



EUROPEAN UNION OF THE DEAF

A European Non-Governmental Organisation in official liaison with
European Parliament, European Commission and the Council of Europe

European Union of the Deaf (EUD) feedback on the Roadmap of the Disability Rights Strategy for 2021 - 2030

EUD considers post 2020 European Disability Strategy (the Strategy or post 2020 EDS) to be an extremely valuable and relevant instrument to implement the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) in the EU as the Strategy will aim to ensure that people with disabilities can experience full social and economic inclusion on an equal basis with others and live free from discrimination. It will build on the 2010-20 European Disability Strategy, both through targeted action and by ensuring disability rights are taken into account across all EU policies, programmes and instruments.

On the occasion on the publication of the Roadmap¹ on the post 2020 European Disability Strategy, EUD developed a set of recommendations for the European Commission.

1. In the areas of mobility, accessibility and participation

1.1. Accessibility

The Roadmap identifies that accessibility is key for the prevention and removal of barriers. It highlights that recent accessibility legislation should be implemented and consolidated. EUD agrees but highlights that even though the recently adopted EU accessibility legislation brings changes to digital environments, for deaf persons in the EU numerous barriers still remain when it comes to accessing mainstream environments and services.

Accessibility is often understood as a concept that is only linked to either the physical or digital environment, however the definition of accessibility and what it entails varies significantly depending on the disability group in question. Due to the specific cultural and linguistic identity of deaf persons, accessibility for this group specifically means access through sign language, which provides them with full barrier-free access to information, communication and knowledge while accessing mainstream and digital services.

¹ Roadmaps aim to inform citizens and stakeholders about the European Commission's work in order to allow them to provide feedback and to participate effectively in future consultation activities. Citizens and stakeholders are in particular invited to provide views on the Commission's understanding of the problem and possible solutions and to make available any relevant information that they may have.

- **The post 2020 European Disability Strategy should ensure that the accessibility of information and communication through sign language for deaf persons is guaranteed to the same extent as information and communication through spoken language is ensured for hearing persons.**
- **The post 2020 European Disability Strategy should highlight that the concept of accessibility goes beyond merely the physical and digital accessibility of the environments and services. Accessibility for deaf persons in particular means access through sign language, which provides them with full barrier-free access to information, communication and knowledge.**
- **The post 2020 European Disability Strategy should propose action that would ensure that all deaf Europeans and sign language users have access to sign language, e.g. urging all Member States to recognise sign languages in the EU countries as official languages and ensuring their use in different domains, e.g. employment, education and in all the other areas of life.**
- **Moreover, regarding the accessibility of the physical environment, the post 2020 EDS should fill the gaps left by the European Accessibility Act by proposing legislation that would oblige all of the built environment and transport to be accessible to all. Such legislation should take into account the variety of perspectives on accessibility.**
- **The post 2020 European Disability Strategy should ensure that all new technologies are developed with a design focus on all the approaches to accessibility.**
- **The post 2020 European Disability Strategy should ensure that the provision of accessibility is an eligibility criterion for accessing EU funds.**

EUD acknowledges that the recently adopted European Accessibility Act, if ambitiously and properly transposed and implemented by the Member States, will improve the accessibility of a number of key products and services. Most essentially for the deaf community, it will improve the accessibility of the European emergency number, 112. Also, if ambitiously transposed and implemented by the Member States, the revised Audio-Visual Media Services Directive (Article 7) will gradually and progressively improve the accessibility of audio-visual media content and the European Electronic Communications Code will improve the accessibility and availability of electronic communications in addition to improving the accessibility of emergency communications. EUD also acknowledges that the Web Accessibility Directive is improving the accessibility of the public sector's websites and mobile apps. All of the aforementioned represent positive developments for deaf persons in the EU when it comes to accessibility. However, all the legislation on accessibility adopted under the European Disability Strategy 2010 – 2020 needs to be ambitiously and properly transposed and implemented by the Member States in order to bring about real change for persons with disabilities, therefore:

