



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Combined second and third periodic reports submitted by the European Union under article 35 of the Convention, due in 2021^{*}, ^{**}, ^{***}

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* The present document is being issued without formal editing.

** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting (CRPD/C/EU/QPR/2-3).

*** The annexes to the present document may be accessed from the web page of the Committee.



Introduction

1. This document contains the replies of the European Union (EU) to the list of issues, preceding the EU's combined second and third periodic reports on the implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) by the EU to the UN Committee on the Rights of Persons with Disabilities (the Committee). The Committee adopted the list on 20 April 2022 (CRPD/C/EU/QPR/2-3). The European Commission (Commission), as the focal point for the EU implementation of the UNCRPD, has prepared the replies with input from other EU institutions' reports, bodies, such as the EU Framework, and agencies. When preparing the document, the Commission has taken into consideration the European Parliament (Parliament) resolutions of 2021 and 2022 and the 2020 report of the European Economic and Social Committee (EESC) Study Group on Disability Rights. It has also considered the feedback from its internal disability groups: the Association of Staff with a Disability in the Commission (ASDEC) and the Commission Disability Support Group (Commission DSG). Organisations of persons with disabilities (OPDs) have been consulted during one Structured Dialogue meeting and three Disability Platform meetings (two in 2022 and one in 2023), where EU Member States (MS) also participate.

2. The EU concluded the UNCRPD on 22 January 2011 in its capacity as a regional integration organisation, within the meaning of Article 44 UNCRPD to the extent of its competences. The first report on its implementation of the UNCRPD was published on 5 June 2014 and was considered on 27–28 August 2015 by the Committee, which adopted its concluding observations on 3 September 2015.

A. Purpose and general obligations (arts. 1–4)

Reply to paragraph 1 (a) of the list of issues (CRPD/C/EU/QPR/2-3)

3. The Commission issued a proposal for a Council Decision on the EU accession to the UNCRPD Optional Protocol in 2008, which requires unanimity of the EU MS. Currently, 22 out of 27 MS are parties to the Optional Protocol. As stated in its Strategy for the Rights of Persons with Disabilities 2021–2030 (Strategy), the Commission closely follows the progress of accession by MS to the Optional Protocol and will re-examine the EU's ratification of the Protocol in that light.

Reply to paragraph 1 (b) of the list of issues

4. EU legislation frequently mandates reporting on performance and undergoes periodic review. Disability mainstreaming takes place during legislative revisions and when preparing new legislative proposals. In line with the case law of the EU Court of Justice, EU secondary law must, as far as possible, be interpreted in a manner that is consistent with the UNCRPD.

Reply to paragraph 1 (c) of the list of issues

5. The EU adopts its budget for several years through a Multiannual Financial Framework (MFF), currently covering 2021–2027. The MFF specifies instruments and allocates budgets, substantiated in specific programmes. Numerous programmes contain references and address the rights of persons with disabilities in line with the Strategy. A non-exhaustive list of examples is provided below.

6. Regional policy and structural reforms: The rules governing the EU cohesion policy funds contain specific provisions for persons with disabilities. They refer to the UNCRPD in their enabling conditions and require accessibility to be taken into account throughout the preparation and implementation of programmes. In particular, the European Social Fund Plus (ESF+) and the European Regional Development Fund (ERDF) programmes as well as the Recovery and Resilience Facility (RRF) provide the possibility to invest in measures that contribute to the implementation of the Strategy. As an example, in 2021–2027, the EU invests around EUR 1.73 billion in measures to enhance the delivery of family and community-based care services under the ESF+, ERDF and Interreg programmes.

7. MS can also request technical support to help implement the Strategy through the Technical Support Instrument (TSI). The TSI is part of the MFF 2021–2027 and has a budget of EUR 864 million.
8. Education and culture: The inclusive approach of the Erasmus+ and European Solidarity Corps (ESC) programmes is underpinned by a framework of inclusion measures. This framework addresses the barriers that different target groups, including persons with disabilities, may face. Both programmes provide accessible formats of activities, additional financial support, and support measures for young people with fewer opportunities. Since the start of the 2021–2027 programming period, Erasmus+ has already supported 569 projects covering the topic of disability for more than EUR 52 million. For the same period, 236 projects were selected under the ESC programme for a total budget of more than EUR 1.8 million.
9. The Creative Europe programme, for the cultural and creative sectors, encourages the active participation of persons with disabilities, both as creators and as audiences.
10. Research and innovation: The Regulation establishing the Horizon Europe (2021–2027) programme promotes equal opportunities and equality and diversity in all aspects of research and innovation including with regard to disability. The programme includes references to disabilities under several Clusters. The 2021–2022 call for proposals under Pillar II of Horizon Europe included 32 topics with references to persons with disabilities for close to EUR 462 million.
11. The Marie Skłodowska-Curie Actions (MSCA) programme ensures fair access to doctoral education, training and knowledge transfer for researchers, including those with disabilities. This stimulates an inclusive R&I labour market and supports cross-border mobility of researchers. The programme provides an allowance for MSCA fellows whose participation entails additional expenses linked to disabilities.
12. Several EU-funded projects to improve web and other areas’ accessibility relevant to Articles 9 and 21 of the UNCRPD have been carried out.
13. Transport: The Connecting Europe Facility (CEF) aims to develop the trans-European transport network with a focus on cross-border connectivity. Actions to improve the accessibility of transport infrastructure, especially for users with reduced mobility, will be eligible for co-financing. In line with the European Green Deal, the majority of the funding will be dedicated to railway infrastructure that has to comply with accessibility rules.
14. Health: The EU4Health Programme implements EU legislative and non-legislative initiatives and complements MS policies on health. The supported actions address amongst others inequalities in health and target vulnerable people, including persons with disabilities. In the 2022 Work Programme, EUR 700 000 were earmarked for a study on access to healthcare for persons with disabilities.
15. Social inclusion in rural areas: Under the Common Agricultural Policy 2014–2020, MS could invest in social inclusion through the European Agricultural Fund for Rural Development. Relevant projects for persons with disabilities can be found on the website of the European Network for Rural Development. Under the Common Agricultural Policy 2023–2027, the majority of MS will target social inclusion challenges through the LEADER approach.
16. Respect for rights: The Citizens, Equality, Rights, and Values (CERV) programme provides operating grants to framework partners to support the Strategy and implement the UNCRPD with around EUR 5.8 million per year. The budget allocated to the rights of persons with disabilities was EUR 2.1 million per year in 2021 and 2022.
17. External, development and humanitarian action and migration: The Regulation establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI-GE) takes a rights-based approach, guided by principles such as ‘leaving no-one behind’, equality and non-discrimination. The Instrument aims to support human rights compliance, and fight inequalities and discrimination globally. NDICI-GE applies the human rights-based approach to mainstream disability in its actions and dedicates EUR 5 million to global action to increase capacities to implement the UNCRPD. Similarly,

the Regulation establishing the Instrument for Pre-Accession assistance III promotes non-discrimination, including of persons with disabilities in the allocation of funding.

18. EU humanitarian aid must be provided on a non-discriminatory basis, to help particularly the most vulnerable persons. The 2007 EU Consensus on Humanitarian Aid requires paying particular attention to specific vulnerabilities, such as disability. The 2021 EU Humanitarian Aid Communication, aims to ensure that we meet the needs and rights of specific groups, including persons with disabilities. The 2019 Operational Guidance on the Inclusion of Persons with Disabilities in EU-funded Humanitarian Aid Operations aims at fostering disability inclusion, ensuring mainstreaming of disability, and providing Commission partners and staff with the operational tools to ensure those objectives.

19. To build the capacity of Commission staff and partners on disability inclusion, the Commission is developing an e-learning tool. It builds on the 2019 operational guidance on the inclusion of persons with disabilities in EU-funded humanitarian aid operations.

20. Support for persons with disabilities is also ensured under the Asylum, Migration, and Integration Fund (AMIF). The AMIF requires taking appropriate steps to exclude any form of discrimination prohibited by Article 21 of the Charter of Fundamental Rights of the EU (the Charter), including against persons with disabilities in the framework of the Fund. Third countries participating in the Fund are also obliged to respect human rights.

Reply to paragraph 1 (d) of the list of issues

21. Since May 2015, the Better Regulation Guidelines and Toolbox have been key internal instruments to reinforce EU policy and decision-making processes. The revised guidelines and toolbox from November 2021 strengthen the consultation of persons with disabilities and improve guidance to identify and analyse equality, including disability aspects, in relevant impact assessments and evaluations. The Better Regulation toolbox, in particular tools #29 *Fundamental rights* and #30 *Employment, working conditions, income distribution, social protection and inclusion* now put more emphasis on the impact of policy options on persons with disabilities. Several new tools (evaluation criteria, digital-ready policy making, education, developing countries, etc.) include examples related to disability concerns.

Reply to paragraph 1 (e) of the list of issues

22. Council Decision 2010/48/EC concerning the conclusion by the European Community (now EU) of the UNCRPD contains a list of over 40 legal acts included in the EU declaration of competence. In 2017, the progress report on the implementation of the European Disability Strategy 2010–2020 provided a comprehensive and up-to-date overview of EU legal acts referring to matters governed by the UNCRPD, including information on acts which have been reviewed or repealed. This overview is currently under revision.

Reply to paragraph 2 (a) of the list of issues

23. Following the adoption of the Strategy, all Commission services have nominated their disability coordinators, responsible for mainstreaming disability within their departments. Together they form the Interservice Group on disability (Disability ISG), which meets regularly.

24. The Task Force on Equality was created in 2019 to mainstream inclusion and equality in all dimensions, and to support the work of the Commissioner for Equality. Equality coordinators ensure that equality considerations, including disability, are mainstreamed in the initiatives for which their service is in the lead, liaising with the Disability ISG. In addition, the Task Force raises the awareness of Commission staff on disability-related issues, including via dedicated training sessions.

25. In the European Parliament, the CRPD Network, an Inter Committee working group with 12 other Committees, organised and chaired by the Committee on Employment and Social Affairs (EMPL) has as mission the political mainstreaming of disability rights and implementation of the UNCRPD. In the Council, the Human Rights Working Party deals with UNCRPD matters.

Reply to paragraph 2 (b) of the list of issues

26. The EU Regulation on taxonomy aims to scale up sustainable investment to implement the European Green Deal. The Regulation requires the Commission to publish a report on a possible extension to other objectives, including social ones. In this light, the Platform on Sustainable Finance, an independent advisory body of the Commission, published a report on a possible methodology for a social taxonomy. The report refers to the standards set out in the core UN human rights conventions and identifies equality and the inclusion of persons with disabilities as contributing to more inclusive and sustainable communities and societies. The report does not prejudge any decision or action by the Commission on the matter.

27. The Commission will continue pursuing further policy initiatives to promote investments with a positive social impact within the broader legislative framework on sustainable finance.

Reply to paragraph 2 (c) of the list of issues

28. MS are responsible for properly implementing EU law by correctly transposing directives into national law, within the legal deadlines. As guardian of the Treaties, the Commission is monitoring this process very closely.

29. The 2022 communication “Enforcing EU law for a Europe that delivers” presents the tools used by the Commission to ensure that EU law is properly applied. To prevent breaches, the Commission supports MS by means of guidance documents, implementation strategies and transposition workshops. If, despite these accompanying measures, a MS fails to communicate the national transposition measures by the legal deadline, the Commission can launch an infringement procedure against the said MS. For instance, the Commission recently launched infringement procedures for delays in transposing the European Accessibility Act.

Reply to paragraph 2 (d) of the list of issues

30. Enforcement provisions described under point (c) of paragraph 2 also apply to EU legislation relevant to persons with disabilities in areas such as victims’ rights or employment.

31. Under the Victims’ Rights Directive, all victims of crime should have access to specialist support services that correspond to each victim’s individual needs. The most vulnerable victims, including those with disabilities, have access to special protection measures. The evaluation of the Directive indicates that it has significantly improved the lives of victims across the EU, though not all victims can fully rely on their rights. The Commission will propose a revision of the Directive in 2023.

32. The Employment Equality Directive lays down a general framework for combating discrimination, including on grounds of disability, in the area of employment and occupation. Article 5 sets out the right to reasonable accommodation for persons with disabilities. The Commission closely monitors legislative developments and published the latest implementation report in March 2021.

Reply to paragraph 3 of the list of issues

33. The Commission policy on dealing with breaches of EU law is set out in its Communication “EU law: better results through better application.” In case MS do not fulfill their obligations under EU law, the Commission acts by opening infringement procedures to guarantee that EU law is complied with. In the case of equal treatment legislation, once a directive has been transposed into national law, it is for the person who believes to have been discriminated to file a complaint with the national authorities, including national courts. Only these are competent to assess the facts of an individual case.

