



2020/2209(INI)

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DRAFT REPORT

on the protection of persons with disabilities through petitions: lessons learnt
(Petitions Nos 2582/2013, 2551/2014, 0074/2015, 0098/2015, 1140/2015,
1305/2015, 1394/2015, 0172/2016, 0857/2016, 1056/2016, 1147/2016,
0535/2017, 1077/2017, 0356/2018, 0367/2018, 0371/2018, 0530/2018,
0724/2018, 0808/2018, 0959/2018, 0756/2019, 0758/2019, 0954/2019,
1124/2019, 1170/2019, 1262/2019, 0294/2020, 0470/2020, 0527/2020,
0608/2020, 0768/2020, 0988/2020, 1052/2020, 1139/2020, 1205/2020,
1299/2020, 0103/2021 and others)
(2020/2209(INI))

Committee on Petitions

Rapporteur: Alex Agius Saliba

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the protection of persons with disabilities through petitions: lessons learnt (Petitions Nos 2582/2013, 2551/2014, 0074/2015, 0098/2015, 1140/2015, 1305/2015, 1394/2015, 0172/2016, 0857/2016, 1056/2016, 1147/2016, 0535/2017, 1077/2017, 0356/2018, 0367/2018, 0371/2018, 0530/2018, 0724/2018, 0808/2018, 0959/2018, 0756/2019, 0758/2019, 0954/2019, 1124/2019, 1170/2019, 1262/2019, 0294/2020, 0470/2020, 0527/2020, 0608/2020, 0768/2020, 0988/2020, 1052/2020, 1139/2020, 1205/2020, 1299/2020, 0103/2021 and others) (2020/2209(INI))

The European Parliament,

- having regard to the petitions received on disability issues as outlined in the title of this resolution and to the previous deliberations of the Committee on Petitions on these petitions,
- having regard to Article 2 of the Treaty on European Union (TEU),
- having regard to Articles 19, 48, 67(4), 153, 165, 168 and 174 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union ('the Charter'), in particular Articles 3, 21, 24, 26, 34, 35, 41 and 47 thereof,
- having regard to the European Pillar of Social Rights, in particular principles 1, 3, 10 and 17 thereof,
- having regard to the UN Convention on the Rights of Persons with Disabilities (CRPD), and its entry into force on 21 January 2011, in accordance with Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities¹,
- having regard to the CRPD General Comments as the authoritative guidance on the implementation of the CRPD,
- having regard to the Code of Conduct between the Council, the Member States and the Commission setting out internal arrangements for the implementation by and representation of the European Union relating to the United Nations Convention on the Rights of Persons with Disabilities²,
- having regard to the concluding observations of 2 October 2015 of the UN Committee on the Rights of Persons with Disabilities (CRPD Committee) on the initial report of the European Union,

¹ OJ L 23, 27.1.2010, p. 35.

² OJ C 340, 15.12.2010, p. 11.

- having regard to the UN Convention on the Rights of the Child (CRC),
- having regard to the European Ombudsman’s strategic inquiry into how the European Commission ensures that persons with disabilities can access its websites (OI/6/2017/EA),
- having regard to the European Ombudsman’s strategic inquiry into how the European Commission monitors EU Funds used to promote the right of persons with disabilities and older persons in independent living (OI/2/2021/MMO),
- having regard to the Fundamental Rights Report 2020 of the European Union Agency for Fundamental Rights (FRA),
- having regard to the European Economic and Social Committee opinion of 11 December 2019 entitled ‘Shaping the EU agenda for disability rights 2020-2030’,
- having regard to Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services³,
- having regard to Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of websites and mobile applications of public sector bodies⁴,
- having regard to Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code ⁵,
- having regard to the Commission communication of 3 March 2021 entitled ‘Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030’ (COM(2021)0101),
- having regard to the Commission proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426, ‘the Anti-Discrimination Directive’) and Parliament’s position thereon of 2 April 2009⁶,
- having regard to the Council Recommendation of 4 June 1998 on a parking card for people with disabilities⁷,
- having regard to the Commission staff working document of 27 November 2020 entitled ‘Evaluation of the European Disability Strategy 2010-2020’ (SWD(2020)0291),
- having regard to its resolution of 17 April 2020 on EU coordinated action to combat the

³ OJ L 151, 7.6.2019, p. 70.

