EUROPEAN DISABILITY FORUM

Your rights in the European Union

October 2021

An online version of this report is available on the website of EDF:
www.edf-feph.org/know-your-rights

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List of acronyms and abbreviations

Charter – Charter of Fundamental Rights of the European Union

CoR – Committee of the Regions

CRPD – United Nations Convention on the Rights of Persons with Disabilities

DG – Directorate-General (of the European Commission)

EDF – European Disability Forum

EESC – European Economic and Social Committee

EU – European Union

ESIF – European Structural and Investment Fund

MEP – Member of the European Parliament

NEB – National Enforcement Bodies

TEU – Treaty on the European Union

TFEU - Treaty on the Functioning of the European Union

About EDF

The European Disability Forum is an independent organisation that defends the interests of over 100 million Europeans with disabilities. We bring together representative organisations of persons with disabilities from across Europe. We are run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

Introduction

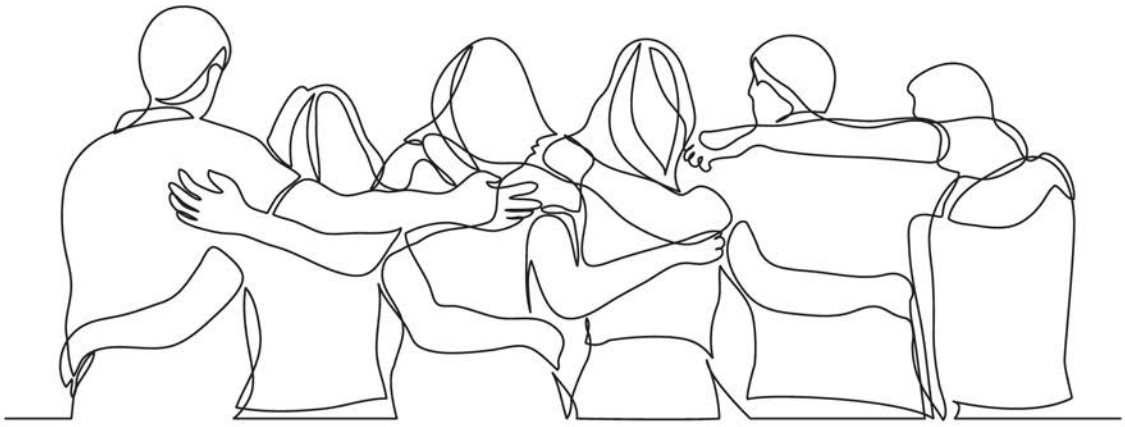
This booklet presents your rights as a person with disabilities in the European Union (EU). It will help you understand how the EU works (part 1), the history and development of rights of persons with disabilities in the EU (part 2), and what rights you have under EU law (parts 3 and 4). In a situation where your rights are breached, or you would like some more information, this booklet provides a list of the agencies that you can reach out to (part 5). Finally, it also explains the challenges that remain for persons with disabilities (part 6).

The European Disability Forum was created in 1997, to make sure that persons with disabilities have a say in decisions at the European and international levels.

In collaboration with its member organisations, EDF defends the rights of persons with disabilities from all over Europe. We promote the inclusion of persons with disabilities in Europe. EDF advocates that all people should have the right to be treated equally, have the same opportunities in life, make their own choices, take part in the community, and choose where and with whom they want to live.

This booklet is an updated version of a contribution to celebrate the 20th Anniversary of EDF and present the progress made in EU law and policy relevant to persons with disabilities, by comparing the situation before and after 1997, the year in which EDF was founded.

Part 1
What is the European Union?



As a European citizen or person living in an EU country, you have the right to know how EU laws and policies are being made. But what is the EU, which decisions can it make, and how does the EU make these decisions?

European Union and its institutions

The European Union is a unique economic and political union between 27 European countries, known as 'Member States'.

The 27 EU countries are by alphabetical order: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden. Formerly a Member State, the United Kingdom left the EU early 2020.

Decision making at the EU level involves the following institutions:

- the European Council,
- the European Commission,
- the European Parliament, and
- the Council of the European Union.

The **European Council** is the EU institution that defines the general political direction and priorities of the European Union. It consists of the Heads of State or Government of the Member States, together with the President of the European Council and the President of the European Commission.

The **European Commission** proposes new laws, manages EU policies, allocates EU funding, and promotes the general interest of the EU. It is also named as the "guardian of the treaties" as it monitors if the EU Member States apply EU law correctly. The political leadership is provided by a team of 27 Commissioners[1] (one

from each EU country) – led by the Commission President. The day-to-day running of Commission business is performed by its staff, organised into departments known as Directorates- General (DGs), each responsible for a specific policy area.

The **European Parliament** and the Council of the European Union are responsible for adopting legislation and making policy decisions, based on proposals from the European Commission.

The European Parliament is composed of politicians from each Member State, called Members of the European Parliament[2] (MEPs). They are directly elected by EU voters every 5 years. Members of Parliament may ask the Commission questions to influence policy issues. Parliament's work comprises two main stages:

1. Committee stage- where smaller groups of MEPs discuss specific issues and prepare legislation,

2. Plenary- these are meetings of all MEPs, where they vote on legislation and agree on policies.

The Disability Intergroup of the European Parliament[3] is an informal grouping from almost all nationalities, and all political groups, who are interested in promoting disability policy in their work at the European Parliament and at the national level.

The **Council of the European Union** (formerly known as the “Council of Ministers”) consists of representatives of the Member States in specific policy fields such as employment, education, or economic and fiscal policies. It is composed of government ministers from each EU country, according to the policy area being discussed. The EU Member States share the presidency, which rotates every 6 months. For example, in the first half of 2021, Portugal held the presidency, followed by Slovenia from July to December 2021, France from January until June 2022, and Czechia from July until December 2022.

If you would like to know when your country holds the EU presidency, please check on the Council’s webpage[4].

There are also several committees which give policy advice at the EU level. The most relevant ones, which work on the rights of persons with disabilities are:

- The **European Economic and Social Committee** (EESC), which represents employers, trade unions and other groups such as

professional and community associations, youth organisations, women's groups, organisations of persons with disabilities, consumers, environmental campaigners, and other groups of Europeans.

- The **Committee of the Regions** (CoR), which ensures that the voice of local and regional governments is heard. It is composed by mayors, city councillors and other local government representatives.

Consultation of the EESC and the CoR by the Commission or the Council is mandatory in certain cases; in others, it is optional. The EESC may, however, also issue statements on certain issues by its own initiative. They are called opinions. Its opinions are then sent to the Council, the European Commission, and the European Parliament for their consideration.

When can the EU make laws?

The European Union is based on the rule of law. Every action of the EU is founded on treaties that have been approved voluntarily and democratically by all Member States. Treaties lay down the objectives of the European Union, the rules of the EU institutions, how decisions are made and the relationship between EU and Member States. The European Union is defined by two treaties: the Treaty on the European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU). For more information, please visit the online repository of EU treaties[5].

The Treaties explain in which policy areas the EU can pass laws, and which policy areas remain the responsibility of the Member States. For a limited number of policy areas, the EU has the exclusive power to make laws (internal market, monetary union, etc.). For most policy areas, the EU shares this power to make laws with the Member States (social policy, consumer protection, transport, etc.). In a third category, can only support the Member States' actions and initiatives through funding, research, and sharing of good practices (tourism, education, culture, etc.).

How are EU laws made?

The European Commission proposes new initiatives of EU law and policy. The European Parliament and the Council of the European Union review these proposals and can propose changes to the text, called amendments. Once an agreement is reached, the proposal is adopted (approved) by both the European Parliament and the Council of the European Union. The Member States and the Commission then implement the decisions taken.

Types of Laws

At the European Union level, there are different types of laws and legal actions. In some cases, the Member States are forced to act ("Regulations" and "Directives"), in others it's optional ("Recommendations", "Opinions", and "Communications").

Regulations automatically become national law. Directives require the Member States to translate or 'transpose' it into national law.

For example, the Regulation on the rights of persons with disabilities to travel by air[6] needs to be applied in all European Union countries in the same way as it is written.