34. As part of the European Semester process, the Commission monitors the implementation of the European Pillar of Social Rights in the MS. Policy developments the field of disability are monitored in particular with statistical data on the gaps between persons with and without disabilities in relation to education, employment, and poverty risk. The process also implies regular consultations with OPDs.

Reply to paragraph 4 of the list of issues

35. The budgetary procedure is strictly inter-institutional, with no involvement of external groups. However, persons with disabilities are involved in the preparation and implementation of some programmes.

36. The rules governing cohesion policy funds (e.g. ERDF and ESF+) contain various requirements in support of the rights of persons with disabilities. With regard to external actions, the Commission applies a human rights-based approach and services are usually requested to take the views of civil society organisations (CSOs) into account when preparing programming documents and during implementation.

37. As regards administrative expenditure in the Commission, persons with disabilities are involved via the Commission DSG and ASDEC. These associations represent both staff with disabilities and carers of dependents with disabilities. They are regularly involved in the needs assessment and the budget execution which provides support to staff with disabilities or carers of dependents with disabilities.

Reply to paragraph 5 of the list of issues

38. The Commission organises Strategic Dialogue meetings with OPDs to discuss policies. Major EU-level networks of OPDs receive financial support to implement a wide range of activities and strengthen their capacity, as well as that of their national or regional members. For the period 2022–2025, the Commission has signed framework partnership agreements (FPAs) with 12 EU-level networks. The EC annually awards over EUR 6.5 million to these operating grants. In addition, disability organisations can respond to public consultations or participate in consultations on new initiatives.

B. Specific rights (arts. 5–30)**Equality and non-discrimination (art. 5)****Reply to paragraph 6 (a) of the list of issues**

39. In 2008, the Commission proposed an equal treatment directive to extend the existing EU anti-discrimination legal framework and ensure equal treatment of persons with disabilities in areas outside the field of employment (social protection, healthcare, education, and access to goods and services, including housing).

40. The proposal is under negotiation in the Council, where MS unanimity is required for its adoption. No agreement has been reached yet. The proposal is a priority for the Commission, which offers its support to the legislator to make progress towards its agreement.

Reply to paragraph 6 (b) of the list of issues

41. In 2022, the Commission put forward measures to strengthen the role and independence of equality bodies, such as providing them with increased resources and powers to enable them to combat discrimination more effectively. These proposals extend the competence of equality bodies to two existing Directives, the Gender Equality Directive in the field of social security and the Employment Equality Directive that includes disability among the protected grounds.

42. The proposals contain a legal requirement for equality bodies to be free from external influence, in particular as regards their legal structure, accountability, budget, staffing, and organisational matters. Equality bodies are envisaged to be able to investigate cases of discrimination, issue opinions or binding decisions (depending on the choice of Member States), and act in court in discrimination cases. The proposals include specific provisions on accessibility and reasonable accommodation to guarantee that persons with disabilities have equal access to all services and activities of equality bodies. They also clarify that prevention, promotion, and awareness-raising activities of equality bodies must focus in particular on groups whose access to information can be hindered, for example in relation to disability.

Reply to paragraph 6 (c) of the list of issues

43. The Commission has stressed the importance of an intersectional approach in the EU equality strategies. All EU social surveys provide statistical data based on sex, age, disability, and migrant background. The inclusion of the disability variable enables the analysis of discrimination on the grounds of disability in various domains, such as the labour market, health, education, income, living conditions, and ICT. Starting from 2024, the rolling module of the EU Statistics on Income and Living Conditions (EU-SILC) survey is expected to collect data on ‘the feeling of being discriminated against when using specific services’ every six years. In addition, the module on the labour market situation of migrants and their immediate descendants (2021) of the European Union Labour Force Survey (EU-LFS) includes a variable on the “feeling of being discriminated against at work in the current job: mainly on the grounds of age, gender, foreign origin, disability, or other ground.” Furthermore, the Commission proposal on combating violence against women and domestic violence, the proposal to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms, and the proposal on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation also refer to intersectionality or discrimination based on several grounds.

Women with disabilities (art. 6)**Reply to paragraph 7 (a) of the list of issues**

44. As co-leader of the Gender-Based Violence Action Coalition of the Generation Equality Forum, the Commission committed to delivering on an ambitious set of policy and legal initiatives while ensuring an intersectional approach. Intersectionality is one of the core and guiding principles of the Generation Equality Forum. Moreover, the EU contributions to G7 and G20 technical work on Gender Equality which regularly include an intersectional perspective with a focus on the rights of women in all their diversity, including women and girls with disabilities.

Reply to paragraph 7 (b) of the list of issues

45. The Commission regularly consults representative organisations of women and girls with disabilities as well as other CSOs through EU public consultations and Strategic Dialogues. In 2022, for example, persons with disabilities were heard in the preparation of Commission proposals such as the revision of Barcelona targets on childcare and the proposal for a directive on combating violence against women and domestic violence. Furthermore, the Strategy pays specific attention to the situation of women and girls with disabilities. All data collected is disaggregated by sex, for example, which in many cases illustrates the additional gaps and fosters targeted actions.

Reply to paragraph 7 (c) of the list of issues

46. The European Institute for Gender Equality (EIGE) includes the gender perspective in all its work, as its core mission is focused precisely on gender equality. The Institute also integrates the disability perspective in its work by using an intersectional approach to identify multiple sources of discrimination and highlight the specific situation of certain disadvantaged groups, such as women with disabilities. The Gender Equality Index reports, for instance, regularly provide information on the situation of persons with disabilities.

Children with disabilities (art. 7)**Reply to paragraph 8 (a) of the list of issues**

47. The EU Strategy on the Rights of the Child seeks to pursue more age-disaggregated data collection by Eurostat and other EU agencies. Since 2021, the EU-SILC survey collects data on children every three years. The module includes a variable allowing to identify children with disabilities.

48. Additional qualitative data on the situation of children with disabilities has been gathered in the preparation of the European Child Guarantee (ECG) Council Recommendation.

Reply to paragraph 8 (b) of the list of issues

49. The European Forum on the Rights of the Child is an annual conference that provides a platform for dialogue between EU institutions and other stakeholders on the rights of the child. Its 14th edition on “Bringing children at the centre” devoted special attention to key actions under the EU SRC, child participation, children involved in conflicts, and integrated child protection systems.

50. The Commission is also launching an accessible child participation platform, which will be operational in 2023, to connect existing child participation mechanisms at local, national and EU level and to involve children in decision-making processes at EU level.

Reply to paragraph 8 (c) of the list of issues

51. The EU SRC commits to ensuring complementarity with the Strategy to respond to the needs of children with disabilities and provide better access to mainstream services and independent living. It highlights the EU support for investing in quality alternative care and transitioning from institution-based to family- and community-based care for children with disabilities. It also commits to promoting accessible ICT and assistive technologies for children with disabilities. Further, it refers to inclusive education and accessible justice systems.

52. The ECG Council Recommendation lists children with disabilities among the groups experiencing specific disadvantages. The Recommendation guides MS to submit national action plans to the Commission. Out of the 13 action plans that contain policy measures targeted at children with specific disadvantages, twelve focus on children with disabilities. The Commission will follow up on the implementation of action plans and will continue organising meetings of the ECG coordinators to discuss selected topics.

53. The EU Agency for Fundamental Rights (FRA) has provided findings and opinions on the rights of children with disabilities and flagged the need to disaggregate data by age and disability. The FRA’s latest research involving children looked at the practical implementation of Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings. When identifying interview partners, the FRA sought to include children with disabilities as suspects or accused persons, in particular to learn about their experiences with individual assessments designed to tailor the legal proceedings to their needs. The final report highlights that individual assessments are not systematically performed and do not significantly influence the way proceedings are conducted. The FRA also focused specifically on children with disabilities in its 2015 report on violence against children with disabilities.

Awareness-raising (art. 8)

Reply to paragraph 9 (a) of the list of issues

54. In May 2019, the Commission launched the “EUvsDiscrimination” campaign, tackling discrimination at work. In September 2022, the Commission launched the “Together for Rights” communication campaign to promote the rights of persons with disabilities across Europe and beyond. The campaign promotes the Strategy, with a focus on key rights under the UNCRPD: education, employment, leisure and sports, independent living, and accessibility. The Commission has worked closely with several EU-level OPDs on the campaign’s main messages and visuals. Moreover, the campaign counts on Champions: disability influencers from EU MS who produce their own content on the Strategy for their social media channels.

55. In general, major Commission communication initiatives must comply with accessibility requirements. The Commission is currently developing broad guidance and best practices on accessible communication.

56. The European External Action Service (EEAS) developed and disseminated a Guide on inclusive communication with persons with disabilities to be displayed in EEAS headquarters and delegations' premises, including best practices and advice. The guide includes information on terminology to refer to persons with disabilities in line with the UNCRPD.

57. Persons with disabilities and their organisations are involved in key awareness-raising initiatives, such as the European Year of Youth (EYY) in 2022. One of the EYY's flagship initiatives under the policy area "Employment and Inclusion" was the Strategy. Representatives from the European Disability Forum (EDF) participated in the co-design and co-implementation of the Year as part of the EYY stakeholders' group.

Reply to paragraph 9 (b) of the list of issues

58. The Task Force on Equality Secretariat works on raising awareness on equality issues, including by providing training to staff.

59. While some courses address equality mainstreaming in general, others focus on a specific ground of non-discrimination, like disability. In 2021–2022, the Task Force organised a total of seven training sessions, including two specifically focused on disability mainstreaming. Some training sessions were addressed to equality coordinators and their teams, while others were open to all staff. A total of 310 colleagues attended these courses. The Task Force is also developing an e-module on equality mainstreaming, covering disability. In addition, it organises annual events to build internal capacity at all levels, from experts to politicians. These events bring together equality coordinators and other colleagues dealing with equality. The very first event, in 2020, included a workshop on "accessibility and mobility: what it means in practice." Disability continued to be in focus in subsequent years.

60. Until 2019, the Commission funded the Academy of European Law (ERA) to develop and deliver training for legal and administrative professionals on legal matters related to the UNCRPD. ERA currently organises an annual event on disability and mainstreams, where possible, the UNCRPD in their legal training.

Reply to paragraph 9 (c) of the list of issues

61. The Erasmus+ programme financially supports the European Agency for Special Needs and Inclusive Education (EASNIE), which is co-funded by the Ministries of Education in its Member Countries (going beyond the EU MS).

62. Under the 2021–2027 Erasmus+ programme, inclusion and diversity is one of the four horizontal priorities that Cooperation partnerships have to address as a condition to be funded.

63. Inclusion is thus among the priorities of the Erasmus+ Teacher Academies. Under the 2021 call, the project "Special Education STEAM Academy" looks into STEAM education for pupils with fewer opportunities including pupils with disabilities. Under the 2022 call, the project "Academy for creative, innovative and inclusive schools" will enhance teacher competencies for diversity and inclusion in the classroom, by using drama techniques and drama digital tools.

64. The European Education Area strategic framework Working Groups are at the heart of the cooperation and mutual learning in education. EASNIE contributes to the work and outputs of the Working Group on Equality and Values and to the one on Pathways to school success.

65. The Working Group on Promoting Common Values and Inclusive Education produced a Compendium of inspiring practices on inclusive and citizenship education. It includes chapters on supporting "disadvantaged learners," including learners with disabilities, and fostering social, civic, and intercultural competences. In addition, a European Toolkit for Schools with resources for teachers and a Toolkit for inclusive early childhood education and care have been published. In October 2021, a webinar on "Early childhood education and care in Europe: welcoming children with disabilities, and children with a migrant background" was held.

66. The Council Recommendation on Pathways to School Success addresses the need for initial teacher education and continuous professional development to better prepare teachers and other staff to work effectively with learners at risk of exclusion, underachievement and early school leaving. The Council Recommendation on the Mobility of Young Volunteers across the EU was adopted on 5 April 2022.

Accessibility (art. 9)

Reply to paragraph 10 (a) of the list of issues

67. The Web Accessibility Directive (Directive (EU) 2016/2102) aims to make websites and mobile applications of public sector bodies more accessible by laying down common accessibility requirements.

68. Complementing the accessibility requirements of the European Accessibility Act (EAA) (Directive 2019/882), the EU also has accessibility legislation for products and services in the digital domain, namely for electronic communications, audio-visual media services, and electronic identification and trust services.

69. To facilitate the implementation of accessibility requirements related to the built environment in EU legislation, a European standard EN 17210 has been adopted. Under European Standardisation Mandate 587, that standard must be revised to become a European harmonised standard. The standard can be used to comply with the requirement of “buying accessible” enshrined in the Public Procurement Directives, as outlined in the EAA.

70. European transport legislation contains accessibility requirements related to certain buses, maritime, trains and railway infrastructure. There is currently no EU legislation on the accessibility of aircrafts, airports, ports and bus terminals.

