



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues prior to submission of the second and third periodic reports of the European Union*

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

1. Please inform the Committee on measures taken to implement the recommendations issued by the Committee in its previous concluding observations,¹ particularly on measures taken to:

- (a) Ratify the Optional Protocol to the Convention;
- (b) Conduct a cross-cutting, comprehensive review of its legislation to ensure full harmonization with the Convention;
- (c) Ensure the necessary allocation of a budget and the adoption of a time frame for the implementation of the strategy for the rights of persons with disabilities for 2021–2030, and to define intermediate targets in the process of such implementation;
- (d) Review and modify the impact assessment guidelines of the European Commission;
- (e) Update the declaration of competence and its list of instruments.

2. Please describe measures in place to:

- (a) Ensure that the rights of persons with disabilities are mainstreamed in European Union legislation;
- (b) Include the Convention as part of the international norms guiding the development of the future social taxonomy;
- (c) Ensure that directives related to persons with disabilities are transposed into national legislation;
- (d) Ensure effective implementation and enforcement of European Union legislation relevant to persons with disabilities by member States, including in areas such as victims' rights or employment.

3. Please report on how enforcement tools such as infringement procedures are applied, how the European Semester process is used to monitor the implementation and transposition of European Union legislation on disability, and how persons with disabilities and their representative organizations are included in this process.

4. Please inform the Committee on measures to ensure that budgetary allocations by the European funds concerning persons with disabilities are in compliance with and effectively promote the rights of persons with disabilities, and describe to what extent budgetary

* Adopted by the Committee at its twenty-sixth session (7–25 March 2022).

¹ CRPD/C/EU/CO/1, paras. 7–17.



processes involve the participation of persons with disabilities through their representative organizations.

5. Please report on mechanisms in place to closely consult with and actively involve persons with disabilities through their representative organizations in all decision-making processes concerning issues relating to persons with disabilities, particularly in decisions of the Council of the European Union. Please provide, *inter alia*, information on the funding and the inclusiveness and accessibility of these mechanisms.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

6. Please provide information on the measures taken to:

(a) Adopt the proposed horizontal directive on equal treatment, including information on the current state of the adoption process, the main obstacles and the prospects of and envisaged time frame for its adoption;

(b) Include the prohibition of disability-based discrimination in European Union anti-discrimination legislation in all areas of life. Please also provide information on plans, if any, to extend the mandate of equality bodies on issues relating to disability;

(c) Recognize multiple and intersectional forms of discrimination faced by persons with disabilities and to provide access to remedies in case of discrimination. Please also report on the situation of older persons with disabilities; migrants, refugees and asylum seekers with disabilities; persons with disabilities belonging to ethnic and minority groups, such as Roma persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons with disabilities; and on measures to ensure protection against discrimination.

Women with disabilities (art. 6)

7. Please inform the Committee on measures taken to:

(a) Include women and girls with disabilities in all areas of international cooperation;

(b) Include women and girls with disabilities in the implementation and evaluation of the disability rights strategy for 2021–2030 and in the gender equality strategy for 2020–2025, particularly in the areas of work and employment, political participation and leadership;

(c) Include gender and disability perspectives in the work of the European Institute on Gender Equality.

Children with disabilities (art. 7)

8. Please provide information on:

(a) Measures to promote data collection on the situation and rights of children with disabilities across member States on all settings, including in the family or in residential institutions, in which children with disabilities still live;

(b) Measures taken to ensure active involvement of children with disabilities through their representative organizations in all decision-making processes concerning issues relating to them. Please describe the type of information provided for children concerning their participation in decision-making, and methodologies to facilitate their participation, including in the European Forum on the Rights of the Child;

(c) The inclusion of children with disabilities and their perspectives in the implementation and evaluation of the European Union strategy on the rights of the child for 2021–2024 and the renewed European child guarantee for vulnerable children, and in the work of the European Union Agency for Fundamental Rights.

Awareness-raising (art. 8)

9. Please inform on measures taken to:

(a) Develop comprehensive strategies, including campaigns to raise awareness of the Convention on the Rights of Persons with Disabilities, to use terminology compliant with the Convention within the European Union and in its international cooperation programmes, and to combat prejudice against persons with disabilities, including the most marginalized groups. Please also indicate how organizations of persons with disabilities participate in the design and implementation of public awareness strategies, including campaigns concerning the rights of persons with disabilities;

(b) Train staff and professionals at the European Union and in member States on mainstreaming issues relevant for persons with disabilities;

(c) Foster respect of persons with disabilities in all areas of life, in particular at all levels of education systems in member States.

