**ENIL and Validity Foundation reaction to the Concluding Observations of the Committee on the Rights of Persons with Disabilities on the European Union**

4 April 2025

The European Network on Independent Living - ENIL and the Validity Foundation welcome the adoption of the [concluding observations on the combined second and third periodic reports of the European Union](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=7mNuuG8LLxg4QH8v+qEEBUBxtfJm1yLWxY5BYhHaVMI6eglafydQxmfNWcHb3KMG) by the United Nations Committee on the Rights of Persons with Disabilities (CRPD Committee). In the concluding observations, adopted on 18 March, the CRPD Committee highlighted its concerns and formulated recommendations in relation to the implementation of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in the European Union.

The CRPD is the first international human rights convention to which the European Union (EU) has become a party. Since the CRPD entered into force for the EU in January 2011, the [EU was reviewed for the second time](https://webtv.un.org/en/asset/k14/k146hoxars) in March 2025.

At the beginning of 2025, the European Network on Independent Living - ENIL and the Validity Foundation submitted written submissions to the CRPD Committee (ENIL’s submission is available [here](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=HVFYCsS+c1m8gW7/0Is7jLYskAhLX2cjAjE+8SQehkWuLrbJfkL+Chg3t63lIWUu) and Validity’s submission can be found [here](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=IcLG1LoKSNkDePaF0mH74KwOUG4HgAnevLcJcOhdywGN43DSuq+7SHmJzAlvfWu0)) in response to the EU’s combined Second and Third reports. Previously, in 2022, our organisations contributed to the adoption of a List of Issues Prior to Reporting (ENIL’s shadow report is [here](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=adXTDESAQO5UUj73q5+cyhVFa5w5+XEvcZLn/qcgCncHarO7PnafRswglfKyWHrH) and Validity’s contribution is [here](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=j3D7wo3t0D4YYQpdoPhXKQ8yumsJhbPzAYYiBnD8aAdKJkQ+4TDyDlYrzfbqu5LZ)).

This briefing focuses on the articles which were covered in our shadow reports, and where our organisations asked the Committee to provide recommendations. However, all the recommendations are important to improve implementation of the CRDP at EU level.

**Highlighted recommendations**

**General principles and obligations** **(Articles 1 - 4)**

The Committee recommends that the EU: **Clarify that it accepts the Committee’s interpretations of the Convention, including those espoused in its General Comments, as authoritative.** (para 7b)

In our shadow reports, we raised concerns about the EU’s misinterpretation of its CRPD obligations, particularly when it comes to investments in institutions. The EU claimed that institutions are compatible with the Convention and that therefore using EU funds to build new institutions is not a violation of the CRPD. This Committee recommendation asks the EU to be guided by its General Comments, which would mean a prohibition of further investments into institutions, including small group homes, sheltered workshops and other segregated settings.

The Committee recommends that the EU: **Engage in technical cooperation with the Committee under article 37 of the Convention and with the United Nations Office of the High Commissioner for Human Rights for Europe, to facilitate its efforts to implement the general obligations under the Convention.** (para 9c)

This recommendation is linked to the previous one, on the interpretation of the Convention and the EU’s capacity to translate the Convention provisions into practice. The EU is encouraged to use the expertise of the Committee and the UN OHCHR, with the view of improving CRPD implementation. The technical assistance is available to all States Parties to the CRPD.

The Committee recommends that the EU: **Ensure that the EU and its Member States follow the human rights model of disability and harmonize their disability assessment in all areas EU of competences, including with respect to the recognition of disability status; and … ensure the portability of social security benefits of persons with disabilities among Member States.** (para 11a and 11c)

We highlighted the barriers disabled people face when moving from one EU country to another, which means that there is still no freedom of movement for disabled people in the EU. In addition to disability assessments being based on the medical model and taking many years, access to support services is unequal across the EU, which prevents disabled people from studying, taking up jobs or joining family members in other countries. The Committee has asked the EU to address this situation, which is unlikely to improve with the adoption of the European Disability Card (due to its limited scope).

**Equality and non discrimination (Article 5)**

The Committee recommends that the EU: **Undertake sustained efforts to generate the necessary political support to pass the Equal Treatment Directive.** (para18a)

We have expressed concern in our submissions about the EU’s failure to adopt this directive, which was first proposed in 2008. With protection from discrimination limited to employment, and discrimination in access to mainstream services and facilities rife across the EU, there is a need for a horizontal discrimination directive. This directive would also help address multiple discrimination of disabled people on other grounds, such as age, sexual orientation or other status. The Committee’s recommendation is directed both to the EU institutions and its Member States, whose agreement in the European Council is needed for the Directive to be adopted.