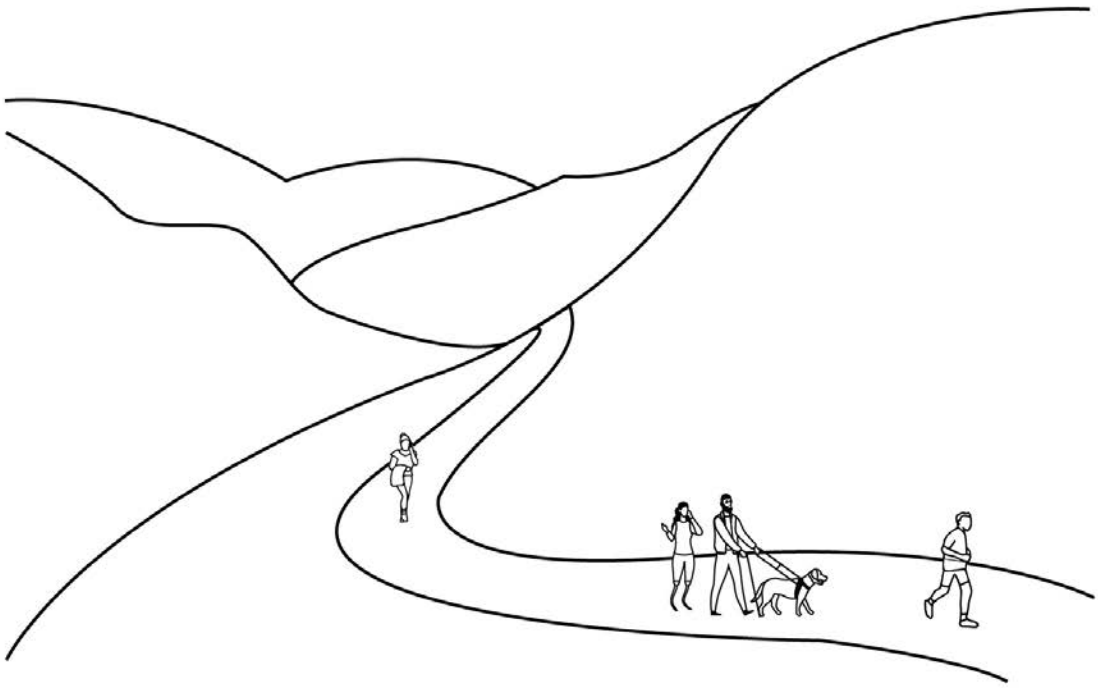
A "Directive" must be incorporated into the national legal framework but allows countries to decide on how they wish to implement the law. For example, the "Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation"[7] was implemented differently in all the Member States.

"Communications" are policy documents that explain the position of the EU on certain issues. For example, the European Commission's Communication on the Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030[8] sets the long term position and goals of the EU regarding disability.

Finally, "Recommendations" and "Opinions" are policy documents that are not binding for the EU countries but have political weight.

Part 2

Before and after 1997: A turning point for the rights of persons with disabilities in Europe



The European Commission adopted a landmark European disability action programme, known as Helios II, in the period 1993-1996. Contrary to its predecessors, Helios 0 and Helios I, this programme had a formal, established way to consult persons with disabilities and their representative organisations. This so-called "consultative body" was composed of 12 national councils of persons with disabilities, one from each Member State at the time. They were selected by the European Commission. The body supported the setting of the programme's priorities and the coordination of the programme.

However, the body was limited in its work and functioning. The organisations of persons with disabilities in Europe then realised the importance of building an independent organisation. As a result, the European Disability Forum was created in 1997.

1997 marked another important turning point in the European disability policy. For the first time, the EU agreed that disability should be referred to in its treaties. When the Amsterdam Treaty was adopted, the EU received the power to combat discrimination based on disability, among other grounds of discrimination such as sex, racial or ethnic origin, religion or belief, age or sexual orientation. (Article 19 of Treaty on the Functioning of the European Union (TFEU)).

Part 3

The EU framework on the rights of persons with disabilities

In the development of EU initiatives on the rights of persons with disabilities, these overarching legal and policy frameworks are important to consider:

UN Convention on the Rights of Persons with Disabilities

The United Nations Convention on the Rights of Persons with Disabilities[9] (the CRPD) is an international human rights treaty that spells out that all persons with disabilities must enjoy all human rights and fundamental freedoms. It clarifies that all persons with disabilities have the right to participate in the civil, political, economic, social, and cultural life of the community, just as anyone else. The Convention says what public and private authorities must do to ensure and promote the full enjoyment of these rights by all people with disabilities.

The Convention was adopted in 2006 by the United Nations and became the world's most quickly ratified human rights treaty. It was also the first international human rights treaty ratified not only by countries but also by a regional organisation - the European Union.

All EU Member States and the European Union have ratified this important legal framework. By participating in the Convention, the EU is committed to implementing and promoting the full realisation of all human rights for all persons with disabilities through the adoption of new political tools (legislation, policies, and programmes), and the review of existing policies to make sure they respect the human rights of persons with disabilities.

European Charter of Fundamental Rights

The Charter of Fundamental Rights of the European Union[10] (the Charter) brings together the fundamental rights of everyone living in the EU. The Charter is legally binding in the EU. It means that all the institutions and bodies of the EU, including national governments, need to respect the rights contained in the Charter when drafting EU law and policy. At the national level, policymakers should respect the Charter when implementing EU law.

The Charter states that "the EU recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration, and participation in the life of the community" (article 26). It also prohibits any discrimination on the basis of disability (article 21).

European Disability Strategies

The European Commission has adopted various strategies related to disability policy, including a list of concrete actions and a timetable on advancing the rights of persons with disabilities.

The first European Disability Strategy was adopted in 1996 and laid the foundation for future disability law and policy initiatives. This Strategy was aimed at identifying and removing all barriers to equal opportunities and achieving full participation for persons with disabilities in all aspects of life.

In 2003, the European Disability Action Plan was adopted as a follow up to the 1996 Strategy.

To help implement the CRPD, the Commission adopted the European Disability Strategy 2010-2020, which focused on eliminating barriers in eight main areas: accessibility, participation, equality, employment, education and training, social protection, health, and external action. In March 2021, the Commission adopted a new Disability Rights Strategy for 2021-2030[11]. This Strategy builds on the results from the previous Strategy and on the recommendations to the EU adopted by the UN Committee on the Rights of Persons with Disabilities in 2015. The goal is to ensure that persons with disabilities in Europe, regardless of their sex, racial or ethnic origin, religion or belief, age or sexual orientation:

- enjoy their human rights

- have equal opportunities
- have equal access to participate in society and economy
- are able to decide where, how and with whom they live
- can move freely in the EU regardless of their support needs
- no longer experience discrimination

For more information, please visit the European Commission's website[12].

Other European Strategies

Other strategies adopted by the European Union can be relevant for persons with disabilities. For example, in March 2020 the EU adopted a Strategy on Gender Equality for 2020-2025[13] that looks at reducing inequalities between women and men, and protecting women against violence and abuse. The Strategy recognises that the EU and EU countries must take measures to combat violence and abuses against women and girls with disabilities, including forced sterilisation.

In June 2020, the European Commission published a EU Strategy for Victims' Rights[14] for 2020-2025. The strategy sets actions to empower victims to report crime, claim compensation and recover from consequences of crime, and to work together with all relevant actors for victims' right. It recognises that persons with disabilities are often victims of hate crimes or use and that their access to justice may be more difficult, especially if they are deprived of legal capacity. It also includes the obligation of the strategy to comply with the CRPD.

European Structural and Investment Funds

The EU provides funding for a broad range of projects and programmes covering areas such as: regional and urban development, employment and social inclusion, agriculture and rural development, maritime and fisheries policies, research and innovation, and humanitarian aid.

The European Structural & Investment Funds (ESIF), which under the EU's new Multiannual Financial Framework comes under the title Cohesion, Resilience and Values"[15] are the second biggest part of the EU budget. These Funds aim, amongst others, to improve accessibility, fight poverty and social exclusion, facilitate the transition from institutional to community-based care and services, and increase education and employment opportunities for persons with disabilities in the EU.

The newly adopted Common Provisions Regulation (CPR)[16] for shared management funds, covering the period 2021-2027, sets out the rules for the use of a number of EU funds, including the European Regional Development Fund and Cohesion Fund, as well as the European Social Fund Plus[17].

The Common Provisions Regulation states that, when using EU money from the funds mentioned above, Member States must follow a number of rules. It clarifies that the criteria and procedures for the selection of where funds are spent must "ensure accessibility to persons with disabilities" as well as gender equality. This means that managing authorities must consider the impact investment will have on accessibility for persons with disabilities and systematically turn away anything that perpetuates barriers. It also clarifies that, through the use of EU funds, appropriate steps must be taken to prevent discrimination based on disability and that, in particular, "accessibility for persons with disabilities shall be taken into account throughout the preparation and implementation of programmes." Furthermore, the Regulation states that, when it comes to selecting and monitoring how funds are used, "non-governmental organisations, and bodies responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination" must be included in the process.

The Common Provisions Regulation also contains what are known as "Horizontal Enabling Conditions" which govern the general criteria for eligibility to use the EU funds. The Horizontal Enabling Conditions state that Member States must have a "national framework for implementing the UNCRPD" in place that includes objectives with measurable goals, data collection and monitoring mechanism, as well as arrangements to ensure that the accessibility policy, legislation and standards are properly reflected in the preparation and implementation of the programmes.

