



Colección
Convención ONU

THE IMPLEMENTATION OF THE INTERNATIONAL UN
CONVENTION ON THE RIGHTS OF PERSONS WITH
DISABILITIES IN THE EUROPEAN UNION AND IN THE
MEMBER STATES OF THE EUROPEAN UNION,
WITH A SPECIAL FOCUS ON ACCESSIBILITY,
EDUCATION AND EMPLOYMENT

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THE IMPLEMENTATION OF THE INTERNATIONAL UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES IN THE EUROPEAN UNION AND IN THE MEMBER STATES OF THE EUROPEAN UNION, WITH A SPECIAL FOCUS ON ACCESSIBILITY, EDUCATION AND EMPLOYMENT

(With special regard to the monitoring process of the UN Committee on the rights of persons with disabilities)

Executive Summary

The information and views set out in this study are those of the author(s) and do not necessarily reflect the official opinion of the ONCE Foundation.

THE STUDY SHOULD BE CITED AS FOLLOWS:

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The full study (only available in Spanish) and the present executive summary can be downloaded at www.fundaciononce.es and www.cermi.es

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FOREWORD

The European Union, a singular, collective and solidarity project, has just turned 60 years old, the same as the European Social Fund, the main instrument which promote inclusion and social cohesion through employment.

Meanwhile, the UN Convention on the Rights of Persons with Disabilities has already celebrated its tenth anniversary, and is nowadays an essential tool for people with disabilities, the organizations that represent people with disabilities, as well as the States to move forward into non-discrimination and into an effective equality.

The ONCE Foundation, as an organization and under the mandate of its founder: the National Organization of the Spanish Blind (known in Spanish as ONCE), has the mission of improving the quality of life of people with disabilities and their families, particularly through employment, training and the promotion of accessible environments, products and services. Since the adoption of the Convention, and certainly since 2008 when it became part of the Spanish legal system, our activity as an organization has been framed and inspired by its principles.

For the last 17 years, the Foundation has maintained a strong alliance with the European Union and with the Government of Spain in its role as manager of the European Social Fund, with renewed confidence in our organization for the 2014-2020 programming period. A period in which the regulations governing the European Structural and Investment Funds have incorporated important requirements relating to persons with disabilities, such as their non-discrimination and the consideration of accessibility as overarching principles, as well as the establishment of general ex-ante conditions for the use of funds linked to the UN Convention itself, which the EU as a regional organization had ratified in 2011. These unprecedented improvements are the ones we will have to make the most of it.

Thus, in the framework of the anniversaries of the EU, the European Social Fund and the Convention itself; and within a context marked by the start of a new programming period of European Funds, as well as the slow exit from a crisis with great social impacts that has exacerbated the inequality



that affects people with disabilities and other groups at risk of exclusion, from ONCE Foundation we have seen an unbeatable opportunity to carry out a work like the one that is included in these pages. To assess the implementation of the UN Convention on the Rights of Persons with Disabilities in the EU and in the member States of the EU, with particular attention to employment as a fundamental base for active inclusion, as well as education and training and accessibility, all as closely related aspects which without them, progress is not possible.

A work which –confirming that there is still a long path to walk and starting from a rigorous country-by-country analysis– aims to provide an instrument to improve policies, programs and the management of the European Funds, seeking greater alignment with the Convention in order to ensure its effective implementation, as also disseminate inspiring models and good practices for the future of Europe, the future of the States of the EU and the future of persons who are part of and make Europe grow. Undoubtedly, an effort that contributes to an achievement of the Europe 2020 strategy for a smart, sustainable and inclusive growth as a reference framework and also to the Agenda 2030 and to the Sustainable Development Goals, both with an increasing relevance at the global level and at the EU itself.

Alberto Durán López
Executive Vice-president
ONCE Foundation



According to the World Health Organisation (WHO, 2011), worldwide around 1 billion people live with a disability, which means 15% of the world's population. Eighty per cent of all people with disabilities (more than 800 000 people) live in low income countries and have fewer resources to exercise their rights because their basic needs are not covered.

Systematic violation of the rights of persons with disabilities, and their 'invisibility' within the United Nations human rights system, led to the international community, at the beginning of the new millennium, adopting a specific convention on the rights of persons with disabilities because, unlike other groups, they did not at that time have a legally-binding instrument to protect their rights and, as a result, no committee to explicitly protect these rights.

It was precisely this synergy that made the adoption of the CRPD possible, as part of the work carried out previously through other international instruments which were, however, non-binding on states, such as the World Programme of Action concerning Disabled Persons, adopted by the UN General Assembly on 3rd December 1982, and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, adopted by the same body on 20th December 1993.

The Convention on the Rights of Persons with Disabilities was finally adopted by the United Nations General Assembly on 13th December 2006. Since then it has been ratified by 173 countries, 91 of which have also ratified its Optional Protocol.

Importantly, Spain has been one of the most active countries since the outset; not just in the preparatory work for the Convention (where it acted decisively within the European Union in the negotiations regarding the inclusion of a stand-alone article to consider the particular vulnerability of girls and women with disabilities), but also during the ratification process, as witnessed by the fact that Spain was the ninth country to ratify the Convention and the fifth to ratify the Optional Protocol.

At this time, as we mark the tenth anniversary of the CRPD, it's important to highlight some of the landmarks we have achieved to bring about its implementation, thanks also to the efforts of the international community and, more specifically, the international monitoring committee, United Nations specialised agencies, and especially the global movement of persons with disabilities. For the Convention to have 173 States Parties and a regional integration organisation such as the European



Union is a noteworthy achievement. However, developing jurisprudence on the rights of persons with disabilities within the UN system, mainly through the ‘concluding observations’ on the more than 50 States Parties already reviewed to date by the CRPD Committee, is undoubtedly an invaluable tool in advancing and improving treaty implementation. To this enormous task we can also add the adoption of 4 ‘general comments’, interpretative instruments drawn up by the Committee to provide guidance to States Parties in implementing the most complex issues addressed by the Convention. The drafting process involved wide-ranging consultations with specialised agencies, non-governmental organisations, academia and human rights bodies, as well as days of general discussion and thematic discussions.

The ‘general comments’ address equal recognition before the law and legal capacity (article 12), accessibility (article 9), women with disabilities (article 6), and the right to inclusive education (article 24). Furthermore, another general comment on the right to live independently and to be included in the community (article 19) is currently at the drafting stage and will be adopted in the coming months.

Within this general framework, then, we can say that this publication is an invaluable contribution to discussions on the implementation of the Convention on the Rights of Persons with Disabilities in the European Union and in EU Member States which have already undergone review by the Committee. It utilises a methodology to analyse the concluding observations issued following review of States Parties’ initial reports and provides insightful reflections and conclusions to advance the human rights and fundamental freedoms of all persons with disabilities in the European Union, with special reference to the areas of employment, education and accessibility. It is also a crucially relevant study as the European Union itself and some of its Member States, such as Hungary and Spain, will soon be reviewed once again by United Nations, this time periodically.

Ana Peláez Narváez

CERMI representative on the European Disability Forum

Member of the UN Committee on the Rights of Persons with Disabilities, 2008-2016

1.- INTRODUCTION

This study aims to present the situation of the rights of persons with disabilities in the European Union from a perspective of the Committee on the Rights of Persons with Disabilities. This means that, necessarily, we are not describing the reality, but rather the Committee's view of it, pursuant to follow-up procedures. The study, in addition to assessing the implementation of the Convention in the European Union, will allow us to understand some of the key features of the Committee's action and the issues of greatest concern of it, paying special attention on accessibility, employment and education.

The analysis focused on the European Union has a certain singularity since the European Union itself ratified the Convention, therefore it will be analyzed in this study as well.

Our analysis focuses on the set of 30 groups of articles that appear in the box called "sets of articles". The first five: general issues (articles 1 to 4), equality and non-discrimination (article 5), women with disabilities (article 6), children with disabilities (article 7) and awareness-raising (article 8), they refer to cross-cutting themes. And the same could be said of article 9, which refers to accessibility, although this can be interpreted as a right. The three Articles at the end are not referring to rights, they describe the statistics and data collection that States Parties have to undertake (article 31), the international cooperation (article 32) and the national implementation and monitoring procedures (article 33).



SETS OF ARTICLES
Cuestiones generales (art. 1-4)
Equality and non-discrimination (article 5)
Women with disabilities (article 6)
Children with disabilities (article 7)
Awareness-raising (article 8)
Accessibility (article 9)
Right to life (article 10)
Situations of risk and humanitarian emergencies (article 11)
Equal recognition before the law (article 12)
Access to justice (article 13)
Liberty and security of the person (article 14)
Freedom from torture or cruel, inhuman or degrading treatment or punishment (article 15)
Freedom from exploitation, violence and abuse (article 16)
Protecting the integrity of the person (article 17)
Liberty of movement and nationality (article 18)
Living independently and being included in the community (article 19)
Personal mobility (article 20)
Freedom of expression and opinion, and access to information (article 21)
Respect for privacy (article 22)
Respect for home and the family (article 23)
Education (article 24)
Health (article 25)
Habilitation and rehabilitation (article 26)
Work and employment (article 27)
Adequate standard of living and social protection (article 28)
Participation in political and public life (article 29)
Participation in cultural life, recreation, leisure and sport (article 30)
Statistics and data collection (article 31)
International cooperation (article 32)
National implementation and monitoring (article 33)

2.- CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES AND THE COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES

The Convention on the Rights of Persons with Disabilities (CRPD) adopted on 13 December 2006 is the first comprehensive human rights treaty of the 21st century and is the first legally binding instrument that in the framework of the Universal System of Human Rights of United Nations is oriented specifically to the protection of people with disability. The CRPD entered into force on 3 May 2008 and by December 2016 has been ratified by 168 countries, among them: 27 member countries of the EU and by the European Union itself.

2.1.- The meaning of the Convention

The Convention represents a genuine revolution regarding the traditional treatment of disability among national legislations based on a welfare perspective and the medical model. The CRPD considers disability as a human rights issue, which implies viewing persons with disabilities as “subjects” with rights and not as “objects” of charity, medical treatment and social protection. It also assumes the social model of disability, which implies understanding that the difficulties that people with disabilities face in order to participate fully in the community are not originate in their limitations or personal deficiencies but in the limitations of a society designed from a standard of normality that disregards their needs by creating barriers that exclude and discriminate against them.

From this approach, the purpose of the present Convention –stated in article 1– is:



“to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity”.

The CRPD consists of a 25-paragraph preamble and 50 articles in order to address this goal.

Articles 33 to 40 concern issues relating to the implementation and monitoring of the Convention at both the national and international levels.

Regarding national monitoring, the CRPD establishes that the States Parties shall designate one or more focal points within government for matters relating to the implementation; the possibility to establish or designate a coordination mechanism within government to facilitate related action in different sectors and at different levels; to maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation the Convention. It also establishes that civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

2.2.- The Committee on the Rights of Persons with Disabilities

Regarding international monitoring, the CRPD established a Committee on the Rights of Persons with Disabilities (article 34).

As with the rest of the conventional ad hoc human rights bodies created under the United Nations system regarding protection of human rights, the Committee is a body of 18 independent experts which monitors implementation of the Convention on the Rights of Persons with Disabilities. The members of the Committee serve in their individual capacity, not as government representatives. They are elected from a list of persons nominated by the States at the Conference of the State Parties.

2.2.1.- Analysis of the States parties reports

All States parties have to submit reports (initial and regular reports) to the Committee on how the rights enshrined in the Convention are being



implemented. The Committee examines each report and makes suggestions and general recommendations on the report. This is the main function of the Committee (article 35).

