

Report of the High-Level Conference on Disability organised by the Belgian Presidency

**Towards full inclusion of persons with disabilities – the
European Pillar of Social Rights and beyond**



The European Strategy for the Rights of Persons with disabilities 2021-2030 has been the guiding instrument for the implementation of the UNCRPD at EU level and for the inclusion of persons with disabilities. The EU Disability Strategy runs until 2030, but currently does not entail new initiatives or actions beyond 2024.

During the High-Level Conference on Disability on the 19th of March, organised by the Belgian Presidency of the Council of the EU and the European Commission, members of the European Disability Platform and invited speakers from member states, EU institutions and civil society organisations, reflected on the priorities and potential actions for the second phase of the Strategy.

In this conference report, the Belgian Minister for Persons with Disabilities would like to draw attention to the main conclusions and recommendations that were put forward.

Table of contents

Towards full inclusion of persons with disabilities – priorities for the upcoming EU legislature.....	4
Access to employment for persons with disabilities.....	7
An inclusive Single Market that promotes the free movement of persons with disabilities	10
Reinforcing the implementation of the EU Strategy and the UNCRPD at EU and national level – methods, tools and best practices	13

Towards full inclusion of persons with disabilities – priorities for the upcoming EU legislature

The European Strategy for the Rights of Persons with Disabilities 2021-2030 was presented by the European Commission in March 2021 to tackle the diverse challenges that persons with disabilities face, both at EU and Member State level. The goal of the strategy is to ensure that persons with disabilities in Europe, enjoy their human rights, have equal opportunities, have equal access to participate in society and economy, are able to decide where, how and with whom they live, can move freely in the EU regardless of their support needs, and no longer experience discrimination.

During the high-level panel, the key needs and priorities for the second phase of the strategy were discussed, with a focus on the main topics of the conference: **employment of persons with disabilities, free movement of persons with disabilities and an effective implementation of the UNCRPD and the EU Strategy.**

The participants called for an ambitious second phase of the Strategy, which would reaffirm the EU's commitment to promote the rights of persons with disabilities and to implement the UNCRPD. The following priority areas for further actions were put forward:

- Efforts towards ensuring the **right to work for persons with disabilities on an equal basis with others** should be continued and strengthened. Effective labour market policy instruments and social innovations in the employment context are needed. Coordinated action and exchanges are required under the next EU legislature. Dissemination and implementation of the Disability Employment Package deliverables should take place at national, regional and local level. Public employment services could provide accompanying services aimed at preparing persons with disabilities for employment and support to keep persons in employment. It was noted that inclusive education and inclusive vocational training with recognised qualifications are essential to increase the employment rate of persons with disabilities. Specific programmes could be put in place for women, persons with intellectual or psychosocial disabilities and for young persons, for example by reinforcing the European Youth Guarantee to provide professional integration schemes for young persons with disabilities.

- **Accessibility** is an enabler for persons with disabilities to live independently and participate fully in all aspects of society. This entails accessibility of the built environment but also of transport, digital technologies, information and services. Despite recent progress, persons with disabilities still do not have equal access and more work needs to be done. Potential actions mentioned include a review of the European Accessibility Act (EAA) and other accessibility legislations, in order to map existing gaps, as well as the development of accessibility standards and a set of common criteria at the EU level for disproportionate burden regarding accessibility requirements.
- The **digital and green transitions** pose certain challenges but also provide opportunities to make the world more accessible for persons with disabilities (e.g. the use of AI).
- Building on the achievement of the introduction of the European Disability Card, more needs to be done to ensure the **free movement of persons with disabilities** within Europe. It was suggested to work towards mutual recognition of disability status, for instance through common principles for disability assessment, especially in support of labour mobility within the EU.
- Reliable, qualitative, real-time, **disability data**, including administrative data, is essential for informed decision-making. Such data also allows for monitoring and assessing the impact of reforms. Data collection is thus critical for improving disability policies.
- The **right to vote and to stand for elections** for persons with disabilities should be guaranteed. This includes both the accessibility of polling stations and accessible information on electoral programmes, as well as maintaining the legal capacity to vote, irrespective of national protective measures, such as legal guardianship. Some Member States have made reforms regarding legal capacity and the right to vote and can share their experience and lessons.
- Programmes for the inclusion of persons with disabilities should be regarded as investments. Especially from the perspective of avoidable disabilities and the **life-cycle social investment** perspective, the earlier government interventions and preventative measures take place, the bigger the impact and benefits later.
- Disability mainstreaming should be implemented by the allocation

of resources through the **EU funding mechanisms**. Besides investments in infrastructure, social support services that accompany persons with disabilities in education and employment, should be eligible for funding as well. By 2028 a new multiannual financial framework (MFF) will be negotiated and introduced, for which disability aspects should be taken into account. Civil society organisations specifically call for EU funding to be used for deinstitutionalisation.