The Regulation also contains "Thematic Enabling Conditions", which fill a similar purpose to the Horizontal Enabling Conditions, albeit with specific requirements linked to the different funds under the CPR. The Thematic Enabling Conditions state that funding from the EU Regional Development Fund in particular must show "measures to promote community-based services, including prevention and primary care, home-care and community-based services", and thus cannot be invested in institutions for persons with disabilities.

Timeline of landmarks

1997: European Disability Forum is founded

1997: the EU treaties include a reference to the rights of persons with disabilities

2000: adoption of EU Equal Treatment in Employment Directive, protecting persons with disabilities against discrimination in employment and occupation

2001: adoption of EU Buses and Coaches Directive, making mandatory that all new urban buses ensure accessibility for persons with disabilities

2003: the first European Year of Persons with Disabilities is celebrated, and the first European Action Plan on Disability is adopted for 2003-2010

2006: adoption of the EU Regulation on the rights of persons with disabilities and persons with reduced mobility when travelling by air

2007: EU signs the UN Convention on the Rights of Persons with Disabilities

2007: adoption of the EU Regulation on rail passengers' rights and obligations with references to the rights of persons with disabilities and persons with reduced mobility

2010: adoption of the European Disability Strategy 2010-2020

2010: adoption of the EU Regulation concerning the rights of passengers when travelling by sea and inland waterway with references to the rights of persons with disabilities and persons with reduced mobility

2011: entry into force of the UN Convention on the Rights of Persons with Disabilities at the EU level

2011: adoption of the EU Regulation concerning the rights of passengers in bus and coach transport with references on the rights of persons with disabilities and persons with reduced mobility

2012: adoption of Directive establishing minimum standards on the rights, support and protection of victims of crime

2013: Erasmus+ provides students with disabilities with additional financial support to cover disability-related expenses when studying or following a training in another EU country

2014: adoption of the pre-conditions on de-institutionalisation, accessibility and non-discrimination in the regulation on the European Structural and Investment Funds

2015: the UN Committee on the Rights of Persons with Disabilities reviewed the implementation of the CRPD by the EU

2016: adoption of the Directive on the accessibility of the websites and mobile applications of public sector bodies

2018: all EU Member States are part of the UN Convention on the Rights of Persons with disabilities

2018: revision of the Audiovisual Media Services Directive resulting in strengthening legal obligation of States to ensure accessibility of televised broadcasts and on-demand services[18]

2018: adoption of the European Electronic Communications Code ensuring equivalent access and choice for persons with disabilities to telecommunication services, including to the single European emergency number 112[19]

2018: the EU becomes part of the Marrakech Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities in order to grant certain copyright exemptions to create accessible versions of printed material

2019: adoption of the European Accessibility Act[20]: 2019 is a milestone as the EU adopted the long time expected European Accessibility Act. It is an EU Directive aiming to improving the functioning of the internal market for accessible products and services, by removing barriers created by divergent rules in Member States. It covers S-smartphones, tablets and computers; ticketing machines and check-in machines; televisions and TV programmes; banking and ATMs; e-books and online shopping websites and mobile applications.

2021: adoption of the European Disability Rights Strategy 2021-2030

Part 4
What are your rights in the EU?

The EU treaties guarantee fundamental rights to all EU citizens - that means to people with the nationality of a Member State of the European Union:

- Free movement of persons: All citizens of an EU Member State have the right to travel, work, study, and live in another Member State[21].
- Free movement of goods: Goods produced in one EU Member State can be sold in another Member State, under certain conditions.
- Free movement of services: All citizens have the right to provide and receive services in another Member State.
- Free movement of capital: Capital movement and payments cannot be restricted across Member States. For EU citizens, this means, for example, the ability to open bank accounts abroad or purchase property such as land, houses, or buildings in another EU country.

Considerable progress has been made since 1997 to facilitate the freedom of movement of persons with disabilities. In this section, you can read the main benefits and advantages that persons with disabilities enjoy today in the EU.

Besides freedoms that apply to all EU citizens, EU laws also grant rights that may benefit people living or travelling in EU countries who are not EU citizens.

Passengers' rights

If you travel by air, train, boat or coach (long distance bus), you have the following rights[22]:

Right to transport and right to buy a ticket

In the transport modes mentioned above, you cannot be denied transport because of your disability and you cannot be denied buying a ticket. However, this is the theory.

In practice, there are many exceptions and, most importantly, significant barriers to accessibility which are not addressed under EU Passengers' Rights legislation.

Right to assistance

Persons with disabilities or reduced mobility have the right to assistance free of charge in all transport modes mentioned above. You have this right even if your disability is not immediately obvious to other people. Pre-booking your assistance is not obligatory, but it is recommended to give a 24-hour[23] notice for air, train and boat travel, and a 36-hour notice for coach travel to ensure that assistance is ready and to avoid long waiting times.

If you do not pre-book, the carrier (for example, the train company) must make "reasonable efforts" to assist. They also cannot refuse reservation or boarding based on disability, unless it is for "safety reasons" or the hold of the vehicle is too small to fit mobility equipment. They are also not allowed to ask for a proof of disability.

When you travel by coach or boat, you are entitled to travel with an accompanying person of your choice free of charge if the carrier obliges you to be accompanied for "safety reasons" and would otherwise not let you travel. This means that this person, which you choose yourself, will not have to pay to accompany you.

If your wheelchair or other mobility device is lost or damaged by the carrier, you are entitled to compensation for the amount required to repair or replace it in all transport modes, except for air travel. In this case, there is a limit of approximately 1.110 Euro for compensation.

Air travel

If you are denied boarding, face delays of over 3 hours, or your flight is cancelled or overbooked, you can choose between being taken to your destination through different means (another flight connection, for example) or having your ticket refunded, unless the cause of the delay or cancellation was outside the control of the air company.

If you are denied boarding, your flight is cancelled or arrives at its destination more than 3 hours late, you may be entitled to compensation of between 250 euro to 600 euro – under certain conditions and depending on the distance of the flight.

For more information consult the EU air passenger rights website[24] and the section on air travel of the EU rights of passengers with reduced mobility's website[25].

Rail travel

If your train is delayed by more than 1 hour, you have the choice between a ticket refund, continuing your journey on the same train, or alternative transport to your destination at the earliest opportunity or at a later date. If you choose to stay on the train, you are entitled to compensation – either 25% or 50% of the cost of your ticket, depending on the length of the delay – unless the cause of the delay was outside the control of the railway.

Please consult the EU Rail passenger rights website[26] and the section on train travel of the EU rights of passengers with reduced mobility's website[27].

Coach travel

If the long-distance service (more than 250km) you are booked for is cancelled or departure is delayed for more than 2 hours, you can get a refund for your ticket or you can be transported to your destination at the earliest opportunity, and at no extra cost. If you are not offered this choice at the time, you can later complain and claim a refund for the ticket, plus compensation worth 50% of the ticket price.

For more information please visit the EU Bus and Coach Passenger Rights website[28] and the section on bus travel of the EU rights of passengers with reduced mobility's website[29].

Boat travel (except cruises and leisure boats)

If the service is cancelled or departure is delayed for more than 90 minutes, you can either get a refund for your ticket and where necessary a free return journey back to your initial departure point, or you can be transported to your destination at the earliest opportunity, and at no extra cost. If your trip's arrival at the destination is delayed by more than 1 hour, you are entitled to compensation (25% - 50%).

For more information, please visit the EU Ship Passenger Rights website[30] and the section on ship travel of the EU rights of passengers with reduced mobility's website[31].

For all four modes of transport, you may also be entitled to refreshments, meals, communications (such as free phone calls) and an overnight stay, depending on the travel distance and length of delay.

For more information, please visit Your Europe – Passengers' Rights[32].

National Enforcement Bodies (NEB) have been established to support passengers claim their rights. Passengers can contact the NEBs if they have problems while traveling by

air, train, coach, or boat, or if the companies fail to reply when the passenger has lodged a complaint. For more details, please see part 5 of this booklet.

EU parking card for people with disabilities

If you have a disability, you might be entitled to a disability parking card, which should be recognised in all EU countries.

This EU parking card will give you access to several parking rights and facilities depending on the country you are visiting. However, the rules under which you can use the card might differ from your country of residence (for example duration of free parking time, parking in restricted areas, etc.). Therefore, make sure you are informed about the rules that apply locally[33].

You should get your parking card from the relevant authority in the country you live in[34].

You should display the card in a prominent place at the front of the vehicle.

Additionally, when using your card in another EU country, you may display the free-standing notice next to it, showing the side with the language(s) spoken in the country you are visiting.

For more information, please visit European Commission's website[35].

Employment and equal treatment

Persons with disabilities are protected against discrimination when they work or have work-related training, especially regarding pay and working conditions, and membership in organisations of workers or employers. EU legislation also protects persons on the grounds of their sex, race, age, sexual orientation, and religion. The employer is obliged to provide reasonable accommodation. This means that the employer must take measures to adapt the workplace to an employee with disabilities, such as removing physical barriers by installing ramps, facilitating access of visually impaired employees to information technologies, or altering working times to accommodate the needs of workers with disabilities. Failure to provide reasonable accommodation constitutes discrimination.