According to article 35 States Parties shall submit to the Committee “a comprehensive report on measures taken to give effect to its obligations” under the CRPD “and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned” and “at least every four years and further whenever the Committee so requests.” Making use of the faculty conferred by article 35, paragraph 3 of the CRPD, in October 2009 the Committee adopted Guidelines for periodic reporting to the Committee, with the aim to advise States parties on the form and content of their reports in order to facilitate their preparation, ensure their completeness and ensure certain uniformity in their content.

Some States parties, including some EU Member States, have already completed the review cycle of their initial reports.

According to these Guidelines, once the State Party submits its initial report which should specifically address each of the articles of the CRPD, the Committee will notify reporting States parties of the dates, duration and venue of the session at which their reports will be examined. The report published shall be in the working languages of the Committee and accessible formats. The Committee conducts a preliminary study of the report and formulates in advance a list of issues for which supplementary information to the initial report and the States parties will be requested to provide brief and precise replies in writing. State party reports will be examined in public meetings of the Committee. All relevant stakeholders may attend and the Committee will conduct a constructive dialogue with the reporting State party. In this sense, the Committee invites the State party to be represented at the dialogue by a delegation as well as respond to the Committee’s questions and comments and providing, where appropriate, additional information. Following the constructive dialogue with a State party, the Committee will adopt its concluding observations in a closed meeting. The concluding observations indicates positive aspects, factors and difficulties that impede the implementation of the Convention, the principal topics of concern and concrete suggestions and recommendations for future actions are made.



As indicated above, once the first review cycle (within two years of the ratification of the Convention) has been finalized, States parties are obliged to submit to the Committee every four years a report and whenever the Committee so requests. These reports should focus on the period between the consideration of the State Party's previous report and the presentation of the current report. There is also a Simplified Reporting Procedure (SRP). The Committee has revised the guidelines for periodic reporting to the Committee, including under the SRP, but States parties undergoing the preparation of initial reports should use the 2009 guidelines.

Both, national framework for the implementation of the Convention and the national institutions for protection and promotion of human rights (whether or not formally part of that framework), as also civil society, in particular persons with disabilities and their representative organizations shall be involved and participate fully in the monitoring process and in the process of reviewing the reports of the States parties before the Committee.

The Working methods of the Committee emphasizes the importance of the participation of the national human rights institutions as well as the organizations of persons with disabilities to contribute in an active and independent manner to the report preparation process of the State parties and to submit information to the Committee on reporting States parties in order to have a more complete understanding (and not a partial view) of various problems affecting the implementation of the Convention in a specific State party. In this regard, in the initial review cycle, such institutions and organizations have submitted parallel reports, general reports or focused on specific issues, suggestions related to the list of issues and / or considerations on the responses provided by the State party. The level of participation is very different depending on the country. The Committee also invites organizations of persons with disabilities to participate in the meetings, thereby providing an opportunity for dialogue on the implementation of the Convention by the States parties concerned. It also considers that the NGOs may organize side events during sessions to provide further information to the Committee members.



2.2.2.- Other functions

On the other hand, the Optional Protocol to the Convention gives the Committee competence to examine individual complaints –on behalf of individuals or groups of individuals– with regard to alleged violations of the Convention by States parties to the Protocol (which States may accede voluntarily).

The Committee may formulate general comments with regard to articles, observations or specific themes concerning the Convention, with the aim of assisting States parties in the implementation of the Convention, and to encourage international organizations and NGOs to efficiently foster the realization of the rights established under the Convention.

Finally the Committee may organize days of general and thematic discussion during its regular sessions on matters of general interest related to the application of the Convention (sometimes oriented to serve for drafting the general comment) and the Committee may also issue statements that reaffirm and/or clarify its position with regard to important events and international matters covered under the Convention, in this regard the Committee may also issue joint statements with other committees, human rights mandate holders or international organizations.

3.- 10 YEARS OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Currently, 27 of the 28 countries at the European Union have ratified the Convention and only Ireland if pending of ratification. In addition, the European Union itself as an organization has ratified the Convention.

The European Union itself alongside 13 countries of the European Union have passed a first examination on behalf of the Committee. These are Austria, Belgium, Croatia, Czech Republic, Denmark, Germany, Hungary, Italy, Lithuania, Portugal, Slovakia, Spain and Sweden.

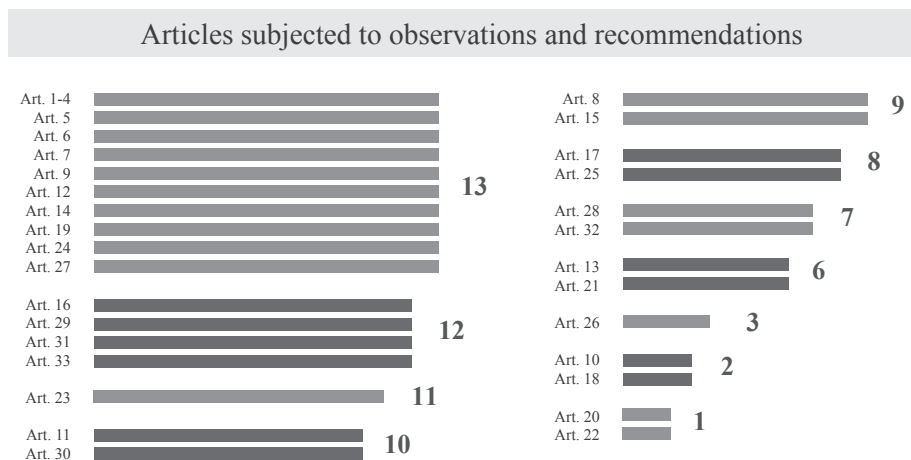
Also, there are 11 States that have submitted their reports but their examination is still in process (in some cases there is solely the State report: Bulgaria, France, Greece, Latvia, Luxembourg, Malta and Slovenia, and in other cases there is pending the answer to the list of issues sent by the Committee to the State party or with reports from independent or follow-up organizations: Cyprus, Poland and United Kingdom). There still without any report three States parties: Finland, Netherlands and Romania.

4.- COUNTRIES THAT HAVE BEEN OBJECT OF CONCLUDING OBSERVATIONS ON BEHALF OF THE COMMITTEE

As already noted, the Committee has completed the process of monitoring of the Convention with some of the EU countries. In particular, Austria, Belgium, Croatia, Czech Republic, Denmark, Germany, Hungary, Italy, Lithuania, Portugal, Slovakia, Spain and Sweden, a total of 13 countries.

4.1.- General data

If we analyze by articles the general recommendations and the concluding observations of the Committee, will see how are 10 sets of articles which appear in all concluding observations referred to these 13 countries and another four which appears on 12 countries.





These are articles related to the general issues (arts. 1-4), equality and non-discrimination (art. 5), women with disabilities (art. 6), children with disabilities (art. 7), accessibility (art. 9), equal recognition before the law (art. 12), liberty and security of person (art. 14), living independently and being included in the community (art. 19), education (art. 24) and work and employment (art. 27). Within this set of 10 articles the most repeated observations (50% of these observations) have to do with the following arguments:

OBSERVATIONS			
1	2	3	4
Lack of broad-based and participatory consultation process that involves representative organizations of persons with disabilities.	Lack of accessibility. Restrictive interpretation of the UN CRPD. Inappropriate application of the Convention.	Lack of training programmes and awareness programmes.	Involuntary internment on the grounds of disability.
5	6	7	8
Underdeveloped system of data collection and indicators. Lack of consistent and comparable statistics.	Insufficiency of measures to prevent and combat discrimination (including multiple and intersectional discrimination).	High rates of unemployment among persons with disabilities	Discrimination against prisoners with disabilities.
9	10	11	12
Lack of efforts in order to harmonize domestic legislation and policies to the Convention. Medical model approach rather than a human rights approach.	Lack of access to an inclusive and a high-quality education.	Lack of gender perspective in disability strategies.	Inadequate use of funds. Bad economic politics.



Regarding the recommendations, within this set of articles, the most repeated arguments (which occupied more than 50% of the recommendations) are:

RECOMMENDATIONS			
1	2	3	4
Prohibit and/or abolish and/or prevent discrimination on the grounds of disability, including discrimination by association, multiple and intersectional discrimination.	Establish frameworks for the inclusive, comprehensive and transparent participation of organizations representing persons with disabilities.	Training programmes and awareness programmes.	A comparable and comprehensive system of disaggregated data collection should be used.
5	6	7	8
Harmonize domestic legislation and policies to the Convention.	Prepare a disability-strategy and action plan in order to ensure the access to an inclusive and a high-quality education.	Establish specific measures to ensure accessibility.	Eliminate the criterion of dangerousness and the preventive mechanisms related to it when a person with psychosocial disability has been accused of a crime.
9	10	11	12
Promote and guarantee full accessibility for persons with disabilities into an inclusive, open and accessible labour market.	Eliminate and replace substitute decision-making by supported decision-making.	Ensure the provision of reasonable accommodation and accessible support services.	The need to incorporate a gender perspective into all disability strategies.



If we do not take into account the observations and recommendations made on cross-cutting and general issues (articles 1 to 8) excepting accessibility, the arguments most used by the Committee are, in relation to the observations, the following:

OBSERVATIONS (without articles 1 to 8)			
1	2	3	4
Lack of accessibility. Restrictive interpretation of the UN CRPD. Inappropriate application of the Convention.	The substitute decision-making system.	Discrimination against prisoners with disabilities.	Lack of training programmes and awareness programmes.
5	6	7	8
High rates of unemployment among persons with disabilities.	Involuntary internment on the grounds of disability.	Lack of access to an inclusive and a high-quality education.	Inadequate use of funds. Bad economic politics.
9	10	11	12
Lack of an adequate national policy fostering independent living.	It is common practice to live in institutions instead of live in local communities.	Majority of students with disabilities attend segregated schools for those with special needs.	Lack of support in education.

As regards of recommendations:



RECOMMENDATIONS (without articles 1 to 8)			
1	2	3	4
Establish specific measures to ensure accessibility	Eliminate the criterion of dangerousness and the preventive mechanisms related to it when a person with psychosocial disability has been accused of a crime.	Training programmes and awareness programmes.	Prohibit and/or abolish and/or prevent discrimination on the grounds of disability, including discrimination by association, multiple and intersectional discrimination.
5	6	7	8
Eliminate and replace substitute decision-making by supported decision-making.	Ensure the provision of reasonable accommodation and accessible support services.	Prepare a disability-strategy and action plan in order to ensure the access to an inclusive and a high-quality education.	Eliminate involuntary internments on the grounds of disability.
9	10	11	12
Establish specific measures to ensure the right to a free, prior and informed consent (FPIC) of persons with disabilities.	Promote and guarantee full accessibility for persons with disabilities into an inclusive, open and accessible labour market.	Greater economic investment to ensure independent living.	Ensure the adequate use of economic funds and policies in the service of rights.

4.2- Summary of the general data

From the parameters analyzed, it is possible to highlight 11 major issues within suggestions and recommendations which the Committee has address to the States parties in the concluding observations.



	Accessibility	
	Inclusive education	
Legal capacity	Inclusive employment	Independent living and involuntary internment
Discrimination	Criminal justice system	Awareness
Consultation and participation	Data system	Economic politics

It is about 11 big issues that are present throughout this study. They are: accessibility as a major problem and a cross-cutting demand that affects to services, products, goods and rights. On a second place it highlights the demand of a system configuration on inclusive education. On a third level, there are three big issues which are usually present on the agenda of non-discrimination against persons with disabilities. It's about issues related with substitution decision-making systems, with inclusive work and employment and with independent living. The fourth level is composed by other aspects related to discrimination as also with criminal justice and also with the need to raise awareness and training. The fifth level has to do with economic politics, with data and statistics systems and with the consultation to people with disabilities and their representative organizations.

It is important to note that in each and every one of these levels are present in the Committee's reasoning, the need to carry out both a social model of disability approach and a gender approach to combat intersectional discrimination.

