

The European Union's implementation of the Concluding Observations of the Committee on the Rights of Persons with Disabilities

Monitoring Report



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1 Introduction

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) is a binding international treaty that codifies human rights specifically applicable to disabled people.¹ For example, the UNCRPD states that disabled people have the right to Independent Living, to equal recognition before the law and to employment. It was adopted by the United Nations General Assembly in 2006 and ratified by the EU in 2011. The UNCRPD is binding. State parties have to comply with its stipulations.

To ensure state parties comply with the provisions of the Convention, the UNCRPD installed the Committee on the Rights of Persons with Disabilities (CRPD-Committee).² The CRPD-Committee is composed of independent experts of high reputation. It monitors the implementation of the UNCRPD by state parties. To that end, state parties have to report on their progress on a regular basis, approximately every ten years. Countries or supranational organisations like the European Union, which have ratified the Convention, have to submit periodic reports. After reviewing the periodic report provided by a state party, the CRPD-Committee issues Concluding Observations which evaluate the reports and provide recommendations to the state party on how to improve the implementation of the UNCRPD.

In April 2023, the European Commission submitted the second and third combined periodic reports on the European Union to the CRPD-Committee.³ In January 2025, the European Network on Independent Living submitted a shadow report.⁴ In March 2025, the CRPD-Committee published its Concluding Observations to the report on the EU, outlining its evaluation and rendering recommendations.⁵

More than a year since the issuing of the Concluding Observations has passed. To which extent has the European Union been implementing the recommendations?

1 <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

2 <https://www.ohchr.org/en/treaty-bodies/crpd>

3 European Union 2023. Combined second and third reports submitted by the European Union under article 35 of the Convention. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%-2FEU%2F2-3&Lang=en

4 ENIL 2025. Update to the Shadow report on the implementation of the UN Convention on the Rights of Persons with Disabilities in the European Union. https://enil.eu/wp-content/uploads/2025/01/ENIL_Shadow-report_Final-with-annexes_2025.pdf

5 CRPD-Committee 2025. Concluding observations on the combined second and third periodic reports of the European Union-Advance Unedited Version. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FEUR%2FCO%2F2-3&Lang=en

We have evaluated the implementation and wish to present the results in the present paper. Because our report should remain readable, we have focused on the following articles:

- Articles 1-4 on general obligations
- Article 12 on equality before the law
- Article 19 on Independent Living
- Article 27 on employment

This focus also reflects our shadow report, where we had strong recommendations on those articles.

To conduct our evaluation we consulted the following sources:

- Experts of high standing
- The enhanced European Strategy on the Rights of Persons with Disabilities⁶
- EU legislation
- Our own insights into political negotiations in progress

⁶ European Commission 2026. Enhancing the European Strategy on the Rights of Persons with Disabilities. https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/disability/enhancing-strategy-rights-persons-disabilities-2030_en

2

Article 1-4 on General principles and Obligations

2.1. Introduction

Articles 1-4 of the UNCRPD present general principles and obligations state parties, e.g. countries and supranational organisations which have ratified the Convention, have to comply with. For example, article 1 contains the definition of disability:

“Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”.

Important key obligations are:

- Once the UNCRPD is ratified, compliance is compulsory. The provisions have to be implemented.
- State parties have to treat the interpretations of the UNCRPD formulated by the CRPD-Committee as authoritative. Interpretations can be issued in the form of General Comments and Concluding Observations. Governments are not allowed to just brush those documents aside. A real effort of implementation is required.
- All laws in effect in the territory of a state party have to comply with the UNCRPD
- The definition of disability established by the UNCRPD has to be applied
- Disabled people and their representative organisations have to be actively involved

2.2. The ENIL shadow report

When it comes to articles 1-4 our shadow report recommended to the CRPD-Committee to:

- Urge an improvement of the UNCRPD implementation by installing screening procedures for all new legislation and putting in place a monitoring mechanism
- Recommend a reinforced implementation of the UNCRPD and Charter of Fundamental Rights in cohesion policy and other financial instruments, involving a more effective use of infringement procedures and establishing a platform with all relevant stakeholders, focused on monitoring compliance

- Ask for a meaningful involvement of disabled people and disabled people's organisations in the budgetary procedure
- Recommend to maintain adequate funding for advocacy activities

2.3. The CRPD-Concluding Observations and their Implementation by the European Union

In its Concluding Observations the CRPD-Committee showed itself to be concerned about:

- That there is jurisprudence hindering the assessment of EU secondary legislation in light of the Convention
- Uncertainty as to whether the EU accepts the Committee's interpretations as authoritative
- The non-ratification of the Optional Protocol to the Convention
- No systematic review of legislation, policies and practices as to their conformity with the Convention
- No formal update of the declaration of competences
- That at the time, no Disability Strategy for the period 2025-2030 had been adopted
- The lack of effective mechanisms ensuring that member states allocate EU funds in full conformity with the UNCRPD
- The participation of persons with disabilities is not representative
- Children with disabilities are not actively involved
- The Council of the European Union lacks mechanisms for the involvement of disabled people's organisations
- Possibly restrictions of funding to disabled people's organisations

2.3.1. Recommendations

The CRPD-Committee recommended that:

“(a) Improve Implementation of the Convention by ensuring that the Convention has direct effect in its law, and that the validity of secondary EU law can be assessed directly in the light of the Convention”

According to experts we consulted, no steps have been taken in this direction. In addition, there is no mention of it in the enhanced European Disability Strategy. At the same time, it is important to highlight that it was the European Court of Justice (ECJ) which ruled in 2014 that the UNCRPD cannot have direct effect on EU legislation.⁷ The ECJ is the highest court in the EU. It can be

⁷ Comp. Court of Justice of the European Union 2014. Judgment of the Court (Grand Chamber) Z. v A Government department and The Board of management of a community school <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62012CJ0363>; Waddington & Lawson 2016. The unfinished story of EU disability non-discrimination law. <https://www.elgaronline.com/edcollchap/edcoll/9781783471119/9781783471119.00028.xml>

compared to a supreme court or a constitutional court in a national system. No other EU Institution can overrule the Court of Justice and supreme courts never back-track on their rulings. Some say that a change of the EU treaties, the Treaty on European Union and the Treaty on the Functioning of the EU, would be necessary to install a direct effect of the UNCRPD on EU secondary law. It is thus not possible to implement this recommendation at the moment.

It is thus not possible to fairly evaluate this recommendation.

Measure	Fulfilled: Yes, no, intermediate
Ensure the Convention has direct legal effect	Cannot be evaluated

“(b) Clarify that it accepts the Committee's interpretations of the Convention, including those espoused in its General Comments, as authoritative”

According to the experts we consulted, no steps have been taken in this direction. The enhanced European Disability Strategy does not mention any action in this regard.

Measure	Fulfilled: Yes, no, intermediate
Accept the interpretations of the Convention as authoritative	No

“(c) Consider the ratification of the optional protocol to the Convention”

In December 2006, the UN General Assembly adopted the optional protocol to the Convention. If a state party chooses to ratify the optional protocol, individuals who believe that their rights under the UNCRPD have been violated, can submit complaints to the CRPD-Committee. Ratification of the protocol is voluntary.

In 2008, the European Commission proposed the ratification of the optional protocol.⁸ The European Parliament supported the proposal. However, the EU Council did not. Since then, the ratification remains blocked.

To our knowledge, no new efforts to work towards a ratification have been made following the adoption of the Concluding Observations. No actions in this regard have been announced in the enhanced European Disability Strategy.