**Children with disabilities (Article 7)**

The Committee recommends that the EU: ​​**Consistently mainstream the rights of children with disabilities across all children rights legislation, policies and projects, and introduce effective measures against institutionalization in its internal and external action and in the implementation of the Child Rights Strategy, the European Child Guarantee for vulnerable children, and the 2024 Commission Recommendation on developing and strengthening integrated child protection systems in the best interests of the child.** (para 23a)

According to the [Eurofound report on independent living](https://www.eurofound.europa.eu/en/publications/2024/paths-towards-independent-living-and-social-inclusion-europe), published in 2024, the number of children in residential institutions has increased in 11 Member States. Taken together “*across the 25 Member States where comparison over time is possible, the number of children in residential care is estimated to have increased by 14%*”. The European Child Guarantee allows for the placements of children in residential care when this is “in their best interest”, contrary to the Convention. EU funds, such as the European Social Fund+ and the European Regional Development Fund, are being used to build family-type and family-like homes (i.e. institutions) for children in a number of Member States. This Committee makes it clear it is aware of these violations of the Convention and asks the EU to take concrete action, making sure that children with disabilities are not placed in institutional care, including outside the EU (for example, through funding provided by the EU to other countries).

**Right to life (Article 10)**

The Committee recommends that the EU: **Adopt, within its competences, concrete initiatives and actions in the second half of the Disability Rights Strategy, to prevent deaths of persons with disabilities in institutions**… (para 29a)

In the case of [*Validity Foundation on behalf of T.J. v Hungary*](https://hudoc.echr.coe.int/?i=001-236193), the [European Court of Human Rights (the Court) condemned Hungary](https://validity.ngo/2024/10/10/tophaz-european-court-of-human-rights-finds-hungary-failed-to-protect-right-to-life-of-residents-must-investigate-links-between-death-and-disability/) for failing to protect the lives of persons with disabilities living in institutions. The judgment became final on 10 January 2025. The Court emphasised that States must effectively investigate the context and conditions in which people in institutions die. The death of T.J. happened in the Topház institution, which received EU funding for modernisation of the setting. Although Validity informed the European Commission about the [horrific situation](https://www.mdac.org/sites/mdac.org/files/straightjackets_and_seclusion_-_mdac.pdf) in the institution and [called on the EU to provide urgent assistance to the victims](https://www.mdac.org/sites/mdac.org/files/mdac_press_notice_10052017.pdf), both the European Commission and the Hungarian government denied any responsibility.

Recently, a new global report "[Study on Inequality in Life and Death: The Duty to Investigate and Remedy the Systemic Causes of the Deaths of Persons with Disabilities under International Law](https://www.internationaldisabilityalliance.org/sites/default/files/documents/ida_global_study_-_inequality_in_life_and_death_0.pdf)” by Gerard Quinn, former UN Special Rapporteur on Disability, was published addressing systemic failures causing avoidable deaths of persons with disabilities. It is a document the EU has to study when working on the implementation of the recommendation of the CRPD Committee.

**Right to equal recognition before the law (Article 12)**

The Committee recommends that the EU: **Call on Member States to replace substitute decision-making regimes with supported decision-making systems that respect the will and preference of persons with disabilities…** (para 33a)

We emphasised in our submissions that substitute decision-making regimes remain persistent across the continent and the CRPD Committee has consistently found, many EU Member States retain guardianship systems that restrict or deny the right to legal capacity and equality before the law for person with disabilities. The EU’s view on this is that this area is not within the ‘competence’ of the EU.

Nevertheless, guardianship regimes continue to have profound consequences for European citizens with disabilities, denying them the opportunity to exercise specific rights that flow from EU citizenship on an equal basis with others, such as free movement and employment on the open market, access to and control over social protection and assistance, and in many other areas. We highlighted in our submissions that, since guardianship regimes continue to have profound consequences for European citizens with disabilities, denying them the opportunity to exercise specific rights that flow from EU citizenship on an equal basis with others, the EU has to promote the abolition of guardianship regimes for persons with disabilities across Member States, and their replacement with support in the exercise of legal capacity, in conformity with article 12 and General Comment No. 1.

