

## ENNHRI-Equinet joint webinar on the Disability Strategy 2021-2030

Thursday 29 April 2021, 10h-11:30h, Zoom Platform

### Objectives and Results

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On 29 April 2021, NHRIs and Equality Bodies working on the area of disability participated in an online joint webinar of ENNHRI and Equinet. The aim of the webinar was to dissect the Strategy to Equinet members and allow for space to discuss the role both Equality Bodies and NHRIs can have to ensure an effective application, where appropriate, of the Strategy at the national level.

### Opening remarks

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Ms. Ekaterine Skhiladze, Deputy Public Defender of Georgia (both NHRI and an equality body) and the Chair of the ENNHRI CRPD Working Group opened the webinar. She underlined that the European Commission presented its [2021-2030 Disability Strategy](#) on March 3, 2021. The strategy defines the objectives and results to be achieved by 2030 and focuses on many key activities that the European Commission aims at implementing during the next years to strengthen the rights of persons with disabilities in the EU. The webinar follows the [Summary of the Disability Strategy](#) prepared by Equinet and published on March 5, capturing the main aspects of the strategy from the point of view of equality bodies.

### Presentation of the Disability Strategy 2021-2030

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Inmaculada Placencia-Porrero, Senior Expert in Disability and Inclusion at Directorate-General Employment, Social Affairs and Inclusion at the European Commission presented the Disability Strategy 2021-2030. During the presentation Ms. Placencia-Porrero provided with an overview of the Strategy, discussed its goals, key highlights and main initiatives and reviewed what's planned for the next 10 years in Europe in terms of disability rights. Ms. Placencia-Porrero emphasized that the Disability strategy builds on the previous strategy, UN CRPD and its values and it contributes to the implementation of the European pillar of the social rights. It is important that the Strategy covers all articles of the UN CRPD and addresses disability from the intersectional perspective. In addition, the Strategy includes roadmap for the implementation of the UN CRPD. Ms. Placencia-Porrero highlighted challenges that persons with disabilities face in EU, such as, low employment rate, high inactivity rate, higher risk of poverty and more unmet health needs than persons without disabilities. The Strategy contains 8 priority areas and 7 flagship initiatives, it also contains almost 60 commission actions and more than 20 calls on member states.

After the general introduction, Ms. Placencia-Porrero presented each priority area of the Strategy, namely:

- Accessibility – an enabler of rights, autonomy and equality – the focus in this priority is correct and ambitious implementation of the legislation that has been adopted in the frames of the previous strategy. This includes legislation on ICT accessibility, transport, built environment, etc. There are some horizontal instruments that need to be implemented and conditions should be set for the correct implementation in terms of competence of professionals in the different areas on accessibility, enforcement and monitoring. There is a flagship initiative called **AccessibleEU** which encompasses launching a resource centre in 2022 to increase coherence in accessibility policies and facilitate access to relevant knowledge. Second key aspect of this priority is complementing and completing legal and policy framework and close existing gaps.
- Enjoying EU rights – this initiative includes fostering participation in the democratic process and moving and residing freely. The Strategy proposes the creation of European Disability Card by end of 2023, which will bring the recognition of the disability status in different member states. This [initiative](#) was successfully piloted in 8 member states and the assessment of the results will be published soon. The card will enable persons with disabilities to access certain benefits and services. The services are mainly in the area of tourism, culture, and transport. In the area of democratic participation more attention has been given to participation in the elections, namely the issues of accessibility and the restriction of legal capacity are highlighted. The representation of persons with disabilities in candidate lists is also emphasized.
- Decent quality of life and living independently – this initiative includes several areas:
  - Developing independent living and reinforcing community-based services – here the effects of Covid-19 are highlighted because people living in institutions have been disproportionately affected by the pandemic. The emphasis in this area is on the use of EU funds to create community based service and allow the transition from institutions to community living; providing guidance on what independent living and inclusion in the community is and on improvement in this areas; developing a specific framework for Social Services of Excellence for persons with disabilities. The particular targeted action is about inclusive and accessible social housing.
  - Developing new skills for new jobs – the intention of this area is to ask member states to set targets for participation of adults with disabilities in learning and to make sure that training is flexible, inclusive and accessible for persons with disabilities.
  - Fostering access to quality and sustainable jobs - under this section the Commission will present a package in 2022 to improve labour market outcomes of persons with