Measure	Fulfilled: Yes, no, intermediate
Ratify the optional protocol to the Convention	No

⁸ European Commission 2008. Proposal for a Council Decision concerning the conclusion, by the European Community, of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities /* COM/2008/0530 final/2 - CNS 2008/0171 */. [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52008PC0530\(02\)R\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52008PC0530(02)R(01))

“(d) Conduct a comprehensive review of its legislation, policies and practices to ensure their compatibility with the Convention, and establish mechanisms to ensure that new legislation, policies and practices adhere to the Convention, including by revising its impact assessment guidelines;”

The enhanced European Disability Strategy announced that reviews of various EU laws would take place in the near future. These opportunities would be used to strengthen the contribution of those laws to the advancement of the rights of persons with disabilities.

The laws to be reviewed include:

- Legislation on Alternative Dispute Resolution to help enhance accessibility and safety of products and services for disabled consumers
- The Alternative Fuels Infrastructure regulation to integrate the European technical standards on accessibility of charging stations for electronic road vehicles
- The standardization regulation to improve the participation of disabled people in the design of standards for goods and services
- The public procurement directive which will state an obligation for governments and agencies to make sure the products and services they buy and make available are accessible for people with disabilities
- The directive on energy performance of buildings. In this review it will introduce accessibility as a criterion that must be considered in the national building renovation plans of the member states.
- The victims rights directive has been reviewed. This directive now includes new provisions on procedural accommodations for disabled victims

To our knowledge, a comprehensive review of all legislation, policies and practices has neither taken place nor is it planned. Also, we are not aware of plans to establish a mechanism.

Before drafting a law, the European Commission frequently conducts impact assessments. An impact assessment collects and evaluates evidence to decide whether a legislative action is justified. There are two documents which establish the rules according to which impact assessments have to be conducted:

- The Better Regulation Guidelines adopted in November 2021.⁹ No revision has taken place since.
- The Better Regulation Toolbox, which was last revised in December 2025.¹⁰ According to the Toolbox, impact assessments need to check whether a new EU law complies with fundamental rights, specifically the antidiscrimination provision in the EU Charter on Fundamental Rights, the EU Treaties and the UNCRPD. The previous version of the Toolbox from 2023 is not available. Thus, it is not possible to assess whether those provisions were newly added or already existed.

⁹ European Commission 2021. Better Regulation Guidelines. https://commission.europa.eu/document/download/d0bbd77f-bee5-4ee5-b5c4-6110c7605476_en?filename=swd2021_305_en.pdf

¹⁰ European Commission 2025. Better Regulation Toolbox. https://commission.europa.eu/document/download/9c8d2189-8abd-4f29-84e9-abc843cc68e0_en?filename=BR%20toolbox%20-%20December%202025.pdf

Because some reviews of legislation are taking place and the current impact assessment methodology mentions the UNCRPD, we rate the implementation as intermediate.

Measure	Fulfilled: Yes, no, intermediate
Review legislation comprehensively, establish a mechanism, revise the impact assessment guidelines	Intermediate

“(e) Update the declaration of competences under Article 44(2) and its list of instruments in the appendix, and include instruments that may not refer to persons with disabilities, but are nevertheless relevant to their right”

According to our information and the experts consulted, no update of the declaration of competences and list of instruments has taken place.

Measure	Fulfilled: Yes, no, intermediate
Update the declaration of competences and the list of instruments	No

“(f) 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.”

According to our information, since the adoption of the Concluding Observations, no technical cooperation with the Committee or the High Commissioner for Human Rights for Europe, has taken place.

Measure	Fulfilled: Yes, no, intermediate
Engage in technical cooperation with the Committee and the High Commissioner for Human Rights for Europe	No

(g) 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 competence, including with respect to the recognition of disability status;

(h) Support Member States to ensure that persons with disabilities, through their representative organizations, are closely consulted and actively involved in the design of disability assessments and that multiple assessments do not create an undue burden for the persons involved;

Every EU citizen can apply for a disability status in any EU country. If a disability status is obtained, the rights and benefits associated with it are not portable. When moving to another EU Member State, the disability assessment of that country must be completed, even if a disability status has already been obtained in the country of origin. The fact that disability status are not

fully recognised between countries, represents a major barrier for disabled people to benefit from the freedom of movement.

In the enhanced European Disability Strategy, the European Commission announced to:

“Encourage mutual learning on disability assessment methods among the Member States.”

Mutual learning is a step in the right direction. However, it does not constitute a harmonisation of disability assessments to ensure compliance with the human rights model of disability. It is uncertain if it will result in an improved involvement of disabled people in the design of disability assessments.

We rate the compliance as intermediate.

Measure	Fulfilled: Yes, no, intermediate
Harmonise EU and Member State disability assessments, including the recognition of disability status.	Intermediate

Measure	Fulfilled: Yes, no, intermediate
Involve disabled people's organisations in the design of disability assessments	Intermediate

“(i) In Cooperation with its Member States, ensure the portability of social security benefits of persons with disabilities among Member States, including by extending the scope of mutual recognition of disability status through the Disability Card.”

In the enhanced European Disability Strategy, the European Commission has announced an “assessment of remaining gaps related to the free movement of persons with disabilities.”

It is unclear what this assessment entails. No concrete steps to ensure the portability of social security benefits of persons with disabilities among Member States has been announced, nor an extension of the scope of mutual recognition of disability status through the Disability Card.

We rate the implementation of the recommendation as non-compliant.

Measure	Fulfilled: Yes, no, intermediate
Ensure the portability of social security benefits of persons with disabilities. Extend the scope of mutual recognition of disability status.	No

“(j) The Committee recommends that the European Union establish a process to adopt new specific actions, measures and time frames for the implementation of the Disability Rights Strategy for the period 2025-2030, in close consultation and active involvement of persons with disabilities through their representative organizations, and to extend the new specific actions, measures and time frames to all persons with disabilities, including persons with cerebral palsy, autistic persons and persons with dementia”

On the 6th of May 2026, the European Commission published the Enhanced Strategy on the Rights of Persons with Disabilities, thereby adopting new flagship initiatives and actions for the period 2025-2030. The initiatives have been grouped into five thematic areas:

1. Accessibility
2. Enjoying EU rights
3. Decent quality of life and living independently
4. Equal access and non-discrimination
5. Promoting the rights of persons with disabilities globally

Before the adoption of the enhanced strategy, disabled people's organisations but also regular stakeholders were consulted extensively.¹¹ The following consultation activities took place:

1. Written consultations
 - a. Invitation to submit feedback to the call for evidence
 - b. Invitation to contribute to the public consultation
2. Verbal consultations
 - a. An ad-hoc meeting with member state representatives in the context of the Disability Platform in June 2025
 - b. An ad-hoc meeting with Disability Platform Civil Society Organisations which involved ENIL in October 2025
 - c. A hearing with EU level social partners in November 2025
 - d. A strategic dialogue with EU level Civil Society Organisations in December 2025
 - e. A session on the future strategy during the European Day of Persons with Disabilities on 4-5 December 2025
 - f. A Youth Policy Dialogue with European Commissioner Lahbib

In addition, ENIL had one-on-one meetings with the Commissioner and with DG JUST Equality director Ana Carla Pereira.

Dementia is mentioned literally in the enhanced strategy. Autism and cerebral palsy are not mentioned but also not excluded.