The Committee recommends that the EU: **Halt efforts to authorize EU Member States to join or remain parties to the Hague Convention on the International Protection of Adults and do not proceed with the related proposed Regulation and Council Decision** (para 33b)

Although the EU claims that the implementation of Article 12 of the Convention does not fall under its ‘competence’, it has actively encouraged Member States to join or remain parties to the Hague Convention of 13 January 2000 on the International Protection of Adults by the [proposed Regulation COM/2023/280 final](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52023PC0280), and [the proposed Council Decision COM(2023) 281 final](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52023PC0281). The recommendation of the CRPD Committee reflects the position of several European level Organisations of Persons with Disabilities and international human rights organisations.

**Right to access to justice (Article 13)**

The Committee recommends that the EU: **Review its legislation on access to justice and guarantee the right to legal capacity of persons with disabilities in all legal proceedings, by, inter alia, ensuring that persons with disabilities can directly participate in all stages of the administrative and justice processes, according to their will and preference, and by establishing remedies for violations of their right to access to justice.** (para 35a)

**Adopt additional criteria and procedures for the provision of support measures and procedural accommodation for persons with disabilities, in all legal proceedings, that include a dialogue with the persons with disabilities concerned to identify their requirements and positive measures to remove physical, communication and attitudinal barriers, a non-exhaustive list of procedural accommodations available, including the provision of legal documents and information on procedures in Easy Read, Braille, augmentative and alternative means and modes of communication.** (para 35b)

The Committee recommends that the EU: **Strengthen capacity building in the justice sector and in public administration about the Convention and its right of access to justice, and consider good practices in Member States, such as the use of intermediaries and/or facilitators.** (para 35c)

The Committee recommends that the EU: **Amend the laws on judicial proceedings to guarantee all fair trial rights of persons with disabilities, including the presumption of innocence, the right to be present in criminal proceedings, to access to interpretation, a lawyer and legal aid, regardless of their legal capacity status.** (para 35e)

In our submissions, we mentioned the EU co-funded project entitled [‘*Enabling inclusion and access to justice for defendants with intellectual and psychosocial disabilities*’](https://validity.ngo/projects-2/enabling-inclusion-and-access-to-justice-for-defendants-with-intellectual-and-psychosocial-disabilities/) (“ENABLE”), which promoted access to justice and fairer criminal proceedings for defendants with intellectual and psychosocial disabilities in 8 EU countries. In the [*Fair Trial Denied*](https://validity.ngo/wp-content/uploads/2024/08/International-Synthesis-Report.pdf) study, we identified systemic barriers in national legislation concerning the right to access to justice of persons with disabilities, for example, (1) deprivation of legal capacity and the ongoing prevalence of “incompetency” to stand trial procedures; (2) Lack of procedural accommodations. On the basis of our findings, we formulated recommendations for example for the European Commission, the European Parliament and other EU Institutions. The relevant EU legal measures we target with our recommendations are (1) Directive 2010/64/EU of the European Parliament and of the Council on the right to interpretation and translation; (2) Directive 2012/13/EU on the right to information in criminal proceedings; (3) Directive 2013/48/EU on the right to access to a lawyer in criminal proceedings; (4) Directive (EU) 2016/343 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings; (5) Directive (EU) 2016/1919 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings; and (6) Commission Recommendation of 27 November 2013 on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings.

We underlined that these EU legislative frameworks are insufficiently aligned with the CRPD and require revision in such a way as to significantly enhance the right to access to justice of persons with disabilities under article 13 CRPD (and related articles). We also pointed out that current European standards maintain outdated, medicalised, control-oriented, exclusionary and paternalistic frameworks that undermine equal access to justice, the presumption of innocence and the right to a defence.