⁴ OJ L 327, 2.12.2016, p. 1.

⁵ OJ L 321, 17.12.2018, p. 36.

⁶ OJ C 137 E, 27.5.2010, p. 68.

⁷ OJ L 167, 12.6.1998, p. 25.

COVID-19 pandemic and its consequences⁸,

- having regard to its resolution of 18 June 2020 on the European disability strategy post-2020⁹,
- having regard to its resolution of 8 July 2020 on the rights of persons with intellectual disabilities and their families in the COVID-19 crisis¹⁰,
- having regard to the study entitled ‘European Structural and Investment Funds and People with Disabilities in the European Union’¹¹, published by its Directorate-General for Internal Policies on 3 November 2016,
- having regard to the study entitled ‘Inclusive education for learners with disabilities: EU and international policies and best practices’¹², published by its Directorate-General for Internal Policies on 15 September 2017,
- having regard to the study entitled ‘The protection role of the Committee on Petitions in the context of the implementation of the UN Convention on the Rights of Persons with Disabilities’¹³, published by its Directorate-General for Internal Policies on 9 October 2015, and its updates from 2016, 2017 and 2018,
- having regard to the in-depth analysis entitled ‘The European Accessibility Act’¹⁴, published by its Directorate-General for Internal Policies on 15 August 2016,
- having regard to the study entitled ‘Transport and tourism for persons with disabilities and persons with reduced mobility’¹⁵, published by its Directorate-General for Internal Policies on 8 May 2018,
- having regard to the study entitled ‘The Post-2020 European Disability Strategy’¹⁶, published by its Directorate-General for Internal Policies on 15 July 2020,
- having regard to Rule 54 and Rule 227(3) of its Rules of Procedure,
- having regard to the opinions of the Committee on Civil Liberties, Justice and Home

⁸ Texts adopted, P9_TA(2020)0054.

⁹ Texts adopted, P9_TA(2020)0156.

¹⁰ Texts adopted, P9_TA(2020)0183.

¹¹ Study – ‘European Structural and Investment Funds and People with Disabilities in the European Union’, European Parliament, Directorate-General for Internal Policies, Policy Department C – Citizens’ Rights and Constitutional Affairs, 3 November 2016.

¹² Study – ‘Inclusive education for learners with disabilities’, European Parliament, Directorate-General for Internal Policies, Policy Department C – Citizens’ Rights and Constitutional Affairs, 15 September 2017.

¹³ Study – ‘The protection role of the Committee on petitions in the context of the implementation of the UN Convention on the Rights of Persons with Disabilities’, European Parliament, Directorate-General for Internal Policies, Policy Department C – Citizens’ Rights and Constitutional Affairs, 9 October 2015.

¹⁴ In-depth analysis – ‘The European Accessibility Act’, European Parliament, Directorate-General for Internal Policies, Policy Department C – Citizens’ Rights and Constitutional Affairs, 15 August 2016.

¹⁵ Study – ‘Transport and tourism for persons with disabilities and persons with reduced mobility’, European Parliament, Directorate-General for Internal Policies, Policy Department B – Structural and Cohesion Policies, 8 May 2018.

¹⁶ Study – ‘The Post-2020 European Disability Strategy’, European Parliament, Directorate-General for Internal Policies, Policy Department C – Citizens’ Rights and Constitutional Affairs, 15 July 2020.

Affairs, the Committee on Employment and Social Affairs and the Committee on Women's Rights and Gender Equality,