We rate the European Union as being in full compliance with this recommendation:

Measure	Fulfilled: Yes, no, intermediate
Adopt new actions for the Disability Rights Strategy 2025-2030, consult DPOs	Yes

¹¹ European Commission 2026. Synopsis Report - Enhancing the strategy for the rights of persons with disabilities up to 2030. https://commission.europa.eu/document/8f870251-4de8-40af-a485-53fd074fe84d_en

The committee recommended that the European Union:

“(k) Require full adherence to the Convention in the allocation of EU funds by its Member States, and establish monitoring mechanisms, in close consultation and active involvement of persons with disabilities, through their representative organizations”

The Multiannual Financial Framework (MFF) is the EU's seven year long-term budget. The MFF 2021-2027 was adopted in December 2020.¹² The details of the various funding instruments are laid down in separate regulations,¹³ excluding the Common Provisions Regulation which established joint rules for various funding programmes.¹⁴

Once adopted, changing the rules of all these regulations is very difficult. However, due to extreme circumstances, in February 2024, the EU adopted, for the first time, a revision of the MFF 2021-2027, thus showing that revisions are in principle possible.¹⁵ However, the Common Provisions Regulation was not included in this revision.

To produce “full adherence to the Convention” a revision of the Common Provisions Regulation would have been necessary. Following the publication of the Concluding Observations in spring 2025, no revision took place.

No steps were taken to produce compliance for the remainder of the MFF 2021-2027.

Since the MFF 2021-2027 is almost at its end, the European Union is working to produce the MFF 2028-2035.

The proposals to the MFF 2028-2035 were published in July 2025.¹⁶ The MFF 2028-2035 will see two very important novelties which will change the logic of EU funding dramatically.¹⁷

The first change is a shift from a compliance with legal rules throughout all funding programmes to a compliance with policy objectives. The funding programmes making up the largest part of the MFF, dedicated to economic and social cohesion, are also the ones which are the most relevant for disability services. Traditionally all spending of these programmes had to comply with a large set of legal rules codified in the Common Provisions Regulation. The Common Provisions Regulation contained so-called enabling conditions which obliged Member States to spend funds in line with the UNCRPD.

12 European Union 2020. Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027. <https://eur-lex.europa.eu/eli/reg/2020/2093/oj/eng>

13 European Commission 2020. EU funding programmes. https://commission.europa.eu/funding-and-tenders/find-funding/eu-funding-programmes_en

14 European Union 2021. Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R1060>

15 European Commission 2024. The 2021-2027 EU budget – What's new? https://commission.europa.eu/strategy-and-policy/eu-budget/long-term-eu-budget/2021-2027/whats-new_en

16 European Commission 2025. The 2028-2034 EU budget for a stronger Europe. https://commission.europa.eu/strategy-and-policy/eu-budget/long-term-eu-budget/eu-budget-2028-2034_en

17 European Commission 2025. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS A dynamic EU Budget for the priorities of the future - The Multiannual Financial Framework 2028-2034. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52025DC0570&qid=1753978048542>

In the new MFF, there will be no more Common Provisions Regulation. All funds for economic social cohesion will lose their independence and are being merged into a new fund: The European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security. The rules for the new fund are laid down in the National Regional Partnership Plan Regulation.¹⁸

The entire MFF will have a budget of EUR 1,98 trillion. The new fund will have a budget of EUR 865 billion and thus control 42,9% of the entire MFF budget.

The switch from a funds governance based on legal rules to a policy-based governance will significantly reduce the ability of the European Commission to exert control on how the funds are being spent. It is only possible to hold someone legally accountable for not complying with the law. Governments will have to declare adherence to the policy objectives agreed upon but non-compliance can always be easily justified. It will become very difficult if not impossible to hold member states accountable. Centralised oversight will be weakened, if not cease to exist at all.

Second, the mechanism for the disbursement of funding will change dramatically. For decades, national, regional and local authorities as well as civil society organisations or companies, would design project ideas and apply for funding. After approval of the new fund, member states will prepare so-called National Regional Partnership Plans and submit them to the Commission. The Plans will present the various measures governments intend to fund. After approval by the Commission, governments will receive the funding.

The new fund will be operated according to similar rules as the recovery and resilience facility, which was a mechanism introduced in the MFF 2021-2027 to support member states financially in parallel to the normal funding programmes. The recovery and resilience facility spent large amounts of funding on institutions. There was very little oversight or accountability.¹⁹

All MFF regulations are still under negotiation and thus we cannot say for certain what the outcome will be. ENIL has launched an extended lobby campaign to change the national regional partnership regulation, to preserve an obligation for legal compliance with the UNCRPD, to maintain a strong measure of oversight and to ensure disabled people's organisations will receive a co-decision role.²⁰ However, our meetings with national governments and Members of the European Parliament have shown that there is little political will to significantly alter the plans the European Commission proposed. Particularly the member states want easier access to EU money.

The National Regional Partnership Plan Regulation legally requires the involvement of stakeholders like civil society organisations in the design of the Partnership Plans. However, we have been receiving reports according to which this involvement is very tokenistic and that there is no

18 European Commission 2025. Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security for the period 2028-2034 and amending Regulation (EU) 2023/955 and Regulation (EU, Euratom) 2024/2509. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52025PC0565&qid=1753801752960>

19 ENIL 2026. European Ombudsman declares ENIL's complaint on EU funding in Spain admissible. <https://enil.eu/european-ombudsman-declares-enils-complaint-on-eu-funding-in-spain-admissible/>

20 ENIL 2026. EU Funds 4IL Coalition adopts amendments on the EU-Budget. <https://enil.eu/eufunds4il-coalition-adopts-amendments-on-the-eu-budget/>

real influence. Also, in the negotiations of the MFF there is little will to involve disabled people's organisations.

The Committee of the Rights of Persons with Disabilities called for more oversight, monitoring and participation. It is very likely that all three will be strongly reduced and dysfunctional. The plans pursued by the European Union are in complete opposition to the recommendations of the Committee.

The European Union is not complying with the recommendation.

Measure	Fulfilled: Yes, no, intermediate
Require full adherence to the Convention, ensure monitoring and participation	No

“(l) The Committee recommends that the European Union establish new mechanisms for the close consultation and active involvement of persons with disabilities, including children with disabilities, through their representative organizations, and strengthen existing mechanisms in all areas of EU legislation, policy and programming, including in external action and in the Council of the European Union, by, inter alia, entrenching them legally, rendering them broadly representative of persons with disabilities in the European Union, ensuring their accessibility and the full information of all participants, by ensuring that the views of persons with disabilities are in fact heard and seriously considered, and by providing sufficient financial support to organizations of persons with disabilities to protect their independence and to enable them to participate effectively.”

This recommendation contains several parts:

- a.** Establish new mechanisms for the close consultation and active involvement of persons with disabilities through their representative organisations, taking into account
 - a. Children with disabilities
 - b. Cover all areas of EU legislation, including external action
 - c. The EU Council
 - d. Entrenching the mechanisms legally
- b.** Providing sufficient financial support to disabled people's organisations

The Disability Platform is the main mechanism to involve disabled people's organisations and other stakeholders. Three parties are involved in the platform: 1. The European Commission, 2. Member State governments, 3. Civil society organisations, including DPOs and ENIL. Meetings use a conference format. Experts deliver presentations on topics, followed by Q&A sessions. There is one in person meeting and one online meeting of the entire group per year. Between meetings of the entire group, working groups may meet. The frequency of working group meetings is very irregular and depends on the initiative of the Commission. The influence on policy is limited

The enhanced European Disability Strategy announces to “upscale the Disability Platform by strengthening the exchange of information on national developments”. The strategy also states

that “a consistent co-production approach” is key. However, the document fails to outline what this will entail. In addition, the strategy does not mention disabled people's organisations. It refers to “increased cooperation with the Member States” and the plan to “support Member States to identify challenges”.

The strategy does not mention an improved involvement of children with disabilities.

The strategy does not mention a coverage of all areas of EU legislation, nor external action or the EU Council. The strategy does not mention the creation of legal mechanisms.

