

Declaration by the EU Member States ‘representatives of the interests of persons with disabilities



Building an inclusive Europe together

Berlin, 18 November 2020

Preamble

We, the EU Member States' representatives of the interests of persons with disabilities, convened on 18 November 2020 as part of Germany's Presidency of the Council of the EU to exchange views on topical issues in the field of disability policies and to contribute to build an inclusive European Union.

All Member States of the European Union and the European Union itself have ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). Therefore, we are all committed to build a Europe where persons with disabilities can participate in all areas of society - a Europe that leaves no one behind. We also expressly endorse the implementation of the United Nations' Sustainable Development Agenda.

At national and European level, we have already made much progress regarding the participation of persons with disabilities. Today, we call upon the Member States' heads of state or governments, the competent persons within the European Commission and the European Parliament to take further concrete action to build an equitable and inclusive European Union, implementing the requirements contained in the UNCRPD, the European treaties and the European Pillar of Social Rights.

Building an inclusive Europe together

I. A successful "European Disability Strategy" for the decade ahead

According to Eurostat (EU-SILC 2018), there are about 87 million persons in the European Union (aged 16 and over) with a disability living in private households. The "European Disability Strategy" is the European Union's most important instrument for the implementation of the requirements laid down in the UNCRPD. This is why it is crucial that the European Commission presents a coherent and ambitious new strategy for the decade ahead.

1. Institutional and structural recommendations

The new European Disability Strategy should address all articles of the UNCRPD as well as the European Pillar of Social Rights Principles and be integrated in its Action Plan.

We recommend that all Directorates-General of the European Commission and EU institutions establish points of contact for matters related to persons with disabilities. The implementation of the new strategy should be monitored by a committee made up of representatives of these points of contact. Moreover, the representative organisations of persons with disabilities should also be involved in such monitoring.

The new strategy should list priority measures and specify indicators, precise timetables and budget resources available for their implementation. All measures should be evaluated. The strategy should regularly be adapted to new developments.

If EU Structural Funds are used to fund projects related to persons with disabilities, the representatives of organisations of persons with disabilities must be involved in the decision-making bodies. In addition, regulations on EU Structural Funds should contain strong provisions regarding accessibility requirements.

We recommend to create the office of a European Commissioner for Matters related to Persons with Disabilities who would have to be involved in any political initiatives of the European Union that affect matters related to persons with disabilities and who would advocate for the realisation of their rights.

2. Disability Mainstreaming

Disability policies are a cross-cutting issue that affects all policy areas. For this reason, we recommend to provide for a mechanism screening all EU legislative acts, initiatives and programmes to identify whether they may affect matters related to persons with disabilities (disability mainstreaming). This should also include the monitoring and evaluation of policies and programmes.

It will be of key importance to explore how to integrate disability issues and the needs of persons with disabilities namely into the Green New Deal for Europe, the EU's Digital Strategy, the EU Youth Strategy and the EU Child Strategy.

3. Data collection

Without an adequate empirical basis, coherent and targeted European disability policies are impossible. For this reason, it is necessary to regularly collect disability-related data disaggregated by age, gender and type of disability, especially in the areas of employment, education, poverty and health care and all other areas relevant for the implementation of the UNCRPD, the European Pillar of Social Rights and the European Disability Strategy. This data should be regularly evaluated and published by Eurostat.

4. Implementation of the European Accessibility Act

The obligation of ensuring accessibility as a basic prerequisite for the participation of persons with disabilities in all aspects of life does not just arise from the UNCRPD. The European Accessibility Act (EAA) also defines requirements regarding the accessibility of certain products and services. The European law requirements must be transposed into national

law by 28 June 2022. In our view, equal access of all persons to all public and private goods and services is a key feature of a modern, quality-oriented and thus internationally competitive European economy and society.

It is our expectation that every effort is undertaken to achieve accessibility in the area of private goods and services resolutely and timely. Furthermore, we expect the Member States to design monitoring bodies and mechanisms in a way that allows for the effective enforcement of the obligations contained in the EAA.

Persons with disabilities and their representative organisations must be involved in the implementation process continuously and on an equal basis so that they can contribute their expertise.

5. Digitalisation

Digitalisation offers persons with disabilities in particular major opportunities of equal participation in our societies. The internet as a platform for information and exchange independent of time and place can unleash a high level of self-determination for persons with disabilities. However, persons with disabilities can only use new technologies if they are designed consistently in an accessible manner and if access to them is ensured without exception. This is the only way to ensure that products and services can be used by all people to the same extent.

The coronavirus pandemic has further accelerated the trend towards digitalisation, which now extends to many new areas of public, private and social life. The latest coronavirus news have mostly been disseminated via internet, distance learning and shopping took place online and public authorities could often only be reached virtually.

That is why it is essential that all strategies, ideas and specific measures as well as financial support and tenders in the area of digitalisation and artificial intelligence at the European level do not just take the aspect of accessibility into account but promote it actively.

As a bedrock of modern societies, access to powerful digital and mobile networks must be open to all persons with disabilities and it must be affordable. This includes persons with disabilities in institutions as well as empowerment enabling people to make use of these technologies. The “Digital Decade” should also be an “Accessible Decade”.

II. Minimum income protection

We explicitly welcome the 'Council Conclusions on Strengthening Minimum Income Protection to Combat Poverty and Social Exclusion in the COVID-19 Pandemic and Beyond' adopted by the Council on 9 October 2020 (Doc. 11721/2/20).

