on Development is binding on both the EU itself but also on its member states.

EDF advocates for the two following action points:

- The European Union becomes a global leader in disability inclusive development – adopting disability inclusive development policies, programmes and global cooperation agreements while overall promoting the rights of persons with disabilities.
- Persons with disabilities and European DPOs are actively engaged in international cooperation – not just as beneficiaries but also as experts.



## Recommendations

EDF recommends that

- the Council takes a strong position on the MFF and the fund-specific Regulations to ensure persons with disabilities are not left behind. We would like to see, in particular:
  - More ambitious earmarking of funds in the ESF+ to foster social inclusion and tackle material deprivation.
  - accessibility for persons with disabilities as a clear criterion for funding actions, and for this to be stated explicitly in Article 67 of the CPR.
  - The reintroduction of the Article on gender equality and non-discrimination in the CPR, retaining its reference to accessibility for persons with disabilities.
- Support from the Council for an ambitious replacement to the European Disability Strategy, in the form of a 'European Disability Rights Agenda 2020-2030'.
- Impetus from the Council to produce strong proposals in the framework of the Pillar of Social Rights. In particular, we would like to begin collaborating with the Council Presidencies and the other EU Institutions to develop a plan around Principle 17 on inclusion of persons with disabilities, and 20 on access to services.
- Support from the Council for effective transposition and implementation of EU accessibility legislations, including the European Accessibility Act, Audio-Visual Media Services Directive and the European Electronic Communications Code
- A strong Council position and General Approach on Regulation 1371/2007 on Rail Passengers' Rights that includes the "turn-up-and-go" principle for assistance provision for persons with disabilities at railway stations
- Unblocking and adoption of a strong EU horizontal equal treatment directive
- Support from the Council for the EU 's accession to the Istanbul Convention
- the Council takes the initiative to adopt a gender equality strategy post-2019 with a strong disability perspective
- Develop an overarching Sustainable Development Strategy with a timeline of 2030 and a concrete implementation plan
- Ensure the European Union becomes a global leader in disability inclusive development – adopting disability inclusive development policies, programmes and global cooperation agreements while overall promoting the rights of persons with disabilities.
- Actively engages with persons with disabilities and European DPOs in international cooperation – not just as beneficiaries but also as experts
- Allows for a more transparent and participatory decision-making procedure with public meetings of the different Council working groups and configurations, public minutes, and better access to relevant information in on-going decision-making procedures.



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