**Human Rights Council Resolution 37/22 – Study on article 8 of the UN Convention on the Rights of Persons with Disabilities - OHCHR**

**The response to this questionnaire reflects measures and actions undertaken in the EU by the European Commission. The EU is a party to the UNCRPD to extent of its competences. Member States of the EU are also party to the UNCRPD to the extent to the respective competences. Actions at EU level to implement the UNCRPD complement national actions. To obtain a complete picture to the situation in the EU and its Member States this reply should be read together with replies from EU Member States.**

***1(a). Does your country have laws, policies, plans, strategies or guidelines at any level of government relating to raising awareness about persons with disabilities, in particular initiatives to:***

* + ***Foster respect for the rights and dignity of persons with disabilities***
  + ***Combat stereotypes, prejudices and harmful practices relating to persons with disabilities; or***
  + ***Promote awareness of the contributions of persons with disabilities.***

The latest revision of the audio visual services directive from November 2018, requires inter alia that audio-visual commercial communications shall not: (ii) include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief**, disability,** age or sexual orientation;

In addition, the directive requires the progressive implementation of accessibility of audio-visual media content.

***1(b). What are the challenges to implementing the above?***

Challenges are diverse, including lack of awareness and limited participation of persons with disabilities.

***2(a). What legislative and policy measures are taken to address hate crimes, hate speech and harmful practices against persons with disabilities?***

***No answer***

***2(b) In particular, are there legal remedies available for persons with disabilities seeking compensation and reparation. Are there legal provisions to sanction perpetrators, including through criminal law? Please provide information on their application in practice (e.g. cases of persons condemned for hate crimes against persons with disabilities***).

***Directive 2012/29/EU establishes minimum standards on the rights, support and protection of victims of crime. The Member States have to comply with this Directive by 16 November 2015. The preamble to the Directive states that ‘factors that could be taken into account when assessing the vulnerability of a victim include, for example, gender, pregnancy, state of health and disability’. Recital 9 states that victims of crime should be recognised and treated in a respectful, sensitive and professional manner without discrimination of any kind based on any grounds such as disability. In all contacts with a competent authority operating in the context of criminal proceedings, and any service coming into contact with victims, such as victim support or restorative justice services, the personal situation and immediate needs, age, gender, possible disability and maturity of victims of crime should be taken into account while fully respecting their physical, mental and moral integrity. Recital 15 further states that, in applying the Directive, Member States should ensure that victims with disabilities are able to benefit fully from the rights set out therein, on an equal basis with others, including by facilitating the accessibility to premises where criminal proceedings are conducted and access to information.***

***Under Article 3(2) of the Directive, which deals with ‘the right to understand and be understood’, Member States are required to ensure that communications with victims are given in simple and accessible language, orally or in writing. Such communications must take into account the personal characteristics of the victim, including any disability that may affect the ability to understand or to be understood. Article 22 aims to ensure that victims receive a timely and individual assessment, in accordance with national procedures, to identify specific protection needs. In this context, particular attention must be paid to victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics, and victims with disabilities inter alia must be duly considered. Article 23 provides that special measures be made available to victims with specific protection needs during criminal proceedings.***

***3(a). What steps have been taken to establish standards and/or good practices on the representation and portrayal of persons with disabilities in broadcast media, including codes, guidelines and other measures (legal, co-regulatory or self-regulatory)?***

***Under the Daphne Programme, the Commission has funded a series of projects to prevent and combat violence against children, young people and women and to protect victims and groups at risk. Projects also targeted at people with disabilities included a campaign against violence and bullying of young people with learning disabilities.***

***3(b). In addition, what legal framework, measures or good practices exist to regulate social media in accordance with Article 8 and human rights standards on freedom of expression?***

***4(a).Please provide information on the existence and implementation of the programmes and activities, including successful examples of campaigns, related to raising awareness about persons with disabilities and their rights, and combating negative attitudes including through initiatives of :***

* + ***Training, including human rights education;***
  + ***Research, including studies on perception and attitudes;***
  + ***Surveys and data collection.***
* **European Day of Persons with Disabilities conference (EDPD)**

Each year since 1993, the European Commission celebrates the **European Day of Persons with disabilities (EDPD)**. A conference is organised each year and is attended by more than 400 people. This is a major event for highlighting the challenges faced by persons with disabilities and exploring how these can be solved.