4.3.- General data on accessibility, education and employment

This study pays particular attention to accessibility, education and employment regarding the monitoring of the Committee in relation to the EU countries.

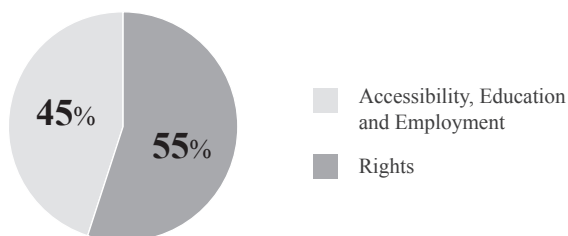
The issue of accessibility is on the 27% of the observations and recommendations of the Committee to the States.



Regarding to right to education, the 5% of the observations and recommendations that the Committee does to States parties are referred to some issue related to education. Employment occupies the 6% of the observations and recommendations of the Committee.

On the other hand, if we take into account the set of rights, accessibility is present in 40%, right the rights to education and employment in a 9% each. If we cluster these three aspects, the 45% of the rights which are subjects of the Committee reports have certain observations or recommendations regarding accessibility, educations and/or employment.

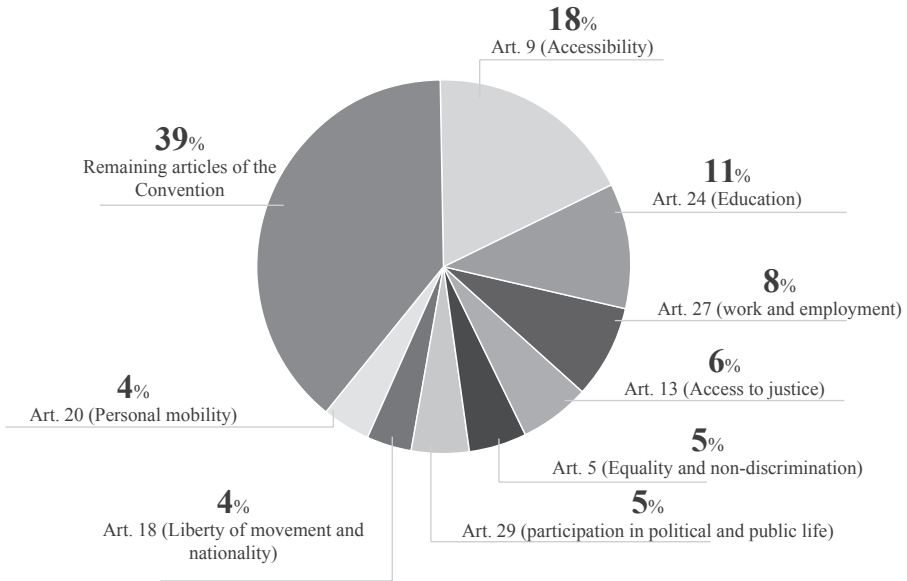
Accessibility, education and employment rights



Accessibility is present within Committee' observations and recommendations, mostly in the following articles:



Presence of Accessibility in Articles



In the tables below, we can see the arguments used by the Committee in their observations that have to do with accessibility, education and employment.

OBSERVATIONS ON ACCESSIBILITY			
Lack of accessibility-specific training programmes and awareness programmes.	Wrong system of data collection and indicators. Lack of consistent and comparable accessibility-specific statistics.	The obligation to provide reasonable accommodation in all aspects of society is breached.	The denial of reasonable accommodation is not considered as a form of discrimination.



OBSERVATIONS ON ACCESSIBILITY			
Deficits in the mechanisms of surveillance, supervision and control on accessibility.	Insufficiencies in the system of access to early intervention services.	The documents published by the institutions regarding disability are not accessible.	Absence of surveillance and sanction in case of non-compliance with standards for accessibility.
Lack of accessibility. Restrictive interpretation of the UN CRPD. Inappropriate application of the Convention.	Lack of accessibility in relation to health.	Lack of accessibility in relation to civic and cultural life, leisure and sport.	Lack of accessibility in relation to information.
Lack of access to justice for persons with disabilities.	Lack of accessibility to justice facilities.	Lack of procedural adjustments.	Lack of accessibility in reception centres.
Lack of accessibility and/or insufficient affordability of assistive devices and means of adaptation in the field of mobility.	Lack of specific measures or support in the area of home and family.	Low quality and accessibility of rehabilitation services.	There are factual barriers that prevent persons with disabilities exercise their right to vote.
No definition of reasonable accommodation.	Lack of binding obligations imposed on private entities in terms of accessibility.	The emergency system is not fully accessible, especially for deaf persons.	Insufficient regulation of personal assistance

OBSERVATIONS ON EDUCATION			
Lack of training programmes and awareness programmes on education.	Lack of an equal access to education for all women with disabilities.	Lack of access to an inclusive and a high-quality education	Persons with disabilities do not have access to information and education on reproduction and family planning adapted to their age



OBSERVATIONS ON EDUCATION			
Majority of students with disabilities attend segregated schools for those with special needs.	Schools may refuse admission of certain students with disabilities for reasons of organization and economic difficulties.	Lack of support on education	Confusion between integrated education and inclusive education.

OBSERVATIONS ON EMPLOYMENT			
High rates of unemployment among persons with disabilities.	High rates of unemployment among women with disabilities.	Women with disabilities are forced to act as caregivers at home and can not access the labour market.	Inadequate use of funds. Bad economic politics regarding the right of work and employment.
Discrimination and inequality regarding employment and working conditions of persons with disabilities.	Lack of adequate provisions to promote and guarantee full accessibility for persons with disabilities to the open labour market.	Segregation on employment.	Protected employment does not prepare workers with disabilities for the open labour market or even promote the transition to it.

The tables below refer to the arguments used by the Committee within their recommendations regarding to accessibility, education and employment.



RECOMMENDATIONS ON ACCESSIBILITY			
Accessibility-specific training programmes and awareness programmes.	Provide consistent, quantitative and qualitative comparable data collection on accessibility, disaggregated on the basis of various factors, including by gender, age, area (urban/rural) and disability.	Establish the obligation to provide reasonable accommodation.	Establish that the denial of reasonable accommodation is a form of discrimination.
Establish a definition for reasonable accommodation.	Establish mechanisms of surveillance, supervision and control on accessibility.	Adopt measures to improve early intervention.	All documents published by institutions on disability must be accessible.
Establish efficient measures to ensure accessibility.	Establish efficient measures to ensure accessibility in reception centres.	Approve regulations on accessibility in line with the Convention.	Make a broad interpretation of accessibility.
Establish that all risk policies and programs and humanitarian emergencies must be inclusive, accessible and human rights based.	Elaborate professional quality standards for supported decision-making mechanisms.	Establish measures of universal accessibility to justice.	Establish full procedural adjustments.
Ensure reasonable accommodation and accessibility in institutions.	Ensure reasonable accommodation and accessibility in prisons.	All policies and programs for the migrant population must be fully accessible.	Personal assistance must be regulated in a comprehensive manner.



RECOMMENDATIONS ON ACCESSIBILITY			
All support products, assistive devices and means of adaptation must be subject to good quality and be available to all persons with disabilities in the field of mobility.	Take the necessary measures to ensure information in accessible formats.	Establish appropriate information technologies for different types of disability.	Ensure accessibility in the field of health.
Improve quality and accessibility of rehabilitation services.	Take the necessary measures so that persons with any type of disability can vote and be elected.	Availability of electoral facilities and information have to be accessible.	Reduce existing barriers regarding participation in political life.
Implement appropriate support services related to the participation in political life.		Ensure that persons with disabilities have access to cultural facilities of general use and give them the opportunity to develop and use their creative, artistic and intellectual potential.	



RECOMMENDATIONS ON EDUCATION		
Provide training programmes and awareness programmes on education.	Provide consistent, quantitative and qualitative comparable data collection on education, disaggregated on the basis of various factors, including by gender, age, area (urban/rural) and disability.	Prepare a disability-strategy and action plan in order to ensure the access to an inclusive and a high-quality education, providing special attention to women with disabilities.
Provide accessible information to all persons with disabilities on sexual and reproductive rights.	Ensure equal access to all levels of education and vocational training, and built and renovate facilities to make them safe and sensitive to disability.	Ensure that legislation and policies ensure the obligation for all schools to enroll children with disabilities.
Increase accessibility of the environment, the material and resources on the educational field.	Introduce the sign language into the standard education system, including the postdoctoral level.	Ensure the provision of reasonable accommodation and accessible support services on education.



RECOMMENDATIONS ON EMPLOYMENT			
Harmonize domestic legislation on work and employment to the Convention.	Prohibit and/or abolish and/or prevent discrimination on the grounds of disability, including discrimination by association, multiple and intersectional discrimination.	Provide consistent, quantitative and qualitative comparable data collection on employment, disaggregated on the basis of various factors, including by gender, age, area (urban/rural) and disability.	Promote and guarantee full accessibility for persons with disabilities into an inclusive, open and accessible labour market, with special attention to women with disabilities.
Ensure the adequate use of economic funds and policies in the service of rights on employment.	Ensure reasonable accommodation in work and employment.	Achieve full and productive employment and ensure a decent job for all persons with disabilities.	

4.4.- Summary of the data on accessibility, education and employment.

Accessibility, education and employment are three main subjects cover when the Committee examines each States parties.

Regarding accessibility, the Committee highlights the lack of awareness, the lack of disaggregated data –reliable and comprehensive– and the absence of mechanisms in order to monitor its implementation and to sanction its non-compliance. Regarding this, the Committee in several occasions pointed out that the lack of general obligations and sanctions. It also underlines the lack of clarity in determining concepts, especially the Committee notes that there is a lack of understanding of the meaning of reasonable accommodation, therefore when they are denied not always this denegation is considered as an act of discrimination. Last, the Committee remarks the lack of accessibility regarding some rights (information, health, culture, leisure, sports, justice, mobility, home and family, participation in a political sphere). This is because



the concept is understood as a concept limited to services and products rather than rights. As it could not be otherwise, different Committee reports have been tried to solve this issues.

Regarding education, the Committee also highlights the lack of awareness and understanding about the Convention philosophy regarding education. Is common to find certain Committee observations regarding the education system, the Committee is concerned about the exclusionary and segregated system. Also, the Committee remarks the lack of supports and accessibility measures. That is way several parts of the recommendations have to do with inclusion and accessibility.

Regarding employment, the Committee highlights that the majorities of persons with disabilities are either unemployed or have low-income employment, these unemployment statistics is major among women with disabilities. On this topic is common to found Committee observations related to economic politics. Recommendations of the Committee such as make disappear discrimination regarding work and employment, increase the employment of persons with disabilities in the open labour market and reasonable accommodations, supported employment with personal assistance are some of the mechanisms that the Committee highlights in order to achieve an inclusive employment.

4.5.- General data by States parties (in particular regarding accessibility, education and employment)

Here, we will expose the most relevant data regarding the examinations done by the Committee to States parties of the European Union. In the section of each country, we will present seven main problems deduced from the concluding observations and recommendations of the Committee. After this, we will stop into the observations and recommendations regarding accessibility, education and employment. Then, we will expose good practices that were highlighted by the Committee and last we will make some considerations regarding black spots. These are more particular issues which are relevant from a quantitative perspective as also from a qualitative one, and black spots also have an important role regarding the social image about disability.



4.5.1.- Austria

PROBLEMS DETECTED
Accessibility
Substitution of decision-making and consent
Training and awareness programmes
Labour and educational inclusion
Multiple and intersectional discrimination
Data collection systems
Independent living and institutionalization

The Committee emphasizes in its analysis that recommends Austria abolish any distinction in the period allowed under law within which a pregnancy can be terminated based solely on disability. It also expressed the need to mainstream a gender perspective in its disability legislation and policy, and to give special attention to the rights of children with disabilities.