- Additional measures need to be taken to protect the rights of **women and girls with disabilities** in all areas of life. Potential actions include fighting gender-based violence, a legal ban on forced sterilisation, organising a European Year of Women and Girls with Disabilities, and including gender in the disability strategy and disability issues in the gender equality strategy.
- Attention should be given to protecting the **rights of refugees with disabilities** and to supporting Member States that are hosting a high number of refugees with disabilities and providing services to them.
- Further actions and coordination were also suggested in the areas of **passenger rights** of persons with disabilities (air travel especially), **consumer protection** rights, limitations of **legal capacity** (e.g. developing decision-making support systems), **children** with disabilities and inclusive education, **deinstitutionalisation** and independent living and **inter-institutional UNCRPD coordination** amongst others.
- During the second phase of the Strategy, **current initiatives and actions should be continued and fully implemented**. These include the European Disability Card, the European Accessibility Act, the AccessibleEU centre and the Disability Employment Package. The European Commission, Member States, civil society and other stakeholders should continue working together on this within and outside of the European Disability Platform and its subgroups.

Access to employment for persons with disabilities

Disability data indicates that persons with disabilities continue to be disproportionately excluded from the labour market. The disability employment gap shows persistent disadvantages at EU level, with an employment difference between persons with and without disabilities that did not change much between 2014 and 2022 (22.7 pp versus 21.4 pp on average for the EU-27 countries), with large variations across countries. For women and youth with disabilities the differences are even starker.

With the Disability Employment Package, the European Commission has undertaken a range of actions to support Member States and employers with guidelines and recommendations. Moreover, to monitor progress, the disability employment gap was recently added as a headline indicator to the social scoreboard of the European Pillar of Social Rights. Yet, persistent challenges remain regarding the employment of persons with disabilities.

At the conference, the following conclusions and recommendations were put forward to improve the access to employment for persons with disabilities:

- As privileged partners in labour market policy, the social partners play a crucial role in shaping working conditions and labour market outcomes. An increasing number of employer organisations and trade unions are paying attention to the employment of people with disabilities. However, there is scope for enhancing **disability inclusive social dialogue and collective bargaining**.
- In addition to effective target group policies with individual targeted support measures for persons with disabilities, there is also a need to **mainstream disability throughout social and employment policies**. Member States should ensure that disability entitlements are compatible with income from employment and allow for an easy transition into work. A shift in many member states towards a focus on the abilities of persons and the need to adjust work environment to their needs was noted and welcomed.
- The addition of the disability employment gap as a headline indicator to the Social Scoreboard of the European Pillar of Social Rights has been an important step. **Indicators and targets** play a

crucial role in monitoring progress regarding the employment opportunities of persons with disabilities and to assess the impact of disability policies.

- The new disability datasets, published by Eurostat at the beginning of 2024 were welcomed as a step forward. However, improved **monitoring data** is needed to adequately reflect the employment opportunities of persons with disabilities. The evaluation of methodologies for comparable survey data and the enhanced use of administrative data to compile regular, comparable, and more granular and disaggregated EU and national data statistics, would allow for strengthened monitoring and enhanced evidence-based policy making. The data on the employment rate of persons with disabilities should be disaggregated by gender and type of disability. Data on disability pay gaps, quality of jobs, type of employment, reasonable accommodations and workplace harassment should also be available.

A joint session of the Employment Committee (EMCO) and Social Protection Committee (SPC) dedicated to the topic of disability monitoring data and indicators could be organised to discuss data quality, comparability, indicators and policy measures.

- The **Disability Employment Package** includes guidance for employment services, career institutions, employers and public authorities. The guidelines cover all stages of employment from career guidance, hiring, through ensuring reasonable accommodation, effective prevention, and retention of persons with disabilities at work. They also look into alternative employment models and transition to the open labour market. The guidelines are highly useful and practical and should be disseminated and implemented where relevant.