**Right to liberty and security of the person (Article 14) & Right to freedom from torture or cruel, inhuman or degrading treatment or punishment (Article 15)**

The Committee recommends that the EU: **Abolish involuntary detention of persons with disabilities, including persons with intellectual and/or psychosocial disabilities, autistic persons, children, older persons, and migrants with disabilities, on the basis of their disability, and provide incentives for Member States to end all detention on the basis of disability, whether de jure or de facto, and fund research on the development of community-based services.** (para 37a)

The Committee recommends that the EU: **Effectively monitor the situation of persons with disabilities deprived of their liberty in all places of detention.** (para 37b)

The Committee recommends that the EU: **On the basis of the Memorandum of Understanding signed by the European Union and the Council of Europe on May 11, 2007 and in its capacity as State party to the Convention, urge Member States to withdraw from the Draft Additional Protocol to the Oviedo Convention** (para 39a)

The Committee recommends that the EU: **Develop a common position with Member States and with the Council of Europe to develop a non-coercive framework on mental health, in close consultation and active involvement of persons with disabilities, through their representative organizations.** (para 39b)

The Committee recommends that the EU, in close consultation and active involvement of persons with disabilities, through their representative organizations: **Develop initiatives and concrete actions as part of the second half of the Disability Strategy to align EU policy and standards for the psychiatric treatment of persons with disabilities with the Convention, and enact an absolute ban on all forced psychiatric interventions; (…)** (para 41a)

The Committee recommends that the EU: **Establish mechanisms to prevent forced treatment of persons with disabilities that may amount to torture and other cruel, inhuman or degrading treatment or punishment.** (para 41c)

In the case of [*V.I. v. The Republic of Moldova*](https://hudoc.echr.coe.int/?i=001-231739), in which [Validity represented Victor before the European Court of Human Rights](https://www.youtube.com/watch?v=ZBaH6ivxB8I), the Court held, among others, that there has been a violation of the prohibition of torture or inhuman or degrading treatment or punishment as regards *Victor’s involuntary placement in a psychiatric hospital and psychiatric treatment*, and there has been a violation of the prohibition of torture read in conjunction with the prohibition of discrimination since authorities’ actions amounted to a perpetuated a discriminatory practice in respect of Victor as a person and, particularly, as a child with an intellectual disability.

We are aware that the CRPD Committee is fully informed concerning problems related to a proposed additional protocol to the Oviedo Convention at the Council of Europe. The EU is not a party to the Council of Europe, although EU Member States are. Whereas the institutions of the EU have no specific competence in this field, we believe it could have an important role to play in using its political influence and diplomatic relations to urge the Council of Europe not to proceed with adoption of the protocol, such as through the Working Party on Organization for Security and Co-operation in Europe and the Council of Europe (“COSCE”) of the Council of the EU.

**Right to freedom from exploitation, violence and abuse (Article 16) & Protecting the integrity of the person (Article 17)**

The Committee recommends that the EU: **Explicitly prohibit rape, forced sterilization and sexual harassment and other forms of gender-based violence against persons with disabilities; (…)** (para 43a)

The Committee recommends that the EU: **Combat violence and abuse of children and adults with disabilities in institutional settings, including in psychiatric facilities, and provide funds for the establishment of independent monitoring of such settings.** (para 43c)

The Committee recommends that the EU: **Ensure persons with disabilities, including persons with intellectual and/or psychosocial disabilities, are not subjected to involuntary harmful, invasive and irreversible treatment, such as forced sterilization, abortion and contraception, and that any form of treatment of persons with disabilities is based on their personal, free and fully informed consent.** (para 45)

The Validity-led and EU co-funded [‘Disability-based Connected Facilities and Programmes for Prevention of Violence against Women and Children’](https://validity.ngo/projects-2/dis-connected/) (DIS-CONNECTED) project focuses on women and children with intellectual and psychosocial disabilities who are victims of violence in facilities and programmes designed to serve them in five countries. Within the project, [five national reports](https://validity.ngo/projects-2/dis-connected/national-reports/) were published focusing, among others, on the experiences of women and children with disabilities regarding existing detection, monitoring, reporting and support systems. Our findings include the following most common topics: (1) Difficulty on the part of service providers and women and children in recognising experiences as abuse; (2) Normalisation of violence, discrimination and ableism in society; (3) Feelings, on the part of women and children with disabilities, of shame, self-blame, lack of confidence, fear and dependency on their abusers; (4) Concealment of violence in institutions; (5) Absence of processes to detect, recognise and report violence in institutions; (6) When hospitalised in psychiatric health care institutions, victims reported not being provided with specialised psychological support, having their trauma of abusive experiences go unacknowledged or addressed, and instead being excessively medicated; (7) Lack of trust in authorities, and lack of accountability and justice of perpetrators; (8) Credibility of victims with intellectual or psychosocial disabilities are often questioned by authorities; (9) Lack of accessible information and processes for reporting abuses; (10) Lack of reasonable accommodations in the judicial system for persons with disabilities, including those who are victims of abuse; (11) Denial of access to specialised services for victims of gender-based violence.

