**ENIL and Validity summary of the 15 CRPD Committee concerns and the recommendations to the European Union**

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

**Concern 1:** The EU is misinterpreting the CRPD.

**Recommendation:** The EU must make it clear it agrees with the CRPD Committee’s interpretation of the CRPD, including the General Comments.

**Concern 2:** Disability assessments are based on the medical model and there is no freedom of movement for disabled people in the EU.

**Recommendation:** The EU and its Member States (MS) must follow the human rights model in disability assessments, mutually recognise disability status and ensure portability of social security benefits among the MS.

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

**Concern 3:** There is no protection against discrimination for disabled people at EU level outside employment.

**Recommendation:** The EU must generate political support to adopt the Equal Treatment Directive.

**Children with disabilities (Article 7)**

**Concern 4:** There are many children with disabilities still living in institution in the EU and this number is increasing in some countries.

**Recommendation:** The EU must stop institutionalising disabled children and ensure their rights are protected in all the relevant laws and policies.

**Right to life (Article 10)**

**Concern 5:** Disabled people are dying in institutions, including those funded by the EU, and no one is being held responsible.

**Recommendation:** The second half of the Disability Rights Strategy must contain concrete actions to prevent deaths of disabled people in institutions.

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

**Concern 6:** Many countries in the EU still have substitute decision-making regimes.

**Recommendation:** EU must call on the MS to replace substitute decision-making regimes with supported decision-making.

**Concern 7:** EU is encouraging MS to join the Hague Convention on the International Protection of Adults.

**Recommendation:** The EU must stop the working on the new legislation that would lead to MS becoming party to the Hague Convention.

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

**Concern 8:** Disabled people face systemic barriers in accessing justice, including deprivation of legal capacity, “incompetency” to stand trial and a lack of procedural accommodations.

**Recommendation:** The EU must review its legislation on access to justice, ensure provision of support measures and procedural accommodation, strengthen justice sector and public administration, and guarantee fair trials to disabled people.

**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)**

**Concern 9:** Disabled people in the EU are subject to involuntary detention and forced treatment.

**Recommendation:** The EU must abolish involuntary detention, urge MS to withdraw from the Draft Additional Protocol to the Oviedo Convention, ban all forced psychiatric interventions and prevent forced treatment.

**Concern 10:** Gender-based violence, violence and abuse of children and adults in institutions and practices such as forced sterilisation persist across the EU.

**Recommendation:** The EU must prohibit rape, forced sterilisation and other forms of gender-based violence and involuntary treatment, as well as address violence against disabled people in institutions.

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

**Concern 11:** The EU allows MS to build and renovate institutions, including large institutions and small group homes, using EU funds, and does not consider this to go against the CRPD or the EU Charter of Fundamental Rights.

**Recommendation:** The EU must repeal its internal legal guidance that allows funding for institutions, and ensure that no funds, now or in the future, are used to build new institutions, including small group homes.

**Concern 12:** The EU considers some segregated settings to be community-based services.

**Recommendation:** The EU must adopt clear definitions of community-based services, in line with the CRPD, and use these when monitoring and evaluating EU funds investments.

**Work and employment (Article 27)**

**Concern 13:** EU rules allow the MS to spend millions of Euros of public funds on sheltered employment for disabled people.

**Recommendation:** The EU must change the rules on public procurement and state aid, to prevent public funds going into segregated employment.

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

**Concern 14:** There is not enough accessible and affordable housing in the EU, which acts as a barrier to independent living.

**Recommendation:** The EU must adopt concrete actions to improve availability of accessible and affordable housing, including through ERDF and the European Affordable Housing Plan.

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

**Concern 15:** Many disabled people still don’t have the right to vote or stand in elections.

**Recommendation:** The EU and its MS must make sure all disabled people can vote and stand in elections, and it must ensure all EU buildings and institutions are accessible.