We call upon the European Commission - within its competences laid down in the Treaties – to initiate an update of the Union framework to effectively support and complement the policies of Member States on national minimum income protection. Persons with disabilities are affected disproportionately by poverty and social exclusion. They would greatly benefit from adequate European minimum standards, which supported and complemented the policies of Member States on national income protection. As participation in the labour market is a key element in a dignified and independent life for persons with disabilities it would be important to combine minimum income protection with active labour-market policies..

In 2017, the employment rate of persons with disabilities within the EU Member States stood at 50.6 percent (as opposed to 74.8 percent for persons without disabilities). Persons with disabilities should not only have equal access to the labour market but also to labour-market policy instruments and disability-specific labour-market policy instruments (for instance personal assistance and technical aid).

Moreover, minimum income benefits should cover basic needs in an adequate manner taking into account additional specific needs of persons with disabilities.

For this reason, we ask the Commission to involve the disability commissioners, ombudspersons, the Member States' ministries responsible for disability policies and organisations of persons with disabilities in the updating of the EU framework at an early stage.

III. Protecting persons with disabilities against violence

We are deeply concerned about the fact that children and women with disabilities are exposed to multiple and intersectional forms of discrimination and that they are disproportionately affected by violence. International empirical studies have shown that children with disabilities are three to four times more likely to become victims of violence than children without disabilities. Along with all known forms of violence, children with disabilities experience disability-specific and structural forms of violence.

Taking into account the universally accepted standards set out in the Convention on the Rights of the Child (UNCRC) and the UNCRPD we call upon the European Commission to fight violence against persons with disabilities - especially violence against children and

women - systematically. We also ask the Member States to swiftly and adequately address this problem in their national legislation. In addition, data on violence on persons with disabilities disaggregated by gender and age should be collected regularly on EU and national level.

IV. COVID-19

The coronavirus pandemic is extremely challenging for everybody in Europe. For persons with disabilities, the crisis has exacerbated existing problems and revealed financial gaps and difficulties in leading everyday life. Moreover, it has also become clear that persons with disabilities and chronic illnesses are more likely to experience severe symptoms if they contract the infection. This is why we call upon the European Commission and Member States to pay even more attention to the situation and problems of persons with disabilities during the crisis and to alleviate or eliminate the consequences. This especially applies to the following areas:

During a pandemic, all persons depend on reliable and up-to-date information. Inadequate accessibility and access to information have made it much more difficult for persons with disabilities in particular to lead their daily lives. We call upon all European and national public authorities to provide the latest and official information on the development of the coronavirus pandemic and on infection containment measures in an accessible format (sign language, subtitling, Braille, plain and Easy Language).

In order to establish an inclusive society, it is necessary to provide equal opportunities in education and training and guarantee suitable conditions for students with disabilities. We thus ask the Member States to provide and maintain adequate support for students with disabilities during the pandemic. Accessible and inclusive education has to be ensured in the online setting as well.

The freedom, participation and independence of persons with disabilities must not be restricted to a greater extent or be subjected to stricter requirements and rules than for persons without disabilities. Restrictions on visits and movement mean more exclusion for many persons with disabilities. They stay at home or in residential living arrangements due to efforts to protect them from the coronavirus. It is necessary to develop protection concepts for persons living in communal living arrangements that make participation, self-determination and inclusion possible and counter isolation and heteronomy. We call upon the Member States to intensify deinstitutionalisation efforts as congregated living poses a greater risk of spreading the infection.

Due to the coronavirus pandemic, the number of unemployed persons with disabilities is on the rise in Europe. As stipulated in Article 27 of the UNCRPD, Member States must strive to continue to step up their efforts to ensure the participation of persons with disabilities in the general labour market. All persons with disabilities are to achieve the greatest possible degree of labour market participation in line with their individual abilities through targeted benefits, protection and support. Equal and self-determined labour market participation is not just a question of sound social policies. Looking ahead, the need for well-trained and qualified workers will increase as a result of structural and demographic changes. In addition, we believe it is important to assist persons with disabilities during transitions to the general labour market, labour-market reintegration and with the equal enjoyment of workers' rights, especially with a view to the coronavirus pandemic.

During the COVID-19 pandemic, many support structures and other assistance providing essential support for persons with disabilities and their families have crumbled away. Families, and especially women engaged in caring, have experienced disproportionate difficulties. For this reason, families in particularly difficult situation as well as of carers of persons with disabilities should be receiving appropriate support.

It is already foreseeable that the recovery from the COVID-19 pandemic will take time. This is increasingly re-focusing attention on efforts to safeguard regular health care services for persons with disabilities and chronic illnesses. Health care systems must adapt to the new situation and safeguards must be put in place to ensure that all persons with disabilities have unlimited access to all health care providers, health and home care services including telemedicine without discrimination on the grounds of disability. In this context, the different situations of women and men with disabilities and their specific needs regarding prevention, illnesses, medicine and therapies as well as interaction, personal assistance and communication must be considered.

V. International Cooperation

The process of implementing the UNCRPD in the states parties does not only focus on the national context. International aspects of the UNCRPD have also to be taken into account. The goal must be to implement the inclusion of persons with disabilities more systematically and sustainably in development cooperation and humanitarian aid policies adapting the relevant structures and practices in order to initiate medium and long-term change processes and enhance the lives of persons with disabilities sustainably in the spirit of the 2030 Agenda for Sustainable Development.

We call upon the EU Commission to enshrine inclusion and accessibility in European development cooperation and humanitarian aid policies systematically and as a cross-cutting issue.

VI. Outlook

We thank the German Presidency of the Council of the EU for hosting the European Inclusion Summit, propose a regular exchange of views between the EU Member States' representatives of the interests of persons with disabilities and ask the future Portuguese Presidency to give a follow-up to this declaration.