The need for further guidelines on specific issues, like the use of Artificial Intelligence (AI) in recruitment processes and the workplace or specific guidance tailored for Small and Medium Enterprises (SMEs) were put forward. Additionally, civil society organisations ask for further concrete actions beyond guidelines and good practices.

- **Quality employment** for persons with disabilities **in the open labour market** should be aimed for. Many persons with disabilities work in sheltered employment settings. More insight into these types of employment is much needed, especially with the view to assess the

transition into the open labour market and to develop policies in this regard.

- Technical advances and **digitalisation** have generated new opportunities for persons with disabilities (e.g. for telework, digital support, assistive technologies). However, there is also evidence that the use of AI algorithms may lead to the exclusion of persons with disabilities. Any new EU legislation on the use of algorithms for managing, monitoring, and recruiting workers should address these risks of discrimination faced by candidates and employees with disabilities.
- Action should be taken to increase the labour market participation of **women and youth with disabilities**. Specific attention should be paid to work-related violence and harassment. Workers with disabilities, women in particular, are at heightened risk of exposure to harassment and violence, which can form a deterrent for labour market participation. Especially for youth with disabilities, vocational training can play an important role in terms of increasing access to labour markets.
- **Inclusive education, vocational training and skills development** play a crucial role in preventing high inactivity levels of persons with disabilities. Qualitative traineeships and apprenticeship schemes can play a role in this regard, for the transition from education to employment, as well as access to inclusive vocational training.
- Many persons with disabilities rely on **personal assistants** for support in the workplace. Yet, in many countries there is inadequate access to personal assistance for persons with disabilities. To attract people to work as personal assistants and to ensure quality services, **working conditions in the care sector** should be improved.

An inclusive Single Market that promotes the free movement of persons with disabilities

The European Single Market has been a driving force of European integration and economic growth on our continent. The UNCRPD requires state parties to mainstream disability in all policy areas. This includes the extensive body of rules and standards that shape the European Single Market. In numerous directives and regulations obligations directly benefitting persons with disabilities have indeed been introduced, in particular in the field of accessibility requirements.

While there are no legal barriers on the EU level prohibiting the movement of persons with disabilities between member states, practical obstacles remain that make the use of freedom of movement difficult for some persons with disabilities.

At the conference, the following conclusions and recommendations were put forward to build an inclusive single market and promote the free movement of persons with disabilities:

Inclusive Single Market

- Internal market legislation is a powerful tool. It is important for disability policy makers to know how to argue for disability rights from a single market perspective. The departure point and justification for single market legislation cannot be a disability rights or anti-discrimination perspective but should respect the framework of the internal market.
- The EU can adopt internal market legislation that contributes to social goals, as long as that legislation serves to resolve market distortions. Justifications for common rules could include the equivalent access to markets, affordable and high-quality services, the benefit of competition and choice, or the advantage of services in similar conditions. Within this framework, single market rules and standards address persons with disabilities as consumers. Once the EU addresses a single market distortion through the harmonisation of regulation at EU level, rules that benefit consumers can be integrated. Persons with disabilities are consumers and if they are disadvantaged in comparison to other consumers, this can be

addressed through single market rules.

- The EU can only adopt internal market legislation to eliminate or prevent market distortions or barriers for trade arising from different national requirements. The requirement for an existing market distortion can hinder the inclusion of requirements that benefit persons with disabilities. For instance, the introduction of common accessibility requirements for goods and services may require the prior introduction of national requirements that then hinder the free movement of goods and services, before the EU has competence to intervene. This was identified as a major policy challenge.
- **Accessibility requirements** in legislation need to be concrete to ensure legal certainty and enforcement. Legislation should explicitly state which barriers to accessibility are targeted and how they should be addressed. So that the legislation can be implemented by economic operators and so that enforcement bodies can verify whether economic operators are compliant.
- A possible solution for increased disability mainstreaming in single market legislation would be to require all **impact assessments for new legislation** and internal market legislative proposals to include how the instrument is likely to be relevant to persons with disabilities. The Commission should require that all impact assessments explicitly address this.
- Both disability specific legislation and mainstreaming disability rights in other legislation are important. **Standardisation processes should be inclusive** for and consult persons with disabilities. Consultation and participation of persons with disabilities should be organised pro-actively and facilitated.
- Further legislative initiatives should be considered to address the **accessibility of transport services and infrastructure**, the strengthening of **passenger rights in air transport** (to avoid denials of boarding and insufficient compensation for loss or damage of assistive and mobility equipment), and harmonised legislation for **assistive technology** products and services.
- The enforcement of accessibility requirements and inclusion of persons with disabilities in the frameworks of **public procurement** legislation at national level should be strengthened.