- having regard to the report of the Committee on Petitions (A9-0000/2021),
- A. whereas approximately 1 % of all petitions received each year by the Committee on Petitions relate to various disability issues;
- B. whereas petitions on disability issues reveal the difficulties encountered by persons with disabilities and the fact that they face discrimination and obstacles in everyday life and that they do not enjoy the fundamental freedoms and rights laid down in the CRPD, such as access to public transport, accessibility of the built environment, use of sign languages, financing and equal access to education and vocational training;
- C. whereas all persons with disabilities have equal rights on an equal basis with others in all fields of life and are entitled to inalienable dignity, equal treatment, independent living, autonomy and full participation in society, and to expect that their input to the social, political and economic progress of the EU is respected and valued;
- D. whereas information stemming from petitions submitted to Parliament by persons with disabilities or on disability issues can serve as a source of information concerning gaps in the implementation of the CRPD at both national and EU level, and can help to frame legislation in all policy areas;
- E. whereas the Committee on Petitions plays a 'protection role' to ensure EU compliance with the CRPD within the policymaking and legislative actions at EU level;
- F. whereas the CRPD is the first international human rights treaty to be ratified by the EU and all its Member States;
- G. whereas the Optional Protocol of the CRPD has not been ratified by the EU and five Member States;
- H. whereas a Union of Equality for all, and in all of its senses, is one of the priorities in the political guidelines of the current Commission;
- I. whereas the creation of the role of Commissioner for Equality played an instrumental role in establishing the new Strategy for the Rights of Persons with Disabilities 2021-2030;
- J. whereas in its resolutions, Parliament has repeatedly urged the Member States to implement the appropriate policies to ensure that persons with disabilities can fully enjoy their social, political and economic rights;
- K. whereas the Member States have the responsibility to ensure that all citizens have the right to an effective remedy before an independent and impartial tribunal previously established by law, and that everyone has the opportunity to be advised, defended and represented;
- L. whereas 24 Member States have comprehensively reported on the progress they have

made in the implementation of the CRPD, with accessibility as one of the core principles of the Convention, following inquiries sent to the Permanent Representations of all Member States by the Committee on Petitions on petition 0535/2017;

- M. whereas the Anti-Discrimination Directive, which would provide greater protection against discrimination of all kinds through a horizontal approach, still remains blocked in the Council, and whereas this has been the case for over a decade;
- N. whereas accessibility is a precondition for exercising all other rights of the CRPD on an equal basis with others; whereas the Commission has proposed several actions to monitor the implementation of existing legislation on accessibility, as well as new measures to create a barrier-free Europe;
- O. whereas several petitions illustrate the problems of accessibility for persons with disabilities to the built environment, to transport, as well as accessibility to information and communications technologies and systems (ICT), and other facilities and services provided to the public;
- P. whereas an inter-service working group on sign language was established in Parliament in order to implement measures to fulfil the request in petition 1056/2016 to allow for the tabling of petitions in national sign languages used in the European Union;
- Q. whereas several petitions prove that the COVID-19 pandemic has aggravated the situation of persons with disabilities, including violations of persons with disabilities' most basic human rights, such as access to healthcare treatment and protective measures against the spread of the disease;

Governance and implementation

- 1. Stresses the need to raise awareness at all levels of the rights enshrined in the CRPD for persons with disabilities in order to protect their rights and dignity, and to promote fruitful cooperation and the exchange of good practices between Member States;
- 2. Calls on all Member States that have not yet ratified the Optional Protocol to the CRPD to do so without further delay, and for the EU to fully ratify the Protocol; calls on the Council to take the necessary steps to ensure the accession of the Union to the Optional Protocol;
- 3. Considers the Optional Protocol to be an indivisible part of the CRPD; points to the fact that the Optional Protocol provides citizens with a forum to communicate alleged violations of the provisions of the Convention by the State Party, and allows the CRPD Committee to initiate confidential inquiries where they receive information indicating a grave or systematic violation by a State Party;
- 4. Takes note of the progress made by Member States in effectively implementing and monitoring the CRPD and in adapting accessibility measures to comply with the standards of the CRPD; calls on the Member States to designate responsible authorities to serve as focal points, and to establish coordinating mechanisms at all administrative levels, in accordance with Article 33 of the CRPD, for its implementation and monitoring;

5. Supports the Commission's proposal to establish a Disability Platform in order to strengthen governance of the cooperation at EU level and of the implementation of the European Disability Strategy 2021-2030 and national disability strategies;
6. Acknowledges the Commission's call for all EU institutions, bodies, agencies and delegations to designate 'disability coordinators'; reiterates its call for focal points to be established in all EU institutions and agencies, including Parliament and the Council, with the central focal point within the Commission's General Secretariat and supported by an appropriate interinstitutional mechanism;
7. Calls on the Commission to ensure that Member States correctly implement the General Data Protection Regulation¹⁷, and to take the necessary measures in order to protect the sensitive data of persons with disabilities;