Reply to paragraph 10 (b) of the list of issues

71. The recent standardisation request to develop standards in support of the EAA, M587, requires the process to be accessible and involve persons with disabilities in the work. The standardisation request to the three European Standards Organisations (ESOs) – CEN, CENELEC, and ETSI – includes several provisions to that effect, such as inviting European umbrella OPDs, and all other relevant stakeholders, to participate in the drafting process. The process itself needs to satisfy accessibility requirements. The ESOs should also provide reasonable accommodation to participants with disabilities upon request.

72. The Guide for addressing accessibility in standards from 2014 aims to assist standards developers, technical committees, or working groups in addressing accessibility in standards referring to the UNCRPD and its obligations in this area. It indicates that relevant stakeholders should participate in the development process, including older persons, persons with disabilities and their representative organisations, and persons with knowledge of gender-specific accessibility needs and those of children.

Reply to paragraph 10 (c) of the list of issues

73. The Commission has a diversity and inclusion strategy (C(2017) 5300 final) that ensures the respect and prioritisation of social and professional inclusion and indicates that the Commission will also integrate in its internal provisions the relevant EU legal obligations on accessibility and public procurement. Aspects of accessibility of persons with disabilities are included in specific measures in the field of public procurement, such as requirements to employ persons in disadvantaged situations or persons with disabilities in the performance of the contract.

74. In May 2021, the Commission published a new “Buying Social” guide on socially responsible public procurement addressing “the impact on society of the goods, services and works purchased by the public sector.” The Guide refers to the UNCRPD, emphasising “design for all” as one of the objectives to be integrated in public tenders, explicitly stating that integrating accessibility considerations in public tenders is an obligation for EU public buyers for procurement which is intended for use by natural persons in accordance with the

European Public Procurement legislation. The guide refers to the obligation to include the accessibility requirements in technical specification contained in Annex I of the EAA when buying products and services in the scope of the directive. The directive also provides for the use of those requirements for other products and services providing presumption of fulfilment of accessibility obligation in other Union acts. To promote the guide, the Commission has launched a series of webinars on different social objectives, including on accessibility and professional integration.

75. EU institutions' rules and procedures are in line with the main principles stipulated in the UNCRPD. Point 17.2.c of Annex I of the Financial Regulation of 2018 sets out that technical specifications should allow the equal access of economic operators to the procurement procedures. In cases of purchases intended for use by natural persons, the contracting authority must take into account the accessibility criteria for persons with disabilities or the design for all users, except in duly justified cases. This applies to the accessibility of a future building, supplies which include accessibility features, transport services with the possibility to carry wheelchairs, adapting software for use by partially-sighted or deaf people, website, documents, publications, and multimedia. Conference buildings should be accessible and the information should be accessible to all.

Reply to paragraph 10 (d) of the list of issues

76. In September 2022, the Commission adopted a multi-annual action plan (2022–2025) on web accessibility to bring the Commission's web presence in line with the Web Accessibility Directive (WAD) and to encourage the exchange and harmonisation of practices across all EU institutions and bodies. The Commission is starting to publish accessibility statements on its most visited websites, the Commission's main website, and the "inter-institutional" EU website. The Commission has created a dedicated Task Force on Web Accessibility and a network of accessibility correspondents in every Commission department. They are raising awareness of the accessibility requirements set out in the Europa Web Guide.

77. The Commission requires all its websites, and mobile and web-based applications to comply with the WAD, with relevant technical rules set out in European accessibility standard EN 301 549 and with compliance level "AA" of the Web Content Accessibility Guidelines (WCAG 2.1). The Commission also regularly evaluates the accessibility of its websites. If testing or feedback from users reveals any accessibility issues, the Commission works to resolve them as a priority.

78. All sites on the "europa.eu" web domain will be invited to publish an accessibility statement before the end of 2023.

79. Several projects under the Horizon 2020 Framework Programme contribute to digital accessibility. Horizon 2020 also funds various technology projects aimed at digital inclusion, including projects targeted at persons with visual and hearing disabilities. Among these, two projects are currently underway to enhance barrier-free communication among deaf and hearing persons, and to develop an automatic translation tool for spoken language to sign language. Further projects are targeted at persons with motor disabilities and persons with cognitive, learning, and neurological impairments.

80. The Digital Services Act (DSA) concerns all digital service providers. Its rules entered into force in November 2022 with some obligations entering in into application as of 17 February 2023 and with full application to all regulated entities as of 17 February 2024. The Act will tackle accessibility issues by developing codes of conduct.

81. The European Electronic Communications Code includes measures to ensure equal access and choice of electronic communication services.

82. The proposal for the Artificial Intelligence Act (AI Act) promotes "codes of conduct intended to foster the voluntary application to AI systems of requirements related for example to environmental sustainability, accessibility for persons with a disability" and states that "information about an emotion recognition system or a biometric categorisation system (...) should be provided in accessible formats for persons with disabilities". The Commission proposal contains provisions addressing vulnerable users and persons with disabilities. It

prohibits the placing on the market, putting into service or using an AI system that exploits any vulnerabilities, including those of persons with disabilities. The proposal also offers the possibility to draw up codes of conduct related to accessibility for persons with disabilities and considers that providers should be encouraged to apply additional requirements related to accessibility for persons with disabilities.

Right to life (art. 10)

Reply to paragraph 11 of the list of issues

83. Investigating deaths of persons with disabilities in institutions is not an EU competence. Regional monitoring systems and urgent actions aimed at preventing deaths in institutions, fall within the competence of Member States.

84. The Strategy invites the FRA to examine the situation of persons with disabilities living in institutions in relation to violence, abuse and torture. The FRA is planning such work in 2024.

Situations of risk and humanitarian emergencies (art. 11) Reply to the issues raised in paragraph 12 of the list of issues, point (a)

85. Concerning access to emergency communications, Directive (EU) 2018/1972 provides for equivalent access to emergency services through emergency communications in accordance with the EAA. The Commission Delegated Regulation (EU) 2023/444 provides for functional equivalence requirements for emergency communications used by end-users with disabilities. Regulation (EU) 2022/612 improves the transparency for end-users with disabilities regarding access to emergency services. It ensures that roaming customers with disabilities are informed of alternative means of (non-voice) access to emergency services through emergency communications.

Reply to paragraph 12 (b) of the list of issues

86. In its work with third countries, the Union applies a human rights-based approach and mainstreams inclusion of persons with disabilities in its projects related to migration and climate action.

87. The current EU legal framework on asylum and migration provides for specific legal guarantees and for support tailored to the needs of persons with disabilities.

88. The European Climate Pact is an EU-wide initiative inviting people, communities, and organisations to build a greener Europe. The commitment to diversity and inclusiveness – one of the six values of the Pact – includes bringing down barriers resulting from personal characteristics, and encouraging actions that consider social sustainability, social wellbeing, inclusion, equality, diversity, accessibility, and affordability for all and that aim to reach the most vulnerable individuals and areas. The Commission created a database of European Climate Pact Ambassadors who engage their communities in climate action and in disability-related matters.

89. The EU Strategy on Adaptation to Climate Change pays particular attention to ensuring that adaptation measures consider different adaptive capabilities of persons with disabilities.

90. At the Global Disability Summit 2022, the Commission committed to take into account the specific needs of persons with disabilities to ensure their full participation in humanitarian action, including in emergency preparedness activities. The EU has also committed to support capacity building of its humanitarian partners on disability inclusion, strengthen data collection, support inclusive education in crises, and raise awareness around the principles of non-discrimination and inclusiveness. The Commission has strengthened disaggregated data collection by requesting humanitarian partners to provide data on beneficiaries with disabilities in funding proposals. Since January 2019, the Commission reports against the OECD-DAC disability marker. In 2021, the Commission funded

30 humanitarian aid projects targeted at persons with disabilities, on top of around 232 assistance projects that also addressed their needs. During the European Civil Protection Forum in 2022, the Commission organised a workshop to raise awareness on the inclusion of persons with disabilities in emergencies. Through the Union Civil Protection Mechanism, the Commission funded a project to create specific guidelines for first responders, including persons with disabilities.

Reply to paragraph 12 (c) of the list of issues

91. The Commission requires all of its humanitarian partners to mainstream the needs of persons with disabilities in their actions in line with the operational guidance on the inclusion of persons with disabilities in EU-funded humanitarian aid operations (2019). An e-learning module is currently being developed to enhance the implementation of the operational guidance. EU humanitarian partners have mainstreamed disability inclusion in their projects and have conducted activities addressing specific needs of persons with disabilities. With regard to monitoring, all project proposals must have robust output and outcome indicators. Projects are regularly monitored by field experts.

92. As regards the EU response to the Russian military aggression against Ukraine, particular attention is given to the needs of and risks faced by persons with disabilities. The EU has requested its humanitarian partners to address the needs of all vulnerable persons, including persons with disabilities, especially those facing multiple vulnerabilities. Close contact is maintained with disability organisations, including EU-level NGOs and their Ukrainian member organisations, and the EU holds regular exchanges on the specific situation of persons with disabilities affected by the hostilities. EU humanitarian partners are encouraged to take part in the activities of the Protection Cluster in Ukraine that promotes the rights of persons with disabilities. One of the partners in the cluster, HelpAge, coordinates the Age and Disability Technical Working Group advocating for the rights of older persons and persons with disabilities to access essential social services.

Reply to paragraph 12 (d) of the list of issues

93. The COVID-19 pandemic amplified the pre-existing unequal access to healthcare services for persons with disabilities. Persons with disabilities have the right to obtain adequate emergency and intensive care without discrimination, as well as primary care, preventive care, and medical treatments.

94. Hence, the EU and its MS welcome the Resolution on the World Health Organization (WHO) European Framework for action to achieve the highest attainable standard of health for persons with disabilities 2022–2030.

95. Following the Commission's proposal in November 2020, a new Regulation (EU) 2022/2371 on serious cross-border threats to health entered into force on 26 December 2022.

96. The European Disability Expertise (EDE) network has published a report on the impact of COVID-19 and measures taken by MS.

Reply to paragraph 12 (e) of the list of issues

97. During the COVID-19 pandemic, the Commission's priority was the health and security of all citizens, including those who are socially and medically vulnerable. In 2020, the European Centre for Disease Prevention and Control (ECDC) provided technical guidance to MS on the protection of such groups, including persons with disabilities and those with specific needs.

98. The Commission secured access to new vaccines and supported MS in their rollout, calling on them to define priority groups for vaccination. MS prioritised older people, residents and personnel in long-term care facilities, healthcare workers, social care personnel, and persons with certain comorbidities. In order to promote an exchange of emerging good practices and lessons learned regarding equitable uptake of COVID-19 vaccination, the ECDC held a webinar bringing together national public health authorities and civil society to share their experience and evidence of efforts to increase access to and uptake of COVID-19 vaccination among socially vulnerable populations.

99. In September 2022, the Commission adopted the Communication “EU response to COVID-19: preparing for autumn and winter 2023”, suggesting actions for COVID-19 vaccination targeting vulnerable groups.

Reply to paragraph 12 (f) of the list of issues

100. The European Care Strategy (2022) aims to improve access and quality of long-term care with the EU commitment to support MS in improving access to long-term care.

101. Investigating deaths of persons with disabilities in institutions is not an EU competence, it is the responsibility of the relevant national authorities.

102. MS are also responsible for providing access to healthcare. The Commission supports MS efforts and encourages improvements of health systems through the European Semester and knowledge building. The State of Health in the EU, prepared in cooperation with the Organisation for Economic Cooperation and Development (OECD) and the European Observatory on Health Systems and Policies, provides an analysis of the key challenges faced by EU health systems. The recent publications focus on the resilience of health systems drawing lessons from the pandemic and addressing challenges of the future. The EU4Health Programme, the RRF, and the cohesion policy funds provide funding opportunities to further address these issues.

103. The Commission has also highlighted the need for better measurement tools on the barriers experienced by vulnerable groups in accessing healthcare in the report “Improving access to healthcare through more powerful measurement tools.” Further, the action carried out under the 2021 EU4Health work programme in co-operation with the WHO builds further expertise on financially protecting people using healthcare. The 2022 EU4Health work programme includes an action that aims to provide guidance to MS on improving access to healthcare for persons with disabilities. Finally, the action planned in the 2023 EU4Health Work Programme will develop indicators to evaluate the impact of in-kind health benefits on poverty reduction.