For further reading, please consult the Council Directive 2000/78/EC of 27 November

2000 establishing a general framework for equal treatment in employment and occupation[36].

If you have been discriminated in access to employment, please check part 6 of the guide to know who can help you.

As an EU national – someone that has a passport of an EU country - you have the right to work in another EU country without a work permit. You have the same rights as nationals of the host country regarding access to work, assistance from employment services, and financial support to help you find work. For more information, please visit the European Commission's website "Working in another EU country"[37].

You can find job vacancies in other EU countries on the European jobs portal EURES[38].

Accessing social security benefits

When moving within the EU, you only pay social security contributions in one country at a time. Generally, you will also receive social security benefits exclusively from this country.

The EU has rules on social security coordination. This does not mean that there is a single European social security system. All countries are free to decide who is to be insured under their legislation, which benefits are granted, and under what conditions.

These four principles apply when you live, study, or work in another EU country:

- You are covered by the social security legislation of one country at a time and you only pay contributions in one country.
- You have the same rights and obligations as the nationals of the country where you are covered (where you pay contributions).
- When you claim a benefit, your previous periods of insurance, work, or residence in other countries are taken into account if necessary.
- If you are entitled to a cash benefit from one country, you may generally receive it even if you are living in a different country.

However, it is important to distinguish between social security benefits (such as unemployment benefits, pensions, etc.) and social assistance benefits, under which also certain disability benefits can fall. In the case of social assistance benefits, different rules may apply especially to the portability when you move temporarily or permanently to another country[39].

For more information, please consult the Commission's webpage on social security coordination[40] and the Regulation 883/2004 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community[41].

Higher education, traineeship, volunteering and getting work experience abroad

Erasmus+ programme

As an EU national, you are allowed to study at any EU university under the same conditions as nationals of that country. You may not be refused access to training or education in another EU country on the grounds of your nationality.

When you go to a university in another EU country, you are entitled to pay the same course fees as nationals of that country. Another possible source of funding for spending part of your studies abroad is the EU's Erasmus+ programme.

Erasmus+ promotes and supports studies and traineeships in another EU country. As a participant with disability, you can ask for an additional grant to cover the disability related expenses such as medical attendance, travel assistance, an accompanying person for students and staff with disabilities, and adapted accommodation. The new Programme allows prefinancing for those costs to facilitate the participation of persons with fewer opportunities. You should also benefit from the support services that the institution that will receive you offers to its local students and staff.

For more information, visit the European Commission's webpage on Erasmus+[42] and the Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport[43].

European Solidarity Corps

The European Solidarity Corps is an EU Programme which creates opportunities for young people between the ages of 17 and 30 to volunteer on projects in their own country or abroad for up to a year. Disability related costs, travel, accommodation and volunteering allowance are covered by the Programme.

For more information, visit the European Solidarity Corps[44] website and the Regulation (EU) 2021/888 of the European Parliament and of the Council of 20 May 2021 establishing the European Solidarity Corps Programme[45].

To learn about other measures put in place to facilitate inclusion of persons with fewer opportunities read the Erasmus+ and European Solidarity Corps Inclusion and Diversity Strategy[46].

Youth Guarantee

The Youth Guarantee offers young people under the age of 30 the opportunity to receive a good quality offer of employment, continued education, apprenticeship or traineeship within a period of 4 months of becoming unemployed or leaving education.

All EU countries have committed to the implementation of the reinforced Youth Guarantee in a Council Recommendation of October 2020[47]. You can find more information on the Youth Guarantee webpage[48] and contact the Youth guarantee coordinators from your countries via this list[49].

European Youth Card

The European Youth Card (also known as EURO<26) allows reductions on cultural activities, shops, transport, eating out and accommodation, and can be used in 36 European countries. Most countries make it possible to buy and use the card up to the age of 30.

For more information, please visit the European Youth Card website[50].

Accessing justice and your rights as a victim of offences

Victims of crime and other offences in the EU can receive protection, support, and access to justice under EU law and have the right:

- to understand and to be understood: all communication with victims must be provided in a simple and accessible language. The form of communication must be adapted to the specific needs of every victim (nationality, any disability, age, language).

- to information: national authorities give victims a range of information concerning their rights, their case, and the services and assistance available to them. The information must be given from the first contact with a competent authority and without delay.

- to support: access to support services free of charge that can also be confidential. Support must include both general support services and specialist support services such as shelters, trauma support, and counselling, specifically adapted to different types of victims.

- to participate in criminal proceedings:

  - right to be informed if the alleged offender will not be prosecuted and have the right appeal if they do not agree with the decision.

  - right to compensation. If restorative justice proceeding is used in the national system, there are now safeguards in place to ensure victims' safe participation.

- to protection and to individual assessment: victims must be protected from both the offender and from risk of further harm by the criminal justice system itself. The protection needs are based on an individual assessment.

For further reading, please see the Commission's webpage on victim's rights[51], and the Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime[52].

In 2021, the European Commission has launched an evaluation of the Directive and may decide to revise the rules concerning victims of crimes.

Your rights as suspect or accused of an offence

Persons who are suspected or accused of an offence also have rights that must be respected in all EU countries:

- the right to information,
- the right to interpretation and translation,
- the right to have a lawyer,
- the right to be presumed innocent and to be represented at trial, and,
- the right to legal aid.

There are also special safeguards for children suspected and accused in criminal proceedings[53]. For instance, children who are suspects or accused in criminal cases have the right to an individual assessment that identifies their specific needs in terms of protection.

For further reading, please see the Commission's webpage on rights of suspect and accused[54].

In 2021, the European Commission has launched a survey and consultations to assess whether new rules to protect the rights of vulnerable adults suspected and accused of crimes should be adopted.

Getting health care abroad

As a patient in the EU, you can seek medical treatment in another EU country and may be entitled to have the costs of your treatment reimbursed by your home country. It covers healthcare costs, prescription and delivery of medications, and medical devices. The reimbursement will be up to the costs of that treatment in your country. In the EU countries where care is free, patients need to be informed about their reimbursement.

You have the following rights:

- If you are entitled to a treatment in your home country, then you have a right to be reimbursed when you receive it in another country.
- Your level of reimbursement will be up to the costs of that treatment in your home country. If the treatment is cheaper abroad, the reimbursement will reflect the real price of the treatment.
- You may choose either a public or private healthcare provider.
- For some treatments (certain in-patient or highly specialised services) you may be required to get authorisation from your own health system before receiving the treatment abroad.
- You have the right to be informed by the country of the reimbursement tariffs.
- If you are facing a medically unjustifiable waiting time for treatment at home, then authorisation must be granted. In this case, you may even be entitled to a higher level of coverage for your healthcare costs.

In some cases, you need to ask a prior authorisation:

- Healthcare which involves overnight hospital stay
- Highly specialised and cost-intensive healthcare

- Serious and specific cases relating to the quality or safety of the care provider by the provider itself.

You can ask permission in advance from the national health authority in charge of reimbursement. Member states are required to set out publicly which treatments are subject to such authorisation.

The **European Health Insurance Card** (EHIC) is a free card that gives you access to medically necessary, state-provided healthcare during a temporary stay in any of the 27 EU countries, Iceland, Liechtenstein, Norway, Switzerland and the United Kingdom, under the same conditions and at the same cost (free in some countries) as people insured in that country. It means that it covers any unforeseen treatment when you're temporarily abroad. Cards are issued by your national health insurance provider[55].

For more information, please contact your national contact point[56] and visit the European Commission webpage on cross border care[57], guide on patients' rights[58], and the Directive 2011/24/EU on patients' rights in cross-border healthcare[59]. In 2021, the European Commission has launched an evaluation of the Directive and may decide to revise the rules patients' rights in cross border healthcare.

Shopping abroad

You are protected under EU law when shopping in another EU country. This includes protection on the several stages of the purchase.

Contracts

Wherever you buy a product or service in the EU, the seller must provide you with clear, correct, and understandable information about the product or service before you make the purchase before the conclusion of your contract. Contracts must be written in plain and understandable language and cannot contain unfair contract terms. The traders have the obligation to adapt their commercial practices and the communication of the contract's terms and conditions to the targeted public (i.e. if the trader is aiming to sell its product to blind persons it needs to provide the pre contractual information in an accessible manner). A failure to do so could constitute unfair commercial practices.

For more information, please see the EU's webpage on contract information[60] and the Directive 2011/83/EU of 25 October 2011 on consumer rights[61].

Pricing

As an EU national you can't be charged a higher price when buying products or services just because of your nationality or country of residence. Some price differences can be justified, if they are based on objective criteria other than nationality. When you buy goods or services in the EU, you must be clearly informed about the total price, including all taxes and additional charges. Sellers in the EU are not allowed to charge you extra for using your credit or debit card.