Previously, [we let the CRPD Committee know](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=TprSV/oYA4Bw1Beo3io2k9xiJKinQjMS8hA1tLeNVFYJ/zb0HBsk4ZrLUIro7LsT) about instances of forced sterilization, forced abortion and about persons with disabilities forced to take contraceptives.

Validity recommended that the CRPD Committee call on the EU to amend all existing legislation, policies and strategies and adopt new ones for combating violence, abuse and exploitation of, and provide effective protection from violence, abuse and exploitation to all persons with disabilities with a special focus on women and children with disabilities placed in institutions, those accessing community-based services, and those living in a home environment.

**Living independently and being included in the community (Article 19)**

The Committee recommends that the EU: **repeal the European Commission’s Legal Service note of 29 June 2018 (Ares[2018]2249997).** (para 49a)

The Legal Service note from 2018, directed to Member States, provided guidance on cases in which investments in institutions for persons with disabilities were justified. It stated that such investments were in line with the CRPD. Although this note was internal, it was disseminated among the Commission services and the Member States, and it had a great impact on how EU funds were used in the previous (2014 - 2021) and current (2021-2027) programming period. It gave Member States the green light to renovate and build institutions for disabled people. We have been calling for years for this note to be repealed, so it is significant that this is now also the Committee’s recommendation.

The Committee recommends that the EU: **Ensure that no EU funding, including the Recovery and Resilience Facility and the Neighbourhood, Development and International Cooperation Instrument, is used for the construction or maintenance of institutional facilities, including small group homes, and shape the Multiannual Financial Framework accordingly.** (para 49b)

The Recovery and Resilience Facility (RRF) is used to build new institutions for disabled people in the EU. As noted in our shadow report, in Bulgaria, RRF will be used to fund 250 new long-term care facilities - 125 for residential care and 125 for day care, for disabled people; the renovation of 82 existing facilities for residential care for older people; energy efficiency renovations of 840 facilities for social services. There are no conditions in the RRF Regulations to say that it should be used in accordance with the CRPD, which we have raised as a major concern. The Committee asked the EU to change this practice and has made it clear that no new institutions, including small group homes, should be funded by the EU, now or in the future. This should impact the rules on the next Multiannual Financial Framework, which are being discussed at the moment.

The Committee recommends that the EU: **Ensure that the post 2027 Cohesion Policy Legislation explicitly bans the use of EU funds for the construction and maintenance of institutional facilities, including small group homes, that the Disability Strategy 2021-2030 and its action plans for the period 2025-2030 comply with the obligations set out in the Committee’s General comment No.5, and that the European Union conduct and publish an impact analysis of previous funding, in close consultation and active involvement of persons with disabilities through their representative organizations**. (para 49c)

Millions of the Cohesion Policy funds have been used to build institutions for disabled people, in 2014 - 2020, and we are concerned that this will be the case in the current programming period as well. Despite the enabling conditions in the regulations on the EU funds, which referred to the UN CRPD and the EU Fundamental Rights Charter, this has not prevented the building and renovation of institutions, including small group homes. The building of smaller institutions to replace large ones has become the preferred approach to ‘deinstitutionalisation’ in many Member States. We have also highlighted in our shadow reports the problems with the monitoring of EU funds, with the information about specific projects being very difficult to access, especially for local DPOs with limited capacity. The Committee recommendation seeks to address different concerns - the new MFF and the regulations that will be adopted as part of that, the second part of the Disability Strategy, which should contain specific actions, and evaluation and monitoring. Together, these actions should provide better safeguards against investments into institutions, including small group homes, and encourage the use of EU funds for the expansion of community-based services and accessible and affordable housing options in the community.

The Committee recommends that the EU: **Amend the Commission Notice on Guidance on independent living in the context of EU funding to clarify that small group homes do not comply with the Convention and to provide redress and reparation to persons with disabilities who were or are living in institutions**. (para 49d)

While ENIL has welcomed the [Guidance on independent living](https://employment-social-affairs.ec.europa.eu/news/commission-adopts-guidance-independent-living-persons-disabilities-2024-11-20_en), there remains some room for interpretation whether Member States are allowed to use EU funds to build small group homes. During the Geneva review, the European Commission delegation did not categorically state that the Guidance prohibited such investments. While the Guidance referred to the CRPD Committee’s [Guidelines on deinstitutionalisation, including in Emergencies](https://www.ohchr.org/en/documents/legal-standards-and-guidelines/crpdc5-guidelines-deinstitutionalization-including), it failed to encourage Member States to provide redress and reparation to disabled people in institutions or survivors. The Committee has asked the EU to strengthen the Guidance, to ensure that it is better aligned with the General Comment 5 and the Guidelines on deinstitutionalisation, and ultimately ensures that the deinstitutionalisation process is CRPD compliant.