Equal recognition before the law (art. 12)

Reply to paragraph 13 (a) of the list of issues

(With reference to paragraph 37 of the Committee’s previous recommendations)

104. As far as the civil aspects of legal capacity are concerned, the EU has the competence to harmonise the rules applied in cross-border cases to designate, for instance, the court with jurisdiction, the applicable law, and to ensure that protection measures are swiftly recognised from one MS to another in accordance with Article 81 of the Treaty on the Functioning of the European Union (TFEU). The Commission is currently working on a legislative initiative to strengthen judicial cooperation in cross-border cases and establish harmonised rules applying to international situations, including the recognition in one MS of the powers of representation established in another.

Reply to paragraph 13 (b) of the list of issues

105. The Strategy indicates that legal barriers exist in particular for persons with intellectual disabilities, psychosocial disabilities, or with mental health problems, as they are often restricted in or deprived of their legal capacity. The Commission committed to work with MS to implement the 2000 Hague Convention on the international protection of vulnerable adults in line with the UNCRPD, has published a legal study and is preparing a legislative proposal on the protection of vulnerable adults in cross-border situations, notably those with intellectual disabilities, to pave the way for its ratification by all MS. The rights safeguarded in the UNCRPD are to be protected both in national and cross-border cases, and where measures are taken in relation to persons with disabilities, those measures are to be in line with the UNCRPD.

106. The Commission will table a Recommendation on the prevention of harmful practices against women and girls, including the need for effective pre-emptive measures and acknowledging the importance of education. The recommendation will also address the

strengthening of public services, prevention and support measures, capacity-building of professionals and victim-centred access to justice.

Reply to paragraph 13 (c) of the list of issues

107. The 2000 Hague Convention is not open for the ratification by a regional integration organisation such as the EU, only MS can ratify the Convention.

Reply to paragraph 13 (d) of the list of issues

108. The 2022 EU Justice Scoreboard provides figures on specific arrangements for access to justice for persons with disabilities. These arrangements include the availability of information in accessible formats, the availability upon request of specific formats or the accessibility for persons with disabilities of digital solutions for civil and commercial cases, administrative cases, and criminal cases before first instance courts.

109. The EDF Operating Grant 2023 has among its activities the publication of an Annual Report and a Human Rights Report on Articles 12 and 14 of the UNCRPD.

Access to justice (art. 13)

Reply to paragraph 14 (a) of the list of issues

110. Concerning access to justice in criminal matters, the EU has adopted six directives aiming at a high level of fair trial rights. This legislative framework is complemented by the Commission Recommendation on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings, on which the Commission has commissioned a study to assess its effective implementation in MS.

111. With regard to access to justice for victims with disabilities, the Victims' Rights Directive pays special attention to the most vulnerable victims. Under the Directive, victims have the right to understand and to be understood. The Directive facilitates access to information for the most vulnerable victims and to premises where criminal proceedings are conducted. The most vulnerable victims have access to special protection measures. The EU Strategy on Victims' Rights 2020–2025 aims to further empower all victims of crime, including victims with disabilities, so that they can fully rely on their rights.

Reply to paragraph 14 (b) of the list of issues

112. One of the objectives of the "Together for Rights" communication campaign is to raise awareness of the situation of persons with disabilities and promote a positive image; fighting stereotypes.

113. With regard to women and girls with disabilities, the CERV programme provides funding to CSOs working on gender equality, including those working with women and girls with disabilities. EUR 200 million is earmarked to address gender equality and gender-based violence under CERV, including projects targeting women and girls with disabilities. The Commission has awarded EUR 1.9 million to four transnational European projects tackling violence against women and girls with disabilities.

Reply to paragraph 14 (c) of the list of issues

114. Information on legal aid in general and on Directive 2003/8/EC in particular is electronically available in a user-friendly and easily accessible format on the European e-justice portal.

115. To support the implementation of the Directive, the Commission has adopted the relevant standard forms. These forms and information on authorities and languages, together with the information on legal aid in the EU, are in line with all accessibility requirements. They are available on the website of the European Judicial Network in civil and commercial matters.

116. In 2012, the Commission adopted a report on the application of the Directive. On 7 and 8 November 2022, the European Judicial Network in civil and commercial matters exchanged experiences on the application of the Directive and discussed possible shortcomings and solutions.

Reply to paragraph 14 (d) of the list of issues

117. See response to the issues raised under paragraph 13 point (d) above.

Liberty and security of the person (art. 14)

Reply to paragraph 15 (a) of the list of issues

118. The EU is not a party to the Oviedo Convention. As a party to the UNCRPD, and in line with its competences, the EU is engaged in ensuring and promoting human rights and fundamental freedoms of all persons with disabilities, without discrimination of any kind.

119. The Commission supports MS that are consistent with the 2018 statement of the UNCRPD Committee and initiatives that comply with the UNCRPD. The issue was raised in the Work Forum on the implementation of the UNCRPD and in the High-Level Group on Disability in May 2019. The Commission also assisted MS in obtaining information on the Additional Protocol to the Oviedo Convention.

Reply to paragraph 15 (b) of the list of issues

120. The Commission is currently working on a Recommendation on material detention conditions and procedural rights in pre-trial detention in order to provide guidance to MS on common minimum standards on these matters, as established through the case-law of the European Court of Human Rights and the Recommendations of the Council of Europe. The Recommendation is envisaged to include guidance on reasonable accommodation and support for persons with disabilities.

121. Third-country nationals in detention should be treated in a humane and dignified manner with respect for their fundamental rights and in compliance with international and national law. The return policy and procedures are implemented within the framework of the Charter. The Directive on returning illegally staying third-country nationals (2008/115/EC) lays down that particular attention is to be paid to the situation of vulnerable persons, including persons with disabilities, and that emergency health care and essential treatment of illness must be provided.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

Reply to paragraph 16 (a) of the list of issues

122. The ethics review mechanism of EU-funded research pays particular attention to the terms and conditions of the involvement of persons with disabilities in research. More specifically, the Guidance on how to complete the ethics self-assessment includes questions about the participation and effects of technology on persons with disabilities. The Guidance on identifying serious and complex ethics issues in EU-funded research includes a special reference to disabilities as a trigger point for evaluating a grant application as raising serious and/or complex ethics issues. A future Guidance Note on informed consent in the domain of AI envisages a specific section on persons with disabilities.

123. The above guidelines are an integral part of the “Horizon Europe” funding framework and applicants are invited to design and use informed consent forms that are accessible, comprehensible, and easily understood by the target group. The experts involved in the ethics review follow the same guidelines and consistently emphasise the need for accessible informed consent forms.

124. Regarding the templates of informed consent, the Commission does not have and/or promote a particular type of informed consent form, as this process is primarily in the hands

of MS, especially when it comes to medical research. There are still disparities across the EU in relation to the structure and type of the informed consent form, and the consent requirements vary between countries due to national laws and regulations that are not harmonised in the EU.

125. Regarding specific measures taken towards third countries to prevent and investigate torture and ill-treatment of persons with disabilities, the EU Action Plan on Human Rights and Democracy 2020–2024, the EU Human Rights Guidelines on Non-discrimination in External Action, and the Guidelines on EU Policy Towards Third Countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment provide tools and measures on preventing torture and ill-treatment in cooperation programmes. The EU takes a holistic and victim-centred approach towards torture victims who quite often find themselves with disabilities (mental and physical) due to torture and ill-treatment, including when receiving rehabilitation. The EU works on improving access to quality care for persons with disabilities as part of universal health coverage in countries where it cooperates on health or supports social protection.

Reply to paragraph 16 (b) of the list of issues

126. The Victims' Rights Directive provides for a set of rights for all victims of crime, including for victims with disabilities. The objective of the Directive is to ensure that victims of crime receive appropriate information, support, protection, and are able to participate in criminal proceedings. According to the Directive, victims must be recognised and treated in a respectful, sensitive, tailored, professional, and non-discriminatory manner by all actors coming into contact with them.

127. Under Article 1 of the Charter "Human dignity is inviolable. It must be respected and protected." Article 4 of the Charter stipulates that "No one shall be subjected to torture or to inhuman or degrading treatment or punishment." The Commission ensures, within the remit of its competences, the respect of the Charter, including its Articles 1 and 4. According to its Article 51(1), the Charter is addressed to MS only when they are implementing EU law. Outside the scope of implementation of EU law, it is for MS, including their judicial authorities, to ensure that fundamental rights are effectively respected and protected in accordance with their national legislation and international obligations. The Commission has no competence to intervene in that situation and that situation does not fall within the remit of this report.

128. The horizontal enabling conditions (HECs) of the 2021–2027 cohesion policy legal framework include criteria to establish mechanisms and strategic frameworks to ensure compliance with the Charter and the UNCRPD. The HEC on effective application and implementation of the Charter requires that effective mechanisms are in place.

129. MS must ensure that enabling conditions remain fulfilled and respected throughout the programming period. In case an enabling condition is not fulfilled, the Member State's expenditure related to operations affected will not be reimbursed by the Commission.

Freedom from exploitation, violence and abuse (art. 16)

Reply to paragraph 17 (a) of the list of issues

130. The EU Strategy on Victims' Rights (2020–2025) calls for targeted measures for persons with disabilities. This entails accessible and inclusive services, venues, communication, and training of personnel. The Strategy calls for special support for victims of trafficking in human beings.

131. The EU Strategy on Combatting Trafficking in Human Beings 2021–2025 takes into account the specific situation of persons with disabilities. The Anti-trafficking Directive (2011/36/EU) stipulates that MS should attend to victims with special needs, in particular those with disabilities. In December 2022, the Commission adopted a package containing its evaluation and a proposal for its modification.

132. The Commission has reinforced its focus on better protecting children with disabilities through enhanced and targeted prevention efforts, as outlined in the EU Strategy for a More Effective Fight Against Child Sexual Abuse 2020–2025.

133. The recent proposal for a directive on combating violence against women and domestic violence puts special emphasis on women with disabilities through targeted support for victims with specific needs, and accessible helplines.

Reply to paragraph 17 (b) of the list of issues

134. The EIGE covers the disability perspective, identifying multiple sources of discrimination to highlight the situation of certain disadvantaged groups, including persons with disabilities.

135. The Commission is carrying out an EU survey on gender-based violence against women and other forms of inter-personal violence (EU-GBV) in cooperation with national statistics institutions. In countries that do not participate in the survey, data is collected by the EIGE and the FRA based on the methodology of Eurostat. The results should be available in 2023/2024. All standardised social variables, including the global activity limitation indicator (GALI), are included. Discussions are ongoing regarding the regular collection of data (every five years).

Reply to paragraph 17 (c) of the list of issues

136. In its opinion from 6 October 2021, the EU Court of Justice confirms that the EU may proceed to the conclusion of the Istanbul Convention, even if not ratified by or without consent of all MS. The Court also concedes that the EU Council has the discretion to wait for a vote until the greatest possible common accord is achieved. This opinion helps to envisage the next steps for finalising the EU's accession to the Convention. In January 2022, the EU Council resumed negotiations to align the Council Decisions to the Court Opinion. The provisional agreement on the Council Decisions and the request to seek the consent of the European Parliament were adopted in the General Affairs Council on 21 February. The European Parliament is fully committed to give its consent to the EU accession in the shortest possible timeframe. The Swedish Presidency of the Council aims to finalise the accession process by the end of its semester.

137. The proposal for a directive on combating violence against women and domestic violence recognises that women with disabilities are at a higher risk of experiencing gender-based violence, suggesting further measures to ensure accessibility of facilities, reporting procedures, specialist support services, helplines, and ensuring that support services have sufficient capacities to accommodate the needs of victims with disabilities. The proposed directive would require MS to pay particular attention to the increased risk of violence linked to intersectionality.

Protecting the integrity of the person (art. 17)

Reply to paragraph 18 of the list of issues

138. The research Commission procedure follows the Charter, the Declaration of Helsinki, and the Oviedo Bioethics Convention and recommends/requires the involvement of proxies or legal representatives only as a last resort and for the shortest period of time.

139. The ethics review mechanism of EU-funded research pays particular attention to the terms and conditions of the involvement of persons with disabilities.

140. To ensure that research funded by the EU does not employ substituted decision-making, our ethics panels insist on obtaining informed consent from the research participants themselves, without involving a proxy. If consent cannot be given in writing, the panels propose alternative forms of consent that must be formally documented and independently witnessed. Additionally, the guidance How to complete your ethics self-assessment states that in case of consent by a representative, assent should be sought whenever possible and dissent should always be respected.

Reply to paragraph 19 of the list of issues

141. Forced sterilisation, contraception, and abortion are specifically prohibited under the Istanbul Convention, which has been ratified by 21 MS. Forced sterilisation has been recently introduced as a specific criminal offence in Spain, France, Malta, and Portugal, as well as in Belgium and Italy under other offences for aggravated personal injury. The upcoming Commission recommendation on combating harmful practices might serve as a policy framework to prevent forced sterilisation and forced abortion of women and girls in the EU. Research on the use of sterilisation on persons with disabilities remains very scarce, data is limited and lacks comparability across MS.