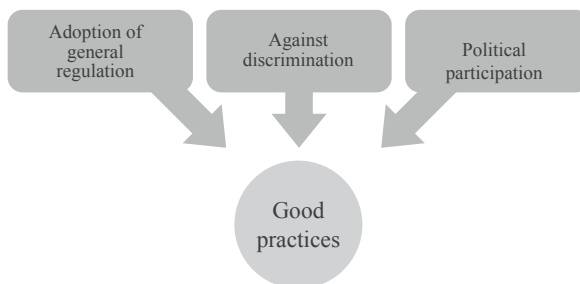
RECOMMENDATIONS ON ACCESSIBILITY	
Make a broad interpretation of accessibility	Reduce existing barriers regarding participation and ensure support in political life



RECOMMENDATIONS ON EDUCATION		
Ensure the provision of reasonable accommodation and accessible support services on education	Ensure equal access to all levels of education and vocational training, and built and renovate facilities to make them safe and sensitive to disability	Provide training programmes and awareness programmes on education

RECOMMENDATIONS ON EMPLOYMENT	
Promote and guarantee full accessibility for persons with disabilities to the open labour market	Prohibit and/or abolish and/or prevent discrimination on the grounds of disability, including discrimination by association, multiple and intersectional discrimination

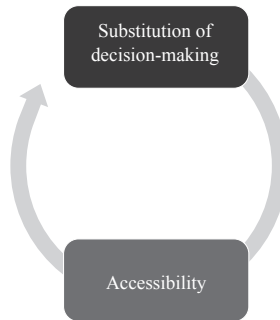
GOOD PRACTICES



The Committee highlights as a good practice the approved and therefore an official recognition of sign language and some measures to eliminate barriers regarding the participation in political and public life.



BLACK SPOTS



4.5.2.- Belgium

PROBLEMS DETECTED
Accessibility
Substitution of decision-making and consent
Criminal justice system
Labour and educational inclusion
Data collection systems
Coordination mechanisms
Consultation and participation

The Committee expressed the need to ensure the integration of gender and disability perspectives and recommends the adoption of measures to protect the right of children with disabilities. It also emphasizes and urges Belgium to implement a disability action plan at all levels to guarantee access to services



and an independent life for persons with disabilities so that they are able to live in the community.

RECOMMENDATIONS ON ACCESSIBILITY	
Approve regulations on accessibility in line with the Convention	Elaborate professional quality standards for supported decision-making mechanisms
Establish efficient measures to ensure accessibility	Personal assistance must be regulated in a comprehensive manner
Provide accessible information to all persons with disabilities on sexual and reproductive rights	

RECOMMENDATIONS ON EDUCATION	
Prepare a disability-strategy and action plan in order to ensure the access to an inclusive and a high-quality education	Ensure the provision of reasonable accommodation and accessible support services on education
Increase accessibility of the environment, the material and resources on the educational field	Provide training programmes and awareness programmes on education

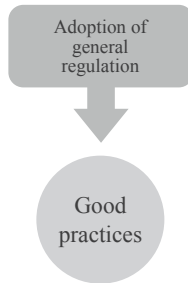
RECOMMENDATIONS ON EMPLOYMENT	
Promote and guarantee full accessibility for persons with disabilities to the open labour market	Ensure reasonable accommodation in work and employment



RECOMMENDATIONS ON EMPLOYMENT

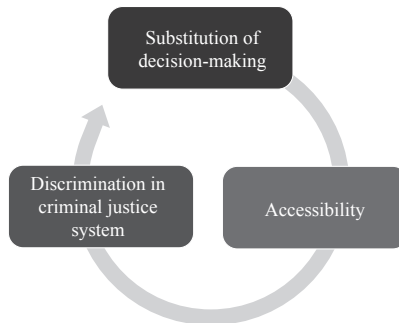
Prohibit and/or abolish and/or prevent discrimination on the grounds of disability on employment

GOOD PRACTICES



As a good practice, the Committee emphasizes the enactment of important pieces of legislation which are likely to improve the situation and lives of persons with disabilities.

BLACK SPOTS





4.5.3.- Croatia

PROBLEMS DETECTED
Accessibility
Substitution of decision-making and consent
Criminal justice system
Training and awareness programmes
Labour and educational inclusion
Independent living and institutionalization
Monitoring and control mechanisms

The Committee emphasizes and urges Croatia to take action to protect women and girls with disabilities from violence, and recommends mainstreaming women with disabilities into general gender equality policies. Also it emphasizes and recommends Croatia to ensure that children with disabilities are protected on an equal basis with others. It also refers to the need to promote the participation of persons with disabilities. It also stressed that forced sterilization should be prohibited.

RECOMMENDATIONS ON ACCESSIBILITY		
Take the necessary measures to ensure information in accessible formats	Establish appropriate technologies for different types of disability	Establish efficient measures to ensure accessibility



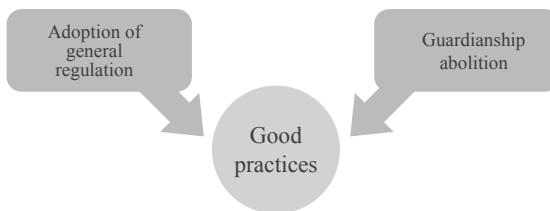
RECOMMENDATIONS ON ACCESSIBILITY		
Provide accessible information to all persons with disabilities on sexual and reproductive rights	Adopt measures to improve early intervention	Take the necessary measures so that persons with any type of disability can vote and be elected
Ensure that persons with disabilities have access to cultural facilities of general use and give them the opportunity to develop and use their creative, artistic and intellectual potential		Ensure accessibility in the field of health

RECOMMENDATIONS ON EDUCATION	
Prepare a disability-strategy and action plan in order to ensure the access to an inclusive and a high-quality education	Ensure equal access to all levels of education and vocational training, and built and renovate facilities to make them safe and sensitive to disability
Provide training programmes and awareness programmes on education	

RECOMMENDATIONS ON EMPLOYMENT		
Achieve full and productive employment and ensure a decent job for all persons with disabilities	Promote and guarantee full accessibility for persons with disabilities to the open labour market	Ensure reasonable accommodation in work and employment
Prohibit and/or abolish and/or prevent discrimination on the grounds of disability on employment		

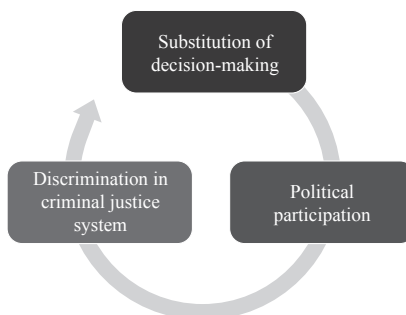


GOOD PRACTICES



The Committee highlights as good practices all measures taken to enable persons with disabilities to be recognized as persons before the law on an equal basis with others (legal capacity).

BLACK SPOTS



4.5.4.- Czech Republic

PROBLEMS DETECTED
Accessibility
Substitution of decision-making and consent
Criminal justice system



PROBLEMS DETECTED
Training and awareness programmes
Labour and educational inclusion
Independent living and institutionalization
Consultation and participation

The Committee expressed the need to mainstream a gender perspective in its disability legislation and policy, and to give special attention to the rights of children with disabilities. It also highlights the need to establish a good system for data collection and statistics.

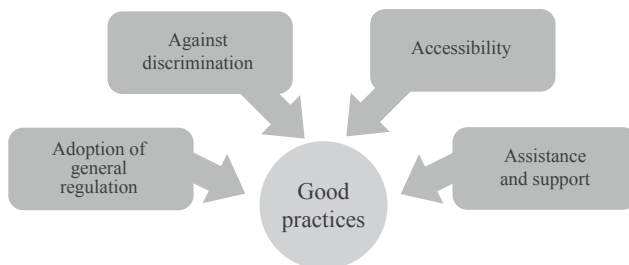
RECOMMENDATIONS ON ACCESSIBILITY		
Take the necessary measures to ensure information in accessible formats	Make a broad interpretation of accessibility	Establish efficient measures to ensure accessibility
Establish the obligation to provide reasonable accommodation	Availability of electoral facilities and information have to be accessible	Establish measures of universal accessibility to justice
Lack of accessibility-specific training programmes and awareness programmes	Ensure reasonable accommodation and accessibility in prisons	Ensure accessibility in the field of health



RECOMMENDATIONS ON EDUCATION		
Prepare a disability-strategy and action plan in order to ensure the access to an inclusive and a high-quality education	Ensure that legislation and policies ensure the obligation for all schools to enroll children with disabilities	Ensure the provision of reasonable accommodation and accessible support services on education

RECOMMENDATIONS ON EMPLOYMENT	
Promote full accessibility for persons with disabilities into an inclusive, open and accessible labour market	Prohibit and/or abolish and/or prevent discrimination on the grounds of disability, including discrimination by association, multiple and intersectional discrimination

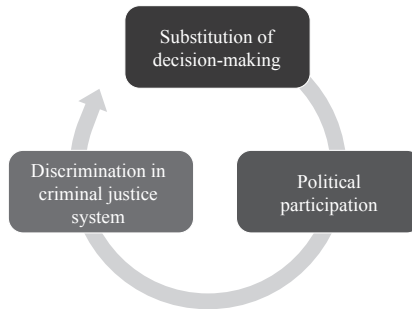
GOOD PRACTICES



The Committee it welcomes the official recognition of Czech sign language.



BLACK SPOTS



4.5.5.- Denmark

PROBLEMS DETECTED
Accessibility
Substitution of decision-making and consent
Training and awareness programmes
Labour and educational inclusion
Multiple and intersectional discrimination
Data collection systems
Independent living and institutionalization

The Committee expressed the need to mainstream a gender perspective in its disability legislation and policy, and to give special attention to the rights of children with disabilities.



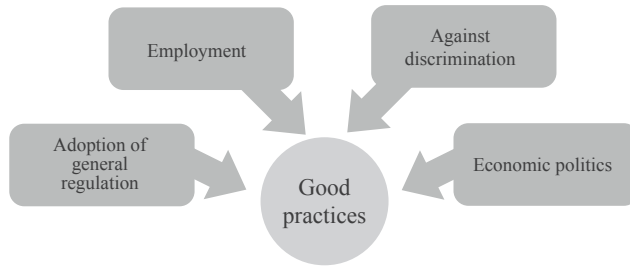
RECOMMENDATIONS ON ACCESSIBILITY		
Provide sufficient funds to remove barriers on accessibility	Make a broad interpretation of accessibility	Establish efficient measures to ensure accessibility
Take the necessary measures to ensure information in accessible formats	Establish that all risk policies and programs and humanitarian emergencies must be accessible	Availability of electoral facilities and information have to be accessible
Ensure accessibility in the field of health		

RECOMMENDATIONS ON EDUCATION		
Prepare a disability-strategy and action plan in order to ensure the access to an inclusive and a high-quality education	Ensure the provision of reasonable accommodation and accessible support services on education	Increase accessibility of the environment, the material and resources on the educational field

RECOMMENDATIONS ON EMPLOYMENT		
Ensure reasonable accommodation in work and employment	Promote full accessibility for persons with disabilities into an inclusive, open and accessible labour market	Achieve full and productive employment and ensure a decent job

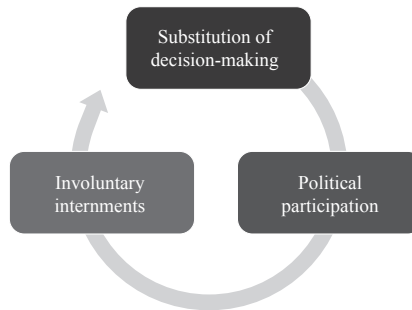


GOOD PRACTICES



The Committee highlights as a good practice the fact that Danish Sign Language has been recognized as an official language and the consult with social organizations.