Participation

8. Stresses the need to consult and actively involve organisations of persons with disabilities in each stage of planning, adoption, implementation and monitoring of all types of measures so that these measures do not lead to the violation of their fundamental rights; welcomes the Commission's commitment to involve organisations of persons with disabilities in the implementation of the European Disability Strategy 2021-2030;
9. Recalls the importance of consulting and involving persons with disabilities and their representative organisations when adopting measures related to the COVID-19 pandemic, such as recovery and vaccination plans, and in any potential future crisis;

Free movement

10. Welcomes the Commission's proposal for creation of a European Disability Card to be recognised in all Member States by end of 2023, in order to scale up the pilot project on the European Disability Card and the European parking card for persons with disabilities; is of the opinion that a European Disability Card, which should be mandatory in all Member States, will be an important instrument to help persons with disabilities to exercise their right to free movement in a barrier-free Europe;
11. Warmly welcomes the adoption of stronger rail passenger rights for people with disabilities and with reduced mobility, especially the phasing out of the current exemptions for Member States and the reduction of the period of advance notice to be given by persons with disabilities or reduced mobility who require assistance; encourages the Member States to arrange, where possible, shorter pre-notification periods for persons with disabilities who require assistance with travel, in order to allow persons with disabilities and with reduced mobility to more readily exercise their free movement rights; calls for the swift implementation of the rules laid down in the recast of Regulation (EC) No 1371/2007¹⁸ in all Member States;

¹⁷ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, OJ L 119, 4.5.2016, p. 1.

¹⁸ Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail

Accessibility

12. Notes the Commission's proposal for the creation of the 'AccessibleEU' resource centre by 2022; calls on the Commission to create an EU Agency on accessibility ('EU Access Board') that would be in charge of developing technical specifications on accessibility in support of specific EU policies and legislation, carrying out consultations with rights-holders and stakeholders, helping Member States and EU institutions to implement accessibility in a harmonised way for the benefit of the single market, and raising awareness of the importance of accessibility for inclusive societies;
13. Regrets the fact that access to the built environment and physical accessibility were not included within the scope of the European Accessibility Act; calls on the Commission to use the European Accessibility Act as a basis for adopting a robust EU framework for an accessible and inclusive environment with fully accessible public spaces, services, including public transport, communication and financial services, and the built environment;
14. Calls on the Member States to ensure the swift implementation at all levels of Directive 2016/2102 on the accessibility of public sector bodies' websites and mobile applications, in order to guarantee that persons with disabilities are able to access all information they require in an accessible format; welcomes the Commission's initiative for an action plan on web accessibility for all EU institutions, bodies and agencies with a view to ensuring the compliance of EU websites, and the documents published on these websites and online platforms, with European accessibility standards; urges all EU institutions, bodies and agencies to comply with the European accessibility standards as quickly as possible;
15. Encourages the relevant Parliament services to continue their efforts and finalise the project on the inter-service working group on sign language in the shortest possible time frame in order to meet the requests of petition 1056/2016 to allow for the tabling of petitions in international and national sign languages used in the EU and thereby make the fundamental right to petition more accessible for sign language users;

Combating discrimination

16. Notes that there is no mutual recognition of disability status between Member States; calls on the Member States to work together in a spirit of mutual trust to recognise the status assigned in another Member State; emphasises the Commission's goal of working with Member States to expand the scope of the mutual recognition of disability status in areas such as labour mobility and the benefits related to the conditions of service provision;
17. Stresses the urgent need for EU legislation aimed at protecting citizens against all forms of discrimination in the EU; urges the Member States to adopt the EU horizontal anti-discrimination directive tabled by the Commission in 2008; calls on the Commission to present an alternative solution in order to move forward in tackling discrimination across the EU, in all areas of life, as soon as possible;

passengers' rights and obligations, OJ L 315, 3.12.2007, p. 14.