- disabilities. It will address issues like mutual learning on strengthening capacities, reasonable accommodation, support with employment, etc. In addition the issue of sheltered employment will be addressed. Target is to propose to member states to close the gap in employment between persons with and without disability.
- Consolidating social protection systems – under this section study is launched to better understand social protection mechanisms in member states and, as a result, support them in the process of social protection reform.
  - Equal Access and non-discrimination:
    - Improving access to justice, legal protection, freedom and security – this section addresses the issue of legal capacity and access to justice, including digitalization of justice. There is a particular action about the Hague Convention of 2000 on the International Protection of Adults and its ratification by member states, which refers the need to be in line with UN CRPD. Another key part of this section is that the participation of persons with disabilities as professionals in the justice sector will be supported.
    - Equal access to social protection, healthcare, education and goods and services including housing – this section is related to the adoption of the so-called [Horizontal Directive](#), proposed in 2008. The Commission acknowledges the gap in equal treatment in areas other than employment for persons with disabilities and reaffirms the need to adopt the directive, that would extend the mandate of Equality Bodies to work on religion or belief, disability, age or sexual orientation on the above-mentioned fields. The Commission also reaffirms the compromise to, on the basis of the Report on the Racial Equality and the Employment Equality Directives, assess whether to propose new legislation to strengthen the role of national equality bodies by 2022. The Commission also calls on members states to support cooperation between EU and national UN CRPD frameworks.
    - Inclusive and accessible education – under this section the strategy proposes to cooperate with European Agency for Special Needs and Inclusive Education and work towards the development of a toolkit that addresses early childhood education and care. The issue of knowledge, skill and shortage of the teachers with specific competences in special education is also addressed. Member states are also asked to support the development of inclusive schools and ensure compliance with UN CRPD.
    - Sustainable and equal access to healthcare – Covid-19 has made existing gaps more prominent, in particular, there has been limitations in accessing some of the services, which needs to be tackled. In addition, this section includes gender dimension and addresses sexual and reproductive health and prevention services for persons with disabilities

- Improving access to art and culture, recreation, leisure, sport, and tourism – the intention of this section is to highlight that persons with disabilities have the right to be actors, creators and not just passive observers. A study will be launched evaluating the implementation of Article 30 of the UNCRPD to increase the participation of and support to persons with disabilities in sport, culture and leisure activities. Some other actions are: to work with the International Paralympic Committee to foster inclusion in sport and combat stereotypes; ensure accessible tourism; raising awareness about art done by persons with disabilities.
- Ensuring safety and protection – one element of this section is to address and combat violence and abuse of persons with disabilities. Special attention is being paid to the persons displaced from home and under asylum systems. The proposed actions include guidance to member states for practitioners (police officers and other professionals); working with FRA to address the situation of persons with disabilities in institutions; address rights of persons with disabilities in international protection.
- Promoting the rights of persons with disabilities globally – this priority covers external action, policies, development cooperation, enlargement, neighbourhood policies, humanitarian aid, etc. Planned actions include - updating the Toolbox on the Rights Based Approach to address all inequalities, including discrimination against persons with disabilities; ensuring that EU delegations play a more active role in supporting the implementation of the UN CRPD; Adoption of DAC disability marker to track disability inclusive investments; provide technical assistance together with Member States to partner countries.
- Efficiently delivering the strategy – this chapter is about the governance of the strategy and by extension governance on implementation of UN CRPD and includes following commitments:
  - Better Regulation - UNCRPD compliance in policymaking – two actions are envisaged under this section: reinforce the Better Regulation toolbox; ensure the coherent inclusion and assessment of disability matters in impact assessments.
  - Stepping up cooperation of EU institutions and Member States – under this section the Commission calls on designating disability coordinators, organize regular high-level meetings between the three main bodies of EU, and step up on the work of Economic and Social Committee and the Committee of Regions.
  - Working with Member States, regional and local authorities – this section highlights the importance and the need to work with member states and regional and local authorities. In 2021 Disability Platform will be created and replace High Level Group on Disability to ensure that those who are focal points in implementation of the UN CRPD will participate in this platform

- Supporting implementation through EU funding – apart from the existing funds that will be used in this process, new funding opportunities will be explored.
- Leading by example – This chapter focuses on potential action by the European Commission, such as:
  - Making selection, recruitment, employment and retention processes disability-inclusive – this section is dedicated to advance the careers of persons with disabilities in the Commission and, by extension, other EU institutions.
  - Accessibility of buildings and communication – this section covers the issues of accessibility of buildings and digital tools not only for employees but also visitors.
- Awareness, governance and measuring progress – this chapter includes two main sections:
  - Strengthening the EU Framework under the UNCRPD – under this section implementation of the Optional Protocol will be monitored. The Commission will closely follow the EU accession proposal, monitor the progress of accession by Member States to the Optional Protocol and re-examine the EU’s ratification of the UNCRPD Optional Protocol in that light. The functioning of the EU UN CRPD framework will also be examined. In addition, an annual dialogue between the Commission as EU Focal Point and the EU framework will be organized.
  - Ensuring sound monitoring and reporting – the role of statistics and research is highlighted in this section. The intention is to have a monitoring framework that will allow at any moment to know where the EU is in the implementation of the actions of the Strategy. Another intention is to have the disability indicators based on statistical data to identify the gaps between persons with and without disability. The Commission plans to prepare a report by 2024 of the Strategy assessing the progress of its implementation and, if deemed necessary, update its objectives and actions. Finally, the Strategy will be evaluated at the end.