BLACK SPOTS



4.5.6.- Germany

PROBLEMS DETECTED
Accessibility



PROBLEMS DETECTED
Substitution of decision-making and consent
Training and awareness programmes
Multiple and intersectional discrimination
Data collection systems
Independent living and institutionalization
Consultation and participation

The Committee expressed the need to mainstream a gender perspective in its disability legislation and policy, and to give special attention to the rights of children with disabilities. Also, the Committee is concerned about the exclusion of persons with disabilities from participation in political life. It also stressed that forced sterilization should be prohibited.

RECOMMENDATIONS ON ACCESSIBILITY		
Establish a definition for reasonable accommodation and establish that its denial is a form of discrimination	Make a broad interpretation of accessibility	Establish efficient measures to ensure accessibility
Reduce existing barriers regarding participation and ensure support in political life	Establish that all programs on risk situations and humanitarian emergencies must be accessible	Establish measures of universal accessibility to justice



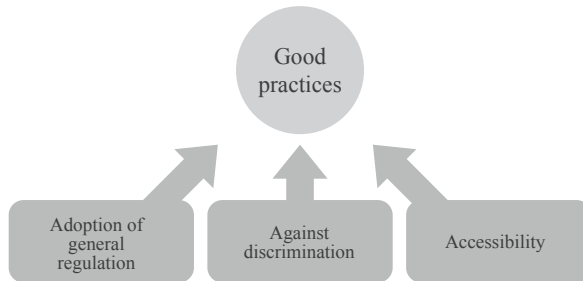
RECOMMENDATIONS ON ACCESSIBILITY		
Establish full procedural adjustments	Ensure reasonable accommodation and accessibility in institutions	Ensure accessible policies and programs for the migrant population
	Ensure accessibility in the field of health	

RECOMMENDATIONS ON EDUCATION		
Prepare a disability-strategy and action plan in order to ensure the access to an inclusive and a high-quality education	Ensure that legislation and policies ensure the obligation for all schools to enroll children with disabilities	Introduce the sign language into the standard education system
Ensure the provision of reasonable accommodation and accessible support services on education	Increase accessibility of the environment, the material and resources on the educational field	Provide training programmes and awareness programmes on education

RECOMMENDATIONS ON EMPLOYMENT	
Harmonize domestic legislation on work and employment to the Convention	Promote full accessibility for persons with disabilities into an inclusive, open and accessible labour market
Ensure the adequate use of economic funds and policies in the service of rights on employment	Provide consistent, quantitative and qualitative comparable data collection on employment, disaggregated on the basis of various factors, including by gender, age, area (urban/rural) and disability

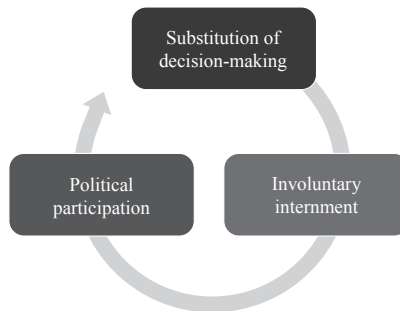


GOOD PRACTICES



The Committee commends the official recognition of German sign language as a separate language

BLACK SPOTS



4.5.7.- Hungary

PROBLEMS DETECTED
Accessibility
Substitution of decision-making and consent



PROBLEMS DETECTED
Criminal justice system
Training and awareness programmes
Labour and educational inclusion
Multiple and intersectional discrimination
Restrictive economic policies

The Committee expresses the need to develop policies to promote independent living. The Committee expressed the need to mainstream a gender perspective in its disability legislation and policy, and to give special attention to the rights of children with disabilities. It highlights the discrimination in the context of voluntary termination of pregnancy and forced sterilization..

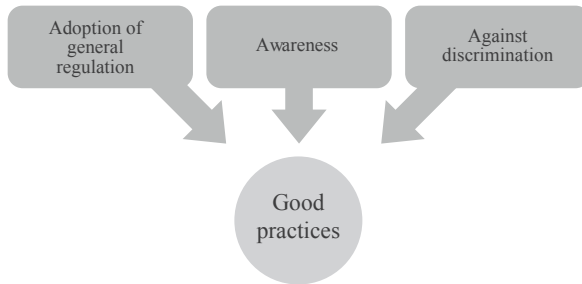
RECOMMENDATIONS ON ACCESSIBILITY		
Establish a definition for reasonable accommodation and establish that its denial is a form of discrimination	Provide sufficient funds to remove barriers on accessibility	Establish efficient measures to ensure accessibility

RECOMMENDATIONS ON EDUCATION		
Prepare a disability-strategy and action plan in order to ensure the access to an inclusive and a high-quality education	Provide training programmes and awareness programmes on education	Ensure the provision of reasonable accommodation and accessible support services on education



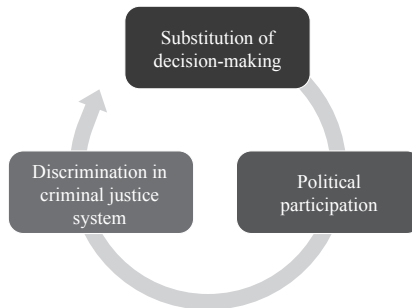
RECOMMENDATIONS ON EMPLOYMENT		
Ensure reasonable accommodation in work and employment	Ensure the adequate use of economic funds and policies at the service of rights on employment	Achieve full and productive employment and ensure a decent job

GOOD PRACTICES



The Committee highlights as a good practice the inclusion in the Constitution of the express prohibition of discrimination on the grounds of disability.

BLACK SPOTS





4.5.8.- Italy

PROBLEMS DETECTED
Accessibility
Substitution of decision-making and consent
Criminal justice system
Training and awareness programmes
Labour and educational inclusion
Multiple and intersectional discrimination
Monitoring and control mechanisms

The Committee expressed the need to mainstream a gender perspective in its disability legislation and policy, and to give special attention to the rights of children with disabilities. It also highlights the need to establish a good system for data collection and statistics. And it also concerned about the lack of an independent and inclusive monitoring mechanism.

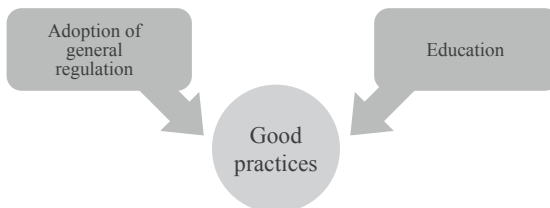
RECOMMENDATIONS ON ACCESSIBILITY			
Establish a definition for reasonable accommodation and establish that its denial is a form of discrimination	Make a broad interpretation of accessibility	Establish efficient measures to ensure accessibility	Reduce existing barriers regarding participation and ensure support in political life
Take the necessary measures to ensure information in accessible formats	Establish measures of universal accessibility to justice	Ensure reasonable accommodation and accessibility in institutions	Ensure accessibility in the field of health



RECOMMENDATIONS ON EDUCATION		
Prepare a disability-strategy and action plan in order to ensure the access to an inclusive and a high-quality education	Introduce the sign language into the common education system	Increase accessibility of the environment, the material and resources on the educational field
Use consistent, quantitative and qualitative comparable data collection, disaggregated on the basis of various factors, including by gender, age, area (urban/rural) and disability		

RECOMMENDATIONS ON EMPLOYMENT	
Harmonize domestic legislation on work and employment to the Convention	Promote full accessibility for persons with disabilities into an inclusive, open and accessible labour market
Prohibit and/or abolish and/or prevent discrimination on the grounds of disability on employment, including discrimination by association, multiple and intersectional discrimination	

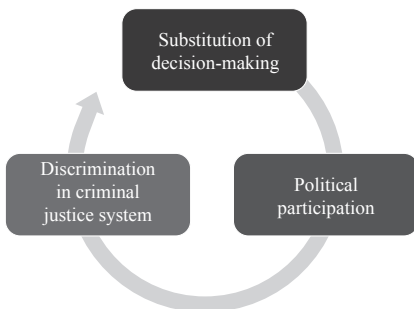
GOOD PRACTICES



The Committee highlights as a good practice the implementation of an inclusive education system free of segregation.



BLACK SPOTS



4.5.9.- Lithuania

PROBLEMS DETECTED
Accessibility
Substitution of decision-making and consent
Criminal justice system
Training and awareness programmes
Labour and educational inclusion
Data collection systems
Independent living and institutionalization

The Committee has expressed the need to mainstream a gender perspective in its disability legislation and policy, and to give special attention to the rights of children with disabilities. It also highlights the need to establish a good system of participation and consultation of persons with disabilities and also



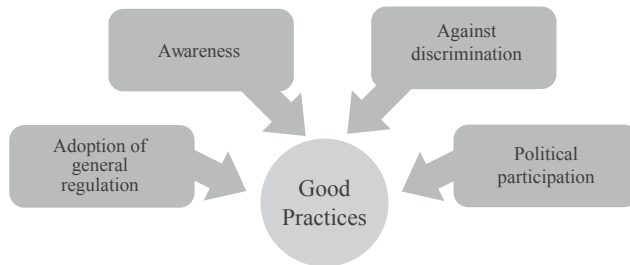
highlights the need to end practices such as castrations, sterilizations and abortions.

RECOMMENDATIONS ON ACCESSIBILITY		
Establish a definition for reasonable accommodation and establish that its denial is a form of discrimination	Approve regulations on accessibility in line with the Convention	Establish efficient measures to ensure accessibility
Provide sufficient funds to remove barriers on accessibility	Establish that all risk policies and programs and humanitarian emergencies must be accessible	Availability of electoral facilities and information have to be accessible
Ensure that persons with disabilities have access to cultural facilities of general use and give them the opportunity to develop and use their creative, artistic and intellectual potential	Ensure accessibility in the field of health	

RECOMMENDATIONS ON EDUCATION		
Ensure equal access to all levels of education and vocational training, and built and renovate facilities to make them safe and sensitive to disability		
Ensure reasonable accommodation and accessible support services on education	Increase accessibility of the environment, the material and resources on the educational field	Provide training programmes and awareness programmes on education

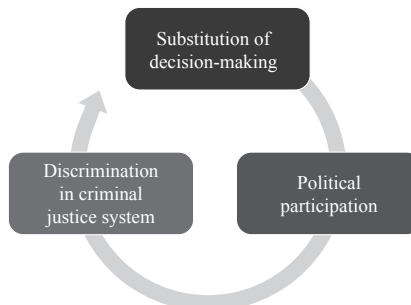
RECOMMENDATIONS ON EMPLOYMENT		
Prohibit and/or abolish and/or prevent discrimination on the grounds of disability on employment	Promote full accessibility for persons with disabilities into an inclusive, open and accessible labour market	Ensure reasonable accommodation in work and employment
Achieve full and productive employment and ensure a decent job for all persons with disabilities		Provide training programmes and awareness programmes on work and employment

GOOD PRACTICE



The Committee highlights as good practices the measures to facilitate the political participation of persons with disabilities and awareness programs. We also could add the official recognition of the sign language.

BLACK SPOTS





4.5.10.- Portugal

PROBLEMS DETECTED
Accessibility
Substitution of decision-making and consent
Criminal justice system
Labour and educational inclusion
Multiple and intersectional discrimination
Independent living and institutionalization
Consultation and participation

The Committee expressed the need to mainstream a gender perspective in its disability legislation and policy, and to give special attention to the rights of children with disabilities. It also notes that the State party has not yet conducted a cross-cutting, comprehensive review of its legislation with a view to bringing it into line with the Convention.