Liberty of movement and nationality (art. 18)**Reply to paragraph 20 (a) of the list of issues**

142. EU law coordinates national social security systems with regard to insured persons in cross-border situations. Regulation (EC) No 883/2004 provides rules for determining the MS responsible for granting social security benefits to individuals who have been subject to schemes of more than one MS. It ensures that the principles of equal treatment and non-discrimination are respected, and that persons moving within Europe are not adversely affected.

143. Each MS is free to determine the conditions for granting invalidity pensions, as long as it does not discriminate, directly or indirectly, against nationals of other MS. There can be important differences between MS as to the criteria for disability assessments.

144. Under EU rules, benefits in kind for sickness and long-term care are provided, on an equal footing with nationals, in the MS where the person resides, while cash benefits are exported by the MS where the person remains insured.

145. The Commission is currently working on a legislative proposal for a European Disability Card. The aim is to promote the free movement of persons with disabilities by ensuring that disability status is mutually recognised across the EU. Card holders would benefit from the same preferential conditions to access relevant services in all MS, irrespective of where their disability status was granted. The initiative will build on the experience of the EU Disability Card pilot project. The Commission can support national authorities in designing, implementing, and monitoring structural reforms in the area of disability assessment. Ten such projects in eight MS were supported by the TSI and the SRSP with a total budget of EUR 2.7 million.

Reply to paragraph 20 (b) of the list of issues

146. The EU Roma Strategic Framework for equality, inclusion and participation asks MS to set out targets and measures for specific groups, including persons with disabilities, in their national Roma strategic frameworks.

147. The Council Recommendation on Roma equality, inclusion and participation sets out concrete measures for MS to fight multiple and structural discrimination against Roma; step up meaningful participation by and consultation of Roma people; support equal participation and active engagement of all pupils, including children with disabilities, in mainstream educational activities and processes; promote and facilitate equal access for vulnerable Roma populations, including those with disabilities to quality health care and ensure access for Roma to community and family-based services for persons with disabilities.

148. In its January 2023 assessment report of MS' national Roma strategic frameworks, the Commission takes stock of the measures developed by MS and considers that the needs of persons with disabilities are addressed in only a small number of national Roma strategic frameworks, calling on MS to address the areas for improvement.

Living independently and being included in the community (art. 19)

Reply to paragraph 21 (a) of the list of issues

(With reference to paragraph 51 of the Committee’s previous concluding observations, and current information about the role of European funds in financing the institutionalization of persons with disabilities across European Union member States)

149. The Strategy reiterates the Commission’s support for national, regional, and local authorities in their efforts on deinstitutionalisation and independent living through the 2021–2027 shared management funds. In 2023, the Commission plans to issue guidance for MS on the use of EU Funds to improve independent living and inclusion in the community of persons with disabilities through accessible and supported community-based housing or continuation of living at home. In 2024, the Commission will also present a framework for Social Services of Excellence for persons with disabilities.

150. The Common Provisions Regulation requires that MS and the Commission take appropriate steps to prevent any discrimination based on disability during the preparation, implementation, monitoring, reporting, and evaluation of cohesion policy programmes. The 2021–2027 legal framework also contains horizontal enabling conditions applicable to all cohesion policy operations. It includes a national framework to ensure implementation of the UNCRPD that includes objectives with measurable goals, and arrangements to ensure that accessibility policy, legislation, and standards are properly reflected in the preparation and implementation of the programmes.

Reply to paragraph 21 (b) of the list of issues

151. The Commission supports MS in making progress towards deinstitutionalisation and steering investments towards family and community-based solutions. Under shared management, MS continue to have the responsibility for setting up, selecting, and monitoring individual projects.

152. One of the thematic enabling conditions for the cohesion policy funds in 2021–2027 requires that a national or regional strategic policy or legislative framework for social inclusion and poverty reduction includes measures for the shift from institutional to family- and community-based care. Another thematic enabling condition is that a national or regional framework for health and long-term care contains measures to promote community and family-based services through deinstitutionalisation, including prevention and primary care, home-care and community-based services. MS must ensure that enabling conditions remain fulfilled and respected throughout the programming period and must inform the Commission of any modification impacting their fulfilment. The provisions that the Commission is to follow when assessing whether an enabling condition is fulfilled or not are enshrined in Article 15 of Regulation (EU) 2021/1060. The monitoring committees must examine the fulfilment of enabling conditions and their application throughout the programming period. The Commission is prohibited from reimbursing the MS for expenditure incurred by beneficiaries and paid out in implementing operations linked to specific objectives for which enabling conditions have not been met.

153. In accordance with the Regulation (EU) 2021/1058, in 2021–2027 one of the specific objectives of the ERDF is to promote the transition from institutional to family and community-based care. Within this framework, specific measures include support for accessible individual housing units to implement deinstitutionalisation (accompanied by ESF+-funded provision of services); transformation of long-term care institutions into providers of community-based services; development and adaptation of social and health infrastructures for the provision of community-based services; provision and/or modernisation of physical and technical equipment to support deinstitutionalisation, including telecommunication technologies; and vehicles for transport of persons with disabilities.

154. Conditional on the above conditions, national authorities can in some cases use EU funding for residential care facilities, since investments in institutions are not prohibited by the applicable legal framework. A MS may consider residential care facilities necessary or

justified, depending on its state of progress towards deinstitutionalisation, which requires the development and availability of services for persons with disabilities, including community-based ones. In certain cases when the measures supported by the ERDF and ESF+ include investments to develop infrastructure and provide services in residential care facilities, the programming documents comprise specific safeguards. These safeguards require to ensure compliance with the UNCRPD, including general comment No. 5 and the concluding observations, the national deinstitutionalisation strategy, the EU Charter, and the Strategy. The infrastructure developments should be designed and implemented hand in hand with the services ensuring conditions for independent living (potentially funded by the ESF+) to respond to complex individual needs. To prevent further institutionalisation, an important policy orientation for the 2021–2027 period is that MS should make services developments their first priority. Infrastructure developments, including those fostering accessibility, should only follow.

Reply to paragraph 21 (c) of the list of issues

155. The question relates to a note expressing the opinion of the Commission’s Legal service. In line with the functions of the Legal Service as an internal service of the Commission, notes of the Legal Service are purely internal and available only to the College and the services of the Commission and are not intended for public dissemination and debate. The Legal Service does not revise its notes, which are delivered upon request from the Commission services.

156. Under the RRF, the estimated cost of measures related to long-term care amounts to approximately EUR 7.3 billion. Many measures will contribute to improving the quality and access to long-term care services.

157. Many national recovery and resilience plans (RRPs) support national deinstitutionalisation strategies by promoting models geared towards community care and home care solutions. To increase the availability of care services and expand the range of options for people in need of care, the RRF also supports investments in residential care infrastructure and related services that are compliant with certain conditions, including the principle of independent living. Investments in social care homes/nursing homes and related long-term infrastructure and services under the RRF had been considered on a case-by-case basis. Various measures which enable, improve and contribute to adequate and integrated long-term care systems and expand the range of quality care options for potential care recipients had been considered. The measures in the RRFs have been assessed positively if they would, for instance, contribute to the EU’s long-term care policy objectives, form part of a broader reform of the long-term care system, be accompanied by quality assurance mechanisms for integrated care services, address accessibility and affordability issues, contribute to the de-institutionalisation process or contribute to ensuring geographical balance and equal accessibility of long-term care provision (rural/urban, etc.).

Reply to paragraph 21 (d) of the list of issues

158. The partnership principle is embedded in the cohesion policy regulations. The Code of Conduct on Partnership aims to enhance the possibility for diverse stakeholders to be involved in the preparation, implementation, and evaluation of programmes, including by participating in monitoring committees.

159. The Commission paid special attention to the above during the negotiations on the Partnership Agreements and programmes, the modified programmes fostering crisis repair following the COVID-19 pandemic, when preparing REACT-EU and CARE as part of the 2014–2020 programming period, and during the 2021–2027 period, including for the Territorial Just Transition Plans.

160. As an example, the Commission set up the European Community of Practice on Partnership 2021–2027, where persons with disabilities are represented by the European Network on Independent Living and the Romanian Federation of Organisations of Persons with Disabilities. Another example is the group for structured dialogue, which was created to fulfil a legal obligation of the Commission under the Common Provisions Regulation 2021–2027. This new expert group consists of 36 EU-level umbrella organisations

representing public authorities, economic and social partners, and civil society, including the EDF.

Reply to paragraph 21 (e) of the list of issues

161. The 2021–2027 legal framework covering the cohesion policy funds includes a horizontal enabling condition on the effective application and implementation of the Charter. It requires that effective mechanisms are in place, including to ensure the compliance of programmes and their implementation with the relevant provisions of the Charter. It also requires that effective reporting arrangements are in place to report cases of non-compliance or complaints regarding the Charter to the monitoring committees. In case an enabling condition is not fulfilled, relevant expenditure will not be reimbursed by the Commission.

162. Ensuring effective administrative or judicial procedures and access to justice is primarily the responsibility of MS. They can in principle organise administrative and judicial procedures in the way that they consider most useful. In case their national procedures are so deficient that the mechanisms in place to ensure compliance with the Charter cannot be considered effective, the aforementioned enabling condition may not be fulfilled. Such a conclusion can however not be drawn on the basis of isolated individual cases. If the access to administrative and judicial procedures is sufficient and results in an outcome that is equal to the one of others, the Commission has no legal basis to require MS to strengthen the access to justice further for that specific category of persons.

Personal mobility (art. 20)

Reply to paragraph 22 (a) of the list of issues

163. The EU has shared competence with MS in matters related to transport policy. The accessibility of urban transport is regulated by MS, taking into account the specificities of each region or city. The only exception is the accessibility of urban buses. In accordance with Regulation (EU) 2019/2144, buses with a capacity of more than 22 passengers and constructed with standing areas to allow frequent passenger movements must be designed and constructed to be accessible by persons with reduced mobility, including wheelchair users.

164. The EU passenger rights legislation in force applies to air, rail, waterborne, and bus and coach transport. It guarantees that persons with disabilities are not discriminated against and that they receive the necessary assistance to use these modes of transport free of charge. Except in the case of air transport, if a carrier requires a passenger with a disability or reduced mobility to travel with an accompanying person to ensure their safety, the accompanying person must be provided with free transportation.

165. To enhance personal mobility, the Recast Rail Passenger Rights Regulation extends the rights of persons with disabilities to almost all rail services, reduces the pre-notification period for them to request assistance, and requires railway companies and railway station managers to train their staff to provide assistance to passengers with disabilities.

Reply to paragraph 22 (b) of the list of issues

166. The 2022 Technical Specifications for Interoperability revision package does not provide for substantial modifications of Commission Regulation (EU) No 1300/2014. The ongoing revision Regulation (EU) 1299/2014 with regard to autonomous boarding is more relevant, as it defines the platform height and platform gap. The revision will guarantee that providing one of the harmonised platform heights (corresponding to the entry height of compliant vehicles) will be a compulsory element of all rail infrastructure upgrading projects, with very few exceptions.

Reply to paragraph 22 (c) of the list of issues

167. The EU Regulations on air, bus and coach, and waterborne passenger rights mentioned above allow the carriers to deny transport to persons with disabilities if transporting them would contradict national, international, and EU legislation, or a decision of a competent

authority related to transport safety. As these rules constitute an exception to the principle of non-discrimination, they should be applied very restrictively.

168. In the case of rail passenger rights, the carrier can deny transport to a person with a disability only if such transport would be contrary to the carrier's non-discriminatory access rules. These rules must be adopted with the active participation of persons with disabilities to guarantee that carriers do not abuse such rules to deny transporting passengers with disabilities.

169. The Commission proposed a revision of the guidelines on the Trans-European Transport Network (TEN-T). It aims for seamless mobility and accessibility of the entire TEN-T infrastructure and all modes of transport for all users, including persons with disabilities.

Reply to paragraph 22 (d) of the list of issues

170. If a passenger with a disability is unlawfully denied boarding, the person is entitled to compensation in the case of aviation. If a passenger's mobility equipment is lost or damaged, the carrier must pay full compensation to the passenger in case of rail, waterborne, and bus and coach journeys.

171. As of June 2023, the Recast Rail Passenger Rights Regulation will be applicable, extending the rules of compensation in cases of loss of or injury to assistance dogs used by persons with disabilities. The proposal for the revision of the Regulation (EC) 2027/97 contains a provision that would allow air passengers with disabilities to receive full compensation for their damaged or lost mobility equipment.

Freedom of expression and opinion, and access to information (art. 21)

Reply to paragraph 23 (a) of the list of issues

(With reference to paragraph 21 of the Committee's previous concluding observations)

172. The EAA requires interoperability between mainstream accessible and assistive technologies. The Commission requested that the European standardisation organisations develop harmonised standards supporting implementation.