The European Union does not provide financial support to disabled people's organisations specifically. However, under the Citizens Equality Rights and Values programme (CERV) it finances staff expenditures of organisations which “promote and protect the rights of persons with disabilities. Thus, organisations which claim to be active in the area of disability rights can receive grants.

For the period 2022-2025 EUR 23,2 million were available for the provision of grants.²¹ For the period 2026-2028 EUR 23,1 million are available.²²

It is difficult to judge whether these amounts are sufficient. However, it is a considerable amount of money.

To conclude: The enhanced Disability Strategy does not contain a plan to improve the involvement of disabled people's organisations in decision-making. However, a considerable amount of funding is available. We rate the compliance with this recommendation as intermediate.

Measure	Fulfilled: Yes, no, intermediate
Improve the involvement of disabled people's organisations in decision-making. Provide funding.	Intermediate

21 European Commission 2021. Citizens, Equality, Rights and Values Programme. Call for Proposals. https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/cerv/wp-call/2021/call-fiche_cerv-2021-disa-og-fpa_en.pdf

22 European Commission 2025. Citizens, Equality, Rights and Values Programme. Call for Proposals. https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/cerv/wp-call/2025/call-fiche_cerv-2025-og-disa-fpa_en.pdf

3

Article 12 on Equal Recognition before the law

3.1. Introduction

UNCRPD article 12 grants disabled people the right to recognition as persons before the law, the right to legal capacity on an equal basis with others and to support in exercising their legal capacity. General Comment No 1 specifies that mechanisms such as guardianship are to be replaced by support in decision-making.²³ In contrast to guardianship support in decision-making is initiated and terminated by the disabled person requiring it. Instead of determining the best interest of a person, decision-making supports seek to establish the will and preferences.

In March 2023, the European Commission proposed the regulation on the protection of vulnerable adults.²⁴ The objective of this regulation is to ratify the 2000 Hague Convention.²⁵ The objective of this Convention is likewise the protection of vulnerable adults. For both legal documents, persons with disabilities or older people might count as vulnerable adults. Both texts define “protection” as legal regimes which seek to protect the best interest of the person. Guardianship and “the placement of the adult in an establishment or other place where protection can be provided”, e.g. institutions. The 2000 Hague Convention and the regulation on the protection of vulnerable adults, seek to do so by establishing procedures for the automatic cross-border recognition of guardianship or placements in institutions.

The 2000 Hague Convention is a pre-UNCRPD document and so in gross contradiction to the Convention. For this reason, ENIL started conducting an intense advocacy campaign in spring 2024 to stop or modify the content of the regulation on the protection of adults.

3.2. The ENIL shadow report

In our shadow report, we recommended to the Committee on the Rights of Persons with Disabilities to recommend:

23 CRPD-Committee 2014. - Article 12: Equal recognition before the law <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-1-article-12-equal-recognition-1>

24 https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/civil-justice/civil-and-commercial-law/protection-adults_en

25 <https://www.hcch.net/en/instruments/conventions/specialised-sections/adults>

“... that the EU makes significant changes to the proposal... . All terms and concepts pertaining to the deprivation of legal capacity must be removed from the regulation and replaced by supported decision-making ...”

3.3. The CRPD-Concluding Observations and their Implementation by the European Union

- In its Concluding Observations the CRPD-Committee showed itself to be concerned about:
- The lack of action to work towards the removal of guardianship regimes and restrictions of legal capacity in the member states
 - The ratification of the 2000 Hague Convention by the EU
 - The remaining barriers for persons with disabilities to control their property and financial affairs

The CRPD-Committee adopted the following recommendations:

“a) 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, and to provide training on supported decision-making to public officials, families, and service providers;”

The enhanced European Disability Strategy does not contain a call on Member States to reform their legal capacity systems.

Measure	Fulfilled: Yes, no, intermediate
Call on Member States should abolish substitute decision-making regimes	No

“(b) Halt efforts to authorize EU Member States to join or remain parties to the Hague Convention of 13 January 2000 on the International Protection of Adults; do not proceed with the proposed Regulation COM/2023/280 final, and do not proceed with the proposed Council Decision COM(2023) 281 final/2;

The European Union did not cease efforts to ratify the 2000 Hague Convention by adopting Regulation COM/2023/280 final. However, due to our advocacy campaign, far reaching changes to the regulation on the protection of adults have been achieved.

After long and tough negotiations, the European Parliament and the national governments announced an agreement on the 12th of May 2026.²⁶ From reviewing the compromise text, we can conclude that:

- Support in decision-making is recognised
- Relevant articles concerning guardianship and placements in institutions will be removed

²⁶ <https://data.consilium.europa.eu/doc/document/ST-9764-2026-INIT/en/pdf>

- The protection registers which we were particularly opposed to, will be removed

During the negotiations, the regulation underwent a substantial revision. Although, it is not yet fully in line with the UNCRPD it is much closer compared to the original proposal. The European Union has made a large step in the right direction. Instead of giving new legitimacy to deprivation of legal capacity, the regulation, once adopted, will for the first time allow for the automatic recognition of support in decision-making across borders.

According to our information, no decision has been taken on Council Decision COM(2023) 281 final/2. At the moment, we cannot assess whether a termination of the procedure is likely.

The European Union did not follow the recommendation of the Committee on the Rights of Persons with Disabilities exactly but deserves points for adhering to the spirit of the UNCRPD.

We rate the compliance as intermediate.

Measure	Fulfilled: Yes, no, intermediate
<i>Stop Regulation COM/2023/280 final, stop Council Decision COM(2023) 281 final/2</i>	Intermediate

(c) Devise legislation eliminating discrimination of persons with disabilities to control their property and financial affairs, including to access banking services.

The Enhanced Strategy on the Rights of Persons with Disabilities states that the Commission will publish a study on decision-making regimes. No new legislation is announced. The European Union is in non-compliance with the recommendation.

Measure	Fulfilled: Yes, no, intermediate
Legislate to stop discrimination in accessing property and financial affairs	No

4

Article 19 on Living independently and being included in the community

4.1. Introduction

Article 19 of the UNCRPD grants every disabled person the right to live in the community. This means that every disabled person should be able to decide where and with whom they want to live. This is not always possible for disabled people, because, in many places, person-centered and community based services are not available. The lack of offer of person-centered support services has significant consequences for disabled people's independence. This can limit the possibilities that they have to live where they wish and oblige them to live in institutions.

A report on Independent Living, published by Eurofund in 2024 showed that, in many EU countries, disabled people still face barriers to exercise their right to live independently. This report focused on 24 out of the 27 EU member states, because these countries had a more detailed record of the evolution of the number of institutionalized people over time. It found that the number of children living in institutions had increased by 14% and that the number of adults living in institutions had increased by 29%. This shows that, when designing social welfare policies for disabled people, governments still opt for policies prioritizing institutionalization.²⁷

4.2. The ENIL shadow report

To implement article 19, one of the most important instruments ENIL can use at the EU level is to change the distribution of EU funding. One of the most important objectives of the European Union is the creation of the single market which means that companies from any EU country can offer goods and services in any EU country without being blocked by barriers such as customs or different technical standards. To ensure a single market can function, it is essential to stimulate a convergence of the economic and social conditions in the member states. The EU is doing that by funding projects. Being able to fund a sufficient number of useful projects in all 27 member states, requires adequate financial resources which is why the long-term EU budget 2028-2035 will have EUR 1,98 billion at its disposal.

²⁷ Eurofund 2024. Paths towards Independent Living and social inclusion. <https://www.eurofound.europa.eu/en/publications/all/paths-towards-independent-living-and-social-inclusion-europe>

This funding is also spent on disability services. To To ENIL's dismay both projects that promote Independent Living and institutions receive financial support from the European Union. ENIL frequently documents spending on institutions.²⁸ Achieving a complete redirection of EU funding, ensuring that funds are exclusively spent on Independent Living, is one of our most important advocacy objectives.