EU rules on pricing also apply when you buy travel tickets, such as flights or train tickets, either online or in person. This means that when you buy your tickets, all taxes, fees, and charges must be included and appear in the total price from the beginning of the booking process. This makes it easier for you to compare prices with other travel operators. Any optional supplements (such as travel insurance) must be clearly indicated as such and suggested only on an opt-in basis.

For more information, please see the EU's webpage on pricing[62].

Returns

Under EU rules, a seller must repair, replace, reduce the price or give you a refund if goods you bought turn out to be faulty or do not look or work as advertised.

If you bought a good or a service online or outside of a shop (by telephone, mail order, from a door-to-door salesperson), you also have the right to cancel and return your order within 14 days, for any reason and with no justification.

For more information, please see the EU's webpage on returns[63].

You can also read the Directive 2011/83/EU of 25 October 2011 on consumer rights[64].

Accessibility of public and private products and services

Accessible products and services

The European Accessibility Act[65] was adopted on 17 April 2019. It must be put into

national law by Member States by 28 June 2022 and put into practice from 28 June 2025. On some elements of the Act, such as on accessibility of answering to the single European emergency number '112', countries are given a longer time for applying its requirements. The Act sets new EU-wide minimum accessibility requirements for a list of products and services, and provides a set of accessibility requirements that can be used in public procurement and European funds.

The Act is not a solution for all accessibility problems but it is a significant step towards making the EU fully accessible for persons with disabilities[66]. It covers specific products and services mainly in the digital domain such as:

- Smartphones, tablets, computers and their operating systems
- Ticketing machines and check-in machines
- All payment terminals
- Smart televisions and access to TV programmes and video on-demand platforms
- Banking services and ATMs
- E-books and e-readers
- Online shopping websites and mobile applications
- Telephony services, including when calling the 112-emergency number
- Certain elements of air, bus, rail and waterborne passenger transport services, except for urban, suburban and regional transport services (for which only ticketing machines are covered)

For more information, please read our analysis of the European Accessibility Act[67] and consult the dedicated European Commission's webpage[68].

At the time of publication of this booklet, Member States are introducing changes into their national laws to comply with the European Accessibility Act. If you want to get involved in this discussion, we recommend you to read our toolkit for transposition[69].

Websites and mobile apps of public sector bodies

Under EU law, EU Member States are obliged to ensure that all public-sector bodies' websites and mobile applications are accessible, such as those from your city council or ministry of justice. The law allows for better access to the websites and mobile applications of public services.

It also requires that the websites and mobile apps of the public sector have an accessibility statement including a feedback mechanism, for the users to request an accessible alternative when some content is not accessible. This feedback mechanism can be a form, e-mail address, etc. The accessibility statement must also display information on the accessibility of the website or the mobile app.

There should also be a national public body responsible for web and mobile accessibility, which users can reach if the website or app owners do not respond to their feedback. Information about this body to submit complains to must be available on the accessibility statements too. The Member States also need to monitor and report on accessibility of public sector websites and mobile apps by Member States. These reports must be public.

You can check which is your national enforcement and monitoring body for the Web Accessibility Directive[70].

For more information, please consult the Directive 2016/2102 of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies[71].

Electronic communication

The updated European Electronic Communications Code[72] was adopted and entered into force in December 2018[73]. The Code ensures that persons with disabilities enjoy equivalent access and choice to good quality, affordable, publicly available electronic communication services, including to telephony and internet services (telephone, Skype calls, WhatsApp, email, etc.). Countries must ensure that appropriate support is provided to consumers with disabilities. They must also ensure that specific measures are taken to ensure that required terminal equipment (e.g. accessible smartphone or accessible computer), other specific equipment (i.e. assistive technologies) and services that enhance equivalent access (i.e. total conversation and relay services) are available and affordable to persons with disabilities.

You should also be able to call the European emergency number 112 for free from any

type of phone, wherever you are in Europe[74]. It also should guarantee that the access for persons with disabilities to emergency services is equivalent to that enjoyed by other persons.

For more information on the single European emergency number '112', please consult the European Commission's webpage on 112[75] and the European Emergency Number Association (EENA) page on 112[76].

Audiovisual Services

EU legislation ensures that audio-visual media service providers, meaning public or commercial TV channels and services of video on-demand (such as Netflix), make their services gradually more accessible to persons with disabilities. This means that there must be more subtitles, audio description, sign language interpretation, and audio subtitles on audio-visual content made available through broadcasting and on-demand services to viewers in the EU. The law also prohibits discriminatory and hateful speech towards persons with disabilities.

The EU has made a step forward to ensure accessibility of televised broadcasts and video on-demand services through the revised Audiovisual Media Services Directive[77] adopted in November 2018. Countries must ensure that media service providers under their jurisdictions make their audiovisual content continuously and progressively more accessible to persons with disabilities through proportionate measures.

Countries are free to decide on how they reach the general accessibility objectives of the Directive. The Directive does not specify the timeline, amount of content, and quality of services that need to be improved.

All Member State must designate a single, easily accessible, and publicly available online point of contact for providing information and receiving complaints regarding any accessibility issues[78]. Additionally, Member States are obliged to make emergency information, including communication and announcements, is accessible to persons with disabilities.

Deadline to put the Directive into national law was 19 September 2020. EDF conducted a webinar[79] and published a toolkit for transposition[80]. Some countries are late with transposition. If your country is one of them, you can still use these resources for national advocacy. You can also find more information on the European Commission's webpage on the Audiovisual Media Service Directive[81], and the Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 on Audiovisual Media Services[82].

Marrakech Treaty

This Treaty of the World Intellectual Property Organisation aims to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled. The treaty changes national copyright laws to allow authorised entities to share their accessible versions of printed material across national borders with other entities. This means, for example, that a printed book or music notes made accessible in one country (by making it in large print, braille, audio format, etc.) will be shareable across authorised entities in countries which are parties to the Marrakech Treaty. Authorised entities can be a library, an association or an organisation of persons with disabilities adapting the inaccessible printed material into accessible formats for the benefit of persons with disabilities.

The EU ratified the Marrakech Treaty on October 2018, and to do so it adopted two European legislation: a Directive setting the legal framework within the EU countries, and a Council decision to set out the conditions with non-EU countries.

For more information, visit the European Blind Union webpage[83].

Electoral rights

All EU citizens have the right to vote for and stand as a candidate in European Parliament elections in their country of origin, or if they live in another EU country, they may choose to vote and stand as a candidate, under the same conditions as the nationals of that country.

EU citizens who live in another EU country also have the right to vote and stand as candidate in local or municipal elections in the country they live in, again under the same conditions as the nationals of that country.

As you can read in chapter 6, many persons with a disability are not able to vote or stand as a candidate in elections as they have lost their legal capacity, fully or partially.

For more information, please visit Commission's webpage on electoral rights[84].

EU Disability Card

The European Commission has promised that there will be a common European Disability Card by 2023. For now, the Card is available in in eight EU countries: Belgium, Cyprus, Estonia, Finland, Italy, Malta, Romania and Slovenia.

The aim of the Card is to facilitate travelling to another Member State for persons with disabilities. This card will allow persons with disabilities to access certain discounts for culture, leisure, sport, and transport under the same conditions as the nationals with disabilities of that country (participating in the scheme). The details on how the Card will look like and what advantages will be covered are not decided yet.

For more information, check the European Commission's website on the EU Disability Card[85].

COVID-19 digital certificate

The Digital COVID-19 Certificate entered into force on 1 July 2021. It allows EU citizens and residents to have their Digital COVID Certificates issued and verified across EU countries.

An EU Digital COVID Certificate is a digital proof that a person has either:

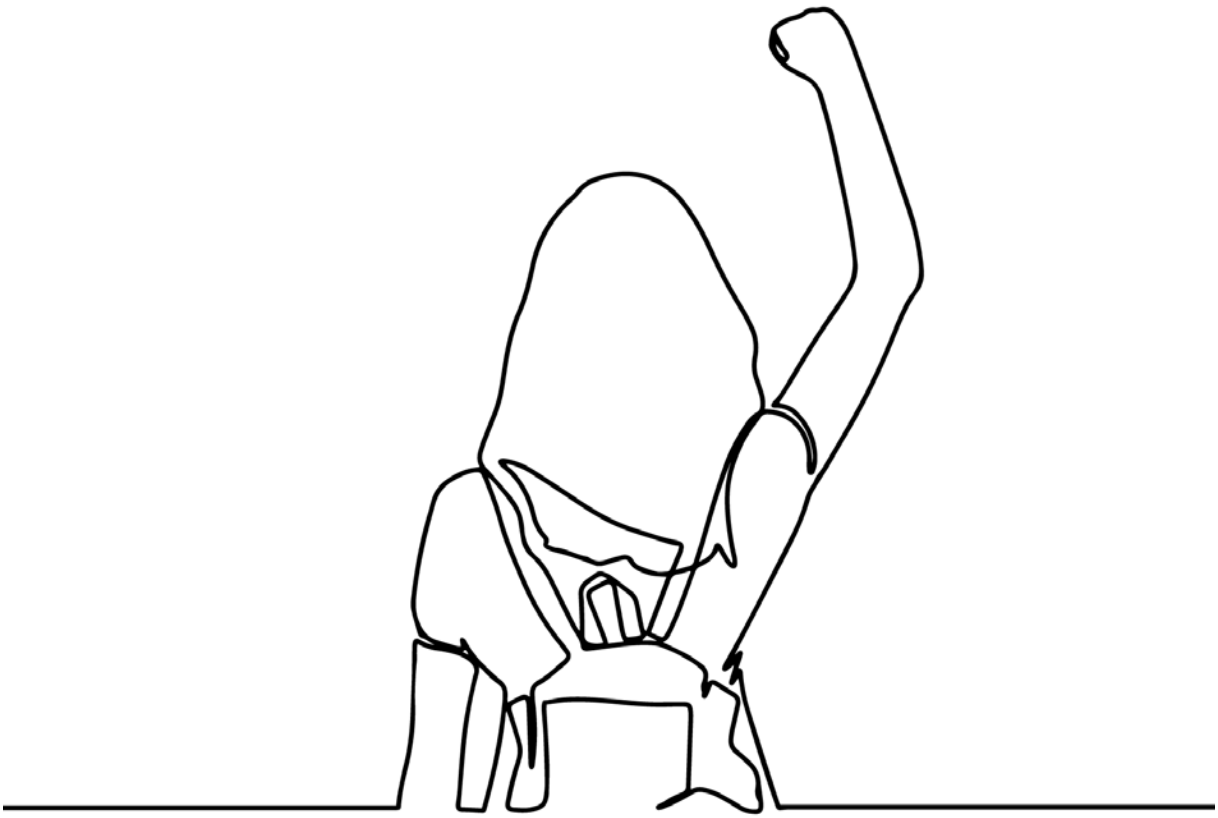
- been vaccinated against COVID-19
- received a negative test result or
- recovered from COVID-19

The EU Regulation setting up the COVID-19 certificate[86] requires that it is accessible to persons with disabilities.

For more information consult the European Commission's webpage on the EU Digital COVID-19 Certificate[87].

Part 5

Defending your rights and seeking redress



What happens if you cannot exercise your EU rights? Or if you are discriminated against? In this part, you can find some avenues for finding a solution or seeking redress.

It is important to file a complaint when you are discriminated against. This may help in seeking redress. This will also allow policymakers at the national and EU level to have a better understanding of the extent to which persons with disabilities face discrimination in daily life.

Equinet

European Network of Equality Bodies brings together 46 organisations from 34 European countries, which are empowered to counteract discrimination across a range of grounds including age, disability, gender, race or ethnic origin, religion or belief, and sexual orientation.

Equinet's members, called equality bodies, are national institutions that raise awareness, promote equality and often handle complaints when an individual is discriminated against.

You can find the name and contact details of the equality body in your country in the European Directory of Equality Bodies:

https://equineteurope.org/what-are-equality-bodies/european-directory-of-equality-bodies

Contact details:

138 Rue Royale/Koningsstraat
1000 Brussels
Tel: +32 2 212 3182
Email: **info@equineteurope.org**

National Enforcement and Monitoring bodies for the Web Accessibility Directive

EU rules require member states to designate a body responsible for verifying if public sector bodies comply with the obligation to make their websites and mobile applications accessible. If you find a website or mobile application of a public sector body in your country not accessible, then you can write to them and complain.

For more information, you can consult the list of national enforcement and monitoring bodies:

https://ec.europa.eu/digital-single-market/en/member-states-bodies-charge-monitoring-reporting-and-enforcement-web-accessibility-directive

National regulatory authorities and/or bodies for the Audiovisual Media Services Directive

As required by the Audiovisual Media Directive, each EU country needs to designate one or more independent national regulatory authorities and/or bodies to ensure that the implementation of the Directive is carried out effectively.

They are responsible for the enforcement of the national measures that exist due to the Directive and for ensuring compliance with European and national rules. Close cooperation between these bodies is necessary to ensure the correct application and address issues of misinterpretation of the Directive.

You can find contacts of your national regulatory authority or body on the website of the European body that groups them (ERGA):

http://erga-online.eu/?page_id=43

National regulatory and other competent authorities for the European Electronic Communications Code

The European Electronic Communications Code requires EU countries to ensure that each of the tasks laid down in the Code is realised by a competent authority. Some of the main tasks given to national regulatory bodies are implementing market regulation, ensuring tariff transparency, contributing to the protection of end-users rights, where relevant in coordination with other competent authorities[88]. You can inform the authoritie about incorrect application of the Code.

For more information you can consult the website and/or contact the Body of European Regulators for Electronic Communications:

https://berec.europa.eu/eng/about_berec/what_is_berec/

National Enforcement Bodies (NEBS) for Passengers' Rights

EU rules oblige Member States to create "national enforcement bodies," whose role is to verify that transport operators are treating all passengers in accordance with their rights. Passengers who believe their rights under the regulation have not been respected should contact the body in the country where the incident took place. There is a specific NEB for each of the Regulations on passengers' rights.

For more information, you can consult the list of National Enforcement Bodies:

https://ec.europa.eu/transport/themes/passengers/neb_en

Alternative Dispute Resolution Bodies

If you purchase online and you have a problem with the company, you can make use of the European Online Dispute Resolution platform as an out-of-court alternative. You can also contact the Alternative Dispute Resolution authorities or out-of-court mechanisms set in your country.

Find more information on the European online dispute resolution platform on the Commission's webpage:

https://ec.europa.eu/consumers/odr/main/?event=main.home.howitworks

You can also contact your national dispute resolution body:

https://ec.europa.eu/consumers/odr/main/?event=main.adr.show2

Your Europe

The European Commission's website 'Your Europe' provides advice for EU nationals and their families on travel, work and retirement, vehicles, residence formalities, education and youth, health, family, and consumers.

For more information, please visit the Your Europe website:

https://europa.eu/youreurope/citizens/index_en.htm

Europe Direct

Information on the European Union, in all the official languages of the European Union, is available on the Europe Direct website:

https://european-union.europa.eu/contact-eu/meet-us_en

European Citizen Action Service - Your Europe Advice

Your Europe Advice[89] is an EU advice service provided by legal experts from the European Citizen Action Service[90]. It consists of a team of about 60 lawyers who cover all 24 official EU languages and are familiar both with EU law and national laws in all EU countries. Your Europe Advice replies to questions from citizens or businesses on their personal EU rights. The experts respond to the questions within one week, free of charge and in the language chosen by the user. Enquiries can be submitted either via an online form or by phone (00 800 6 7 8 9 10 11).You can also meet at a local EU office. To find the address of your local EU office, go to the website of ECAS:

https://ecas.org/

SOLVIT

SOLVIT[91] is an online and free of charge service provided by the national administration in each EU country and in Iceland, Liechtenstein and Norway. It aims to find solutions to your problems related to national administration within 10 weeks of your request, in the centre of the country in which your problem happened.

SOLVIT can help you with getting your professional qualifications recognised, working abroad, health insurance, unemployment benefits and with issues related to visa and residence rights.

You can submit an enquiry or complaint to SOLVIT through this portal:

https://ec.europa.eu/eu-rights/enquiry-complaint-form/home?languageCode=en&origin=solvit-web

European Commission

If you think your national government breached EU law, you can complain to the Commission. They have a special part of their website with all the information.

Homepage: **https://commission.europa.eu/about-european-commission/contact/problems-and-complaints_en**

Contact details:

Secretary-General
B-1049 Brussels
BELGIUM

European Ombudsman

The European Ombudsman is an independent and impartial body that holds the EU administration accountable for its actions. The Ombudsman investigates complaints about maladministration in EU institutions, bodies, offices, and agencies. The Ombudsman may find maladministration if an institution fails to respect fundamental rights, legal rules or principles, or the principles of good administration. European Ombudsman can only deal with complaints concerning the EU administration and not with

complaints about national, regional, or local administrations, even when the complaints concern EU matters.

Contact details:

1 avenue du Président Robert Schuman
CS 30403
F - 67001 Strasbourg Cedex
Tel. +33 (0)3 88 17 23 13
Homepage : **www.ombudsman.europa.eu**

Committee of Petitions - European Parliament

The objective of the Committee of Petitions in the European Parliament is to express your fundamental right to petition and to communicate with the European Parliament, as it is provided in the Lisbon Treaty and the EU Charter of Fundamental Rights. You can submit your own petition electronically or on paper, and provide information on petitions already received by the Committee. Your petition and information allow the Parliament to conduct a “reality check” on the way in which EU laws are implemented.