Accessibility (art. 9)

10. Please inform the Committee on:

(a) Current and planned legislation and other measures, if any, that would extend accessibility rights of persons with disabilities to those areas that the European Accessibility Act does not cover sufficiently, such as accessibility of the built environment, including historical sites and buildings, bathrooms, infrastructure and vehicles of public transport, and household appliances, and on measures to ensure universal design is enshrined alongside with accessibility;

(b) Measures to ensure close consultation with and active involvement of persons with disabilities through their representative organizations in the standardization processes under the European Accessibility Act, particularly on their inclusiveness, accessibility and transparency;

(c) Whether and how accessibility for persons with disabilities is considered in public procurement processes, in particular in drafting technical specifications and as a selection criterion;

(d) Measures taken to fully realize the rights of persons with disabilities in the development and use of digital technologies and services, such as websites, and of artificial intelligence, including measures to ensure affordability of the use of digital technologies and services.

Right to life (art. 10)

11. Please provide information on the measures taken to prevent and investigate deaths of persons with disabilities in institutions, in particular those institutions funded by the European Union. Please also provide information about regional monitoring systems or urgent actions aimed at preventing deaths in institutions in member States and about available remedies.

Situations of risk and humanitarian emergencies (art. 11)

12. Please inform the Committee about measures taken to protect the safety of persons with disabilities affected by the hostilities in Ukraine. Please report on measures to provide refugees with disabilities and persons with disabilities in refugee-like situations with immediate humanitarian aid, and to ensure that the respective frameworks, including those for the provision of shelter, habilitation, rehabilitation, personal assistance and education for children with disabilities, meet the requirements of persons with disabilities. Please also inform the Committee on any mechanisms to involve persons with disabilities through their representative organizations in the decision-making process for programmes for the protection of persons with disabilities who are victims of hostilities. Please further inform the Committee on measures taken during the pandemic to ensure:

(a) Access of persons with disabilities to emergency communication until full accessibility of the emergency number 112 is achieved. Please also inform the Committee on whether the target date of 2027 for full accessibility of the number 112 can realistically be met;

(b) Inclusiveness of and accessibility for persons with disabilities with regard to humanitarian action, disaster risk reduction, climate action, and migration and refugee policies and programmes. Please include information on the fulfilment of the commitment made by the European Union at the Global Disability Summit 2022 to collect data on beneficiaries of humanitarian action, disaggregated by impairment, and to report on disability-inclusive humanitarian action with the Organisation for Economic Co-operation and Development disability marker;

(c) Active involvement of persons with disabilities through their representative organizations in the projects administered under the Directorate-General for European Civil Protection and Humanitarian Aid Operations, and the protection of the rights of persons with disabilities in those projects. Please include information on the use of the respective reporting indicators and the training of staff and partners on inclusive implementation;

(d) Investigations into violations of the rights of persons with disabilities during the COVID-19 pandemic, and efforts to prevent such violations in future crises;

(e) Accessibility of COVID-19 tests, health care and vaccination for persons with disabilities on an equal basis with others, and measures to prevent discrimination against persons with disabilities in triage protocols and in access to life-saving treatment;

(f) Investigations into deaths of older persons with disabilities in residential care; violence against, and neglect and abuse of, persons with disabilities; and gaps in the continuity of health care, medical treatment and support services.

Equal recognition before the law (art. 12)

13. With reference to paragraph 37 of the Committee's previous recommendations, please provide information on measures taken to:

(a) Ensure that all persons with disabilities can exercise their rights under European Union law, without deprivation of their legal capacity, and are provided with support that respects their individual choice, will and preference in decision-making;

(b) Encourage and support legal reform processes across European Union member States with a view to abolishing substituted decision-making and replacing it with supported decision-making, in line with the Committee's general comment No. 1 (2014);

(c) Ensure that, should the Convention on the International Protection of Adults be ratified by the European Union, its ratification and implementation would adhere to the obligations of the European Union under the Convention on the Rights of Persons with Disabilities;

(d) Promote research and compile reliable data on the impact of restrictions of legal capacity on the lives of persons with disabilities, in particular on persons with intellectual and psychosocial disabilities.