In [2016](https://ec.europa.eu/social/main.jsp?catId=88&furtherEvents=yes&eventsId=1152&langId=en), the European Day of Persons with Disabilities conference celebrated the 10 Years of the UNCRPD. In [2017](https://ec.europa.eu/social/main.jsp?langId=en&catId=1202&eventsId=1264&furtherEvents=yes), the Conference focused on the rights to full inclusion and participation in political and public life. In [2018](https://ec.europa.eu/social/main.jsp?catId=88&langId=en&eventsId=1352&furtherEvents=yes), the EDPD dealt with the future of the European Disability Strategy and accessibility of cultural heritage. The next European Day of Persons with disabilities conference will be held in Brussels on **28-29 November 2019.**

* **Access City Award (ACA)**

The Access City Award (ACA) was an idea from the Spanish Presidency of the Council of the EU in 2010. The first Access City Award was launched the same year. The ACA is an award recognising cities that have worked and achieved good progress to **become more accessible for persons with disabilities and elderly people**. This EU initiative recognizes the efforts made by the cities to become more accessible and therefore more inclusive, it also promotes equal access to urban life for persons with disabilities and gives visibility to local authorities by sharing their best practices.

* **Awareness raising campaign on anti-Discrimination in the workplace**

A communication campaign on anti-discrimination in the workplace was launched on May 2019. This campaign covers discrimination based on gender, race or ethnicity, religion and beliefs, sexual orientation, age and **disability**. This **campaign is divided into two strands:** the first one is general and addresses all the EU citizens and the **second one focuses on persons with disabilities**. This second strand is consists indeed of workshops in nine member states and are addressed to employers and the implementation of reasonable accommodation for persons with disabilities. These Member states have been chosen because of the employment gap between persons with and without disabilities (BE BG, CZ, EI, HR, LT, HU, PL, and RO). Three events took place already in May and June 2019 (BE, RO, PL). The first feedbacks were positive and the next event will take place in BG on October 2019. “Best practises” from the employers are to be gathered by a rapporteur after each event and we intend to create a *guide of best practise/success stories* in the end of the campaign in order to inspire other employers across the EU.

In addition, under financial support of the European Commission training of legal and policy practitioners is provided in the UNCRPD including on the human rights and non-discrimination of persons with disabilities.

<http://www.era-comm.eu/UNCRPD/>

***4(b). Please indicate their objective, scope, target audience, impact (including available data), partners and participants, particularly the participation of, and role of persons with disabilities and their representative organisations, and any key factors of success.***

* EDPD

The European Day of Persons with disabilities gathers each year more than 400 people be they persons with disabilities, organisations or groups of persons with disabilities (DPOs), associations and companies working to improve the life of persons with disabilities, Government representatives, EU institutions representatives, academics, etc. According to the chosen topics, DPO’s propose speakers to address the audience together with experts.

* **ACA**

The Access City Award is open to, all **EU cities of over 50 000 inhabitants or urban areas composed of two or more towns with a combined population of over 50 000 inhabitants**, if they are in EU countries with fewer than 2 cities with over 50 000 inhabitant.

The next ceremony will take place on 29 November 2019 and the name of the 10th winner will then be unveiled. The first place winners of ACA are: **Avila**, ES (2011); **Salzburg**, AT (2012); **Berlin**, DE(2013); **Gothenburg**, SE (2014); **Boras**, SE (2015); **Milan**, IT (2016); **Chester**, UK (2017); **Lyon**, FR (2018); **Breda**, NL (2019).

As a follow-up of this initiative, the European Commission created in 2018 the **ACA network**, which gathers all the winners of the Access City Award. The objective is to give visibility to inclusive cities that have made outstanding efforts for the inclusion of everyone, notably persons with disabilities. Annual meeting are being hold in the last winning cities (Lyon in 2018 and Breda on September20th, 2019). These meetings are real opportunities for the different cities representatives to exchange with each other and with the local disabilities organisations.