173. The Commission underscores the importance of raising awareness about the potential of digital tools to support inclusion for all learners, including for vulnerable learner groups. The Digital Education Action Plan 2021–2027 focuses on classrooms with adapted pedagogical practice. The upcoming Council Recommendation on enabling factors for successful digital education aims to support MS in the digital transformation of their education and training systems. The WAD covers the accessibility of public sector websites and mobile applications.

174. The Commission has been improving the accessibility of its own publications through several digital formats with alternative texts and long descriptions for visual elements; use of immersive reader function; involving accessibility experts; making key publications available in 24 EU official languages and, where relevant, in the first language of large foreign-born populations living in the EU. The EU Pioneers audiobooks pilot project took place in 2022. The Commission intends to produce more publications in this format in 2023.

175. The audio-visual portal (Commission AV Portal) and video player (Europa video player) follow all the requirements for the Europa website, including the Web Content Accessibility Guidelines (WCAG). International sign language (ISL) interpretation is increasingly added on corporate videos and recordings. The Commission cooperates regularly with EU-level OPDs on this topic.

176. In addition, the Eurobarometer reports available as PDFs are accessible for visually impaired users.

Reply to paragraph 23 (b) of the list of issues

177. A number of EU rules have been adopted to make the EU more accessible for persons with disabilities: the EAA covering products and services, the WAD, the Electronic Communications Code, the Audiovisual Media Services Directive (AVMSD) and copyright legislation, and the Digital Services Act (DSA).

178. The revised AVMSD strengthens the provisions on accessibility by obliging media service providers to make their services continuously and progressively more accessible to persons with disabilities through proportionate measures.

179. The DSA modernises rules on content moderation practices of online platforms and their interaction with freedom of speech and healthy and well-informed public debate. It defines clear responsibilities and liability for providers of intermediary services. The DSA also envisages that the Commission encourages and facilitates the drawing up of codes of conduct to promote full and effective, equal participation, by improving access to online services that, through their initial design or subsequent adaptation, address the particular needs of persons with disabilities.

Reply to paragraph 23 (c) of the list of issues

180. The European Electronic Communications Code specifies that MS are obliged to ensure, in light of national conditions and as appropriate, that support and specific measures are provided to consumers with disabilities in order to enhance their access.

181. The Commission takes a comprehensive approach towards staff with disabilities. Medical costs are reimbursed under the Joint Sickness Insurance Scheme (JSIS). In addition, reimbursement of nonmedical costs is provided and a holistic social support for persons concerned is implemented. The new inter-institutional guidelines for the implementation of aid for persons with disabilities of May 2020 enlarge the group of staff members being in principle eligible for financial support. The level of reimbursement for eligible nonmedical costs increased considerably, from 65%–95% depending on income to always 100% now. A multi-service ad hoc committee on reasonable accommodation has been established.

182. As indicated in the Strategy, the Commission will examine by 2023 the functioning of the internal market for assistive technologies.

Respect for privacy (art. 22)**Reply to paragraph 24 (a) of the list of issues**

183. According to the European Declaration on Digital Rights and Principles for the Digital Decade, signed in December 2022, people are making their own informed choices in the digital environment, while being protected against risks and harm to their health, safety, and fundamental rights. A number of commitments are made including avoiding unlawful discrimination by ensuring that algorithmic systems are based on suitable datasets; not using technologies to pre-determine people's choices (regarding health, education, employment, their private lives), and ensuring that digital systems are safe and used in full respect of people's fundamental rights.

Reply to paragraph 24 (b) of the list of issues

184. The DSA obliges the Commission to encourage and facilitate the development of codes of conduct at the EU level with relevant stakeholders within one year from the date of its application. The objective is to ensure that services are accessible for persons with disabilities, that service providers publicly explain how accessibility requirements are met, and that this information is easily retrievable. While the codes of conduct are voluntary, the Commission expects that the DSA will establish, in addition to the already existing legislation, standards respected by online intermediaries.

Respect for home and the family (art. 23)

Reply to paragraph 25 (a) of the list of issues

185. The European Care Strategy aims for quality, affordable, and accessible care services across the EU as well as for improving the situation for both care receivers and the people caring for them. The Strategy calls for a person-centred approach to care and puts forward actions, such as technical support in the adoption of integrated care approaches for MS, strategic partnership with the WHO for cooperation on quality of care and support for informal carers.

186. The Council Recommendation on access to affordable high-quality long-term care and the European Care Strategy provide guidance on the development of sustainable long-term care that ensures better and more affordable access to quality long-term care for all, including persons with disabilities, and the challenges faced by formal and informal carers. The Recommendation calls on MS to improve the adequacy of social protection for long-term care and to increase the offer of long-term care services, while providing a balanced mix of care options and settings to cater for different long-term care needs and to support the freedom of choice of people in need of care. Special emphasis is placed on the need to develop and/or improve home care and community-based care, close territorial gaps, and ensure that long-term care services and facilities are accessible to persons with specific needs and disabilities, respecting the equal right of all persons with disabilities to live independently in the community, with choices equal to others.

Reply to paragraph 25 (b) of the list of issues

187. The ECG Council Recommendation calls on MS to guarantee that, by 2030, children in need have effective access to a set of key services: free early childhood education and care, free education (including school-based activities, and at least one healthy meal each school day), free healthcare, healthy nutrition, and adequate housing. Children with disabilities are listed among the groups experiencing specific disadvantages that should be taken into account by MS when designing their national integrated measures.

188. Free and effective access to services covered by the ECG will reduce the financial strain on the families of children with disabilities and contribute to their social integration. Access to formal childcare is expected to have a beneficial impact on children and their parents, especially mothers, making it easier for them to enter the labour market.

Reply to paragraph 25 (c) of the list of issues

189. The EU Strategy on the Rights of the Child highlights that “all children, including those with disabilities and from disadvantaged groups, have an equal right to live with their families and in a community. [...] The shift to quality community and family-based care, and support for ageing out of care, need to be ensured.” The Strategy announced an initiative on integrated child protection systems and recommends that MS promote national strategies and programmes to speed up de-institutionalisation and the transition towards quality, family- and community-based care.

Education (art. 24)

Reply to paragraph 26 (a) of the list of issues

190. The EU supports and supplements MS’ efforts in developing inclusive education systems through initiatives under the European Education Area and Digital Education Action Plan, and through EU Funds. The recent Pathways to School Success initiative has a special focus on groups at risk, such as pupils with disabilities, and calls for full compliance with the UNCRPD.

191. The EASNIE carries out monitoring and analysis, provides information and recommendations for policy and practice on inclusive education across Europe.

192. A dedicated Working Group on the European Schools, was set up to address the recommendations adopted by the Committee in the 2015 Concluding Observations. Based on the work delivered by the Working Group, namely the “Report on Inclusive Education in the European Schools”, the Action Plan on Education Support and Inclusive Education in the European Schools is being implemented. The Action Plan includes 13 areas of intervention, based on the UNCRPD general comment No. 4.

193. The Action Plan, the Policy, and Procedural Document on Educational Support and Inclusive Education have been reviewed. An external evaluation of the implementation of the Action Plan is being carried out by the EASNIE in 2021–2023.

Reply to paragraph 26 (b) of the list of issues

194. Following the pandemic, EU Funds have been mobilised to address inequalities and make education systems more inclusive and resilient. The RRF, together with the cohesion policy funds, provides substantial financial support for compensatory learning programmes and for access to quality education for all. EU funds, including the ERDF, help to modernise infrastructure aimed at strengthening equal access to quality and inclusive education services and to provide innovative learning environments along with the conditions for inclusive digital education through equipment and platforms.

195. The need to improve the economic and social integration of persons with disabilities through outreach and accessibility is addressed by the RRF through investments in assistive devices and ICT and IT tools, improving access to digital services, renovating infrastructure, or expanding early intervention education programmes. A number of national RRFs include further reforms to ensure continuous support to persons with disabilities. These reforms include revising the existing legal framework on disability or designing new national strategies for the inclusion of persons with disabilities. Several Member States made efforts to mainstream the inclusion of persons with disabilities in their national plans, for instance by ensuring appropriate accessibility standards in renovation schemes.

Reply to paragraph 26 (c) of the list of issues

196. The Erasmus+ programme supports projects that promote social inclusion and improve outreach to people with fewer opportunities, including persons with disabilities. Support is available for costs such as preparatory visits, funding for accompanying persons, to cover additional travel costs not covered by the regular grant, additional funding for the organisations that manage mobilities for persons with disabilities that require extra support and 100% reimbursement of the real costs that participants with physical, mental, or health-related conditions can incur to be able to participate in the activities on equal footing with other participants.

Reply to paragraph 26 (d) of the list of issues

197. The College of Heads of Administration adopted in 2020 conclusion n°281/20 – “Guidelines for the implementation of aid for persons with a disability” entered into force in May 2020. It applies to schooling decisions from 1 September 2020. The guidelines provide for 100% reimbursement of education costs of children with disabilities where “the European Schools’ inclusiveness policy cannot cater for the needs of the child concerned.”

Health (art. 25)

Reply to paragraph 27 (a) of the list of issues

198. The Commission recognises the importance of access to healthcare, including sexual and reproductive health and rights (SRHR). Through the European Semester, it calls on MS to close gaps in access to healthcare and improve their health systems.

199. The mutual learning programme in Gender Equality supports regular exchanges of good practices between MS and relevant stakeholders on the gender aspects of health. In November 2022, the Commission organised a dedicated seminar on SRHR focusing on good

practices to increase access to contraception for the most disadvantaged groups of young women, including women with disabilities.

200. The EU4Health programme is the main financial instrument to support EU health policies including the fight against health inequalities. MS can also use funding from the RRF and cohesion policy funds to modernise their health systems including for measures to improve access for persons with disabilities to healthcare and SRHR and prevention services.

201. Under the CERV programme 2021–2027, the Commission supports the work of the International Planned Parenthood Federation European Network that works to advance and protect gender equality, women’s rights, and SRHR in the EU.

Reply to paragraph 27 (b) of the list of issues

202. The objectives of the European Health Union are to better protect citizens’ health, equip the EU and its MS to better prevent and address future pandemics, and improve the resilience of Europe’s health systems. The objective of the future guidelines on access to healthcare for persons with disabilities is to provide direction to MS to increase access and overcome barriers in access to healthcare for persons with disabilities, including a particular focus on access to cancer diagnosis and care. The guidelines will build on the preparatory study, which will map and analyse the main bottlenecks in accessing healthcare for persons with disabilities, and a specific survey, which will generate quantitative and qualitative data on persons with disabilities in view of improving cancer diagnosis and care for them in all MS.

Reply to paragraph 27 (c) of the list of issues

203. After an external evaluation of Directive 2011/24/EU, the Commission adopted the third Report on the Operation of the Directive, in May 2022. The report includes follow-up actions to enhance its implementation, improve access to information and raise awareness of patients’ rights to cross-border healthcare.

204. The EDF actively participated in the evaluation and provided recommendations that were duly taken into account when preparing the Staff Working Document (SWD), highlighting in particular the accessibility of information on cross-border healthcare for persons with disabilities and additional obstacles they face when accessing cross-border healthcare. The evaluation showed that the Directive remains relevant to the needs of EU citizens thus no revision is planned.

205. National Contact Points (NCPs) play an essential role in enabling patients to make use of their right to cross-border healthcare. The Report invited NCPs to recognise and support the right of persons with disabilities to equal access to information on healthcare in other EU countries. A support knowledge and capacity-building workshop with NCPs took place in February 2023.

Reply to 27 (d) of the list of issues

206. “Mental health and neurological disorders” form one of the key strands addressed by the “Healthier Together” initiative on non-communicable diseases (NCD), adopted in June 2022. The initiative supports MS in identifying and implementing effective policies and actions to reduce the burden of major NCD, while also reducing health inequalities. The Commission developed a guidance document, with input from competent authorities of MS and stakeholders, including persons living with mental health problems, migraine, neurological disorders, or those recovering from a stroke.

207. A new initiative on mental health has been announced in the Commission’s work programme for 2023.

Work and employment (art. 27)

Reply to paragraph 28 (a) of the list of issues

208. Among the principles of the European Pillar of Social Rights is the right of people with disabilities to labour market participation and to a work environment adapted to their needs. The Disability Employment Package develops guidance to help make this right a reality. As a first deliverable of the Package, the European Network of Public Employment Services (PES Network) published in 2022 a practitioner toolkit providing a practical guide on how PES can promote the participation of persons with disabilities in the labour market and improve their labour market outcomes, contributing to closing the employment gap with persons without disabilities.