Our shadow report highlighted several changes which are urgently needed:

- A clear prohibition of investments in institutions
- An improved transparency of EU Funds
- A revision of the European Commission's internal legal guidance on investments in institutions
- The installation of adequate monitoring systems to ensure compliance of funding with the UNCRPD
- A reinforcement of the participation of disabled people
- An impartial complaints procedure

4.3. The CRPD-Concluding Observations and their Implementation by the European Union

In its Concluding Observations the CRPD-Committee showed itself to be concerned about:

- The use of EU funds to finance the construction and maintenance of institutions
- The use of EU funds for financing projects that result in disabled people being relocated from a segregated facility to another
- The difference between the EU's interpretation of the UNCRPD and that of the Committee
- The absence of a mention of compensation for people who have been institutionalized in the Guidelines for Independent Living
- The insufficient number of policies and investments that promote the development of support measures in the community
- The barriers in the judicial system that make it harder for disabled people's organizations to launch complaints about the misuse of EU funds
- The monitoring mechanisms used by the member states to monitor EU funds that do not significantly consider the UNCRPD

28. ENIL 2024. Analysis of support to 'transition from institutional to community-based care' in the framework of the European Union's Cohesion Policy. https://enil.eu/wp-content/uploads/2025/01/ENIL-Briefing-on-EU-Funds_with-Annex.pdf

4.3.1. Recommendations

The committee recommended that the European Union:

“(a) Ensure that EU legislation, policies, programmes and guidelines on independent living are in full compliance with the requirements of the Convention, as set out in the Committee’s General Comment No. 5 (2017), and repeal the European Commission’s Legal Service note of 29 June 2018 (Ares[2018]2249997);”

This recommendation has two tasks for the EU:

1. **Ensure that EU legislation, policies, programmes and guidelines on independent living are in full compliance with the requirements of the Convention, as set out in the Committee’s General Comment No. 5 (2017)**

To our knowledge, there has only been one EU policy document which refers directly to Independent Living. In November 2024, the European Commission adopted the Guidance on Independent Living and inclusion in the community of persons with disabilities in the context of EU funding.²⁹ ENIL strongly advocated for a Guidance in line with Independent Living and the UNCRPD.³⁰

The Guidance on Independent Living contains good practices on how the transition towards Independent Living should be operationalized. It clearly recommends spending EU funding exclusively on services that support Independent Living such as personal assistance, personal budgets and peer support. The Guidance does not foresee any spending on institutions.

ENIL welcomed the Guidance.³¹ Although there is of course still scope for improvements, the document can be regarded as largely in line with the UNCRPD. Our greatest criticism is that compliance with the Guidance is not compulsory.

Given that the Guidance is largely in line with the UNCRPD, we rate the EU as being in compliance with this recommendation.

Measure	Fulfilled: Yes, no, intermediate
Ensure policies on Independent Living are in line with the UNCRPD	Yes

29_ European Commission 2024. Guidance on Independent Living and inclusion in the community of persons with disabilities in the context of EU funding. https://employment-social-affairs.ec.europa.eu/news/commission-adopts-guidance-independent-living-persons-disabilities-2024-11-20_en

30_ ENIL 2023. Launch of ENILs’ proposal to the Commission Guidance on Independent Living. <https://enil.eu/launch-of-enils-proposal-to-the-commission-guidance-on-independent-living/>

31_ ENIL 2024. ENIL welcomes new Guidance on Independent Living by the European Commission. <https://enil.eu/enil-welcomes-new-guidance-on-independent-living-by-the-european-commission/>

2. Repeal the European Commission's Legal Service note of 29 June 2018 (Ares [2018]2249997)

According to our knowledge no steps to fulfil this recommendation are being taken.

Measure	Fulfilled: Yes, no, intermediate
Repeal the European Commission's Legal Service note of 29 June 2018 (Ares[2018]2249997)	No

“(b) 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”

The Recovery and Resilience Facility and the Neighbourhood, Development and International Cooperation instrument are part of the Multiannual Framework 2021-2027. The Recovery and Resilience Facility was adopted in 2021.³² The Neighbourhood, Development and International Cooperation Instrument was adopted together with the rest of the MFF in December 2020.³³

To comply with the recommendation of the Committee on the Rights of Persons with Disabilities, a revision of the Recovery and Resilience Facility and the neighbourhood instrument would have been necessary. As mentioned before, parts of the Multiannual Financial Framework 2021-2027 were revised in 2024. Following the publication of the Concluding Observations in spring 2025, no additional revision took place.

As explained before, there is no evidence that the MFF 2028-2035 will stop funding for institutions. A large-scale deviation of competence to the member states will take place. Given our past experience this step will lead to higher funding for institutions.

The European Union has not complied with this recommendation.

Measure	Fulfilled: Yes, no, intermediate
Ensure no recovery and resilience facility funding is spent on institutions, shape the MFF	No

“(c) 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

32 European Union 2020. Council Regulation (EU) 2020/2094 of 14 December 2020 establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 crisis. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.LI.2020.433.01.0023.01.ENG&toc=OJ%3AL%3A2020%3A433I%3ATOC>

33 European Commission 2021. Global Europe: Neighbourhood, Development and International Cooperation Instrument. https://commission.europa.eu/funding-and-tenders/find-funding/eu-funding-programmes/global-europe-neighbourhood-development-and-international-cooperation-instrument_en

conduct and publish an impact analysis of previous funding, in close consultation and active involvement of persons with disabilities through their representative organizations;”

This recommendation has three tasks for the European Union:

1. 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

The current situation concerning the Multiannual Financial Framework 2028-2035 and the likely outcomes of the negotiations were described in detail under 2.3.1 (k). Although the final results will not be known until the end of 2027, it is safe to say that there will be no ban on the use of EU funds for the construction and maintenance of institutional facilities.

The European Union is not in compliance with the recommendation.

Measure	Fulfilled: Yes, no, intermediate
The Cohesion Policy post 2027 has to ban the use of EU funding on institutions	No

2. Ensure 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

General Comment No 5 sets out 15 steps state parties to the Convention have to take to comply with its obligations.³⁴ Given that the recommendation focuses heavily on EU funds and the ban of funding for institutions, we assume that the task given refers to the same topic. Thus, we will not evaluate whether the Disability Strategy presents plans for the implementation of all 15 steps. Only whether it outlines a commitment for the ban of EU funding for the financing of institutions in the post 2027 Cohesion Policy.

The drafting of the Disability Strategy 2021-2030 is the sole responsibility of the European Commission, not the European Union in its entirety.

Which steps to ban the use of EU funding in the post 2027 Cohesion Policy did the Commission present?

The European Commission announced it would take the following steps:

- The encouragement of innovative solutions for Independent Living in cohesion policy funds
- The promotion of accessible community-based support for persons with disabilities including under the European Social Fund+ and the European Regional Development Fund
- Support to inclusive and accessible education

34 CRPD-Committee 2017. General Comment No 5 on Independent Living and being included in the Community. <https://digitallibrary.un.org/record/1311739>

No ban on funding for institutions was announced.

Measure	Fulfilled: Yes, no, intermediate
Ensure the Disability Strategy 2028-2035 complies with General Comment No 5	No

3. Ensure 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

A complete impact analysis on the compliance of the 2021-2027 Cohesion Policy can only be effectuated after the end of the current funding period which is still running. Therefore, this recommendation cannot be evaluated.

Measure	Fulfilled: Yes, no, intermediate
Ensure 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	No

“(d) 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;”

No amendment of the Guidance has taken place. The European Union has not complied with the recommendation.