The Committee recommends that the EU: **Recognize institutionalization as a form of discrimination against persons with disabilities.** (para 49e)

As mentioned under Article 5, there is no protection against discrimination of disabled people at EU level outside employment. Furthermore, none of the EU policies or strategies, including the Guidance on independent living, make reference to Institutionalisation being a form of discrimination. Having this explicitly stated would ensure better use of EU funds and would encourage the Member States to expedite the process of deinstitutionalisation. It would also ensure better recognition of the fact that the EU Charter, which prohibits discrimination on all grounds, can be used to challenge institutionalisation. The Committee urged the EU to rectify this situation, which would align with the General Comment 5 and the Guidelines on deinstitutionalisation.

The Committee recommends that the EU: **Strengthen monitoring and complaint mechanisms of the allocation of EU funds, by enhancing independence of monitoring committees at the national level, ensuring monitoring by national human rights institutions, persons with disabilities and their representative organizations, in the allocation of EU funds for disability-specific purposes, ensure effective access to justice for persons with disabilities and their representative organizations against the allocation of EU funds by Member States in violation of the Convention, and use its powers, such as infringement procedures, against Member States failing to implement these measures.** (para 49f)

ENIL and the Validity Foundation have highlighted problems with the complaints mechanism for challenging EU funds investments into institutions, including small group homes. The complaints, which are examined by the European Commission, fail to take into account assessments of national human rights institutions, as well as those of DPOs. Such investments are extremely difficult to challenge in Court as well - ENIL, Validity and the Center for Independent Living Sofia [took a case against the Commission](https://enil.eu/press-release-ngos-take-european-commission-to-court-for-funding-segregation-of-disabled-persons-in-bulgaria/) to the General Court in Luxembourg, but the Court found it inadmissible. Furthermore, to date, the Commission has not launched infringement proceedings against any Member States for the use of EU funds in violation of the CRPD or the Fundamental Rights Charter. The Committee’s recommendation addresses all of these issues and asks the EU to take more decisive action to ensure CRPD compliance, including by strengthening the role of national human rights institutions and DPOs.

The Committee recommends that the EU: **Adopt unambiguous definitions of community-based services, including personal assistance, to improve targeting of investments, and collect and publish disaggregated data on the services provided and persons with disabilities utilizing them; prioritize investments for the development of accessible and affordable housing for persons with disabilities, personal assistance, centers for independent living, peer support and other types of individualized support respecting the will and preference of persons with disabilities.** (para 49g)

In its shadow report, ENIL expressed concern about the fact that a large number of projects aimed at developing community-based services or supporting deinstitutionalisation, in fact leads to continued segregation fo disabled people. During the examination by the Committee, the EU delegation also claimed that 1,7 billion Euros have been invested into community-based services, without having any evidence to support this claim. It is clear that the lack of a definition of community-based services, aligned with the General Comments and the Guidelines on deinstitutionalisation, has led to investments in institutions under the guise of ‘community living’. The Committee’s recommendation obliges the EU to address this situation, to invest into genuine community-based services that enable independent living, as well as to improve availability of data about the services that are provided by the Member States.

**Work and employment (Article 27)**

The Committee recommends that the EU: **Repeal legislation that allows public financing of segregated forms of employment for persons with disabilities, such as institutions and other segregated facilities, amend Directives 2014/23/EU and 2014/24/EU to remove the possibility of awarding public procurement to such facilities, repeal article 34(2)(f) of the General Block Exemption Regulation (Regulation (EU) No 651/2014), and prohibit State aid of segregated employment.** (para 65a)

The use of sheltered employment for persons with disabilities is wide-spread in the EU, while rates of [employment in the open labor market](https://www.edf-feph.org/content/uploads/2023/05/hr7_2023_press-accessible.pdf) remain low (this is referred to as the ‘disability employment gap’). Member States have been relying on public procurement and state aid rules, which apply at EU level, to subsidise sheltered employment, in violation of Article 27 and General Comment 8. ENIL has found evidence of over 500 mil EUR of such subsidies. The Committee’s recommendation, which requires the EU to repeal the legislation that allows the use of public funds for segregation, would encourage Member States to focus on providing opportunities for employment in the open labour market and moving away from sheltered employment.