18. Strongly condemns all medical discrimination against persons with disabilities; recalls that the relevant measures adopted by the Member States must comply with the CRPD and must ensure equal and non-discriminatory access to healthcare and social services; stresses that persons with disabilities deserve the same medical treatment as any other person, including intensive medical care, also during health crises such as the COVID-19 pandemic;
19. Reiterates its call on the Commission to work with the Court of Justice of the European Union on communication and accessibility strategies in order to ensure that persons with disabilities have the ability to access the EU justice system without facing any form of discrimination;

Public procurement and EU funds

20. Recalls that public procurement procedures in the Member States must be carried out and completed in a way that is fully respectful of the fundamental rights of the beneficiaries, including persons with disabilities; points out that Member States must comply with the CRPD when implementing public procurement legislation, in particular in connection with the choice of the means of communications, technical specifications, award criteria and contract performance conditions;
21. Calls on the Member States to make use of cohesion policy funds to improve the living conditions of persons with disabilities, while respecting the principles of accessibility and non-discrimination, and investing in equal opportunities and the participation of persons with disabilities in all areas of life, including in supporting the transition from institutional to community-based living; asks the Commission to monitor closely the use of EU funds in line with the CRPD;

Research

22. Calls on the Commission to conduct further research into the impact and health-related effects of LED lights, in particular on photosensitive persons and persons with disabilities;

Education

23. Welcomes the fact that Member States are willing to implement inclusive educational policies, but calls on them to further increase their education systems' capacity to provide high-quality inclusive education for all learners, and calls on the Commission to strengthen the role of the Child Guarantee in ensuring the inclusion of children with disabilities;

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24. Instructs its President to forward this resolution to the Commission, the Council, the governments and parliaments of the Member States, the European Union Agency for Fundamental Rights, the European Committee of the Regions, the European Economic and Social Committee, and the United Nations.

EXPLANATORY STATEMENT

Introduction

Up to one quarter of the European electorate declare some degree of impairment or disability. Over a decade ago, the EU acceded to the United Nations Convention on the Rights of Persons with Disabilities (CRPD), and the Convention came into force in the EU on 23 January 2011. This Convention is the first binding human rights instrument to specifically address disability with its aim to “promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity”. The EU and all its Member States are party to the CRPD, with Ireland being the final Member State to ratify it in 2018. Under this Convention, the EU is obliged to promote, protect and monitor equal rights for persons with disabilities in all aspects of implementation.

Based on the results of the previous European Disability Strategy 2010-2020, in March 2021 the European Commission adopted the New Strategy for the rights of persons with disabilities 2021-2030. The New Disability Strategy aims to improve the lives of persons with disabilities in a barrier-free Europe and to promote social and economic inclusion and participation of persons with disability in society, free from discrimination and in full respect of their rights on equal basis with others. It is important to mention that the role of the Commissioner for Equality played an instrumental role in establishing the new Strategy for the Rights of Persons with Disabilities 2021-2030.

Through its petition process, Parliament’s Committee on Petitions (PETI) has a direct role to play in protecting disability rights in the EU.

The submission rates of petitions relating to disability rights have remained relatively steady over the last few years: in 2018, 23 petitions were submitted (1.2 %); in 2019, 12 petitions were submitted (0.6 %); and in 2020, 20 petitions were submitted (1.2 %). The most common disability equality concerns of petitioners are with accessibility and social protection, mutual recognition of disability in the Member States, as well as inclusive education and employment rights. The petitions received by the European Parliament demonstrate the obstacles that persons with disabilities face in various fields, such as access to public transport, built environment, use of sign languages, financing or access to education.

Despite disability issues forming a small proportion of petition submissions, they have a strong significance for Parliament’s responsibility to promote, monitor and protect disability rights and equality under international law. PETI plays a ‘protection role’ to ensure EU compliance with the CRPD within the policymaking and legislative actions at EU-level. This role is an important institutional responsibility given to the committee in the EU framework.

Article 33(2) CRPD requires States Parties to establish a framework to promote, protect and monitor implementation of this Convention. The EU Framework is made up of the European Parliament, the European Ombudsman, the EU Agency for Fundamental Rights and the European Disability Forum. This Framework complements national monitoring frameworks.