- **The post 2020 European Disability Strategy should establish a body (similar to the existing US Access Board in the United States of America²) which would strictly monitor how the recently adopted EU accessibility legislation is being transposed and implemented throughout the Union. It should also facilitate the development of accessibility standards and guidelines and could also serve as a platform for the exchange of best practices, allowing organisations representing persons with disabilities to meaningfully participate in the field of accessibility.**

1.2. Mobility

The Roadmap identifies that supporting mobility and free movement of persons can be facilitated by continuous strengthening of accessibility and passenger rights legislation to guarantee access to transport at all levels, and by building on the EU parking card and the EU Disability Card pilot project providing for the mutual recognition of disability between Member States. Whereas these are indeed crucial elements to support mobility, barriers in the context of free movement for persons with disabilities vary depending on the disability type in question. In order for persons with disabilities to meaningfully exercise freedom of movement in the EU, not only the physical barriers must be removed. For deaf people, realising their right to freedom of movement on an equal basis with others requires the removal of environmental and communication barriers, and also guaranteeing their linguistic rights through sign languages. Therefore, a coordination system for social security systems that grant such benefits must be established and function properly within the EU. It must ensure that people with disabilities who choose to freely move within the EU do not lose an access to their social security benefits. For instance, the current regulation that coordinates social security systems³ only regulates the benefits of economically inactive citizens with disabilities who receive long-term care benefits, as they are not able to work and require support with their essential daily activities. However, this regulation does not include persons with disabilities who are fully able to work, such as deaf persons, and therefore their benefits remain uncoordinated when they exercise their right to free movement. The post 2020 EDS should propose legislation on the coordination of the disability benefits that are provided to persons with disabilities who are economically active and able to exercise their freedom of movement.

- **For deaf persons in Europe to exercise their right to freedom of movement on an equal footing with others, the coordination of benefits that grant access to sign language interpreting services is essential. EUD notes with concern that the Regulation 883/2004/EC on coordination of social security benefits does not coordinate existing benefits of economically active deaf persons, such as benefits that grant access to sign language interpreting services. In light of this, EUD recommends that in the framework of the post 2020 European Disability Strategy the EU amend existing legislation, including Regulation 883/2004/EC, or adopt new legislation that coordinates the benefits that grant access to sign language interpreting services for**

² <https://www.access-board.gov/>

³ Regulation No 883/2004

economically active deaf persons who exercise their right to freedom of movement.

- **Furthermore, the EU should adopt legislation guaranteeing that persons with disabilities moving to another Member State can transfer their security benefits and are automatically eligible to access equivalent rights and services in their new Member State of residence.**
- **In addition to all of the above, the EU must revise, extend, and strengthen passengers' rights for persons with disabilities.**

As well, EUD welcomed the EU Disability Card pilot project. EUD sees the Disability Card as an important instrument that encourages collaboration, partnerships with service providers, and raises awareness on accessibility.

- **Post 2020 European Disability Strategy should call for expanding the project to all EU countries.**

1.3. Participation

The Roadmap identifies that persons with disabilities need to be able to participate fully in the democratic process, including in the European Parliament elections. EUD agrees that post 2020 European Disability Strategy should aim at ensuring that people with disabilities can enjoy all the benefits of EU citizenship, and that all barriers to equal participation in public life and leisure activities are removed. EUD emphasises that the right to vote as well as the effective and meaningful political participation of deaf voters is still not guaranteed due to the fact that accessibility before, during and after the elections is not always considered.

- **Post 2020 European Disability Strategy should aim at ensuring that all citizens can enjoy their political rights at all stages of the elections and that the information and communication is fully accessible for all, which for the deaf voters implies that all information related to the elections must be accessible through national sign languages before, during and after the elections.**

2. With regard to employment, skills, social protection, social services and independent living

2.1. Employment

Currently, due to the lack of different, reasonable accommodation and accessibility measures many people with disabilities do not have meaningful access to employment, despite their willingness and ability to be a part of the open labour market.

