



Recommendations of the European Network on Independent Living (ENIL) to the Polish Presidency of the EU Council

The European Network on Independent Living - ENIL welcomes the commitment of the Polish Presidency of the EU Council to protect and safeguard the principles and values of the European Union. By ratifying the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), the Union and all its Member States have committed themselves to protecting and advancing the rights of disabled people. This commitment to international human rights law is at the core of European values.

The year 2025 offers significant opportunities for advancing the rights of disabled people in the EU. In March, the second and third combined review of the EU by UN Committee on the Rights of Persons with Disabilities will take place. We need a commitment by the Union to fully implement the recommendations the Committee will give. The European Commission will propose new actions and initiatives for the second part of the European Strategy on the Rights of Persons with Disabilities 2021-2030. The negotiations of the next Multiannual Financial Framework and the General Block Exemption Regulation are going to start.

We are calling on the Polish EU Presidency to play an active role in improving access to rights by disabled people in the EU. To this end, ENIL is proposing a set of policy recommendations that we ask the Polish Presidency to support. Over the coming months, we will work to further elaborate these proposals and are ready to support the implementation of the Polish EU Presidency programme with our expertise.

1. Support the adoption of a strong Equal Treatment Directive

[In the EU](#), 28,8% of disabled people are at risk of poverty, compared to 18% of people who are not disabled. There is evidence of significant discrimination in the area of healthcare. Disabled people who are confined to institutions face multiple discrimination, among other by being unable to access services of general interest. This makes is a significant barrier for many to leave institutions.

ENIL is calling on all EU institutions to adopt the directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation.



The directive aims to ban discrimination on the above mentioned grounds in the following areas: social protection, including social security and healthcare; education and access to goods and services, including housing.

We are also asking the EU institutions to amend the current proposal. Disabled people living in institutions must not be discriminated against when applying for access for any of those services, in preparation for leaving the institution.

2. Reform the Common Provisions Regulation to prohibit investments in institutions

Article 19 of the UN CRPD commits State Parties to redirecting funding from institutions to community-based services. [ENIL research has found extensive evidence](#) that the EU is investing significant resources into institutions.

ENIL is therefore calling on the Polish Presidency to start preparations for the reform of the Common Provisions Regulation, which governs the European Social Fund+ and the European Regional Development Fund, among other.

During the next Multiannual Financial Framework (MFF), the Common Provisions Regulation must:

- Strictly prohibit investments into institutions and any other segregated settings, including small group homes, day-care centres, and special schools, and must have strong mechanisms to monitor, report and sanction such investments;
- Strongly promote investments into community-based services and support for disabled people, including access to regular housing in the community and other mainstream services, in line with the new [EU Guidance on Independent Living](#);
- Include disabled people and their representative organisations in all the discussions, in a meaningful manner and not as a “tick-box” exercise. Together with disabled people and their organisations, the European Commission should carry out training using the Guidance on Independent Living among all the Managing Authorities and the Commission services.

In November 2024, the European Commission published Guidance to Member States, recommending to end the use of EU Funds to finance institutions and to increase the funding for projects supporting Independent Living instead. We are recommending a



presentation of the Guidance during the conference on “Social inclusion and independent living for people with disabilities in the EU” on the 11th of April in Warsaw. The presentation should be followed by an exchange, involving disabled people’s organisations, on practices on the use of EU Funds in the financing of disability services.

3. Reform the General Block Exemption Regulation to promote employment in the open labour market

The UN CRPD recognises the right of disabled people to work on an equal basis with others. General Comment No 8 on the rights of persons with disabilities to work and employment stated that sheltered employment cannot be considered a measure for the progressive realisation of the right to work. The General Comment confirmed that sheltered employment is based on ableism and therefore discriminatory:

“Ableism is the foundation of the medical and charity models of disability that leads to social prejudice, inequality and discrimination against persons with disabilities, as it underpins legislation, policies and practices such as segregated employment, for example “sheltered workshops” and can result in involuntary participation in the informal economy.”

ENIL research discovered 12 cases in which Member States subsidised sheltered employment with EUR 550,43 million. For example:

- The Swedish government [is subsidising](#) the provider of sheltered employment Samhall Aktiebolag with EUR 500 million per year. Samhall is employing 19 135 disabled people.
- [The government of Bavaria](#) in Germany is subsidising the construction of a sheltered workshop for 240 disabled people with EUR 10,6 million.

There is evidence that sheltered employment is not effective in securing transitions to the regular labour market.¹ It is claimed that disabled people cannot work for companies that compete on a market. In many countries, providers of sheltered employment sell goods and services to generate revenue or make profits.² If disabled people can work under market conditions for sheltered workshops, they can work under market conditions for regular companies.