RECOMMENDATIONS ON ACCESSIBILITY		
Approve regulations on accessibility in line with the Convention	Establish efficient measures to ensure accessibility	Availability of electoral facilities and information have to be accessible
Establish that all risk policies and programs and humanitarian emergencies must be accessible	Establish measures of universal accessibility to justice	Establish full procedural adjustments



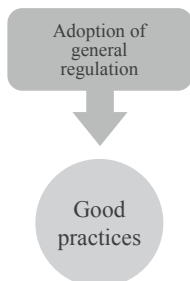
RECOMMENDATIONS ON ACCESSIBILITY		
Ensure reasonable accommodation and accessibility in institutions	Take the necessary measures to ensure information in accessible formats	Ensure accessibility in the field of health

RECOMMENDATIONS ON EDUCATION	
Ensure equal access to all levels of education and vocational training, and built and renovate facilities to make them safe and sensitive to disability	
Ensure the provision of reasonable accommodation and accessible support services on education	Prepare a disability-strategy and action plan in order to ensure the access to an inclusive and a high-quality education

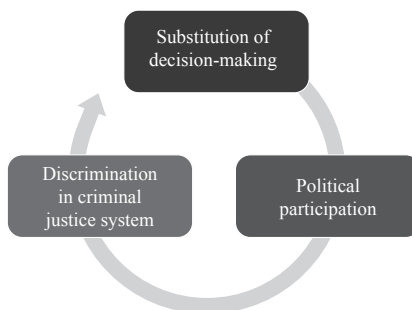
RECOMMENDATIONS ON EMPLOYMENT	
Harmonize domestic legislation on work and employment to the Convention	Achieve full and productive employment and ensure a decent job for all persons with disabilities
Prohibit and/or abolish and/or prevent discrimination on the grounds of disability on employment, including discrimination by association and multiple and intersectional discrimination	



GOOD PRACTICES



BLACK SPOTS



4.5.11.- Slovakia

PROBLEMS DETECTED
Accessibility
Substitution of decision-making and consent
Criminal justice system
Training and awareness programmes



PROBLEMS DETECTED
Independent living and institutionalization
Monitoring and control mechanisms
Consultation and participation

The Committee expressed the need to mainstream a gender perspective in its disability legislation and policy, and to give special attention to the rights of children with disabilities. The Committee also notes that there is a need of policies regarding inclusive education as inclusive employment.

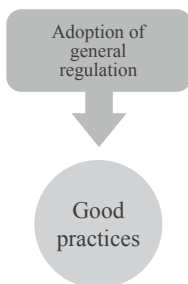
RECOMMENDATIONS ON ACCESSIBILITY		
Establish a definition for reasonable accommodation and establish that its denial is a form of discrimination	Make a broad interpretation of accessibility	Establish efficient measures to ensure accessibility
Availability of electoral facilities and information have to be accessible	Establish that all risk policies and programs and humanitarian emergencies must be accessible	Establish measures of universal accessibility to justice
Establish the obligation to provide reasonable accommodation	Ensure accessibility in the field of health	
Ensure that persons with disabilities have access to cultural facilities of general use and give them the opportunity to develop and use their creative, artistic and intellectual potential	All support products, assistive devices and means of adaptation must be subject to good quality and be available to all persons with disabilities in the field of mobility	



RECOMMENDATIONS ON EDUCATION		
Prepare a disability-strategy and action plan in order to ensure the access to an inclusive and a high-quality education	Ensure the provision of reasonable accommodation and accessible support services on education	Increase accessibility of the environment, the material and resources on the educational field

RECOMENDATIONS ON EMPLOYMENT	
Harmonize domestic legislation on work and employment to the Convention	Promote full accessibility for persons with disabilities into an inclusive, open and accessible labour market

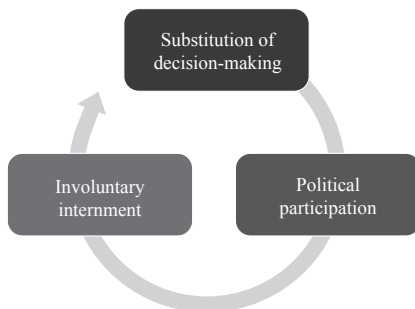
GOOD PRACTICES



The Committee notes with appreciation the adoption of normative in order to adapt the legislation to the Convention.



BLACK SPOTS



4.5.12.- Spain

PROBLEMS DETECTED
Accessibility
Substitution of decision-making and consent
Training and awareness programmes
Labour and educational inclusion
Multiple and intersectional discrimination
Data collection systems
Independent living and institutionalization

The Committee expressed the need to mainstream a gender perspective in its disability legislation and policy, and to give special attention to the rights of children with disabilities. It also highlights the discrimination regarding the voluntary termination of pregnancy. The Committee also urges the State party to abolish forced sterilization.

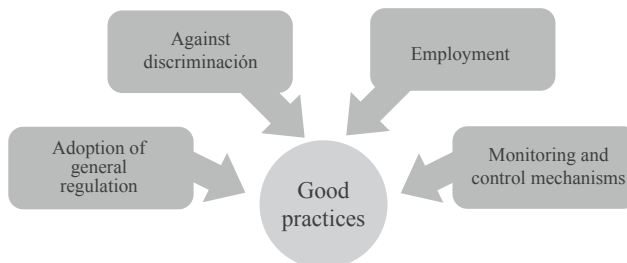


RECOMMENDATIONS ON ACCESSIBILITY		
Establish a definition for reasonable accommodation and establish that its denial is a form of discrimination	Availability of electoral facilities and information have to be accessible	Establish efficient measures to ensure accessibility

RECOMMENDATIONS ON EDUCATION	
Prepare a disability-strategy and action plan in order to ensure the access to an inclusive and a high-quality education	Ensure the provision of reasonable accommodation and accessible support services on education

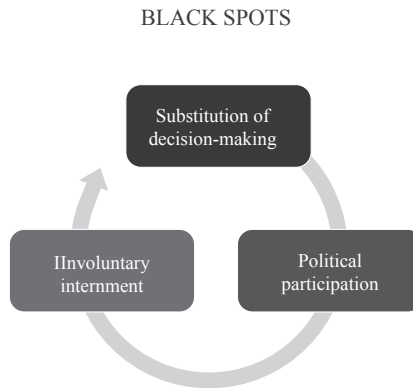
RECOMMENDATIONS ON EMPLOYMENT
Promote full accessibility for persons with disabilities into an inclusive, open and accessible labour market

GOOD PRACTICES





The Committee highlights as good practice the adoption of regulations and it also commends the State party for establishing independent monitoring mechanisms and measures of non-discrimination.



4.5.13.- Sweden

PROBLEMS DETECTED
Accessibility
Substitution of decision-making and consent
Training and awareness programmes
Labour and educational inclusion
Multiple and intersectional discrimination
Data collection systems
Monitoring and control mechanisms



The Committee expressed the need to mainstream a gender perspective in its disability legislation and policy, and to give special attention to the rights of children with disabilities.

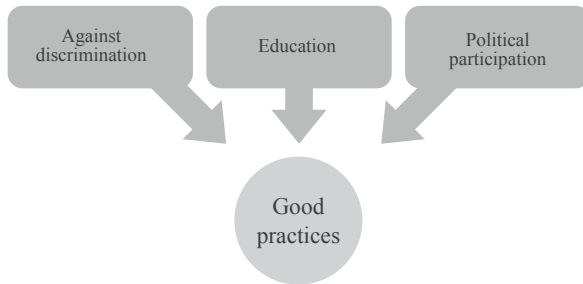
RECOMMENDATIONS ON ACCESSIBILITY	
Establish the obligation to provide reasonable accommodation in general	All documents published by institutions on disability must be accessible
Establish efficient measures to ensure accessibility	Availability of electoral facilities and information have to be accessible

RECOMMENDATIONS ON EDUCATION	
Ensure that legislation and policies ensure the obligation for all schools to enroll children with disabilities	Ensure the provision of reasonable accommodation and accessible support services on education

RECOMMENDATIONS ON EMPLOYMENT	
Achieve full and productive employment and ensure a decent job for all persons with disabilities	Prohibit and/or abolish and/or prevent discrimination on the grounds of disability on employment, including discrimination by association and multiple and intersectional discrimination

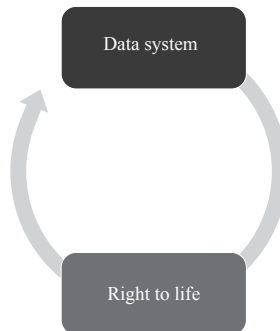


GOOD PRACTICES



The Committee highlights as good practices the recognition of the Swedish sign language and the adoption of a new law that classifies denial of reasonable accommodation as discrimination.

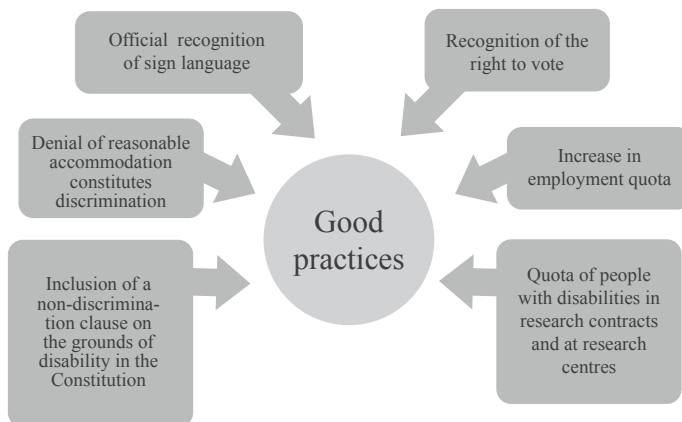
BLACK SPOTS





4.6.- Good practices

Below is a selection of good practices highlighted by the Committee and presented as indicators of the issues of most interest. As already noted at the time, some of these practices are developed within central problems.



4.7.- Some conclusions

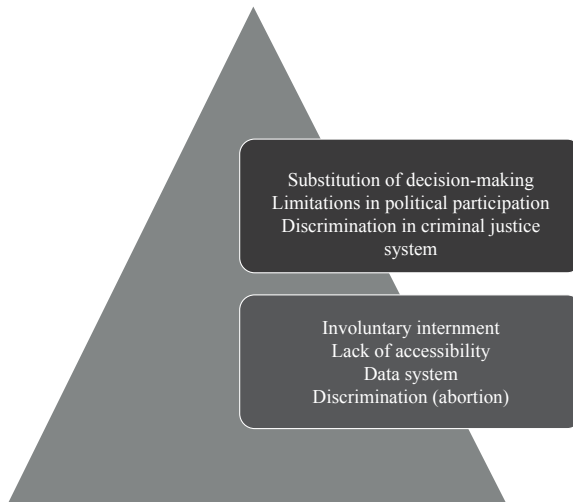
If we take into account the problems that have been highlighted in the 13 European Union states that have already been subject of concluding observations, we will see how in –general terms– these matched with those arising from the examination of the general data.

Accessibility	Legal capacity
Criminal justice system	Awareness
Inclusive education	Inclusive employment



Discrimination		
Data system		
Independent living and institutionalization	Monitoring and control mechanisms	Consultation and participation

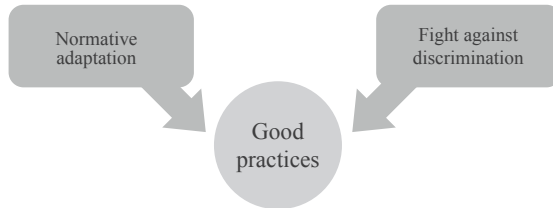
From the perspective of the black spots, three are the major recurring issues. These are cases of substitution decision-making, limitation of participation in a political life and discrimination in the criminal justice. These cases are followed by others such as involuntary internment, lack of accessibility or insufficient systems of data collection. It is also possible to incorporate into this section of black spots the discriminatory normative on the voluntary termination of pregnancy.



