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# EBU Focus Number Fifteen, June 2022.

# A legal framework for our rights – a closer look at the UNCRPD

### Polish, Serbian and Turkish versions available!

EBU Focus newsletters are now available, as word documents only, in [Polish](https://www.euroblind.org/sites/default/files/documents/ebu-focus-crpd_pl.docx), [Serbian](https://www.euroblind.org/sites/default/files/documents/ebu-focus-crpd_sr.docx) and [Turkish](https://www.euroblind.org/sites/default/files/documents/ebu-focus-crpd_tr.docx). We hope that these translations will enable this information to reach a wider audience.

## The UNCRPD and EBU – Making Rights a Reality

### ****Our work around the UNCRPD****

**The** [United Nations Convention on the Rights of Persons with Disabilities](https://www.internationaldisabilityalliance.org/CRPD) **and its Optional Protocol** is THE landmark comprehensive human rights convention and international development tool and is at the heart of the disability rights movement. We should also remind ourselves that it is a **legally binding instrument** that aims to protect and promote the rights and dignity of persons with disabilities. It was adopted on 13 December 2006 at the United Nations Headquarters in New York and entered into force on 03 May 2008. There are currently 177 ratifications to the CRPD and 92 ratifications to its Optional Protocol.

The CRPD has of course been a cornerstone of EBU’s work since it came to be, and we have not only based much of our work around the rights it enshrines, but also specifically worked on the treaty itself and how it can assist our members in their own campaigning and advocacy work, at an international, national, local and even individual level.

Our initial work on the CRPD was to produce a series of statements which define the needs and characteristics of blind and partially sighted people in relation to [specific CRPD articles](https://www.euroblind.org/convention#articles). I6 articles were chosen for this exercise, and following on from this, on a year-by-year basis, EBU experts compiled questionnaires on different articles which were sent to our members, to see how the CRPD was applied in various domains in the responding countries. These articles were compiled into what we call our [legislative database](https://www.euroblind.org/convention). This has different entry points including a specific country and/or article search tool, or a list, article by article, where all the replies are gathered. It should be noted that these replies offer a legislative ‘snapshot’ of the precise moment in time that the questionnaires were sent, and that laws are subject to evolution, hopefully in a positive sense for our community, using the CRPD as a foundation.

In a second phase, we decided to compile analytical reports comparing and synthetising the replies from each country for given articles in the database. This enables a simpler and comparative understanding of the topics covered. Analytical reports are available for 6 of the articles.

In 2017 we went on to produce a document ‘[A New Look At Our Human Rights](https://www.euroblind.org/convention#info)’ explaining the **rights enshrined in the CRPD** and what they mean in practice for people with disabilities and blind and partially sighted people in particular. This document has been progressively translated and is now available, from the link above, in Estonian, French, Italian, German, Polish, Croatian, Montenegrin, Portuguese, Icelandic, Lithuanian, Serbian and Spanish.

Then, in 2020, we produced a guidance document which sets out to provide practical information to support civil society in participating in the review process by submitting an Alternative Report in relation to the United Nations Convention on the Rights of Persons with Disabilities. All of this information can be found on the [dedicated CRPD page](https://www.euroblind.org/convention) of the EBU website, alongside other relevant material.

### PARVIS (Promoting Awareness on the Rights of Visually Disabled People in an Inclusive Society)

More recently, the CRPD has been the cornerstone of the EBU led [PARVIS](https://www.euroblind.org/awareness-raising-blind-and-partially-sighted-persons-rights) (Promoting Awareness on the Rights of Visually Disabled People in an Inclusive Society) awareness raising project. To reinforce our work with and about the CRPD, for example, the project produced awareness-raising videos on specific rights, which also enhance the above mentioned database articles, the corresponding videos can be seen for articles [20](https://www.euroblind.org/convention/article-20), [21](https://www.euroblind.org/convention/article-21), [25](https://www.euroblind.org/convention/article-25), [26](https://www.euroblind.org/convention/article-26), [27](https://www.euroblind.org/convention/article-27), [29](https://www.euroblind.org/convention/article-29) and [30](https://www.euroblind.org/convention/article-30). More recently the project produced a video entitled “[A day in life of a visually impaired person compilation video](https://www.youtube.com/watch?v=F4hCfdyUxDQ&t=26s)”, which details obstacles blind and partially sighted people face in their daily lives and offers solutions on how to overcome them based on CRPD articles 9 (accessibility of the built environment), 19 (living independently), 20 (personal mobility), 21 (accessible information), 24 (inclusive education), 27 (work and employment), 29 (right to join public and political life) and 30 (participation in cultural life and sports).

### The Review of the EU UNCRPD Committee

In December 2021 we started to work on the ongoing review of the EU by the UNCRPD committee (hereafter ‘the Committee’). We contributed input to the European Disability Forum (EDF) for their alternative report and attended their meetings to coordinate representations from civil society organisations. We participated in the private meeting with the Committee for NGOs, and in meetings prior to that and after with the Committee’s rapporteur Markus Schefer. In our statement to the Committee, in complementarity with EDF and other EU level organisations of persons with disabilities, we focused, in relation to accessibility (article 9 of the CRPD), culture (article 30) and education (article 24) on the following issues: the default of the EU Marrakesh Treaty Directive that allows Member States to provide for compensation to rights-holders; the insufficient use of Creative Europe funding to the film industry to promote audio description and audio subtitling; and the accessibility defaults of the European Commission’s online public consultations.