¹ Comp. <https://enil.eu/avoiding-the-sheltered-employment-trap/>; <https://journals.sage-pub.com/doi/full/10.1177/09589287211002435>

² <https://easped.eu/resources-detail/fostering-employment-through-sheltered-workshops-reality-trends-and-next-steps/>



The European Union could do more to mobilise resources for the inclusion of disabled people into the regular labour market. ENIL proposes a reform of legislation on state aid, to incentivise national authorities to make more financial support available for companies that hire disabled people. The General Block Exemption Regulation permits the public purse to fund the following measures:

- contributions to wages
- assistance at work
- the adaptation of premises
- the purchase of equipment
- transportation
- rehabilitation
- sheltered employment

This regulation will be reviewed by the European Commission until the end of 2026. ENIL recommends removing the option of financing sheltered employment from this list. This could be done by removing letter f, of paragraph 2 of article 34 from the General Block Exemption Regulation. We ask the Polish Presidency of the EU Council to support the inclusion of disabled people into the regular labour market by supporting a reform of the General Block Exemption Regulation.

4. Revisit the draft regulation on the protection of vulnerable adults to promote full legal capacity

The European Commission is working on a Regulation on Jurisdiction, Applicable Law, Recognition and Enforcement of Measures and Cooperation in Matters Relating to the Protection of Adults, COM (2023) 280 final. This draft regulation calls into question the right to legal capacity and equality before the law as guaranteed in the UN CRPD.

It is the objective of the regulation, to establish procedures for the automatic recognition between countries of measures to deprive disabled people and older people of their legal capacity. Articles 1, 2 and 3 outline the subject matter, scope and possible measures.

Article 21 grants authorities the power to institutionalise disabled people under their control.

Articles 45, 46, 47 intend the establishment of compulsory central registers, containing all details of measures taken against a person. While the regulation on the protection of adults would largely be procedural, those articles might introduce new substantial



rules. Every country would have to introduce such registers and include all disabled people under guardianship in that country.

Disabled people want the freedom to enter into the legal commitments of their choosing, like everybody else. The UN CRPD guarantees the equality of disabled people before the law, the enjoyment of “legal capacity on an equal basis with others”, “the right to liberty and security of the person”, the right to live independently outside institutions and the right to privacy.

The European Union must not adopt legislation which adds legitimacy to the practice of deprivation of legal capacity. We are recommending to revise articles 1, 2 and 3 on the subject matter, scope and definitions must be substantially revised. Article 21 on placements and articles 45, 46 and 47 on the introduction of protection registers must be removed entirely.

Should far reaching changes not be possible, we recommend complete withdrawal of this regulation.

5. Advance Independent Living through personal budgets

There is extensive [research](#) and information from disabled people’s organisations and others showing that there is no progress on deinstitutionalisation. The [concluding observations of the Committee on the Rights of Persons with Disabilities for Belgium](#) stated that being in an institution reduced life expectancy. Governments need to take steps to strengthen the specialised and mainstream supports and services for deinstitutionalisation to be a success.

Personal budgets allow disabled people to pay for services to live independently, including to employ personal assistants. However, they are not available in many parts of Europe, or are inadequate, and in many places authorities are blocking their successful implementation.

Article 153 (1) on the Treaty of the Functioning of the European Union [allows support and complementary action](#) to the activities of Member States in the areas of social security on social protection of workers.

We are therefore asking the European Union and governments to show they are serious about deinstitutionalisation by committing to joint, high standards on personal budgets:



- Rather than being a reality only in a few Member States, personal budgets should become available across the EU and to all disabled people that need them. Residents of institutions must be actively supported in applying for personal budgets in preparation for leaving the institution.
- Personal budgets must be fully aligned with the UN CRPD, the General Comments and the Guidelines on deinstitutionalisation, including in Emergencies.
- Recipients must be able to purchase personal assistance and other services in line with the [Independent Living Pillars](#). Personal budgets must not be used to reinforce institutionalisation, but rather allow disabled people to leave institutions.

The EU should develop more activities to support Member States in introducing personal budgets. We are therefore asking the Polish Presidency of the EU Council to discuss options for increasing the availability of personal budgets throughout the EU.



The European Network on Independent Living - ENIL is a Europe-wide network of disabled people, with members throughout Europe. ENIL is a forum for all disabled people, Independent Living organisations and their non-disabled allies on the issues of Independent Living. ENIL represents the disability movement for human rights and social inclusion based on solidarity, peer support, deinstitutionalisation, democracy, self-representation, cross disability and self-determination.

For additional input please visit www.enil.eu or contact:

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