Not focusing on enabling people with disabilities who are an available work force into the labour market is a missed opportunity for the EU, not only in order to ensure inclusion but also to ensure an overall economic and sustainable growth of the EU.

However, currently there are no exact figures how many people with different types of disabilities are out of labour market. Encouraging the collection of disaggregated data by disability type would play the key role supporting the economic rationale behind the argument to foster the inclusion of persons with all types of disabilities into the labour market. Disaggregated data by disability type is necessary to build an economic argument for inclusion.

- **EUD understands that data collection is the competence of the Member States, however we suggest for the post 2020 European Disability Strategy to establish a data collection platform (or network) in which national statistical offices, national focal points of the UN CRPD, organisations representing persons with disabilities, alongside Eurostat would collaborate on the development and use of harmonised methods and use tools (like Washington Set of Short Questions) for data collection at the national level which would later be input into Eurostat's database.**

The collection of relevant and disaggregated data by disability type is key. Data on the unemployment of persons with different types of disabilities would allow for a clear identification of the gaps, e.g. the gap in unemployed deaf persons in the EU, who are a potential yet unused or underused work force. More data and exact figures of people who are currently underused or unused work force would support an argument that provision of reasonable accommodation and accessibility measures would boost the employment levels of people with disability which would also contribute to an overall increase of employment level in the EU.

- **The post 2020 EDS should aim at addressing the lack of access to employment, the lack of reasonable accommodation, and accessibility measures during employment, and the lack of data on actual employment levels.**
- **The post 2020 Strategy should aim at collecting data on the employment/unemployment status of persons with different types of disabilities which would allow for an identification of the gaps, e.g. the gap in unemployed deaf persons in the EU, who are a potential yet unused or underused work force.**
- **The post 2020 EDS should be linked to the European Semester process.**
- **The post 2020 EDS should also aim at further investments into research which would explore the potential of persons with disabilities as a work force which, once enabled, would significantly benefit economic and sustainable growth.**

2.2. Skills

The Roadmap identifies that the development of skills which are the indispensable basis for employment needs to be recognised and strengthened. EUD highlights that the post 2020 European Disability Strategy will be an instrument for an upcoming

decade. It comes as no surprise that our societies are becoming more digital and automated, and Artificial Intelligence plays bigger role in everyday lives.

And so as digitalisation, automation and developments in the field of Artificial Intelligence will only gain more prevalence in the future, digital upskilling is key to benefit equally from technological development.

- **The post 2020 European Disability Strategy should propose action to ensure that people with disabilities have equal access to a fully digitalised world and also they have skills to fully benefit from it.**
- **Most importantly, the post 2020 EDS should set out specific actions that would focus on the digital upskilling of people with disabilities.**

2.3. Social protection, social services and independent living

The Roadmap highlights that all persons with disabilities have right to decent quality of life and to living independently. EUD however sees a lack of action from the EU-level on social protection, especially when such action is linked to a cross-border element, e.g. while exercising the freedom of movement. The new Strategy should include specific actions to promote an inclusive coordination of social protection systems.

Also, the EU could deliver guidelines for the Member States on a social protection floor for persons with disabilities that would guarantee them an adequate standard of living. From the deaf perspective, this would mean that the EU should encourage Member States to ensure minimum, meaningful access to a national sign language for deaf Europeans.

- **Post 2020 European Disability Strategy should promote the provision of interpreters and/or coverage of sign language interpretation costs to enable deaf individuals to fully and meaningfully participate in all areas of life—both in private and in public. All deaf persons in the EU must be provided by public authorities with a harmonised minimum number of hours of sign language interpretation which would enable them to meaningfully participate in all areas of life and would ensure adequate living conditions.**
- **Importantly, the EU should set out harmonised standard on sign language interpretation ensuring that such interpretation is of high quality, which would not be a pre-determined value, but contextually determined.**
- **The Strategy should take measures to improve the availability and quality of sign language interpreters. Post 2020 European Disability Strategy should highlight that sign language interpreting services must employ a sufficient number of qualified interpreters in order to meet the increasing demand for these services.**