The Committee published its “[list of issues prior to reporting](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fEU%2fQPR%2f2-3&Lang=en)” on 19 April - in fact a list of questions to the European Commission. The questions and the replies on behalf of the EU will then form the basis of an interactive dialogue between the Committee and the Commission; that in turn will lead—probably not before the end of this year—to the adoption of the Committee’s recommendations to the EU in a document called ‘concluding observations’. We will possibly intervene again before that, should we feel the need to object to some of the Commission replies.

## The International Disability Alliance - the CRPD in practice; progress made and work still to do

From the [International Disability Alliance](https://www.internationaldisabilityalliance.org/) (IDA).

Throughout the past 15 years, since the adoption of the CRPD, States Parties have made advancements to protect the rights of persons with disabilities.

The Convention continues to provide a roadmap for States Parties in the formulation of legislation, strategies, policies and programmes that promote equality, inclusion and empowerment of persons with disabilities. Additionally, the United Nations, together with Member States, Organisations of People with Disabilities and other stakeholders, have also been mainstreaming the rights of persons with disabilities in development and human rights frameworks.

This treaty has resulted in the shifting of norms for the better. The 2030 Agenda for Sustainable Development, the Sendai Framework for Disaster Risk Reduction, the World Humanitarian Summit, and the New Urban Agenda all reflect these new norms. National laws, like Peru’s law prohibiting guardianship, represent this vanguard.

However, government responses to the Covid-19 pandemic showed us that we have not come as far as we may have thought. Murky decisions about “quality of life” in determinations of rationed lifesaving healthcare; draconian stay-at-home measures prohibiting access to services; and the virus’ death toll of persons living in institutions show that here is still a gap between reality and the stated purpose of the Convention of full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities.

Where do we go from here? The future remains full of hope. We take the gains of these new norms, and keep pushing ahead. At national and local levels, will keep advocating for the right to effectively and fully participate in political and public life on an equal basis with others, saying “nothing about us without us.” Internationally, we will keep raising our voices in new arenas, like the newly-formed disability constituency joining international policy arenas on Disaster Risk Reduction and Climate Change.

These last two years have revealed the price of progress on paper without progress in practice. We must remain vigilant, and interrogate the application and implementation of the newly-formulated legislation, strategies and policies. Enforcing laws is a very different business from writing them. And it is in the enforcement of laws that our rights are protected.

So, 15 years after the adoption of the Convention, we can mark vast progress, but the work has just begun.

**Bethany Brown**, [International Disability Alliance](https://www.internationaldisabilityalliance.org/)

## Making the CRPD work at EU level

Despite of all our common agreed values and treaties, and the fact the EU and its Member States have signed and ratified the UN Convention on the Rights of Persons with Disabilities, persons with disabilities continue to face multiple obstacles and discrimination in everyday life, preventing them from enjoying the fundamental freedoms and rights.

During the past year I worked as the rapporteur on the report on the protection of persons with disabilities, calling on the European Commission and Member States to implement a number of initiatives aimed at ensuring that the Member States are in line with the United Nations Convention on the Rights for Persons with Disabilities and the EU Charter of Fundamental Rights. Currently, I am working on the file “Towards equal rights for people with disabilities”.

Both files are very timely, considering the last year’s launch of the new disability strategy 2021 - 2030 by the European Commission that aims to improve the lives of persons with disabilities in a barrier-free Europe and to promote social and economic inclusion and participation of persons with disabilities in society, free from discrimination and in full respect of their rights on equal basis with others.

Currently, European citizens face numerous barriers, which create obstacles for persons with disabilities when moving to another Member State for work, study or any another reason. At the core of this issue is the fact that currently, there is no mutual recognition of the disability status between EU Member States. In my report, I stressed that the European Disability Card will be a very important instrument to help persons with disabilities to exercise their right to free movement in a barrier-free Europe.

The Committee on Petitions plays a crucial role as a bridge between EU citizens, Parliament and other EU Institutions and an important instrument for getting our citizens involved in participatory democracy. The right to petition is one of the fundamental rights of every EU citizen. However, persons with disabilities face enormous obstacles in exercising their right to petition. That is why it is important for the European Parliament to ensure that its website is accessible for persons with disabilities, in line with the ‘leading by example’ policy. Moreover, it should allow tabling petitions in international and national sign languages used in the EU and thus make the fundamental right to petition more accessible for sign language users.

Work and employment are crucial elements for independent living and elementary factors in ensuring full and effective participation and inclusion of persons with disabilities in our society.

One of the greatest challenges faced by persons with disabilities, particularly those who try to make ends meet when in employment and earning a wage, is the issue of living cost.