Disability issues are regularly debated in plenary, and PETI hosts an annual workshop or hearing on disability rights each year. The most recent one was held on 28 October 2020. The Ombudsman, the European Agency for Fundamental Rights, the Commission, the European Disability Forum, NGOs and experts actively participate at these workshops/hearings.

The objectives of this report include, and are not limited to, the following:

- Raise awareness of the issues faced by people with disabilities;
- Urge EU Member States to ensure that existing EU laws protecting, promoting and monitoring disability rights are adequately enforced;
- Urge the Commission to step up its monitoring of the implementation of EU law and to improve existing EU law where it is established that it is not adequate to protect the rights of persons with disabilities;

Findings of the report:

CRPD

The report emphasises the importance of raising awareness of the rights enshrined in the CRPD for persons with disabilities, and stresses the need to promote cooperation and exchange of good practices between Member States. It encourages the consultation and involvement of organisations of persons with disabilities in every phase leading to the adoption of measures, so as to ensure that such measures do not violate the fundamental rights of persons with disabilities.

Focal points

Article 33(1) UNCPRD requires that States Parties designate focal points for matters relating to the implementation on the CRPD. As they have not yet been designated in all Member States, the report urges that they be appointed without delay.

Article 33(2) and 33(3) CRPD require States Parties to designate or establish an independent monitoring mechanism to promote, protect and monitor implementation of the Convention, and that civil society be involved and have the opportunity to participate fully in the monitoring process.

For example, in Bulgaria, the focal point is the Integration of People with Disabilities Department, in the Ministry of Labour and Social Policy. In its Concluding Observations 2018, the CRPD Committee raised concerns that Bulgaria had not yet designated an independent monitoring mechanism in accordance with Articles 33(2) and 33(3) CRPD. The Committee recommended that Bulgaria designate such a mechanism, and that Bulgaria should ensure the full and active participation of persons with disabilities in such independent monitoring mechanisms¹.

¹ Committee on the Rights of Persons with Disabilities, 'Concluding observations on the initial report of Bulgaria' (CRPD/C/BGR/CO/1) (22 October 2018), [72], <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsk80ZBJx%2BmVEa%2BXQpyKbrX6eiw%2FONDuhjOleQ0WS4ZCou%2F8e0LnMpan4%2FdVYURMuW4m5XiBzJIDxfa0hB>

Optional Protocol

Through the Optional Protocol, individuals can submit communications to the CRPD Committee on alleged violations of their fundamentals by a State Party to the CRPD. The CRPD Committee can then initiate confidential inquiries on the foot of this communication. This Optional Protocol has been ratified by most of the EU Member States, but has not been ratified by five Member States (Bulgaria, Ireland, the Netherlands, Poland, and Portugal), nor has it been ratified by the EU itself. The main concerns surrounding ratification by the EU are the possible repercussions of this ratification in the national legal orders of the Member States that have not yet ratified the Optional Protocol. In particular, some Member States are concerned that if the CPRD Committee were to issue an unfavourable opinion against the EU, all its Member States, including those that explicitly chose not to ratify the Optional Protocol domestically, would be forced to abide by the Committee's interpretation. However, the most obvious concern presented by the delayed ratification by the EU is the legal uncertainty for citizens in those member States that did ratify the Optional Protocol: some rights (the ones within the Member State's competence) would be justiciable before the CRPD Committee, whereas the others (the ones within the shared or exclusive EU competences), would not. The resistance to the EU ratification of the Optional Protocol will weaken when or if all the remaining EU Member States ratify the Optional Protocol domestically and thus align their own obligations under the Convention to those of the EU.

Access to justice

The report encourages the Commission to work with the CJEU on communication and accessibility strategies to ensure that persons with disabilities have the ability to access the EU justice system.