Measure	Fulfilled: Yes, no, intermediate
Amend the Guidance on Independent Living	No

“(e) Recognize institutionalization as a form of discrimination against persons with disabilities;”

The European Commission’s Guidance on Independent Living and inclusion in the community for persons with disabilities recognizes that living in the community is a precondition for Independent Living. Moreover, it highlights that taking action to prevent the institutionalization of disabled people is crucial for achieving this goal. However, in this document, there is no explicit mention of institutions as a form of discrimination against persons with disabilities.

We are not aware of any EU document that describes institutionalisation as a form of discrimination. The EU has so far not complied with the recommendation.

Measure	Fulfilled: Yes, no, intermediate
Recognise institutionalisation as a form of discrimination	No

“(f) 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;”

As outlined under recommendation 2.3.1 (k) there are strong indications that independent monitoring and complaint mechanisms will be weakened substantially in the Multiannual Financial Framework 2028-2035, if not cease at all.

We are rating the European Union to be in non-compliance with the recommendation.

Measure	Fulfilled: Yes, no, intermediate
Enhance independent monitoring and complaint mechanisms	No

“(g) 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, centres for independent living, peer support and other types of individualized support respecting the will and preference of persons with disabilities.”

This recommendation has three tasks for the European Union:

1. Adopt unambiguous definitions of community-based services, including personal assistance, to improve targeting of investments

The Guidance on Independent Living provided an operational definition of the terms personal assistance and professional home care.

The Guidance on Independent Living defined personal assistance as:

“Personal assistance is a fundamental enabler of independent living and inclusion for persons with disabilities. It is a service which provides individual help and support to persons with disabilities in all aspects of their lives (e.g. where they live, at work, their social or leisure activities). Ensuring the availability and effectiveness of personal assistance models is essential to support independent living and inclusion in the community. Personal assistance can provide persons with disabilities with full self-determination, with access to supported decision-making where necessary. Personal assistance ought to be individualised and needs-based”

And professional home care was defined as:

“Professional home care and support can, in addition to personal assistance schemes, enable persons with disabilities to continue living in their usual place of residence. Home care can cover a wide range of health and social services, including both medical and non-medical in-home support. Non-medical support may include assistance in daily living activities including cooking, cleaning or other basic activities, like household chores. In parallel, support for family carers is also an important aspect of providing home care.”

These definitions fulfil, at least partially, the UNCRPD committee’s recommendation to adopt unambiguous definitions of community-based services. However, when it comes to personal assistance many elements of the definition provided by General Comment No. 5 are missing.

2. Collect and publish disaggregated data on the services provided and persons with disabilities utilizing them

To our knowledge, there is no dataset available containing disaggregated data on the services provided to disabled people and the persons utilizing them. The EU statistics office, Eurostat, has expanded its statistics on disability.³⁵ However, so far no data on service usage is being provided.

3. Prioritize investments for the development of accessible and affordable housing for persons with disabilities, personal assistance, centres for independent living, peer support and other types of individualized support respecting the will and preference of persons with disabilities.

The Enhanced Strategy for the Rights of Persons with Disabilities foresees the creation of an Independent Living alliance. The main goal of this alliance is to contribute towards the creation of Centers for Independent Living (CIL) at national and local level.

The Guidance on Independent Living encourages the EU member states to establish clear targets for facilitating Independent Living at national level. These targets should include increasing the investment in accessible and affordable houses and the development of community-based person centred support services, such as personal assistance and supported decision making.

It also encourages member states to redirect EU funds that are currently being allocated for the financing of institutions towards accessible housing and to create a concrete plan for phasing out institutions.

While these documents provide recommendations in the right direction, they are non-binding. Therefore, the effects of these documents are hard to foresee.

There are no indications that the Multiannual Financial Framework will prioritise investments for individualised supports.

35 Eurostat 2026. Disability Statistics. https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Disability_statistics

Measure	Fulfilled: Yes, no, intermediate
<i>Adopt unambiguous definitions of community-based services, including personal assistance, to improve targeting of investments</i>	Intermediate
<i>Collect and publish disaggregated data on the services provided and persons with disabilities utilizing them</i>	No
<i>Prioritize investments for the development of accessible and affordable housing for persons with disabilities, personal assistance, centres +for independent living, peer support and other types of individualized support respecting the will and preference of persons with disabilities.</i>	No

5

Article 27 on Work and Employment

5.1. Introduction

Article 27 of the UNCRPD grants every disabled person the right to employment in the open labour market. Access to employment and income are part of the 18 Pillars on Independent Living. Earning income from work builds self-esteem and fosters true independence. Thus, fighting for the right to employment has a high priority for ENIL.

Segregated employment has the objective to foster transitions into the open labour market but we know that in practice this is barely happening. Sweden achieves transition rates of 6,25%. In most other countries, transition rates barely exceed 1%. Employment support measures like job immersion programmes, job coaching or job carving, are very effective in achieving inclusion in the open labour market. When designing employment policies for disabled people, governments overwhelmingly opt for segregated employment.

In the past decade, the disability employment gap has increased. Labour market inclusion of disabled people is stalling. We need progress.

The European Union has the competence to strictly regulate the way member states subsidise companies and organisations. This field of legislation is called state aid because states aid undertakings financially. At the moment, EU state aid legislation allows both to subsidise useful employment support measures, for example the purchase of assistive equipment but also segregated employment. ENIL is proposing to take segregated employment off the list.

Our new report, “Increasing labour market inclusion - reforming state aid legislation” presents extensive data on the labour market inclusion of disabled people, good practice examples and our proposals for reform of EU state aid legislation.³⁶

5.2. The ENIL shadow report

In our shadow report, we highlighted the fact that EU state aid legislation permits the subsidisation of settings that segregate disabled people. The financing of institutions and segregated employment is permissible.

36 ENIL 2026. Increasing labour market inclusion - reforming state aid legislation. <https://enil.eu/improving-labour-market-inclusion-reforming-state-aid/>

In particular we drew attention to:

- The European Commission decision on Services of General Economic Interest (SGEI-decision) which outlines under which conditions subsidies in the form of public service compensations are legal. The SGEI-decision contains no reservation against the awarding of state aid to providers of institutions or sheltered employment
- Two directives on public procurement which do not contain reservations against the awarding of procurement contracts to providers of institutions or segregated employment
- The General Block Exemption Regulation allows authorities to subsidise the construction and modernisation of production units at segregated employment settings

We proposed to the CRPD-Committee to:

- Recommend to the EU to reform the SGEI-decision and introduce reservations against state aid being granted to institutions and sheltered workshops
- Amend the public procurement directives. Remove the option of awarding public procurement contracts to institutions and segregated employment
- Amend the General Block Exemption Regulation by removing article 34(2)(f). Introduce a prohibition of using state aid to finance sheltered employment

5.3. The CRPD-Concluding Observations and their Implementation by the European Union

In its Concluding Observations the CRPD-Committee showed itself to be concerned about:

- The use of state aid to support segregated employment
- Employment disparities, lack of reasonable accommodations, disability stigma, prejudice and incompatibility of disability benefits with paid work
- Discrimination against persons with disabilities in work and employment

5.3.1. Recommendations

The Committee recommended that the European Union:

“(a) 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;”

The recommendation contains four tasks for the EU:

1. Repeal legislation that allows public financing of segregated forms of employment for persons with disabilities, such as institutions and other segregated facilities

According to our knowledge, no steps to fulfil this recommendation are being taken. However, it is unclear which legislation should be repealed.