Lastly, the good practices highlighted by the Committee relate, firstly, to the efforts made by the States to reform their legislation (although this



should be understood as relative since it can also be considered as a kind of diplomatic exercise) and the fight against discrimination.



5.- COUNTRIES THAT HAVE NOT COMPLETED THE EXAMINATION PROCESS BY THE COMMITTEE

As already mentioned, at the European Union level in addition to the 13 countries already examined, there are another 11 countries whose evaluation is being carried out at the time of this report. These States parties are: Bulgaria, Cyprus, Estonia, France, Germany, Greece, Latvia, Luxembourg, Malta, Poland and the United Kingdom.

The timing of the follow-up process varies from country to country, which has an impact on the information available and also on the strength of the data. In many cases we have only the reports submitted by States, in others, in addition, the list of issues transferred by the Committee to the State party or the report of an independent organization. This means that we should be more cautious with the data set out below, although in many cases we have tried to examine other reports or accessible testimonies from each country (beyond what is contained in the process before the Committee).

5.1.- General data and general considerations

If we focus on the comments that are drawn from the reports and other documents on the countries of the European Union that have not completed their evaluation, we will see that the most cited articles are the set of articles regarding general issues (1-4), accessibility (9) and the article of education (24). Followed by article 12 (legal capacity) and article 27 (work and employment).



Articles subjected to observations and recommendations



If we use the items that have served to account for the Committee’s observations, we will see how the most reiterated issues, including the articles on general issues, are as shown in the following table.

COMMENTS			
1	2	3	4
Lack of accessibility. Restrictive interpretation of the UN CRPD. Inappropriate application of the Convention	Underdeveloped system of data collection and indicators. Lack of consistent and comparable statistics.	Lack of efforts in order to harmonize domestic legislation and policies to the Convention. Medical model approach rather than a human rights approach.	Lack of training programmes and awareness programmes.
5	6	7	8



COMMENTS			
The substitute decision-making system.	Medical interventions without free and informed consent. Involuntary treatment.	Involuntary internment on the grounds of disability.	Insufficiency of measures to prevent and combat discrimination (including discrimination by association, multiple and intersectional discrimination).

And the following table refers to the same information but deleting articles on general and cross-cutting issues (articles 1-8).

COMMENTS (without 1 to 8)			
1	2	3	4
Lack of accessibility. Restrictive interpretation of the UN CRPD. Inappropriate application of the Convention.	Underdeveloped system of data collection and indicators. Lack of consistent and comparable statistics.	Lack of training programmes and awareness programmes.	The substitute decision-making system.
5	6	7	8
Medical interventions without free and informed consent. Involuntary treatment.	High rates of unemployment among persons with disabilities.	Involuntary internment on the grounds of disability.	Lack of access to an inclusive and a high-quality education.

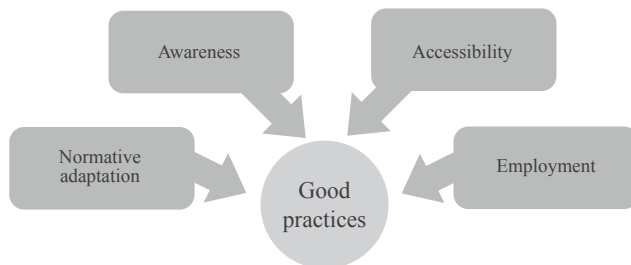


The analysis of the information on these countries makes it possible to highlight nine main problems in all the countries of the European Union that have not been examined.

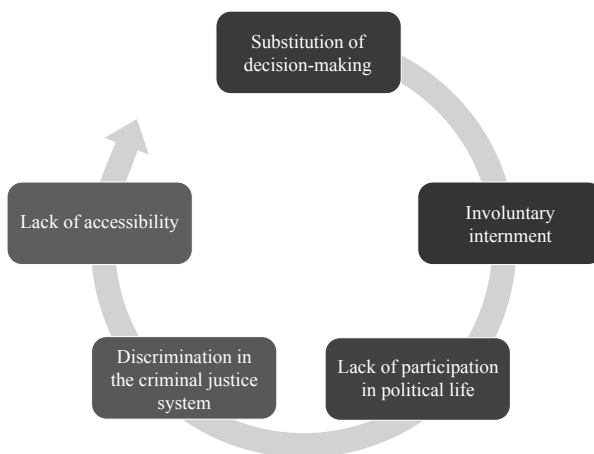
PROBLEMS DETECTED
Accessibility
Substitution of decision-making and consent
Criminal justice system
Training and awareness programmes
Labour and educational inclusion
Multiple and intersectional discrimination
Data collection systems
Independent living and institutionalization
Consultation and participation

It should again be emphasized that we do not have the Committee's observations. However, in the light of the reports, we could say that the Committee would generally point out the need to adopt a gender perspective and to address the situation of children.

On the other hand, a review of the good practices highlighted on the reports submitted by the States parties there are four broad areas that match with legislative and normative adaptations, awareness programs, accessibility and employment.



And regarding black spots, it is certainly difficult to find them in the reports; even so, if we take this information and some data obtained by the team itself, we will see how it is possible to highlight five points: (i) substitution of decision-making; (ii) involuntary internment; (iii) lack of participation in political life; (iv) discrimination in the criminal justice system; (v) lack of accessibility.



However, it would not be surprising if a review by the Committee also highlighted other points such as data collection systems or monitoring mechanisms.

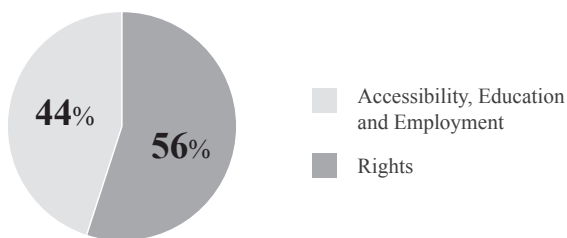


5.2.- General data and general considerations on accessibility, education and employment

We will then refer to data on accessibility, education and employment in the 11 States whose evaluation process has not yet been completed.

Accessibility is present in 30% of the comments that we have highlighted from the research team since the examination of the reports, while in the case of education and employment, the percentage is 6% (which is a high percentage if we take into account the number of articles, rights and problems to which the Convention refers). Meanwhile, if we consider the set of articles, accessibility is present in 37%, and the rights to education and work are present in 9%. And if we take into account all three aspects, 44% of the rights that are subjects to the reports made by the team (from the information submitted by the States to the Committee) have comments on accessibility, education and / or employment.

Accessibility, education and employment rights



As we have already seen in the consideration of countries that have already been examined by the Committee, accessibility, education and employment are three main issues in the study on the implementation of the Convention.

In the case of countries that have not yet been examined by the Committee, in relation to accessibility, it should be noted that there is a restrictive interpretation and that accessibility does not reach the rights, and that there



are no general obligations and lack of sanctions for non-compliance. As far as education is concerned, the absence of a truly inclusive system and the lack of support and accessibility measures are widespread. And in relation to employment, the high unemployment rates that affect people with disabilities and the special working conditions of people with disabilities stand out.

6.- EUROPEAN UNION

On January 22nd of 2011, the European Union (EU) acceded to the Convention as a regional integration organization as defined in Article 44 of the CRPD. Council Directive 2010/48/EC on the ratification of the European Community (now the European Union), of the United Nations Convention on the Rights of Persons with Disabilities has a reservation in Annex III to Article 27(1) of the Convention. Specifically, the EU excludes from the scope of the Directive the application of the principle of equal treatment with regard to disability in relation to employment in the armed forces. Pursuant to Article 216 (2) TFEU, agreements concluded by the Union shall be binding on the institutions of the Union and on the Member States.

The EU submitted its initial report on 5 June 2014. Between 20 and 24 April of 2015 the Committee adopted a list of issues relating to the initial report.

On 22 June of 2015 the European Union submitted its formal replies to the list of issues to the Committee. The Committee conducted the consideration of the Initial Report during its 220th and 221st meetings, on 27 and 28 August 2015, respectively and adopted the concluding observations at its 229th meeting on September 3rd, 2015.

The initial report submitted by the European Union covers the period from January 2011, when the Convention entered into force in the EU, until December 2013.



6.1.- General data and general considerations

The analysis of the European Union by the Committee has been carried out both as a supra-state entity and as an Administration. In this last case, the examination has been limited to those aspects that have to do with such an entity.

In the final observation on the European Union, the Committee makes an assessment of all the articles of the Convention that we are taking as a reference in this study, with the exception of articles 10 (right to life), 22 (respect for privacy) and 26 (habilitation and rehabilitation).

The Committee therefore recommends integrate disability issues into migration and refugee policies. It insists on issues regarding the access to justice, health and access to information. It also affects the need to establish appropriate measures to ensure that all persons with disabilities who have been deprived of their legal capacity can exercise all the rights enshrined in European Union legislation and treaties. The Committee in several observations it refers to the problem of substitution decision-making.

From the analysis of the Committee's report on the European Union, eight major problems can be highlighted.

PROBLEMS DETECTED
Accessibility
Substitution of decision-making and consent
Criminal justice system
Labour and educational inclusion
Multiple and intersectional discrimination
Independent living and institutionalization

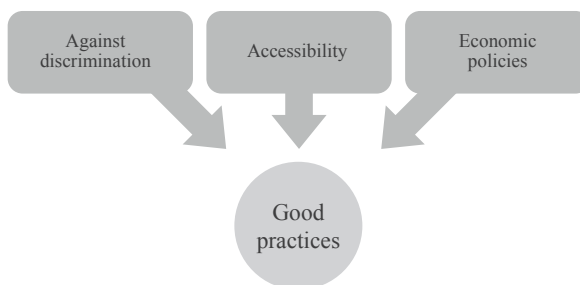


PROBLEMS DETECTED
Consultation and participation
Restrictive economic policies

In addition, the Committee stresses the importance of a gender-sensitive approach in setting standards and taking into account girls and boys. On the other hand, it also refers to restrictions regarding the right to vote.

As regards the European Union as an Administration, there are six articles on which the Committee's observations and recommendations are based: (i) equality and non-discrimination (article 5); (ii) access to justice (article 13); (iii) freedom of expression and opinion, and access to information (article 21); (iv) right to education (article 24); (v) health (article 25); (vi) work and employment (article 27). Within these six major problems, the most frequent themes are accessibility, education and employment.

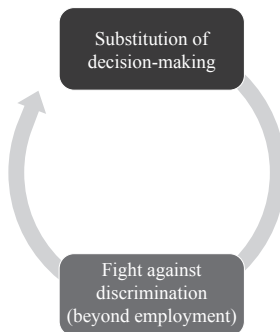
On the other hand, a review of the good practices highlighted in the Committee's report we can consider three main thematic areas: accessibility, anti-discrimination (regarding employment) and economic politics.





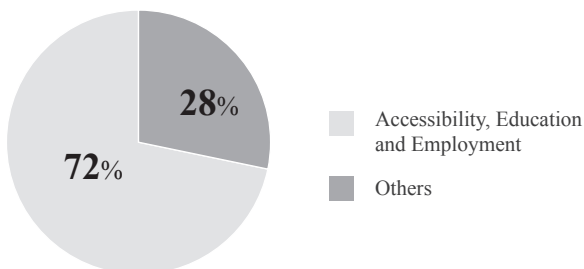
Among the good practices to which the Committee emphasizes, it is worth noting the accessibility standards contained in the European Structural and Investment Funds Regulations.

And regarding the black spots, it is possible to refer to two: the fight against discrimination (beyond employment) and the substitution decision-making.



6.2.- General data and general considerations on accessibility, education and employment

Of the set of observations and recommendations made by the Committee to the European Union, 28% of the total has to do with accessibility, education and employment. This percentage rises up to 100% when the European Union is taken into consideration as an Administration.





The arguments used by the Committee in making recommendations on accessibility, education and employment are set out in the following tables.