209. The Council Recommendation reinforcing the Youth Guarantee promotes strengthening the focus on NEETs (in particular those belonging to vulnerable groups, including those with disabilities and with multidimensional problems), using specifically-trained service providers and complementary strategies such as youth work, young ‘ambassadors’ and cooperation with partners that are in contact with specific groups of young people. The Council Recommendation on vocational education and training (VET) underlines the importance of making VET programmes inclusive and accessible for vulnerable groups, such as persons with disabilities. The Council Recommendation on individual learning accounts defines as a key objective “support [for] all working-age adults in accessing training” and calls for accessibility for persons with disabilities. The Council Recommendation on a European approach to micro-credentials aims to improve access to education and training, including in non-formal and informal settings, for all learners, including disadvantaged and vulnerable groups.

Reply to paragraph 28 (b) of the list of issues

210. Council Directive 2000/78/EC prohibits discrimination based on, *inter alia*, disability and sexual orientation in the area of employment and occupation. In 2018, the Commission also issued a recommendation asking Member States to consider designating an equality body to address discrimination on the grounds of, *inter alia*, disability and sexual orientation within the scope of application of this Directive. In 2022 the Commission proposed binding legislation to strengthen the powers of equality bodies.

211. In addition, the Commission adopted its first-ever LGBTIQ Equality Strategy in 2020. Both in monitoring the application of Directive 2000/78/EC and in implementing the Equality Strategy, the Commission is attentive to the specific barriers faced by lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons with disabilities. Using an intersectional perspective, a LGBTIQ Equality Subgroup under the High-Level Group on non-discrimination, equality and diversity has prepared Guidelines for Strategies and Action Plans to Enhance LGBTIQ Equality to support MS in this field.

212. In 2020, the Commission carried out an information campaign on combating discrimination in the workplace and produced a good practice guide for companies.

Reply to paragraph 28 (c) of the list of issues

213. Co-legislators reached an agreement on the Directive on pay transparency measures in December 2022. The Directive not only addresses gender pay discrimination, but also intersectional discrimination based on a combination of gender and any other ground.

214. A consultation with MS on introducing a disability variable in the Structure of Earnings Survey has taken place, and highlighted the difficulty of obtaining good data, as disability is not a variable that is automatically declared by employees to employers. In addition, there are comparability problems, since national disability status may differ from country to country.

Reply to paragraph 28 (d) of the list of issues

215. The Directive on adequate minimum wages entered into force in November 2022. MS have until 15 November 2024 to transpose it into national law. The Directive establishes an

EU framework for setting adequate minimum wages, promoting collective bargaining on wages, and enhancing the effective access of workers to minimum wage protection. As the Directive applies in a general way, it would also imply that workers with disabilities, including those in sheltered employment, receive equal remuneration for work of equal value, including minimum wage protection. In addition, it requires easy access to comprehensive information on working conditions for all workers, including persons with disabilities. It also requires effective monitoring and data collection in the field of minimum wage protection, including statistics and information disaggregated by disability.

Reply to paragraph 28 (e) of the list of issues

216. The EU Declaration on Digital Rights and Principles for the Digital Decade includes safeguards to ensure that AI and digital systems are safe and used in full respect of fundamental rights. In line with these principles, the proposed regulation for an Artificial Intelligence Act identifies the dangers of AI systems in perpetuating patterns of discrimination, for example against persons with disabilities, which will be addressed by the Act.

Reply to paragraph 28 (f) of the list of issues

217. In accordance with the applicable legislation of the JSIS, medical expenses are covered up to 80/85%, but by way of derogation, they are fully reimbursed (i.e. 100%) in cases of illnesses recognised as serious. Taking account of the case-law, the Commission takes a flexible and holistic approach to the application of criteria for the recognition of a serious illness, resulting in a significant number of medical expenses linked to disabilities being reimbursed at 100%.

218. The Commission amended the implementing provisions in 2020 to codify this flexible and holistic approach and enhance legal safety. This was done after consultations with the associations of persons with disabilities, the staff unions, the Staff Committee, the Staff Regulations Committee, and the Joint Committee for Equal Opportunities. The involvement of all actors, including Staff representatives, resulted in this new approach for the recognition of serious diseases. This approach is more favourable to the persons concerned by setting up an overall assessment of the four criteria for the recognition of a serious illness, in particular the criterion on shortened life expectancy.

219. With regard to reasonable accommodation (RA), an ad-hoc committee was established in the Commission in 2020, composed by staff from the most relevant services, to make recommendations to implementing services on a case by case basis on the RA needed. The ad-hoc committee has encouraged services to work together to provide RA for staff members with disabilities.

220. Following the adoption of a Decision on the provision of RA for statutory staff with a disability in the EEAS, an Advisory Group on Reasonable Accommodation was established on an ad-hoc basis to advise the authority responsible for deciding on requests for reasonable accommodation.

221. The Inter-Institutional Informal Network of Disability Advisers has been set up to share information on best practices, coordinate and update relevant policies and implement provisions. Measures implemented by EU institutions and bodies include the Council's Positive Action Programme for Trainees with a Disability, which provides more employment opportunities to persons with disabilities. The European Parliament adopted a diversity roadmap for 2022–2023 with 42 (of a total of 78) specific disability-related measures divided into sections mirroring the chapters of the UNCRPD. Actions in the roadmap include improving inclusion and accessibility in early child education centres managed by the Parliament, specific support for trainees with disabilities and their supervisors, regular checks and evaluations to assess the accessibility of Parliament's web pages and applications, and Positive Action Programmes to promote the employment of trainees with disabilities and contract staff with disabilities. As regards the Commission, the "HR Action plan 2023–2024 Diversity and inclusion in the workplace" delivers on the commitments of the Commission's new Human Resources Strategy. In the Disability and Neurodiversity Inclusion Reverse Mentoring Programme, European Investment Bank employees act as a mentor to (senior)

leaders with the goal of giving them a fresh perspective on staff's personal experience of disability and neurodiversity.

Adequate standard of living and social protection (art. 28)

Reply to paragraph 29 (a) of the list of issues

222. Through the European Semester, the Commission monitors developments in the risk of poverty and social exclusion and in access to quality housing for different vulnerable groups, including persons with disabilities, and issues recommendations to MS to improve the situation.

223. The Commission promotes accessible housing, in particular social housing, through several strategies and the regulations of relevant EU Funds. In terms of strategies, the Affordable Housing Initiative (AHI), launched in 2021, aims to ensure that social and affordable housing facilities benefit from the Renovation Wave strategy for Europe, in synergy with the New European Bauhaus (NEB).

224. Inclusiveness is one of the core principles of the NEB. The NEB Compass is a guiding framework for project makers wishing to apply the NEB principles and criteria to their activities. It states the importance of ensuring accessibility and affordability regardless of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation and of prioritising less represented individuals, groups, and communities for every NEB project. One of the NEB citizens' engagement projects concerns children with autism and their families and will explore how play areas can create a more inclusive and multi-sensorial experience.

225. As a flagship initiative of the NEB, the AHI focusses on people and innovation (e.g. home automation, renewable energy production, access to green spaces for residents, assistive technologies, smart-living tools, co-living platforms). One of the demonstration projects will test renovation as a lever to address energy poverty and access to healthy housing for all households, including for low income persons with disabilities.

226. Accessibility is also one of the Horizon Europe programme basic principles. The 2023–2024 Work Programmes put a special focus on inequalities in the built environment and housing, faced among others by persons with disabilities, and on accessibility and digital solutions to foster participative design, planning and management of buildings, neighbourhoods and urban districts.

227. The Commission works with the OECD to develop and maintain the Affordable Housing Database and help countries monitor access to good-quality affordable housing. As part of this analytical work, financially supported by the EU Employment and Social Innovation (EaSI) programme, the OECD published in 2021 a policy brief on the challenges faced by persons with disabilities in the housing market and recommendations to improve access to affordable and accessible housing.

Reply to paragraph 29 (b) of the list of issues

228. Pension systems are MS competence, but the EU facilitates the exchange of experience, provides policy and analytical support and funds innovative projects and reform preparations. The Pension Adequacy Report, published every three years, explores, *inter alia*, how leaving a job due to one's disability or providing care for adults who have been "incapacitated" for work impacts on pension rights.

229. The EU's Mutual Information System on Social Protection (MISSOC) database provides detailed, comparable and regularly updated information about national social protection systems and can be used to check the compatibility of disability and old-age pensions.

Participation in political and public life (art. 29)

Reply to paragraph 30 (a) of the list of issues

230. In the Strategy and the Citizenship Report 2020, the Commission committed to supporting the exercise of electoral rights by persons with disabilities. The Commission has been facilitating the exchange of good practices in the framework of the European Cooperation Network on Elections (ECNE) and has also contracted studies on the political participation of persons with disabilities. In its proposal to recast the directives on the voting rights of mobile EU citizens, the Commission introduced a requirement for MS to make electoral information accessible to persons with disabilities and older persons. Its flagship proposal on political advertising envisages accessibility requirements for information, including digital information that should be used to render political information accessible for persons with disabilities.

231. The Commission is preparing, in close cooperation with MS in the ECNE, a guide of good electoral practice addressing participation of citizens with disabilities in the electoral process and a compendium on e-voting, both to be published in 2023. Also, ahead of the 2024 European Parliament elections, the Commission is working on the inclusive participation of persons with disabilities including on collecting good practices.

Reply to paragraph 30 (b) of the list of issues

232. The multilingual digital platform of the Conference on the Future of Europe complied with the WCAG 2.1 standard and was accessible and comprehensible by all and adherent to the international guidelines on accessible web content. Automated e-translation helped overcome language barriers.

233. Diversity in the European Citizens' Panels of the Conference was ensured through a random selection of citizens. The Commission applies the same criteria for the selection of participants for its new generation of Citizens' Panels.

234. The annual State of the Union Address is a unique opportunity to promote a barrier-free Europe. In 2022, the President's live Address was made accessible through international sign language interpretation on her Twitter account.

Participation in cultural life, recreation, leisure and sport (art. 30)

Reply to paragraph 31 (a) of the list of issues

235. The Marrakesh Directive and accompanying Regulation aligned EU legislation on copyright with the EU provisions of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, adopted at the World Intellectual Property Organization (WIPO) in 2013 and ratified by the EU in 2018.

236. The Marrakesh Directive provides for a mandatory exception to copyright for the benefit of blind, visually impaired, and otherwise print disabled persons. It facilitates the cross-border exchange of accessible copies developed under the exception within the EU's internal market. All MS have transposed the Directive. The Marrakesh Regulation facilitates the exchanges of accessible format copies between EU MS and the third countries parties to the Marrakesh Treaty.

237. The EU copyright framework through the InfoSoc Directive allows MS to introduce exceptions or limitations to copyright covering other works or subject matters or disabilities than those that make the object of the Marrakesh Directive. Member States must ensure that these exceptions or limitations are applied without prejudice to the specific rules laid down in the Marrakesh Directive.

238. On the basis of Article 9 of the Marrakesh Directive, Commission services have recently published a report on the availability, in accessible formats, of works and other subject matters that are not covered by the Directive.

239. In the course of 2023, the Commission will carry out an evaluation of the Marrakesh Directive and Regulation, which will take into account the views of civil society actors, including organisations representing persons with disabilities and older persons.

Reply to paragraph 31 (b) of the list of issues

240. The revised AVMSD strengthens the provisions on accessibility by obliging media service providers to make their services continuously and progressively more accessible to persons with disabilities, including sign language, subtitling for the deaf and hard of hearing, spoken subtitles, and audio description. While enforcing and monitoring the provisions of the Directive, MS are obliged to report on the above measures and to encourage the development of accessibility action plans. The first report on the application of the revised Directive is expected to be adopted in the first half of 2023.

Reply to paragraph 31 (c) of the list of issues

241. Between 2019 and 2023, the Creative Europe Programme has supported Europe Beyond Access, a large-scale cooperation project focusing on improving access of artists with disabilities to stages in the live-performance sector. It has focused on four major strands: Artistic Exchanges, Audience Development & Engagement, Capacity Building and Public Performances & Commissions. In 2021, the implementing consortium commissioned a study “Time to Act: How lack of knowledge in the cultural sector creates barriers for disabled artists and audiences”. In May 2023, Europe Beyond Access will organise, in partnership with Brussels’ Kunsten Festival des Arts, a symposium exploring how the mainstream European cultural sector can better include persons with disabilities as artists, arts professionals and audiences. The symposium will draw on the experience of the partners of project, but will also share contributions from European Ministries of Culture, Arts Councils, independent organisations and individual artists.

242. Regarding access of audiences to cultural heritage sites, Accessible Resources for Cultural Heritage EcoSystems (Arches) was a three-year project exploring how to make museums accessible to all through a participatory research methodology and the development of accessible technology. It brought together persons with disabilities, technology companies, universities and museums to develop technological solutions, such as tactile reliefs made with the latest 3D modelling techniques, barrier-free apps, games for smartphones and tablets, and sign-language avatars as cutting-edge technologies. They also published a series of toolkits, including “Towards a participatory museum. A How-to-Guide on inclusive activities”.