Measure	Fulfilled: Yes, no, intermediate
Repeal legislation that allows public financing of segregation	Cannot be evaluated

2. Amend Directives 2014/23/EU and 2014/24/EU to remove the possibility of awarding public procurement to such facilities

The European Commission has published a legislative proposal for a regulation on public contracts and concessions on the 9th of September of 2026.³⁷ This legislative proposal intends to repeal Directives 2014/23/EU, 2014/24/EU and 2014/25/EU. Article 57 of the text of the legislative proposal allows providers of sheltered employment to be eligible to receive public procurement. However, to be able to access public procurement, companies must ensure that the rights of disabled and disadvantaged workers remain protected. Therefore, the current legislative proposal does not comply with the UNCRPD obligation to remove the possibility of awarding public procurement to providers of sheltered employment.

Measure	Fulfilled: Yes, no, intermediate
Amend Directives 2014/23/EU and 2014/24/EU	No

3. Repeal article 34(2)(f) of the General Block Exemption Regulation (Regulation (EU) No 651/2014)

Until the end of 2026, the European Commission will revise the General Block Exemption Regulation (GBER). In early 2026, a draft version of the revised GBER was published to allow stakeholders to provide feedback.

To which extent have the recommendations of the CRPD-Committee been taken into account?

The draft version does not foresee a repeal of article 34(2)(f) which permits the subsidisation of segregated employment. The draft version the numbering of the article has changed to 48(3)(f) but has otherwise been kept identical.

GBER Regulation adopted in 2014	Revision draft published in early 2026
Article 34(2)(f) where the beneficiary provides sheltered employment, the costs of constructing, installing or modernising the production units of the undertaking concerned, and any costs of administration and transport, provided that such costs result directly from the employment of workers with disabilities.	Article 48(3)(f) where the beneficiary provides sheltered employment, the costs of constructing, installing or modernising the production units of the undertaking concerned, and any costs of administration and transport, provided that such costs result directly from the employment of workers with disabilities.

³⁷ European Commission, Proposal for a Regulation on public contracts and concessions (Public Procurement Act), COM(2026) 590 final, 9 September 2026, 2026/0265(COD). https://single-market-economy.ec.europa.eu/document/download/59557310-3af0-426d-b6b6-0357b650065f_en?filename=Proposal%20for%20a%20Regulation%20-%20Public%20Procurement%20Act.pdf

Is there any progress to report?

Yes, there is. The Commission is taking tentative steps that could increase the funding for employment support:

- In the current regulation the maximum amount of aid per undertaking per year is limited to EUR 10 Million. In the revised regulation, this amount might increase to EUR 11 Million. Positive measures, like the purchase of assistive equipment, assistance at the workplace or modifications to the built environment will benefit. However, segregated employment could benefit too.
- The GBER permits the subsidisation of wage costs. In the current regulation the aid intensity is limited to 75% of the costs. It is proposed to raise the limit to EUR 85% in the revision.

Conclusion:

Steps are being taken to reform the GBER, which might result in better financing for measures that support the inclusion of disabled people in the open labour market. However, the CRPD-Committee is asking very specifically for a repeal of article 34(2)(f). A repeal is not being considered by the European Commission at this moment. The recommendation is not being complied with.

Measure	Fulfilled: Yes, no, intermediate
Repeal of GBER article 34(2)(f)	No

4. Prohibit state aid of segregated employment

As shown, no steps are being taken in the General Block Exemption Regulation to prohibit state aid of segregated employment. Another regulation that could fulfil this recommendation is the Commission Decision on state aid to undertakings in the form of public service compensations for the provision of services of general economic interest (SGEI-decision).

In 2025, a revision of the SGEI-decision took place. The revised edition, published in December 2025, contains two provisions on employment services.

According to recital 12:

“In order to benefit from the exemption from notification, social services should be clearly defined and address social needs as regards health and long-term care, childcare, access to and reintegration into the labour market ...”

According to article 2(1)(c);

“Compensation for the provision of SGEI meeting social needs as regards health and long-term care, childcare, access to and reintegration into the labour market ...”

In the 2025 revision, no changes to prohibit or restrict state aid to segregated employment were added.

Conclusion:

| No steps to ban state aid to segregated employment were taken.

Measure	Fulfilled: Yes, no, intermediate
Changes to the SGEI Decision	No

The Committee recommended that the European Union:

“(b) Support Member States in their efforts implement the Disability Employment Package aimed at employment of persons with disabilities in the open labour market that enhances access to work and employment, closes segregated workshops, raises awareness about the right to work and employment of all persons with disabilities, ensures equal pay and working conditions for persons with disabilities and the provision of reasonable accommodations, provides for transition measures and collects disaggregated data about persons with disabilities in segregated employment;”

In the enhanced European Disability Strategy, the European Commission announced several steps to improve the implementation of the Disability Employment Package and the inclusion of disabled people in the open labour market:

- The sharing of best-practices and the issuing of guidance on AI and assistive technologies, transitions from education to employment, the employment of women with disabilities
- The preparation of a joint cost-benefit analysis of boosting the employment of disabled people, together with the OECD
- Cooperate with the social and employment committees of the EU Council for the setting of national employment targets
- Work with the EU Platform of Diversity Charters to promote employment inclusion
- Consideration of the occupational health and safety risks of disabled workers in the Quality Jobs Act

To which extent has the EU complied with the recommendation of the CRPD-Committee?

As seen, the enhanced European Disability Strategy announces four measures to improve the implementation of the Disability Employment Package which enhance access to employment. However, the strategy and the Package do not specify whether it is employment in the open labour market or in segregated employment. Also, there is no measure on the closure of segregated employment. Given that some actors within the EU support segregated employment, we must assume that employment in such settings is also being promoted.

The cooperation with the EU Platform of Diversity Charters can be seen as an awareness raising measure.

There are no measures on ensuring equal pay and the provision of reasonable accommodations.

The European Commission announced the objective to employ binding legislation to improve the occupational health and safety of disabled workers. This measure seeks to create better working conditions.

There is a measure on transitions from education to employment.

To our knowledge there is no data collection on disabled people in segregated employment.

The setting of national employment targets is a useful measure that goes beyond what is asked for in the recommendations.

Conclusion:

The initiatives presented in the enhanced European Disability Strategy are going to address almost half of the recommendations of the CRPD-Committee. The initiatives announced are useful. Especially when it comes to employment in the open labour market and segregated employment, the recommendations have not been taken into account. It is positive that the European Commission is going to present a legislative proposal on health and safety at work which might improve working conditions.

Measure	Fulfilled: Yes, no, intermediate
Support the implementation of the Disability Employment Package	Intermediate

“(c) Continue and strengthen efforts to address discrimination of persons with disabilities in employment, including women and persons with intellectual and/or psychosocial disabilities, by, inter alia, enforcing the Equality Employment Directive across Member States and strengthening equality bodies, as provided for by Directive 2024/1499, and ensuring access to minimum wages on an equal basis with others”

Implementing the Equal Employment Directive

In its enhanced European Disability Strategy, the European Commission is announcing one initiative to improve the implementation of the Equality Employment Directive:

- There will be an assessment on the extent to which reasonable accommodation is provided in the workplace in line with the Equality Employment Directive

While the measure complies with the recommendation to work on the Equality Employment Directive, an assessment is not an enforcement action but more general monitoring.

The recommendation is only half fulfilled.

Measure	Fulfilled: Yes, no, intermediate
Enforcing the Equality Employment Directive	Intermediate

Strengthening equality bodies

In May 2024 Directive 2024/1499 on standards for equality bodies in the field of equal treatment was adopted.³⁸ The directive strengthens equality bodies.

The European Union has complied with the recommendation.