Access to justice (art. 13)

14. Please inform the Committee on:

(a) The current state of the implementation of its directives on access to justice in European Union member States for persons with disabilities, including deficiencies in their implementation;

(b) Measures to eliminate prejudice against persons with disabilities, including women and girls with intellectual disabilities, women and girls with psychosocial disabilities and persons with autism, with regard to the credibility of their testimony. Please also report on how legal proceedings in all areas of law provide for the participation of persons with disabilities deprived of legal capacity;

(c) Measures taken to ensure effective implementation of Council Directive 2002/8/EC of 27 January 2003 on improving access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes for persons with disabilities;

(d) The collection of data on access to justice by persons with disabilities, including on the respective use of the European Union Justice Scoreboard.

Liberty and security of the person (art. 14)

15. Please inform the Committee on:

(a) Whether the European Union considers the draft additional protocol to the Council of Europe's Convention on Human Rights and Biomedicine to be compatible with the Convention on the Rights of Persons with Disabilities, and on whether it intends to adapt its views to the position of the Committee, as expressed in an open letter issued by the Committee and the Special Rapporteur on the rights of persons with disabilities to the Secretary General of the Council of Europe in June 2021;

(b) Measures in place to ensure that the funding of, and all other measures of the European Union on, prisons and other detention centres, including migrant detention centres, respect and protect the rights of persons with disabilities, and specify the steps taken to provide support measures and reasonable accommodation to persons with disabilities in such facilities.

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

16. With reference to paragraph 43 of the Committee's previous concluding observations, please inform the Committee on the measures taken to review its ethics guidelines regarding research and to develop consent forms in accessible and Easy Read formats. Please also inform the Committee on specific measures taken to:

(a) Prevent and investigate torture and ill-treatment of persons with disabilities related to the European Union's policy towards third countries and across European Union member States;

(b) Ensure that persons with disabilities in institutions across European Union member States have access to prevention mechanisms and legal remedies in cases of torture and other cruel, inhuman or degrading treatment or punishment.

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

17. With reference to paragraph 45 of the Committee's previous concluding observations, please provide information on the measures taken to mainstream disability in all legislation, policies and strategies for combating violence, abuse and exploitation. In particular, please inform the Committee on:

(a) The inclusion of persons with disabilities, including women and children with disabilities, in the measures of the European Union on victims' rights, trafficking, child sexual abuse, violence against women and the prevention of harmful practices;

(b) The collection of statistical data on violence against persons with disabilities by the European Institute for Gender Equality;

(c) Measures to accede to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), and on the current status of the proposal of a directive on combating violence, and how persons with disabilities are included therein.

Protecting the integrity of the person (art. 17)

18. With reference to paragraph 47 of the Committee's previous concluding observations, please provide information on measures taken to ensure the right to free, prior and informed consent to medical treatment and to provide persons with disabilities in European Union

member States with decision-making mechanisms. In particular, please inform the Committee on measures taken to ensure that research funded by the European Union does not employ substituted decision-making.

19. Please report on policy and legal frameworks in place to prevent forced contraception and forced sterilization of women with disabilities across European Union member States. Please include information on existing research programmes pertaining to the use of sterilization on persons with disabilities in European Union member States.

Liberty of movement and nationality (art. 18)

20. Please provide information on:

(a) The impact of administrative requirements, such as disability assessments and qualifications for and transfer of social security benefits, on the ability of persons with disabilities to exercise their right to move and reside freely within the territory of European Union member States;

(b) The inclusion of persons with disabilities in the post-2020 initiative on Roma equality, inclusion and participation.