243. A 2018 report, “Mapping on the access to sport for people with disabilities,” provided insight into participation in sport amongst persons with disabilities. The study also aimed to develop good practices to address the identified barriers and provide information on the funding opportunities available to support such actions.

244. The broad scope of cohesion policy support for culture in 2021–2027, in particular through ERDF, allows MS to facilitate equal access to culture with a particular attention towards the inclusion of more vulnerable people, including persons with disabilities, for example through accessible cultural infrastructure, services and products; means to mobilise new audiences; or cultural initiatives aiming to improve social inclusion and employment opportunities.

Reply to paragraph 31 (d) of the list of issues

245. In the area of culture and sports, programme regulations, projects and outreach activities ensure accessibility to persons with disabilities.

246. The Erasmus+ programme funds projects supporting the inclusion of persons with disabilities through sport. To raise awareness of the opportunities offered by the mobility actions in all programme sectors, the Commission and the National Agencies in charge of the management and implementation of the programme in Member States and third countries associated to the programme regularly communicate on the scheme. The European Week of Sport is an example of an inclusive event where attention goes to the participation of disadvantaged and vulnerable groups, including persons with disabilities, in grassroots sport.

247. The annual #BeInclusive EU Sport Awards reward, among others, work supporting the inclusion of persons with disabilities through sport. The Commission's HealthyLifestyle4All campaign gives increased importance to accessibility in sport, focusing on additional pledges from both mainstream and disability-specific sport organisations to increase access to sport for persons with disabilities.

248. The Creative Europe programme explicitly refers to the UNCRPD in its legal base and supports actions towards the inclusion of persons with disabilities, both in the creative process and as part of the audience. Good examples are the large-scale cooperation project Europe Beyond Access and the scheme Perform Europe that offered the possibilities for artists with disabilities to carry out a performance in the framework of Creative Europe. The programme objectives are pursued in a way that encourages inclusion, equality, diversity and participation.

249. The Culture Moves Europe mobility scheme, under the Creative Europe Programme, offers additional financial support for people with disabilities to enable their participation in international mobility projects, both under individual mobility and residency actions.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

Reply to paragraph 32 (a) of the list of issues

250. The Washington Group short set of questions are included in the EU-SILC rolling module on health, which is conducted every three years, starting from 2022. Once data is available, the Commission will investigate the feasibility of disaggregating data by type of impairment. In addition, there are discussions with MS on covering all domains of the Washington Group short set of questions in the European Health Interview Survey.

Reply to paragraph 32 (b) of the list of issues

251. Eurostat has developed a strategy for data collection on disability allowing the production of indicators showing the gap between persons with and without disabilities in a number of areas, such as work and employment, education, health, housing conditions, income and poverty, use of information and communication technologies, participation in cultural life, recreation, leisure, and sport. The strategy is based on including the GALI variable in all existing EU social surveys coordinated by Eurostat, thus allowing for survey-produced indicators that are broken down by disability, in addition to sex and age. Based on this statistical data and experts' reports, the Commission publishes indicators on poverty, education, and employment gap between persons with and without disabilities for all MS on an annual basis, in addition to a periodic collection of health-related data indicators showing the health situation of persons with disabilities.

252. The Commission has supported the Bridging the Gap project that included the work of the Office of the High Commissioner for Human Rights (OHCHR) in developing a set of human rights-based indicators and a related resource package on the UNCRPD to reinforce the disability-inclusive 2030 Agenda for Sustainable Development. The indicators facilitate the understanding and implementation of the Convention's provisions, and the project provided guidance on measuring the implementation of the UNCRPD and tracking progress over time.

Reply to paragraph 32 (c) of the list of issues

253. Since 2003, the EU-SILC survey has annually collected disability data, i.e. on long-standing activity limitation due to health problems. This allows to build meaningful indicators related to poverty, social inclusion, and living conditions. In addition, another disability measure, based on the short set of questions of the Washington Group, is collected every three years in EU-SILC and could be used to produce comparable data on the living conditions of persons with disabilities.

Reply to paragraph 32 (d) of the list of issues

254. The Social Scoreboard, revised in 2021 to monitor the implementation of the EPSR and its action plan, includes the disability employment gap among its headline indicators. The indicator is currently based on data collected via the EU-SILC survey. As of April 2023, the indicator will become available via the EU-LFS every two years. Together with other Social Scoreboard indicators, the disability employment gap supports the analysis of identifying MS' policy challenges related to the EPSR in both the Joint Employment Report and Semester Country Reports. This analysis is carried out by applying the Social Scoreboard methodology agreed with MS, which analyses both the (last available year) level and (one-year) change for each MS in comparison to the EU average. According to this assessment, each MS can be identified as being in a "critical situation," "to watch," "good but to monitor," "on average," "better than average," or "best performer" as concerns the disability employment gap.

International cooperation (art. 32)**Reply to paragraph 33 (a) of the list of issues**

255. The NDICI-GE instrument obliges the EU to apply a human rights-based approach (HRBA) to its external cooperation. HRBA includes equality and non-discrimination as part of its five working principles. The Commission revised the HRBA toolbox in 2021.

256. In the context of the EU's enlargement policy, the Commission reviews the state of play and progress made by partner countries on issues related to the rights of persons with disabilities, including progress towards adopting the EU acquis in its annual Enlargement Package of reports. With regard to EU cooperation with countries under the European Neighbourhood policy, one of the priorities of the new post-2020 policy frameworks for cooperation with both the Southern and Eastern neighbours is to continue working on ensuring the full enjoyment of rights by persons with disabilities in line with the UNCRPD.

257. The EU's work towards the implementation of the UNCRPD globally is guided by external action policy documents, notably the 2017 European Consensus on Development, the EU Action Plan on Human Rights and Democracy 2020–2024, the EU Human Rights Guidelines on Non-Discrimination in External Action, and the EU Guidelines on EU Policy Towards Third Countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. These provide best practices on the standards for law enforcement and care services for the appropriate treatment and effective protection of persons with disabilities. Further guidance is provided by the Staff Working Document "Applying the HRBA to International Partnerships". Progress is monitored annually using the corporate results indicator within the OECD-DAC disability marker.

Reply to paragraph 33 (b) of the list of issues

258. Disability-specific Focal points are present in the vast majority of the EU delegations in the world. Their mandate is to serve as an entry point on disability matters and ensure mainstreaming of disability in delegations' operations. In addition, Human rights Focal points in delegations have a mandate to follow issues related to the rights of persons with disabilities.

259. Internal disability networks bring together colleagues in EU delegations in Europe's eastern and southern neighbourhoods with those in Headquarters responsible for policies directly and indirectly related to non-discrimination of persons with disabilities. In addition, the Commission service responsible for humanitarian assistance has a network of seven thematic protection and gender experts, based in various locations, who are tasked to provide thematic advice on disability inclusion and monitor humanitarian projects.

260. The Commission monitors disability inclusive investments by systematically using the OECD-DAC disability marker when adopting Action Programmes. The marker is the basis for the corporate result framework indicator measuring progress on disability inclusion in external work. The Commission mainstreams disability inclusion into relevant projects it finances globally, through a quality review process.

Reply to paragraph 33 (c) of the list of issues

261. Regular training and capacity-building is available for EU staff through the EU Learn and the EU International Partnerships Academy platforms: HRBA training workshops, an interactive HRBA Toolbox, an introduction training to disability, and different training materials on HRBA and disability are available. In addition, the EEAS offers human rights training courses, including on the rights of persons with disabilities, for staff in EU delegations, headquarters, and open to MS administrations.

262. Training on unconscious bias is mandatory for EEAS management staff, and is available to members of the selection panel, as well as other EU staff.

263. The Commission's annual Fundamental Rights Network Seminar brings together all colleagues working on human rights-related matters in both the EU headquarters and in delegations of the Enlargement and Neighbourhood regions and is a regular opportunity to train colleagues on the implementation of the UNCRPD. The 2022 edition was dedicated to key international and European policy frameworks related to the rights of persons with disabilities, and included a presentation by the UN Special Rapporteur on the rights of persons with disabilities.

264. The Commission services including the EEAS have published accessibility factsheets for 139 delegations and the headquarters in Brussels to inform EU staff with a disability on the suitability and accessibility of the premises and the city where it is located. The documents are available on the Intranet in a format readable with a screen reader or Narrator.

265. A new technical assistance contract "Knowledge Hub for expertise on Gender equality, Disability, and Human Rights Based Approach" is available to support capacity-building and learning activities for EU staff both at headquarters' and country level, including at least one specific disability training and one webinar each year.

266. Under the Technical Assistance and Information Exchange (TAIEX) and Twinning programmes, the Commission, along with MS, provides technical assistance to partner countries administrations in preparing reforms to align with the UNCRPD. The SOCIEUX+ project has also provided capacity-building on disability to some countries' administrations at their request. In addition, the Bridging the Gap project, funded by the EU in response to the requirement to make development cooperation accessible to and inclusive of persons with disabilities, provided capacity-building to EU staff and MS administrations between 2018 and 2021.

267. The EEAS has established communication channels for guidance or information to persons with disabilities, including a functional mailbox for issues and questions related to the EEAS Disability Policy. Each year, the Commission and EU delegations across the world raise awareness either on or around the International Day of Persons with Disabilities, communicating on new developments and actions implemented for colleagues with a disability.

Reply to paragraph 33 (d) of the list of issues

268. It is common for the Commission to consult CSOs, including OPDs, around meetings with partner countries. The Commission holds regular meetings and consultations with Brussels-based CSOs and regularly meets with OPDs in international fora such as the Global Action on Disability (GLAD). A structured dialogue with CSOs is also standard practice in EU delegations, and is organised regularly. A Guidance note on inclusive consultations was issued by the Commission in 2021 to improve the inclusiveness of and accessibility for OPDs to these dialogues. The Commission also encourages building meaningful partnerships with local OPDs in line with the Grand Bargain commitments. Most recently, OPDs were part of the consultations of the formulation of the EU Global Health Strategy and the Youth Action Plan in EU External Action (2022–2027).

269. Consultations with stakeholders and rights holders in project formulation is one of the principles of the HRBA. Moreover, the Commission has financed a project to support the dissemination of the Inter-Agency Standing Committee Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action, which also aims to enhance coordination, support engagement of OPDs within humanitarian structures, and build their capacity.

National implementation and monitoring (art. 33)

Reply to paragraph 34 (a) of the list of issues

270. In order to implement the 64 actions of the Strategy, the Commission established the Disability ISG in October 2021. The Commission's Directorate-General for Employment, Social Affairs, and Inclusion (DG EMPL) coordinates the Disability ISG composed of disability coordinators from each of the Commission's services and the EEAS. In May 2021, all Commission services were called to nominate disability coordinators for both their services and the agencies under their responsibility, as well as EU delegations through the EEAS. All Commission services have appointed disability coordinators and 33 agencies as well. During the Disability ISG meetings, disability coordinators report on the implementation of the Strategy and the UNCRPD in the work under their remits within the EU institutions.

Reply to paragraph 34 (b) of the list of issues

271. All EU equality strategies present common features, including promoting an intersectional approach to discrimination. Intersectionality is also at the core of the work of the Task Force on Equality, with equality coordinators having an overview of all grounds of discrimination mentioned in Article 10 TFEU. Preparation, monitoring, and implementation of the EU strategies duly involve relevant stakeholders.

272. The implementation of the Strategy is monitored through a framework since May 2022. The monitoring framework is publicly available and indicates the progress achieved on the Commission's actions within the Strategy. The monitoring framework's website is updated every year, with the next update scheduled in Q2 2023. It is not only a tool used to monitor the implementation of the Strategy, but it also gives statistical data on the situation of persons with disabilities and will provide information on the implementation of MS' actions proposed in the Strategy in the future.

Reply to paragraph 34 (c) of the list of issues

273. The EU framework responsible for the promotion, protection, and monitoring of the UNCRPD was revised in 2015, following the concluding observations by the UNCRPD Committee requesting the Commission to withdraw given its role as focal point.

274. The EU Framework is composed of four members: the European Parliament, the European Ombudsman, the FRA, and the EDF.

275. The participation of EDF in the EU Framework is funded by the Commission's CERV Programme.

276. The European Ombudsman finances its participation in the EU Framework with its own budget. The office's work in this area is led by one administrator and one principal adviser (whose responsibilities also include areas beyond disabilities). The two staff members prepare and participate in the EU Framework's meetings and activities.

277. The FRA devotes 1.55 full-time equivalent from its regular annual budget to the EU Framework.