RECOMMENDATIONS ON ACCESSIBILITY		
Establish the obligation to provide reasonable accommodation	All documents published by institutions on disability must be accessible	Approve regulations on accessibility in line with the Convention
Establish mechanisms of surveillance, supervision and control on accessibility	Establish that all risk policies and programs and humanitarian emergencies must be accessible	Create easy reading consent forms and in an accessible format
Establish full procedural adjustments	Ensure information in accessible formats	Availability of electoral facilities and information have to be accessible

RECOMMENDATIONS ON EDUCATION
Prepare a disability-strategy and action plan in order to ensure the access to an inclusive and a high-quality education

RECOMMENDATIONS ON EMPLOYMENT	
Achieve full and productive employment and ensure a decent job for all persons with disabilities	Promote full accessibility for persons with disabilities into an inclusive, open and accessible labour market



In relation to the examination of the European Union as an Administration, the recommendations on these three topics are set out below.

RECOMMENDATIONS ON ACCESSIBILITY	
Establish the obligation to provide reasonable accommodation	Establish measures of universal accessibility to justice
Take the necessary measures to ensure information in accessible formats	Establish appropriate information technologies for different types of disability
Ensure accessibility in the field of health	

RECOMMENDATIONS ON EDUCATION	
Ensure the provision of reasonable accommodation and accessible support services on education	Increase accessibility of the environment, the material and resources on the educational field

RECOMMENDATIONS ON EMPLOYMENT
Achieve full and productive employment and ensure a decent job for all persons with disabilities

7.- FINAL CONCLUSIONS

Previous pages can serve to understand the situation of the rights of persons with disabilities in the European Union through the analysis of the monitoring of the implementation of the Convention on the Rights of Persons with Disabilities set by the Committee which was established in the United Nations for this purpose.

The conducted analysis has been performed from different perspectives: One of these perspectives has to do with the rights covered by the Convention; another has to do with the Committee's observations; recommendations; and the latter has to do with the categories created by the literature on disability. This has allowed us to draw conclusions from different sides that we have been crowd together.

Well, on this point, the first conclusion is that there is still a long way to go before the provisions of the Convention on the Rights of Persons with Disabilities can be respected. This is undoubtedly an important conclusion worldwide speaking.

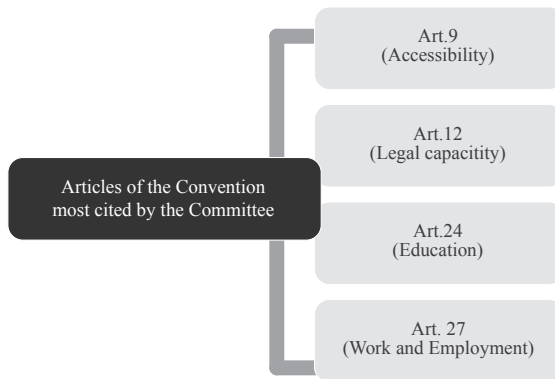
There is still a long way to go to make the compliance with the Convention a reality.

It is a fact that the social model of disability in Europe and around the world has not been placed as the model for the treatment of disability. But, as we have seen, in a set of countries such as those countries of the European Union, the satisfaction of basic human rights is still pending. And if this is so

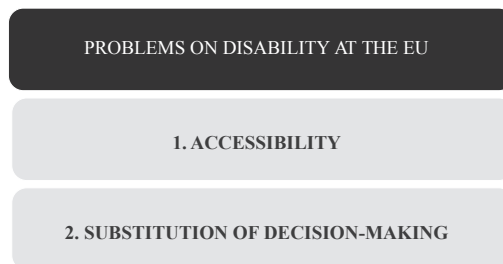


in the EU, it is not difficult to imagine what will happen in other parts of the world.

Back to the European Union, there are four articles of the Convention that have elicited in these years more observations, recommendations and comments by the Committee. These are the articles on accessibility (article 9); equal recognition before the law (article 12); education (article 24) and work and employment (article 27).



Taking into account all the data, the analysis highlights seven major problems or categories of problems that are present when the rights of persons with disabilities must be satisfied.



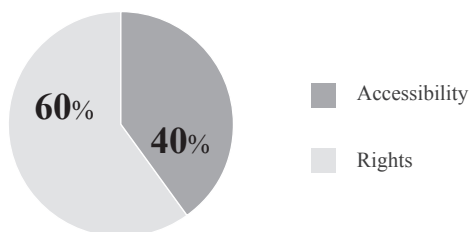


- 3. EDUCATION
- 4. EMPLOYMENT
- 5. INDEPENDENT LIVING AND INVOLUNTARY INTERNMENT
- 6. CRIMINAL JUSTICE SYSTEM
- 7. PARTICIPATION AND CONSULTATION

Although establishing a hierarchy between them may not make much sense since, as it could not be otherwise, are closely related, it is possible to do so by placing accessibility first (which should not be surprising since it is the axis on which are all the rights of persons with disabilities).

As we have seen, accessibility is present in 40% of the rights under analysis by the Committee.

Presence of accessibility according set of rights





In general terms, regarding accessibility, the Committee emphasizes:

- (i) Lack of awareness, lack of consistent and comparable data and lack of implementation and a monitoring mechanisms.
- (ii) Absence of general obligations and sanctions for non-compliance.
- (iii) Lack of clarity in concepts such as reasonable accommodations which means that their denial is not always considered as a discrimination.
- (iv) Lack of accessibility in relation to some rights (information, health, culture, leisure, sport, justice, mobility, home and family, participation in political life).

Regarding accessibility is necessary to:

- **Make an interpretation of accessibility that reaches all rights.**
- **Establish binding obligations in both public and private spheres.**
- **Establish sanctions for non-compliance.**
- **Ensure that the absence of reasonable accommodation is considered as discrimination.**
- **Have reliable and comprehensive data.**
- **Carry out awareness programs.**

The second major problem is none other than the substitution of decision-making and the transgression of informed consent problems that are linked to the legal capacity and to the equal recognition before the law.



- Regarding substitution decision-making is necessary to:**
- Eliminate and replace substitute decision-making by supported decision-making.**
 - Elaborate professional quality standards for supported decision-making mechanisms.**
 - Establish specific measures to ensure the right to a free, prior and informed consent (FPIC) of persons with disabilities.**
 - Create consent forms in an accessible and easy-to-read format.**
 - Have reliable and comprehensive data.**
 - Carry out awareness programs.**

The third big problem is the education. It is undoubtedly a structural problem that arises from the lack of adoption of the social model of disability and at the same time, constitutes a barrier to its socialization. With regard to education, as we have already pointed out, the Committee stresses:

- (i) Lack of awareness and lack of understanding of the philosophy of the Convention regarding education.
- (ii) The widespread existence of segregated special education centres for children with disabilities.
- (iii) Lack of support and accessibility measures.



In relation to education, it is necessary to:

- **Ensure an inclusive and high-quality education system.**
- **Ensure equal access to all levels of education and vocational training.**
- **Increase the accessibility of the environment, material and resources.**
- **Introduce the sign language into the standard education system.**
- **Ensure the provision of reasonable accommodation and accessible support services.**
- **Have reliable and comprehensive data.**
- **Carry out awareness programs.**

The fourth problem has to do with employment, which, as is well known, is one of the great pillars of inclusion in contemporary societies and one of the major instruments of discrimination towards people with disabilities.

With regard to employment, the Committee emphasizes:

- (i) High unemployment rates that affect people with disabilities (and are higher for women with disabilities).
- (ii) Poor economic policies in this regard.
- (iii) Discrimination regarding working conditions.
- (iv) The lack of measures to achieve access to the labour market and, in particular, the lack of measures to incorporate people with disabilities into an inclusive, open and accessible market.
- (v) Lack of reasonable accommodations and lack of support in the context of employment.



Regarding employment, is necessary to:

- **Achieve full and productive employment and ensure a decent job.**
- **Promote full accessibility to the open labour market.**
- **Orient labour policies towards inclusive employment.**
- **Prohibit and/or abolish and/or prevent discrimination on the grounds of disability, including discrimination by association, multiple and intersectional discrimination.**
- **Ensure reasonable accommodation in work and employment.**
- **Ensure an adequate use of economic funds and policies in the service of rights on employment.**
- **Have reliable and comprehensive data.**
- **Carry out awareness programs.**

The fifth problem it has to do with independent living, involuntary internment and living conditions within institutions.

In relation to independent living and involuntary internment, it is necessary to:

- **Adopt a national strategy for independent living.**
- **Eliminate involuntary internments on the grounds of disability.**
- **Regulate and guarantee personal assistance in a comprehensive manner.**
- **Prohibit discrimination regarding benefits and services.**
- **Establish support services in the community.**
- **Abolish all practices involving violations of rights in institutions and centres, especially practices that may be considered as acts of torture.**
- **Ensure the adequate use of economic funds and policies in the service of rights.**
- **Have reliable and comprehensive data.**
- **Carry out awareness programs.**

The sixth big problem has to do with the discrimination confronted by persons with disabilities in the criminal justice system and the treatment received in institutions (which is closely related to the previous one).



Regarding the criminal system it is necessary to:

- **Conduct a structured review of procedures for criminal sanctioning when a person with disability is accused of a crime.**
- **Eliminate the criterion of danger and preventive mechanisms related to it when a person with psychosocial disability is charged with a crime.**
- **Ensure reasonable accommodation and accessibility in prisons.**
- **Abolish all practices involving violations of rights in institutions and centres, especially practices that may be considered as acts of torture.**
- **Have reliable and comprehensive data.**
- **Carry out awareness programs.**

The seventh problem is about participation of people with disabilities, which has a deep ramification in the political sphere, but which is projected in any issue that affects them and where the representative organizations of people with disabilities also come into play.

In relation to participation and consultation, it is necessary to:

- **Take the necessary measures so that persons with any type of disability can vote and be elected.**
- **Availability of electoral facilities and information have to be accessible.**
- **Implement appropriate support services in the participation of political life.**
- **Ensure the secret of the vote.**
- **Establish frameworks for the inclusive, comprehensive and transparent participation of organizations representing persons with disabilities**
- **Have reliable and comprehensive data.**
- **Carry out awareness programs.**



However, as the Committee points out, the protection of rights requires a good system of data collection, awareness-raising and training programs, and the development of economic politics in the service of human rights

Satisfying the rights requires a good system of data collection, awareness-raising and training programs, and the development of economic policies in the service of rights.

In short, an achievement of the realizations of rights requires a development of policies and regulations against all forms of discrimination (direct, indirect, by association, multiple or intersectional). And at this point, there is a need regarding the situation of women with disabilities and the fight against intersectional discrimination they are suffering.

It is necessary to develop policies and legislation against all forms of discrimination (direct, indirect, by association, multiple or intersectional).

All of the above requires great actions and regulatory and normative reforms, among which two stand out because of their impact on the set of rights: education and employment.

In general, it is necessary to address two major policy or legislative challenges that will allow achieving on the one hand, an inclusive educational system and, on the other hand, an inclusive, open and accessible labour market.

Finally, there are violations of rights within the European Union that must be resolved by concrete measures.



SPECIFIC MEASURES TO BE ADOPTED

- 1- Modify substitute decision-making regimes.**
- 2- Ensure free and informed consent.**
- 3- Eliminate the criterion of dangerousness and the preventive mechanisms related to it when a person with psychosocial disability has been accused of a crime.**
- 4- Eliminate involuntary internment on the grounds of disability.**
- 5- Abolish all practices involving violations of rights in institutions and centres, especially practices that may be considered as acts of torture.**
- 6- Prohibit forced sterilization.**
- 7- Recognize rights to marriage, legal custody and adoption.**
- 8- Recognize the right to vote and be elected.**
- 9- Eliminate discrimination on the grounds of disability in the voluntary termination of pregnancy.**