Measure	Fulfilled: Yes, no, intermediate
Strengthening equality bodies	Yes

Ensuring access to minimum wages

The enhanced European Disability Strategy contains no initiative on minimum wages. The recommendation is not being complied with.

Measure	Fulfilled: Yes, no, intermediate
Ensuring access to minimum wages	No

³⁸ <https://eur-lex.europa.eu/eli/dir/2024/1499/oj/eng>

6

Conclusion

One year after the adoption of the Concluding Observations by the CRPD-Committee, the EU has taken few steps to implement the recommendations. Only three recommendations have been fully complied with:

- The recommendation to adopt new actions for the European Disability Strategy to cover the period until 2030
- To adopt the directive on equality bodies

The recommendation to ensure that policies on Independent Living are in line with General Comment No 5 only achieved a green rating only because there is only one policy document on Independent Living.

An area of particular importance is EU funding. Unfortunately, here the ratings are particularly negative. The EU will probably leave all recommendations on EU funding unimplemented.

When it comes to access to legal capacity, the outcome is surprisingly positive. The regulation on the protection of adults underwent a substantial change in the negotiations. The recognition of supported decision-making in cross-border situations is an important step in the right direction. The European Union is creating a new right that will benefit many disabled people.

We are calling on the European Union to substantially increase efforts to implement all Concluding Observations.

Table overview

6.1. Articles 1-4 on General principles and Obligations

Measure	Fulfilled: Yes, no, intermediate
<i>“(a) Improve Implementation of the Convention by ensuring that the Convention has direct effect in its law, and that the validity of secondary EU law can be assessed directly in the light of the Convention”</i>	Cannot be evaluated
<i>“(b) Clarify that it accepts the Committee's interpretations of the Convention, including those espoused in its General Comments, as authoritative”</i>	No
<i>“(c) Consider the ratification of the optional protocol to the Convention”</i>	No
<i>“(d) Conduct a comprehensive review of its legislation, policies and practices to ensure their compatibility with the Convention, and establish mechanisms to ensure that new legislation, policies and practices adhere to the Convention, including by revising its impact assessment guidelines;”</i>	Intermediate
<i>“(e) Update the declaration of competences under Article 44(2) and its list of instruments in the appendix, and include instruments that may not refer to persons with disabilities, but are nevertheless relevant to their right”</i>	No
<i>“(f) 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.”</i>	No
<i>“(g) 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 competence, including with re-spect to the recognition of disability status.</i>	Intermediate
<i>“(h) Support Member States to ensure that persons with disabilities, through their representative organizations, are closely consulted and actively involved in the design of disability assessments and that multiple assessments do not create an undue burden for the persons involved.</i>	Intermediate

“(i) In Cooperation with its Member States, ensure the portability of social security benefits of persons with disabilities among Member States, including by extending the scope of mutual recognition of disability status through the Disability Card.”	Intermediate
“(j) The Committee recommends that the European Union establish a process to adopt new specific actions, measures and time frames for the implementation of the Disability Rights Strategy for the period 2025-2030, in close consultation and active involvement of persons with disabilities through their representative organizations, and to extend the new specific actions, measures and time frames to all persons with disabilities, including persons with cerebral palsy, autistic persons and persons with dementia”	Yes
“(k) Require full adherence to the Convention in the allocation of EU funds by its Member States, and establish monitoring mechanisms, in close consultation and active involvement of persons with disabilities, through their representative organizations”	No
“(l) The Committee recommends that the European Union establish new mechanisms for the close consultation and active involvement of persons with disabilities, including children with disabilities, through their representative organizations, and strengthen existing mechanisms in all areas of EU legislation, policy and programming, including in external action and in the Council of the European Union, by, inter alia, entrenching them legally, rendering them broadly representative of persons with disabilities in the European Union, ensuring their accessibility and the full information of all participants, by ensuring that the views of persons with disabilities are in fact heard and seriously considered, and by providing sufficient financial support to organizations of persons with disabilities to protect their independence and to enable them to participate effectively.”	Intermediate

6.2. Article 12 on Equal Recognition before the law

Measure	Fulfilled: Yes, no, intermediate
<i>“a) 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, and to provide training on supported decision-making to public officials, families, and service providers;”</i>	No
<i>“(b) Halt efforts to authorize EU Member States to join or remain parties to the Hague Convention of 13 January 2000 on the International Protection of Adults; do not proceed with the proposed Regulation COM/2023/280 final, and do not proceed with the proposed Council Decision COM(2023) 281 final/2;</i>	Intermediate
<i>“c) Devise legislation eliminating discrimination of persons with disabilities to control their property and financial affairs, including to access banking services.”</i>	No

6.3. Article 19 on Living independently and being included in the community

Measure	Fulfilled: Yes, no, intermediate
<i>“(a1) Ensure that EU legislation, policies, programmes and guidelines on independent living are in full compliance with the requirements of the Convention, as set out in the Committee’s General Comment No. 5 (2017)”</i>	Yes
<i>“(a2) Repeal the European Commission’s Legal Service note of 29 June 2018 (Ares[2018]2249997);”</i>	No
<i>“(b) 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”</i>	No
<i>“(c) 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</i>	No

<i>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;"</i>	
<i>"(d) 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;"</i>	No
<i>"(e) Recognize institutionalization as a form of discrimination against persons with disabilities;"</i>	No
<i>"(f) 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;"</i>	No
<i>(g1) Adopt unambiguous definitions of community-based services, including personal assistance, to improve targeting of investments</i>	Intermediate
<i>"(g2) collect and publish disaggregated data on the services provided and persons with disabilities utilizing them"</i>	No
<i>"(g3) 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."</i>	No

6.4. Article 27 on Work and Employment

Measure	Fulfilled: Yes, no, intermediate
<i>“(a1) Repeal legislation that allows public financing of segregated forms of employment for persons with disabilities, such as institutions and other segregated facilities”</i>	Cannot be evaluated
<i>“(a2) Amend Directives 2014/23/EU and 2014/24/EU to remove the possibility of awarding public procurement to such facilities”</i>	No
<i>“(a3) Repeal article 34(2)(f) of the General Block Exemption Regulation (Regulation (EU) No 651/2014), and prohibit state aid of segregated employment”</i>	No
<i>“(b) Support Member States in their efforts implement the Disability Employment Package aimed at employment of persons with disabilities in the open labour market that enhances access to work and employment, closes segregated workshops, raises awareness about the right to work and employment of all persons with disabilities, ensures equal pay and working conditions for persons with disabilities and the provision of reasonable accommodations,</i>	Intermediate
<i>“(c1) Continue and strengthen efforts to address discrimination of persons with disabilities in employment, including women and persons with intellectual and/or psychosocial disabilities, by, inter alia, enforcing the Equality Employment Directive across Member States</i>	Intermediate
<i>“(c2) Strengthening equality bodies, as provided for by Directive 2024/1499”</i>	Yes
<i>“(c3) ensuring access to minimum wages on an equal basis with others”</i>	No

About the European Network on Independent Living

The European Network on Independent Living (ENIL) is a disabled-led, cross-disability network of disabled people and their representative organisations. ENIL promotes the right to independent living, as set out in Article 19 of the UN Convention on the Rights of Persons with Disabilities (CRPD), its General Comments and the *Guidelines on deinstitutionalisation, including in emergencies*. ENIL's work is guided by the CRPD and the Independent Living principles, enshrined in the Independent Living Pillars. ENIL is active at the European level, and internationally, through cooperation with Centres for Independent Living from around the globe. ENIL's actions and activities are based on the social and the human rights models of disability, and on the principles of inclusive equality, self-determination, solidarity and intersectionality.

ENIL has participatory status with the Council of Europe (i.e. is a member of the Conference of INGOs) and consultative status with ECOSOC.

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