Mutual recognition of disability status

Currently, there is no mutual recognition of the disability status between EU Member States, which creates obstacles for persons with disabilities when moving to another Member State for work, studies or other reason. The Strategy for the Rights of Persons with Disabilities 2021-2030 proposes an EU-wide Disability Card by end of 2023 in order to scale up the pilot project of the European Disability Card and the European parking card for persons with disabilities. The European Disability Card will be very important instrument to help persons with disabilities to exercise their right to free movement in a barrier-free Europe, therefore it should be mandatory in all Member States;

Rail passenger rights and mobility

The report welcomes the recast of the rail passengers rights regulation, in particular the phasing out of current exemptions for Member States, and the reduction of the advance notice to be given by persons with disabilities or reduced mobility. It encourages Member States to provide for shorter notification periods to allow persons with disabilities or reduced mobility to travel with even greater spontaneity and ease.

In response to Petition No 0535/2017, the Committee on Petitions decided in its meeting of 24 April 2018 to ask the Member States on the progress made on the implementation of the CRPD. To date, 24 Member States have submitted responses, and four responses are outstanding (Denmark, Italy, Spain, and Cyprus). The responses describe, among other things, the designated focal points, the implementing and monitoring frameworks, and various national plans that aim to promote and protect the rights of persons with disabilities.

Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations provided Member States with the option to grant national exemptions from the application of the provisions of the Regulation to domestic rail passenger services. Latvia and Romania granted the most national exemptions². Petition No 0857/2016 complained about the situation in Romania specifically, with the petitioner indicating that the domestic railway system in Romania is not adapted to the needs of persons with disabilities or reduced mobility.

Accessibility

Regarding accessibility, Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services ('the European Accessibility Act') was adopted to harmonise provisions relating to accessibility requirements for certain products and services. Harmonisation leads to an elimination of barriers in the internal market and an increase of accessible products and services, thus leading to a more inclusive society and facilitating independent living for persons with disabilities. While this is a step in the right direction, civil society organisations have expressed disappointment that the Directive did not go further, as accessibility to the built environment and an obligation to comply in relation to public procurement and the use of EU funds, were omitted from the scope of the Directive.

Considering these omissions, the report calls on the Council to break its deadlock and to speed up the adoption of the EU anti-discrimination directive. It is highlighted that no undue restriction on the scope of this Directive should be accepted, so as to avoid the complaints received regarding the European Accessibility Act. It is regretted that, in particular, access to the built environment did not come within the scope of the Accessibility Act, and the Commission is called on to adopt a robust EU framework for an accessible and inclusive environment.

It is recalled that Member States are to ensure the accessibility of public sector bodies' websites and mobile applications in line with Directive (EU) 2016/2102.

Furthermore, the report follows up on petition 1056/2016 on behalf of the European Union of the Deaf that requests Parliament to allow for the tabling of petitions in national sign languages used in the EU. An inter-service working group on sign language is working on the necessary measures within Parliament to implement the request by the petitioner and to make the fundamental right to petition more accessible for sign language users.

Public procurement

² https://ec.europa.eu/transport/sites/transport/files/summary_table.pdf

The report recalls that public procurement should be carried out in a way that respects the fundamental rights of the beneficiaries. It is highlighted that Member States are required to comply with the CRPD when implementing public procurement legislation.

Inclusive education

Inclusive educational policies implemented in the Member States are welcomed, but the report encourages them to take further steps to increase the education systems' capacity to provide high-quality education for all learners, since inclusive education creates the foundation for an inclusive labour market

Easy-to-read version

The rapporteur wanted to ensure that this report is accessible for persons with disabilities. For this reason, you will find below an easy-to-read version of the report. The rapporteur would like to express his thanks and appreciation to Inclusion Europe and Autism Europe for having prepared the easy-to-read version of the report.



This document is a report of the European Parliament.



The European Parliament makes laws for the people of the European Union.

Laws are rules that we must follow.

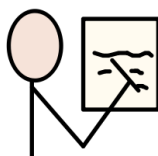


The European Union is a group of 27 countries. We call it the EU.

Countries have joined to be stronger politically and economically.



The EU makes laws for the people of those countries.

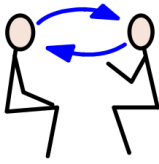


This report is about petitions to help persons with disabilities.

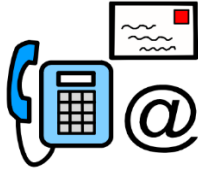
Petitions are claims by the people to the Committee on Petitions.