**Adequate standard of living and social protection (Article 28)**

The Committee recommends that the EU: **Prioritize funding for accessible and affordable housing for persons with disabilities by the EU Regional Development Fund in the process of revising EU funding regulations for the 2028-2034 period, and adopt concrete actions to enhance availability of affordable and accessible housing for persons with disabilities in the European Affordable Housing Plan.** (para 67c)

Availability of accessible and affordable housing is of crucial importance to ensuring disabled people can live independently in the community, and a precondition for deinstitutionalisation. The EU has made this one of its priorities, but it is to be seen how disability rights will be mainstreamed in the various initiatives related to housing. The European Regional Development Fund has not been used sufficiently so far to develop accessible and affordable housing options, and in fact, has often been used to build segregated housing for disabled people. The Committee’s recommendation is important for ensuring that disabled people benefit from the housing initiatives at EU and Member State level, making it clear that this is key to implementation of the Convention.

**Right to participation in political and public life (Article 29)**

The Committee recommends that the European Union: **Ensure the right to vote and stand in elections for the EU Parliament of all citizens with disabilities, irrespective of their legal capacity status, and provide reasonable accommodations and accessible voting methods and information, including Easy Read and accessible voting methods for blind, deaf and hard of hearing persons** (para 69a)

The Committee recommends that the EU: **Render all EU buildings and institutions in and outside Europe accessible.** (para 69b)

In 2023/2024, in view of the upcoming European Parliament Elections, ENIL and Validity sought to contribute to enhancing EU Member States’ compliance with Article 29 of the CRPD. The outcomes have been incorporated into a [*Strategic Litigation Guidebook*](https://validity.ngo/wp-content/uploads/2025/01/LITIGATE-GuideBook_FINAL_PUBLISHED.pdf), drafted as part of an EU co-funded project entitled [‘*Strategic Litigation as a Gateway to address the rights of Persons with Disabilities in the European Union*’](https://validity.ngo/projects-2/strategic-litigation-as-a-gateway-to-address-the-rights-of-persons-with-disabilities-in-the-european-union/) (“LITI-GATE”).

We let the CRPD Committee know that we consider that the right to vote in the EU Parliament elections falls within the scope of EU law, specifically under Articles 14 of the Treaty on the EU (“TEU”), (ii) Articles 20, 22(2) of the Treaty on the Functioning of the European Union (“TFEU”), (iii) The Act concerning the election of the representatives of the Assembly by direct universal suffrage (the “1976 Act”) and (iv) Article 39(1) and (2) of the EU Charter. In addition, Articles 21 and 26 of the EU Charter explicitly prohibit discrimination on the grounds of disability and provide for equal participation of persons with disabilities in society.

The five national reports under the LITI-GATE Project covering Bulgaria, Czechia, Hungary, Slovakia and Romania, indicate that persons with disabilities have their right to vote restricted on account of their disabilities. Such restrictions include prohibitions on the right to vote resulting in deprivation of legal capacity; being subjected to individual assessments for determining whether they can vote or stand for elections; and lack of reasonable accommodations to overcome practical barriers for exercising the right to vote. No European Union initiative to combat these laws and practices in the respective Member States has been identified.

We suggested that the CRPD Committee call on the EU to adopt or amend relevant legal instruments so that (1) the right to vote and stand in elections for the EU Parliament of persons with disabilities is laid down without restrictions and in a manner consistent with the provisions of Article 29 of the CRPD; (2) support measures and reasonable accommodations are available for all persons with disabilities who want to exercise their right to vote and stand in elections for the EU Parliament in line with Articles 2, 5, 12 and 29 of the CRPD.

*Download the* ***Concluding Observations on the second and third periodic reports of the European Union***[*here*](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=7mNuuG8LLxg4QH8v+qEEBUBxtfJm1yLWxY5BYhHaVMI6eglafydQxmfNWcHb3KMG)*. For more information about the work of ENIL, please visit* [*www.enil.eu*](http://www.enil.eu)*. For more information about the Validity Foundation, please visit* [*www.validity.ngo*](http://www.validity.ngo)*.*