3. With regard to equality, education, access to health and justice and other civil rights in the UN CRPD

3.1. Equality

The Roadmap highlights that equal participation and non-discrimination should be a reality for everybody. However, during the period of the European Disability Strategy 2010 – 2020, a horizontal anti-discrimination Directive (Equal Treatment Directive) remained blocked in the Council of the EU. As a consequence, in the EU, there is still as of yet no legislation prohibiting discrimination on the grounds of disability in all areas of life. EUD sees such an absence as a shortage that should be addressed in the post 2020 European Disability Strategy, since now the EU is committed to implementing Article 5 of the UN CRPD, realise Sustainable Development Goal 5, and Principle 3 of the EU Pillar of Social Rights.

- **The post 2020 European Disability Strategy should propose the adoption of the anti-discrimination directive which would protect the rights of persons with disabilities in all areas of life, or it should propose an action to unblock the current Equal Treatment Directive.**
- **The post 2020 European Disability Strategy should promote the use of EU funds in order to fight discrimination based on disability and promote equal treatment.**

3.2. Education

The Roadmap highlights that developing inclusive and accessible education is a key prerequisite for participation in the society and to get employment and should be supported. However, EUD highlights that despite the overall success of the Erasmus+ Programme, the European Students Network (ESN) found that participants with disabilities comprised less than 1% of its participants. Deaf persons willing to participate in the Erasmus+ Programme face numerous barriers related to sign language support which, in the end, often result in discriminatory outcomes due to the inaccessibility of a learning mobility and the lack of sign language support.

- **EUD recommends that the post 2020 European Disability Strategy links with the Erasmus+ 2021 – 2027 programme and the EU Solidarity Corps to ensure it is inclusive of and fully accessible to deaf persons.**
- **The post 2020 European Disability Strategy must ensure that learning mobilities funded by EU funds are accompanied by sign language support for deaf beneficiaries as they are accompanied by language support for hearing beneficiaries.**
- **The post 2020 European Disability Strategy should connect with the Inclusion Strategy for the Erasmus+ 2021 – 2027.**
- **The post 2020 European Disability Strategy should connect with a new communication on the European Education Area and guide it in its realisation for learners with disabilities.**

3.3. Access to health and justice services

The Roadmap emphasises that specific attention is required for health services, especially after the weaknesses and gaps demonstrated by the COVID-19 crisis. EUD supports this and highlights that post 2020 European Disability Strategy should promote different means of accessibility to health services that go beyond the conception of physical accessibility of the environment.

- **Post 2020 European Disability Strategy should promote that for deaf persons, all information and communication pertaining to core human rights, such as access to health care and access to justice must be accessible through sign languages directly or through the provision of high-quality sign language interpreting.**

Despite many positive developments in the area of digital accessibility, EUD highlights that a multitude of barriers for deaf persons still remain when it comes to accessing mainstream services (such justice and other public and private sector services), needs to be addressed in the post 2020 European Disability Strategy. For instance, the European Parliament Resolution of 23 November 2016 on sign languages and professional sign language interpreters (2016/2952(RSP)) specifically stressed, that public and government services, including their online content, must be made accessible via live intermediaries such as on-site sign language interpreters, as well as alternative internet-based and remote services, where appropriate. Also, while the provision of health care services is a Member State competence, it should cater to the needs of deaf, deafblind and hard-of-hearing patients, for example by providing professional sign language interpreters and staff awareness training, with particular attention being paid to women and children. Equal access to justice for deaf, deafblind and hard-of-hearing citizens can only be ensured through sign language directly or by providing appropriately qualified and professional sign language interpreters.