The Committee on Petitions is part

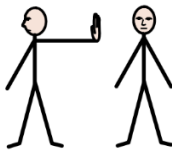
of the European Parliament.



The Committee on Petitions has direct contact with the people of the EU.

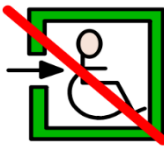


Every person of the EU whose rights are not respected can make a petition to the Committee on Petitions.

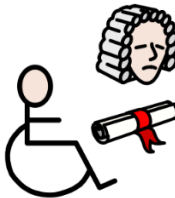


Rights are what we can do.
Too many persons with disabilities face barriers:

- to education
- to finding jobs
- at work
- travelling to other countries
- to taking public transport
- to information
- to help and support



We want to change this:



We want people with disabilities to have the same rights in all areas of life, without discrimination.



So countries of the EU must agree on the same disability status between each other.



Children with disabilities must be able to go to the same school as others in the EU.

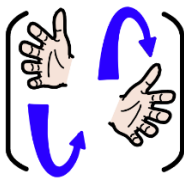


Travelling to another country in the EU must be possible with no barriers.

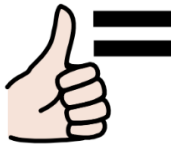


Travelling by public transport must be possible with no barriers in every country in the EU.

Going into a building must be possible with no barriers in every country in the EU.



People who make petitions must have the right to make a petition in sign language.



We want persons with disabilities to be accepted and appreciated.

That means we are all equal and at the same time everyone is special.



Everyone has talents. Talents are useful in all areas of life with no barriers in Europe.

Non-exhaustive list of petitions examined for the report

2582/2013	on alleged discrimination of children with disabilities by Spanish authorities.
2551/2014	on discrimination at work
0074/2015	on the precarious situation of the disabled in Hungary
0098/2015	on support for family caregivers for the disabled in Italy
1140/2015	on access rights for persons who require assistance dogs within the European Union
1305/2015	on problems for persons with disabilities to receive accessible information from the state authority in Ireland
1394/2015	on the European Union's Procurement Directive and its national implementation which causes discrimination based on disability

0172/2016	on reductions to the degree of disability in the Autonomous Community of Valencia
0857/2016	concerning the difficulties faced by persons with reduced mobility in Romania
1056/2016	requesting the European Parliament allow for the tabling of petitions in national sign languages used in the EU
1147/2016	on healthcare and social benefits for dependent persons (the sick and elderly, those with learning difficulties, autism, etc.)
0535/2017	in regard to the mobility of persons with disabilities in the European Union
1077/2017	on the UN Convention on the Rights of Persons with Disabilities
0356/2018	on problems encountered by persons with disabilities in Bulgaria
0367/2018	on the right to work of persons with disabilities
0371/2018	on inclusive education for children with special needs
0530/2018	on the General Data Protection Regulation (GDPR) influencing access to internet for persons with disabilities
0724/2018	on the fundamental rights of people with unacknowledged disabilities
0808/2018	on the health effects of LED lighting
0959/2018	on denial of health care services for disabled persons in Romania
0756/2019	on an EU-wide disability card
0758/2019	on using the EU parking card in the Netherlands
0954/2019	on measures to prevent discrimination against the deaf and hard of hearing
1124/2019	on the disability card in Germany
1170/2019	on the rights of persons with disabilities in Greece
1262/2019	on the recognition of a degree of disability in other Member States
0294/2020	on the insufficient social security payments grants to persons with disabilities in Latvia
0470/2020	on the rights of persons with intellectual disabilities in the COVID-19 crisis
0527/2020	on data protection by German tax authorities
0608/2020	on the inclusion of people with disabilities
0768/2020	on the management of homes for the elderly and dependent persons during the COVID-19 pandemic in Castille and León
0988/2020	on accessible accommodation for disabled persons and persons with reduced mobility
1052/2020	on a special education school in Vedemoro (Spain)
1139/2020	on the lack of employment opportunities for persons with disabilities in Galicia
1205/2020	on the EU-wide introduction of workshops for persons with disabilities
1299/2020	on equal recognition of the degree of disability suffered by those with rare diseases in Spain
0103/2021	on the right to education for children with disabilities in specialized centres in Spain