Contact details:

Petition Web Portal: **https://petiport.secure.europarl.europa.eu/petitions/en/home**

The United Nations Committee on the Rights of Persons with Disabilities

The Optional Protocol to the UN Convention on the Rights of Persons with Disabilities is an additional legal instrument to enforce the CRPD. The Protocol allows individuals and groups of individuals to complain to the CRPD Committee about situations in which their rights under the CRPD are not respected after they have made

an unsuccessful complaint in their country. 22 out of the 28 EU member states have ratified the Optional Protocol[92]. The European Union has not ratified it yet.

For more information on the Optional Protocol and the procedure of the individual communications, please see the United Nations' webpage:

https://www.ohchr.org/en/hrbodies/tbpetitions/Pages/IndividualCommunications.aspx

Contact details:

Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais Wilson
52 rue des Pâquis
CH-1201 Geneva, Switzerland
Telephone: +41 22 917 9220
Email: **InfoDesk@ohchr.org** or **civilsociety@ohchr.org**

UN Special Rapporteur on the Rights of Persons with Disabilities

You can complain of a human rights violation that you have faced to the UN Special Rapporteur on the Rights of Persons with Disabilities, Mr Gerard Quinn. Under the Special procedures' mechanisms, he can write a letter to your government on a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring, and that is related to his mandate.

For more information on what and how to submit your complaint, and what the Special Rapporteur can do, please visit the UN webpage:

https://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx

Contact details:

Mr Gerard Quinn
Mandate of the Special Rapporteur on the rights of persons with disabilities
OHCHR-UNOG; CH-1211 Geneva 10, Switzerland
Email: **sr.disability@ohchr.org**

European Court of Justice

The European Court of Justice interprets EU law to make sure it is applied the same way in all countries. The European Court of Justice also settles legal disputes between EU governments and EU institutions. In some cases, individuals, companies, and organisations can also bring cases before the Court of Justice if they felt their rights had been infringed by an EU institution.

Contact details:

The European Court of Justice
Boulevard Konrad Adenauer
2925 Luxembourg
Tel: + 352 4303 1
Fax: +352 4303 2600
Homepage: **http://curia.europa.eu/**
Contact Form: **http://curia.europa.eu/jcms/jcms/T5_5133/**

European Union Agency for Fundamental Rights

The Fundamental Rights Agency is the EU's centre of fundamental rights expertise. The Agency helps to ensure that the fundamental rights of people living in the EU are protected. The Agency has done research and data collection on the rights of persons with disabilities on a range of issues.

For more information: **http://fra.europa.eu/en/theme/people-disabilities**.

Contact details:

European Union Agency for Fundamental Rights
Schwarzenbergplatz 11
A-1040 Vienna, Austria
E-mail: **information@fra.europa.eu**
Tel: +43 1 580 30 - 0

Council of Europe

The Council of Europe is an international organisation, independent from the European Union, composed of 48 European countries. Its goal is to defend human rights and democracy in Europe. Since its establishment in 1949, the Council of Europe adopted several human rights treaties that also apply to persons with disabilities, such as the European Convention on Human Rights, the European Social Charter, and the Convention on preventing and combating violence against women.

Contact details:

Council of Europe
Avenue de l'Europe
F-67075 Strasbourg Cedex, France
Tel. +33 (0)3 88 41 20 00
Website: **www.coe.int/en/web/portal**

European Disability Forum and its members

EDF has member organisations in almost all EU countries that can give you advice on where to go when you have a complaint. You can find the full list of EDF members on the EDF webpage:

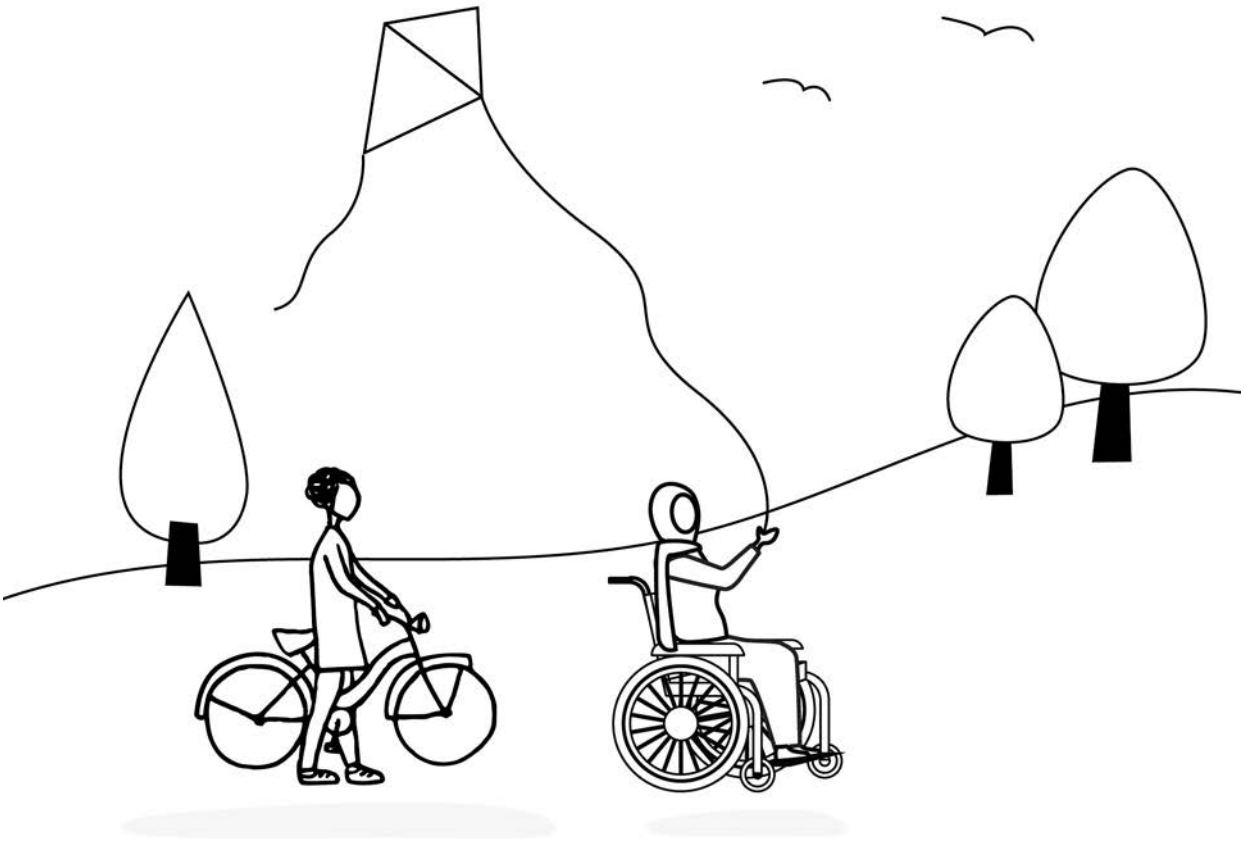
http://www.edf-feph.org/our-members

EDF secretariat in Brussels can also advise you with regards to EU law and policy on the rights of persons with disabilities.

You can also consider becoming a member of the representative organisation of persons with disabilities in your country, as to support your rights at both the national and the EU level.

Part 6

Looking at the future: Remaining challenges and recommendations



Ongoing challenges

As you could read in the chapters above, significant progress has been made for persons with disabilities in the EU in the last two decades. However, much remains to be done so that all persons with disabilities can enjoy their rights as any other EU citizen.

Many of the rights only exist on paper. More action, funding, and enforcement of existing legislation is needed to transform the rights for all persons with disabilities into reality.

Other challenges remain as well. As a person with disabilities in the EU, you cannot move freely within the EU as other persons can. You might face barriers when studying, looking for a job, seeking healthcare, travelling, purchasing goods and services, participating in elections, or simply accessing information in the EU.

The reasons for these barriers to freedom of movement are many. Mainstream products and services, like household appliances or accommodation services, are not accessible yet. Not all trains, buses, or stations are accessible and do not allow you to travel without problems throughout the EU. You cannot buy mobility aids and other assistive technologies in any EU country you wish. Important sources of information as online newspapers, and video-sharing and social media platforms are not accessible yet. Many buildings that are open to the public, or housing, are also not accessible to you. In other words, the EU still lacks a comprehensive approach regarding accessibility for persons with disabilities.

It might be difficult to transfer your social security benefits from your home country to the one that you are moving to for work, study, etc.

Even when you move to a different country permanently, you might have difficulties in getting your disability status recognised and you might face additional bureaucratic burdens. For example, young persons with disabilities volunteering or working in another EU country lose their disability allowance when they apply for funding under the EU Youth Guarantee programme.

You might also still face some difficulties when taking a flight, train, boat, or bus even if the EU has extensive legislation on passenger's rights. For example, there is a limit on the responsibility of the carrier and how much compensation you can get for damaged or lost mobility equipment when you travel by plane. It is also not clear how many wheelchair users, guide dogs, and children under 2 years old can take the same flight. As a train passenger, the EU regulation does not specify during which

hours you will be provided with assistance. Transport operators are still able to evoke “safety reasons” to deny you boarding.