## Q&A (in order of interventions)

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Moderated by *Jone Elizondo-Urrestarazu, Legal and Policy Officer, Equinet*

- The representative of Greek Ombudsman asked about the disability card and whether it was connected with benefits. For, example, if a Greek person with disability went to live in Germany would they be treated in accordance with local legislation? Ms. Placencia-Porrero noted that the matter is very complex, however, if a Greek person goes to Germany it depends on what purpose he or she goes there (tourist, worker, student, resident, etc.), but in principle, recognition of disability is on the national, and sometimes, regional level. The card will not change that, it will just ensure that if a person has disability recognized in a member state, when she or he travels, that status will be

automatically recognized for the purpose to get the benefits, however, this does not include non-contributory benefits. The possible future scope of the card is still under evaluation.

- The representative from Luxemburg (Centre pour l'Egalité de Traitement) asked if there will be a European recognition of the disability status in the field of employment. Ms. Placencia-Porrero underlined that the final coverage of the card cannot be anticipated right now. Different member states adopt different treatment in relation for persons with disabilities so the future of the card should be evaluated. Even if overall mutual recognition is achieved there will still be many obstacles to create unified system.
- The representative of the Swedish Equality Body asked to share reflections on differences between the new strategy and the previous one. Ms. Elizondo-Urrestarazu noted that there are quite a lot of differences and lessons learned from the previous strategy, starting with the participative process that was put into place to draft the strategy, and seeing how many of the suggestions from stakeholders were taken into account. Ms. Placencia-Porrero emphasized that on top of that, the main difference is the reflection on the situation in which we currently are. The previous strategy was developed in the context to ratify UN CRPD. The new strategy is focused on the implementation. Also the previous strategy served to start working in areas where the disability rights approach was not reflected. The new strategy is wider and covers all the articles of UN CRPD and is more operational. In addition, new strategy highlights the importance of working more on local and regional level and cooperate with member states to take action.
- The representative of the Irish Human Rights and Equality Commission shared [the submission of their body regarding legislation which is going through the Irish Parliament](#) - the Online Safety and Media Regulation Bill, which is of European interest given the location of technology and media companies in Ireland; and Criminal Justice (Hate Crime) Bill. Ms. Placencia-Porrero noted that these initiatives are linked to the developments at the European level. For example, media regulations are also developing and including persons with disabilities.
- The representative of Defender of Rights (France) asked about the accessibility resource center, whether it was about build environment or new technologies. Ms. Placencia-Porrero clarified that the resource center is about accessibility in general, there is no limitation. One important thing that is done in the area of a built environment is taking the opportunity to renovate buildings related to energy efficiency and address accessibility in those renovations. Technology is used to manage energy efficient buildings and that technology needs to be accessible.
- The representative of Public Defender of Georgia asked about the role of NHRIs and equality bodies in implementing and monitoring the Strategy. Ms. Placencia-Porrero

remarked that since many Equinet & ENNHRI members are identified as independent mechanisms at national level, their role is obvious in proportion and protection of the UN CRPD, collection of data, etc. Even those bodies who are not national monitoring mechanisms, still receive complaints, conduct monitoring, support victims of discrimination and collect data, which is very helpful in understanding the situation and justify the need for further action to implement the UN CRPD and the Strategy. The Strategy also mentions the Equality Bodies in the context of the implementation of the Equality Directive.

- The representative of the Greek Ombudsman made a comment that the EU Equality Directive, as well as those pending proposals are of importance to the national Equality Bodies, as it is possibly followed by a legal proposal for reinforcing their role.
- The representative of the Greek Ombudsman asked whether the Commission plans to put forward guidelines for member states for a standardised and uniform evaluation of disability across the EU. Ms. Placencia-Porrero noted that the assessment of the disability includes different steps such as identification of the impairment, identification of barriers to participation and the social-economic impact the person is having. There is very little guidance provided by UN CRPD committee. This need to be done with a human rights-based approach and currently the Commission is supporting member states with expertise. However, it is still member state competence. Moreover, because each state has a different system of assessment, the outcome of such assessments will consequently differ. The percentages that are used to measure the disability is very much connected to the way in which the assessment is carried out. Another problem is the issue of eligibility to receive benefits because the thresholds are different. However, just setting the same threshold will not solve the problem until the assessments are done differently. The disability card avoids these limitations by not entering in the area of how the disability is assessed, it just makes person eligible for certain benefits if the disability is recognized in the state. In order to eliminate existing problems the process has to go step by step and address all the components that are used in determining disability.

## Concluding remarks

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Ms. Ekaterine Skhiladze concluded the webinar, expressed appreciation of the participants for active involvement, thanked the speaker, moderator and organizers of the webinar. Ms. Skhiladze underlined the importance to take into account the experiences NHRIs, Equality Bodies and CSOs in tackling existing problems and see the issues from a different perspective.