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

21. 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, please inform the Committee on measures taken to:

(a) Promote an understanding of the equal right of persons with disabilities to freedom of choice concerning living arrangements, and the right of persons with disabilities to live independently and in the community, and on measures taken to prevent institutionalization on the basis of disability as a form of discrimination;

(b) Immediately discontinue European Union investments and actions that maintain institutionalization of persons with disabilities, including children with disabilities and women with disabilities, and on measures to decisively support programmes with the aim of releasing persons with disabilities from residential institutions, including from small residential institutions, and all forms of congregated settings in European Union member States;

(c) Revise the European Commission's legal opinion of 29 June 2018 and all other internal guidance allowing for investments in long-stay residential institutions, to bring it into compliance with the obligations of the European Union and its member States under articles 4 and 19 and in line with the Committee's general comment No. 5 (2017), taking care to include measures to prevent any investment of European Union funds, including with regard to the Recovery and Resilience Facility, from being used in any type of institution, with a focus instead on developing a range of in-home and community support services, including personal assistance, that are necessary to support independent living and inclusion in the community;

(d) Involve persons with disabilities through their representative organizations, and civil society, in the drafting of the respective rules concerning European Union investment funds, and guarantee their effective participation in the monitoring of the implementation of those rules;

(e) Provide effective administrative or judicial procedures against the use of European Union funds for investments in institutions, and strengthen access to justice for persons with disabilities affected by misuse of European Union funds.

Personal mobility (art. 20)

22. Please provide information on plans to amend existing regulations on passenger rights and on technical specifications of all modes of public transport to ensure that persons with disabilities can use them autonomously and spontaneously. In particular, please inform the Committee on any plans to:

(a) Introduce legislation to guarantee accessibility of all modes of urban transport, such as metros, trams, buses and trolley buses, and to guarantee the right to travel with a personal assistant, if needed, for all types of impairment, including rules on covering the fare for the assistant, in all modes of public transport;

(b) Amend Regulation 1300/2014, on the technical specifications for interoperability relating to accessibility of the European Union's rail system for persons with disabilities and persons with reduced mobility, with a view to guaranteeing autonomous boarding;

(c) Revise existing rules that allow for the inaccessibility of public transport and related services in order to fulfil applicable safety requirements;

(d) Address financial compensation for denied boarding because of the passengers' disabilities and for damaged or lost mobility equipment.

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

23. With reference to paragraph 21 of the Committee's previous concluding observations, please provide information on measures taken to:

(a) Facilitate the availability to accessible languages, formats and technologies appropriate to different kinds of impairments, including sign languages, Braille, augmentative and alternative communication, and other accessible means, modes and formats of communication of the user's choice;

(b) Ensure equal access to video-sharing, social media platforms and news websites;

(c) Ensure availability of assistive technologies on an equitable and affordable basis.

Respect for privacy (art. 22)

24. Please inform the Committee on measures taken to ensure that:

(a) Internet service providers make the use of their assistive technology features by persons with disabilities conditional on extensive access to the user's data;

(b) Online processes designed to give or withhold consent to data gathering and other measures affecting the right to privacy by users are fully accessible to all persons with disabilities.

Respect for home and the family (art. 23)

25. Please provide information on:

(a) Measures taken to address long-term support requirements of persons with disabilities and their families through its European care strategy;

(b) The expected contribution that the European child guarantee for vulnerable children will make to improve the risk of poverty and social exclusion of families of persons with disabilities;

(c) Measures to promote legislation and policies ensuring equal rights of children with disabilities with respect to family life across European Union member States.

Education (art. 24)

26. Please provide information on:

(a) Measures to ensure that European schools and the European Union education framework provide inclusive quality education to persons with disabilities and end segregated special education;

(b) Any diversion of funds earmarked for the inclusion of students with disabilities of all ages in mainstream education towards measures for the economic recovery from the COVID-19 pandemic;

(c) The opportunities for persons with disabilities to participate in Erasmus+ programmes, and on measures taken to ensure such participation on an equal basis with others;

(d) Progress achieved in the implementation of the European Ombudsman's request to ensure that parents of children with disabilities who cannot be included in European schools are not required to contribute to the educational costs of their children.

Health (art. 25)

27. Please provide information on measures taken to:

(a) Promote access to sexual and reproductive rights for women and girls with disabilities, including accessible information on contraception, sexual education, gynaecological services and abortion services;

(b) Ensure that persons with disabilities participate in the European Health Union, including the Beating Cancer Plan, on an equal basis with others;

(c) Implement the European Parliament and the Council of the European Union Directive 2011/24/EU on the application of patients' rights in cross-border health care for persons with disabilities, in particular with respect to accessible information, reasonable accommodation and training of professionals;

(d) Ensure involvement of persons with disabilities in the development of the policy framework on mental health, and steps taken to ensure that mental health programmes adhere to the Convention, as specified in the Committee's guidelines on article 14.²