As a person with a disability, you might have lost your legal capacity, fully or partially. This means that a judge has decided that you cannot act legally and decide for yourself in life. The judge might have appointed someone else to make these decisions for you. You might not be able to sign an employment contract or a lease, and you might not be able to buy a house, to marry, to go to court, to vote or stand for elections. This will also have an impact on the rights that you should benefit from under EU law. When it comes to voting, persons with disabilities also still face inaccessible voting procedures, including inaccessible polling stations and inaccessible information.

EU law protects you against discrimination in the work place and in vocational training. However, it fails to give you the same protection in public transport, housing, insurance services, education, health care, and social protection.

You might face difficulties in finding a job in the open labour market. Only 50.8 percent of persons with disabilities are employed, compared to 75 percent of persons without disabilities[93]. Women with disabilities are however much more excluded from the labour market. The only option for many persons with disabilities is to work in sheltered workshops in the EU, as they are often the only workplaces where reasonable accommodation is provided. However, persons with disabilities receive no or very low wages in these places. Moreover, persons with disabilities may lose their disability allowance when they work as employees or are self-employed, which is a disincentive for their access to employment.

If you are victims, or suspected or accused of a crime, you might find it difficult to claim for your rights, even if there is EU law saying countries what they should provide you. For instance, the police, lawyer and judges may not communicate with you in a way you understand (braille, sign language, easy to read).

Due to growing prevalence of online platforms, services, and other technologies, including those powered by Artificial Intelligence (AI), there is increasing need to address accessibility, fundamental rights and equality issues in relation to digitalisation and new technologies. The EU is still trying to establish regulation on matters related to online platforms and services such as social media, search engines, app stores, as well as AI.

The EU does not usually consult you or your representative organisation when it takes decisions about your life. Not all new laws and policies that the EU adopts include persons with disabilities and their rights. The EU also lacks a strong and well-resourced agency that promotes the rights of persons with disabilities, and that coordinates the work of all EU institutions and agencies with regards to disability.

Recommendations

- The EU and all its institutions should systematically and closely consult and actively involve persons with disabilities and representative organisations of persons with disabilities in all decisions they take which affect their lives.

- The EU should protect all persons with disabilities against discrimination in all areas of life, including social protection (social security and social advantages), health care and (re)habilitation, education, and access to and supply of goods and services (such as housing, transport and insurance).

- The EU should ensure that all goods and services circulated within the EU and its market are accessible for persons with disabilities. The European Accessibility Act is a major step forward. The EU should now adopt measures to ensure accessible transport, built environment, as well as other essential products and services such as household appliances. It should also ensure new digital trends and emerging technologies take full consideration of accessibility and fundamental rights of persons with disabilities (for example protecting persons with disabilities from algorithmic discrimination by Artificial Intelligence).

- The EU should communicate to all EU countries that all persons with disabilities, regardless of their legal capacity, should enjoy all EU rights regarding access to justice, good and services, banking and employment, health, voting, and consumer rights. It should prohibit any discrimination by EU countries against persons with disabilities in exercising these rights and accessing these services based on disability and/or legal capacity status. Moreover, it should request EU countries to seek and ensure informed consent of persons with disabilities through accessible information and accessible consent mechanisms.

- The EU should promote a stronger coordination of social security systems among the EU countries to ensure that you can transfer your social protection, disability and personal assistance benefits to another country when you wish to travel, live, study, or work there.

- The EU should ensure that all persons with disabilities can travel freely throughout the EU using accessible transportation and ticketing systems. There should be quality assistance offered at airports, bus/train stations and harbours. Barriers to buying products and services that enhance personal mobility should be removed.

- The EU should raise the awareness of all persons with disabilities on their rights and their ability to live and work in society. Personalised assistance, trainings, and peer-support should also be promoted, as it helps persons with disabilities to know their rights.

- All EU money spent in the EU Member States, at its borders and around the world should produce fully accessible and inclusive (built and digital) environments, products, and services. Persons with disabilities and their representative organisations should be consulted and included in the process.

- In the light of the current COVID-19 pandemic and its disproportionate impact on persons with disabilities, the EU and its Member States should ensure that all its responses are inclusive and accessible to persons with disabilities.

Endnotes

1 https://ec.europa.eu/commission/commissioners/2019-2024_en

2 https://www.europarl.europa.eu/meps/en/home

3 https://www.edf-feph.org/disability-intergroup/

4 http://www.consilium.europa.eu/en/council-eu/presidency-council-eu/

5 https://eur-lex.europa.eu/collection/eu-law/treaties/treaties-force.html

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11 https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8376&-furtherPubs=yes

12 https://ec.europa.eu/social/main.jsp?catId=1137

13 https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy_en

14 https://ec.europa.eu/info/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/eu-strategy-victims-rights-2020-2025_en#:~:text=2020%2D2025).-,The%20European%20Commission%20adopted%20on%2024%20June%202020%20its%20first,fully%20rely%20on%20their%20rights

15 https://ec.europa.eu/info/sites/default/files/about_the_european_commission/eu_budget/mff_2021-2027_breakdown_current_prices.pdf

16 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX-%3A32021R1060

17 included requirements for accessibility for persons with disabilities, non-discrimination, forbidding investment in institutional care and supporting investment in social inclusion.

18 More information on EDF website: https://www.edf-feph.org/audiovisual-media-services-directive/

19 More information on EDF website: https://www.edf-feph.org/electronic-communications/

20 More information on EDF website: https://www.edf-feph.org/accessibility/

21 You can only live in another MS for up to 3 months without any conditions, after that you need to be “economically active”.

22 https://www.edf-feph.org/transport-5/

23 In 2020, because of EDF and its members advocacy work, we managed to lower the pre-notification time from 48 hours to 24 hours in the revision of the Rail Passengers Rights Regulation.

24 https://europa.eu/youreurope/citizens/travel/passenger-rights/rail/index_en.htm

25 https://europa.eu/youreurope/citizens/travel/transport-disability/reduced-mobility/index_en.htm

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30 https://europa.eu/youreurope/citizens/travel/passenger-rights/ship/index_en.htm

31 https://europa.eu/youreurope/citizens/travel/transport-disability/reduced-mobility/index_en.htm

32 https://europa.eu/youreurope/citizens/travel/passenger-rights/index_en.htm

33 https://europa.eu/youreurope/citizens/travel/transport-disability/parking-card-disabilities-people/index_en.htm

34 https://europa.eu/youreurope/citizens/national-contact-points/index_en.htm?topic=vehicles&contacts=id-2763910

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46 https://www.salto-youth.net/downloads/4-17-4177/InclusionAndDiversityStrategy.pdf

47 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=urisserv%3AOJ.C_.2020.372.01.0001.01.ENG&toc=OJ%3AC%3A2020%3A372%3ATOC

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49 https://ec.europa.eu/social/BlobServlet?docId=11490&langId=en

50 https://www.eyca.org/about

51 https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/victims-rights-eu_en

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66 You can advocate to strengthen the Act in your country while your government is putting the Act into national law. Check EDF toolkit: https://www.edf-feph.org/publications/eaa-toolkit/ and webinar: https://www.edf-feph.org/publications/webinar-advocating-for-strong-national-adoption-of-the-european-accessibility-act-september-2019/ to guide you how to do this.

67 https://www.edf-feph.org/publications/webinar-european-accessibility-act-june-2019/; We have also presented our analysis of the European Accessibility Act in a webinar: https://www.youtube.com/watch?v=S4_TG3x-1HDs&t=4s

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73 Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast)Text with EEA relevance: https://eur-lex.europa.eu/eli/dir/2018/1972/oj (there is also a summary of the legal text: https://eur-lex.europa.eu/legal-content/EN/LSU/?uri=CELEX:32018L1972)

74 You can also call the national emergency number of the country you are in with the same conditions

75 https://digital-strategy.ec.europa.eu/en/policies/112

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84 https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/eu-citizenship/democracy-and-electoral-rights_en

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89 https://europa.eu/youreurope/advice/index_en.htm

90 https://ecas.org/

91 https://ec.europa.eu/solvit/what-is-solvit/index_en.htm

92 https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15-a&chapter=4&clang=_en

93 European Commission Joint Employment Report 2021: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjUx9z-VzuDyAhXEgv0HHZ9SCR4QFnoECAkQAQ&url=https%3A%2F%2Fec.europa.eu%2Fsocial%2FBlobServlet%3FdocId%3D23156%26langId%3Den&usg=AOvVaw3j3irWoQzueCfrnmXkLcex

Contact the EDF secretariat

Tweet about your good or bad experiences about accessibility in Europe to **@edfaccess**

Tweet about your experiences as a person with disability in Europe to **@MyEDF**

Any questions?
Email: **info@edf-feph.org**

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