* **Awareness raising campaign on anti-discrimination in the workplace**

According to the Special Eurobarometer 437 - "Discrimination in the EU in 2015"[[1]](#footnote-1), the EU average among the study's respondents conceals wide national differences regarding awareness. However, even though there is increasing knowledge of the rights of victims of discrimination, almost half of people would not know their rights in the case of discrimination.

**Articles 18 and 19 of the Treaty on the Functioning of the European Union** (TFEU) contain a very broad prohibition of discrimination related to the scope of application of the Treaties. As regards the field of work/employment, these provisions have been translated into **four Directives**, which, jointly considered, prohibit discrimination at work on grounds of gender, race and ethnic origin, religion or belief, age, **disability** and sexual orientation.

**This campaign is currently on going and will end on March 2020**. This campaign is divided into two strands. One part is general and is addressed to the public, to raise the awareness of existing rules, rights and obligations (see website and leaflets available in all the EU official languages: <https://ec.europa.eu/social/EUvsDiscrimination> ). The other ones consist of seminars/workshops in nine Member States, dedicated to employers and focussing on their obligations to ensure reasonable accommodation in the workplace for workers with disabilities. These Member states have been chosen based on the employment gap between persons with and without disabilities (BE, BG, CZ, EI, HR, LT, HU, PL, RO).

***5. Please provide information on the role of persons with disabilities and their representative organisations, including children with disabilities, in the design, implementation, monitoring and evaluation of all measures relating to awareness raising. Please provide detail on concrete mechanisms and activities undertaken for consultation and active involvement (e.g. regular meetings, online consultations)***

The Commission has signed framework partnership agreements (FPA) for the period 2018-2021 with EU-level networks of NGOs active in the disability area. They are eligible for operating grants intend to cover the regular expenses that enable a body to implement a range of pre-approved activities in eth area of disability. For example: analytical activities, such as data gathering, surveys, studies or qualitative and quantitative evaluations and impact assessments; mutual-learning, awareness and dissemination activities.

This partnership strengthens the capacity of these NGO networks and is of key importance to develop evidence-based and impactful policy-making at EU level.

State of play and timeline:

Following a call for proposals launched in 2017 under the "Rights, Equality and Citizenship Programme" (REC - VP/2017/014), the following disability organizations have signed a 4-year framework partnership agreement (FPA) with the Commission for the period 2018-2021 and have an annual contract:

European Disability Forum Autism Europe (AE)

European Blind Union (EBU)

European Disability Forum (EDF)

European Union of Deaf (EUD)

IF Spina Bifida

Inclusion Europe (IE)

Mental Health Europe (MHE)

* **EDPD and ACA**

As for the **European Day of Persons with Disabilities conference**, the European Disability Forum, the European representative organisation of persons with disabilities (EDF) is directly involved as a co-organiser. The programme of the conference is jointly approved and speakers for the event are chosen among the network/members of disability organisations. Easy-to-read is also mainstreamed through the conference programme as the European Commission collaborates closely with Inclusion Europe (umbrella organisation for persons with intellectual disabilities).

Regarding the **Access City Award**, EDF identify several members of the national and the EU juries to make sure persons with disabilities’ interest are well represented in the competition.

For both events, the European Commission works closely with the DPOs to communicate properly.

* **Awareness raising campaign**

The campaign deals with more than only discrimination in the workplace based on disability. However, the second strands consists of workshops on reasonable accommodation for persons with disabilities. The European Disability Forum therefore send for each event one of their national members to address the audience (employers).

* **Strategic dialogue**

In 2015, the Commission launched a new approach to dialogue with civil society in order to reinforce it. This led to the "Civil Dialogue" which is the ongoing and structured conversation that DG EMPL maintains with the organisations of civil society in the employment and social areas. It implies monthly strategic dialogues with the civil society, and the DPOs are invited to attend these meetings where they can directly express their views with officials on the topics of the meetings.

1. <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2077> [↑](#footnote-ref-1)