Work and employment (art. 27)

28. Please inform the Committee on measures taken to:

(a) Address inequalities affecting women with disabilities in employment, including efforts to promote their access to the open labour market and to ensure that education and vocational training are accessible to them;

(b) Ensure that lesbian, gay, bisexual, transgender and intersex persons with disabilities benefit from employment opportunities, including self-employment initiatives;

(c) Collect data disaggregated by impairment and gender in the proposed directive on pay transparency, and to render information on pay transparency accessible to all persons with disabilities;

(d) Protect the rights of persons with disabilities in the proposal for a directive on adequate minimum wages in the European Union, including persons in sheltered workshops;

(e) Protect persons with disabilities from discrimination by the use of artificial intelligence in recruitment, selection, promotion and termination decisions in employment;

(f) Comply with the recommendation of the European Ombudsman concerning the European Union sickness insurance scheme, and with her request to revise the criteria of the insurance scheme as well as concerning assistive devices, reasonable accommodation and staff training.

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

29. With reference to paragraph 67 of the Committee's previous concluding observations, please inform the Committee on measures taken to support persons with disabilities to escape poverty across European Union member States, on the role that European Union funding has in this endeavour and on any efforts taken to set a social protection floor covering persons with disabilities, regardless of type of impairment. Please also provide information on:

(a) Measures and strategies at the European Union level to promote accessibility of housing, including social housing, for persons with disabilities;

² See [A/72/55](#).

(b) Support available for older persons with disabilities, and on measures to ensure that they benefit from the same levels of support as others.

Participation in political and public life (art. 29)

30. Please provide information on the measures taken to:

(a) Ensure that all persons with disabilities can exercise their right to vote and stand as candidates in the elections of the European Parliament;

(b) Render the platform of the Conference on the Future of Europe accessible and the citizen panels diverse.

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

31. Please provide information on the measures taken to ensure that:

(a) European Union member States effectively implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled;

(b) Services for persons with disabilities under the revised Audiovisual Media Services Directive will be provided with the necessary quality and to the appropriate extent and within a reasonable time period;

(c) Places of cultural performances and services, sites of cultural importance, and facilities for sports, leisure or recreation are accessible to persons with disabilities;

(d) Programmes of the European Union on culture and sports are accessible to persons with disabilities.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

32. Please inform the Committee on the:

(a) Use of the Washington Group set of questions by Eurostat, in particular with regard to disaggregating data by type of impairment;

(b) Development of a human rights-based indicators system;³

(c) Availability, reliability and comparability of data on the living conditions of persons with disabilities in Europe;

(d) Use of its collection of data on persons with disabilities for the Social Scoreboard.

International cooperation (art. 32)

33. Please provide information on:

(a) Specific policies and plans to implement and monitor the goal of promoting the rights of persons with disabilities globally, as laid down in the strategy for the rights of Persons with disabilities for 2021–2030;

(b) Plans, if any, to designate a disability focal point on disability-inclusive international cooperation, the mandate of the focal point and funding for the post, including the commitment made by the European Union at the Global Disability Summit 2022 to steadily increase the proportion of new international partnership actions that are disability-inclusive and to track disability-inclusive investment for a targeted monitoring of European Union funding by systematically using the disability marker of the Development Assistance Committee of the Organisation for Economic Co-operation and Development;

³ CRPD/C/EU/CO/1, para. 73.

(c) The programmes in place for training and capacity-building of staff members of the European Union, its member States and its partner countries on the requirements of the Convention in international cooperation;

(d) Mechanisms to consult with and ensure the participation of persons with disabilities through their representative organizations in the European Union's international cooperation frameworks and programmes.

National implementation and monitoring (art. 33)

34. Please provide information on measures taken to:

(a) Establish focal points on disability across all policy areas, and ensure the dissemination of information about their work in implementing the Convention within European Union institutions;

(b) Ensure that implementation and monitoring of European Union strategies concerning marginalized groups include persons with disabilities and their representative organizations;

(c) Strengthen the independent monitoring framework of the European Union, and ensure that recommendations and decisions of the framework are effectively implemented. Please report on the funding of the independent monitoring framework in the previous 5 years, and on the human, technical and financial resources available to ensure that monitoring activities are accessible to and include the participation of persons with disabilities and their representative organizations.