Free movement

- A practical solution with tangible impact to improve the free movement of persons with disabilities, a benefit of the single market, will be the introduction of the **European Disability Card** (EDC) and a new standardised parking card for people with disabilities (EPC) throughout the EU. The EDC card will serve as a proof of disability status across all EU countries and will grant cardholders equal access to special conditions and preferential treatments offered to persons with disabilities for short-term stays anywhere in the EU.
- To further address barriers for free movement of persons with disabilities in the EU, civil society organisations call for legislation that ensures **mutual recognition of disability status** between member states and for the (temporary) portability of disability entitlements in the framework of labour mobility. In order to allow persons to retain their disability allowances and support until their disability has been assessed in the new country of residence.

Reinforcing the implementation of the EU Strategy and the UNCRPD at EU and national level – methods, tools and best practices

The objectives of the European Strategy and the implementation of the UNCRPD can only be achieved through coordinated action at both national and EU level. In addition to planned initiatives at the EU level, the European Strategy contains calls on member states to take action in areas under their national competences.

The European Disability Platform unites European institutions, Member States, and civil society organisations. It has the mandate to support the implementation of the European Strategy for the Rights of Persons with Disabilities 2021-2030, and the UN Convention on the Rights of Persons with Disabilities. It provides a forum to discuss relevant policy developments, exchange experiences and good practices, and reflect on the diversity of disability.

At the conference, the following conclusions and recommendations were put forward on aligning national and EU approaches for the implementation of the UNCRPD, and to strengthen collaboration:

- Existing EU methodologies to promote **mutual learning** and exchanges of good practices could be used to strengthen the collaboration of the European Disability Platform members. The methodology of **peer reviews**, which is a key instrument of the Social 'Open Method of Coordination' (OMC), fosters open discussion and mutual learning. Peer reviews are organised by a Member State (host country) that presents a specific good practice or policy problem (e.g. a policy reform, programme) and is attended by a limited number of other Member States (peer countries), experts from the European Commission, and relevant stakeholders (e.g. civil society) who provide feedback. As such, these exercises can build bridges between the EU and national levels, increase collaboration and exchanges between Member States and lead to reflexive learning.

This could be achieved by increased mainstreaming of disability issues in the existing EU mutual learning processes (Social OMC or

the Mutual Learning Programme under the European Employment Strategy) and/or establishing a peer review process within the framework of the European Disability Platform.

- It is crucial to **link funding to reforms and policies**. The next multiannual financial framework (MFF), that sets out the annual budget provisions the EU must comply with, will be in force by 2028. This means that 2025 will be the key year for stakeholders to advocate for new legislative measures as new regulations are usually presented 1,5-2 years prior to the new financial framework.
- A number of success factors for a **national disability strategy** where identified:
 - the inclusion of representative organisations of persons with disabilities both in the drafting and the monitoring (incl. funding for representation);
 - the presence of concrete measures that have the potential to change the lives of persons with disabilities and an intersectional approach so that they are relevant to the broad group/range of persons with disabilities;
 - a clearly stated mandate and strategic governance for a cross-sectoral approach to disability mainstreaming at the various levels involved;
 - monitoring and follow-up based on qualitative analysis of target group experiences as well as data and statistics for all areas of the strategy evenly as well as simple and measurable indicators;
 - the EU Strategy as a framework to support national implementation and the continuation of collaboration and sharing experiences at EU level to overcome various obstacles and ensure full participation.
- In the European Strategy for the Rights of Persons with Disabilities, Member States are called upon to set **national targets** for persons with disabilities for the two EU headline targets on employment rate and learning. It could be considered to complete an exercise in 2024-2025 for the disability targets in order to contribute to attaining the EPSR Action Plan targets, where Member States in dialogue with the European Commission set reasonable yet ambitious national targets to realise the EU targets. Albeit it being a time-consuming and administratively demanding process, it is identified as a good

practice.

- In 2024, the European Commission will prepare a **progress report** of the first phase of the Strategy for the Rights of Persons with Disabilities. The European Commission will organise wide **consultations** to collect suggestions for priority actions during the second phase of the strategy for the next Commission. European Disability Platform members will be consulted through the platform, its subgroups and through strategic dialogues and targeted discussions, similarly as to the consultations process before the drafting of the strategy.