- **The post 2020 European Disability Strategy should ensure access to mainstream services for all persons with disabilities through different means, e.g. by ensuring the accessibility of information, communication and knowledge for deaf persons through sign language. The EU itself should lead through example by making its institutions accessible for deaf Europeans through the provision of sign language interpretation on site and during meetings and making their online content accessible, e.g. through the use of subtitles and/or closed captioning.**

3.4. Other civil rights in the UN CRPD

The Roadmap also specifies that the Strategy should also contribute to improving access to freedom and security of persons with disabilities and a better access to culture, recreation, leisure, sports and tourism. EUD supports this and reminds that the European Union and all its Member States have signed and ratified the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), which obliges the EU and its Member States to uphold all the rights enshrined in the Convention throughout the Union.

- **The new Disability Rights Strategy should address every article in the UN CRPD and their implementation in compliance with the UN CRPD General Comments.**

The UN CRPD Committee has also issued Concluding Observations on the initial report of the European Union in 2015 explaining the current issues that must be addressed in order to fully implement the Convention.

- **The new strategy needs to be constructed around the Concluding Observations and recommendations to the EU that the Committee adopted.**

Moreover, the European Union has committed to realise the 2030 Agenda and the Sustainable Development Goals (SDGs) where disability has been mentioned 11 times, as well as committing to implement the EU Pillar of Social Rights.

- **The future Strategy should guide how these commitments will be realised for persons with disabilities as there is an inseparable correlation between implementing the UN CRPD and realising the EU's commitments to the SDGs alongside the principles of the EU Pillar of Social Rights.**

4. With regard to international cooperation, other EU initiatives and UN CRPD governance

4.1. International cooperation and other EU initiatives

The Roadmap specifies that the activities will be implemented in the context of international development cooperation, and for neighbourhood and enlargement countries and in the context of humanitarian aid. The Strategy would aim at supporting mainstreaming of disability across all EU policy areas, programmes and instruments. EUD strongly agrees with this objective and highlights that overall, the post 2020 European Disability Strategy must be better integrated with all EU policies, especially as persons with disabilities are citizens with equal rights, yet generally are impacted by all policies. The post 2020 European Disability Strategy must not only guide EU's international cooperation, but it should also connect to the future Gender Equality Strategy in order to ensure that the specific challenges faced by women with disabilities are not overlooked. The new Commission's work on the Green New Deal should integrate accessibility for persons with disabilities in all provisions for sustainable development. The Youth Guarantee and the future Child Guarantee must also both be fully inclusive to young people and children with disabilities.

4.2. UN CRPD governance

In order to ensure better monitoring of the implementation of the UN CRPD and the European Disability Rights strategy, EUD supports the proposal initiated by the European Disability Forum to establish disability focal points on all EU institutions,

Agencies and Member States.⁴ EUD also supports the proposal that all the Commission DGs should have their own disability focal points, as the full implementation of the Convention, which can be reflected in the post 2020 European Disability Strategy, touches upon a multitude of different Commission responsibilities and policies: the internal market, digital single market, transport, research and development, EU funds, and international cooperation among many others.

- **There should be a clear funding dedicated to implementation and monitoring, with an indication of the amounts to be earmarked.**
- **There should be a clear monitoring of the implementation mechanism in place. In order to measure the implementation of the strategy, the collection of disaggregated data according to disability type is key. EUD understands that the collection of data is a national competence, however, as mentioned above, the post 2020 EU Disability Strategy should set out a framework as to how the data can be collected at the national level. The post 2020 EU Disability Strategy could establish the framework for the collaboration among the national UNCRPD focal points, national statistical offices, national as well as European civil society organisations, DPOs and the European Commission. The strategy should specify how to take a harmonised approach across the EU for the disaggregated data collection at the national level. This should include specifying concrete data collection tools, such as the Washington Set of Short Questions for instance.**
- **In order to ensure that the strategy is mainstreamed across all areas of action, Disability Focal Points should be placed on each EU institution, agency and body, including the Fundamental Rights Agency and the European Institute for Gender Equality. Focal points should also be assigned to all Commission DGs and each of the Member States; It is also crucial to ensure better inter-institutional coordination between the Commission, the Parliament and the Council.**

⁴ http://www.edf-feph.org/sites/default/files/disability_impacts_all_areas_so_should_be_the_commission_service_in_charge_of_it_-_final_0.pdf