In my latest work, on the opinion “Towards equal rights for people with disabilities”, I am stressing the urgent need to conduct a study on scaling up the promotion of equal opportunities for persons with disabilities through enhanced data collection, which aims to further analyse the issue of living costs for persons with disabilities. For example, it is important with this data to understand why it is that persons with disabilities are so disproportionately affected by poverty, and why the issue of losing one’s disability allowance when a person starts earning a wage can be so problematic and dangerous. The loss of disability allowance following the take-up of paid work is one of the principle reasons that persons with disabilities cannot easily transfer to the labour market, and that puts them at the greatest risk of in-work poverty.

In June, as representative of the EU monitoring UNCRPD Framework, I will be joining the Mission to the UN Headquarters. to discuss with different NGOs, UN entities, National Human Rights Institutions and United Nations system entities the building disability-inclusive and participatory societies in the COVID context and beyond. This is fundamental for us to achieve social and economic inclusion and participation of persons with disabilities in society, free from discrimination and in full respect of their rights on an equal basis with others.

MEP [**Alex AGIUS SALIBA**](https://www.europarl.europa.eu/meps/en/197403/ALEX_AGIUS%2BSALIBA/home)**,**

Vice-President of the S&D Group,

Vice-Chair Of the Committee on Petitions

Rapporteur on the report on “The protection of persons with disabilities through petitions: lessons learnt”

Shadow Rapporteur on the opinion “Towards equal rights for people with disabilities”

## An example at National level - the CRPD is most valuable in advocacy work in Sweden

The CRPD is an important tool in the work of [SRF](https://www.srf.nu/) (EBU Member for Sweden) for an equal and accessible society. The rights in the CRPD empower Persons with Disabilities and the Disability movement in Sweden.

The Swedish legal system is characterised by dualism. Which implies that the UN conventions are implemented by the legislator and not as in certain countries, where a private person can invoke the convention in judicial courts. The government sets up a strategy of disability policies that is regularly updated and built on the convention and its guidelines. The convention according to this document and in accordance with the CRPD, shall be implemented in all relevant means in order to achieve a breakthrough. The convention is quotable in a Swedish court but to be guaranteed effective it must be written into Swedish law. The rights in the CRPD can be used in the courts if Swedish legislation is lacking to support a case before law. However, as the CRPD is not Swedish law it cannot be relied upon but can still be useful to support a case.

There is a lack of knowledge and will on the part of authorities and decision-makers that Sweden has committed itself to complying with the convention. The convention is not used as a basis for decisions in courts and authorities. There is also a lack of knowledge among blind and partially sighted citizens about the Convention and how to use it.

The Un Committee has recommended Sweden to make the convention Swedish law. It is important to work for the smooth transposition of the convention into Swedish law before work begins on making the convention a law. There may be a risk that the convention as a law will lead to people with disabilities having reduced opportunities to claim their rights.

Parallel or shadow reporting gives Swedish disability movement as well as civil society Organisations CSOs the possibility to meet and analyse the current situation in Sweden. We raise items that are not focused on in the State report to the CRPD committee in their every fourth year monitoring process. We put forward the most pending issues when it comes to human rights and persons with disabilities PWDs living in Sweden. We also refer to the articles mentioned in CRPD and the sustainable Development goals SDGs of importance for the relevant issues. In this way by mentioning the rights concerned we make the item sustainable.

### How SRF uses the Convention in advocacy work

For visually Impaired People this means some of the items we now bring forward in the debate for Swedish elections taking place in September 2022.

For example:

- The bad access for persons with visual impairments to the labour market.

- Still only around 50% of visually impaired people are in employment.

- Better digital access in the whole society för persons with visual impairments.

- The door-to-door service and guiding services.

- Braille for blind and visually impaired pupils in school.

SRF uses the text in the convention when we respond to inquiries from the government.

Also, when we are writing reports, based on member surveys or other investigations, we try to refer to the CRPD in the discussion or conclusion of the text. An example of this is our recently finished survey among older members, i.e. 65 years and older. The survey shows that participation and inclusion are very low, that elderly people with visual impairments often are dependent on others and that they are not enjoying equal living conditions and opportunities as those without disabilities.

For example, more than four out of ten of the participants do not use internet or digital tools and services. It also shows great differences between the visually impaired and the whole population over 65 in health, economic factors and how often they experience loneliness and isolation. Furthermore, more than 50 percent of the interviewed members, at least a couple of times a week, get help from friends or relatives to buy groceries or other goods needed in daily life. Moreover, almost one out of five do not think they get help they need to move to adapted accommodation.

In the report on the study, we argue that these facts show that the Swedish state does not fulfil the provisions in the CRPD, that was ratified by the Swedish government almost fifteen years ago. For example, we refer to article 19 where it is established that Persons with disabilities shall have the right to live in society with equal choices. Among other things, people with disabilities must have access to various forms of such personal support that are necessary to support housing and participation in society and to prevent isolation and isolation.

Based on what the CRPD says we also propose measures that must be taken by the state, counties, and municipalities, in order to decrease loneliness isolation and to increase participation and inclusion in society.

Another overall goal adopted by the Parliament is that in the IT area, Sweden should be the best in the world at using digitalisation

**Tiina Nummi Södergren**, first vice president, SRF

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