**Petition to defend the rights of people with intellectual disabilities and their families in times of Covid-19 emergency.**

As the European Union (EU) ratified the **United Nation’s (UN) Convention on the Rights of Persons with Disabilities (CRPD)** and acceded to it in December 2010, the EU is responsible to ensure the respect of all the rights enshrined in the Convention to the extent of its competences[[1]](#footnote-1) and its policy areas[[2]](#footnote-2).

Justice and fundamental rights are one of the EU’s policy area. The **Charter of Fundamental Rights of the European Union** brings together all the personal, civic, political, economic and social rights enjoyed by people within the EU[[3]](#footnote-3).

Article 26 of the EU Charter specifically mentions that:

*“The Union 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.”[[4]](#footnote-4)*

If, as mentioned on the EU’s website, “the charter does not establish a general power for the European Commission to intervene in the area of fundamental rights. It can intervene only when EU law comes into play (for example, when EU legislation is adopted or **when a national measure applies EU law in a manner incompatible with the charter**)”[[5]](#footnote-5).

As we are currently going through an epidemic and a sanitary crisis, we would like to focus more specifically – even if all the articles of the CRPD are of equal importance to this matter – on article 11 of the CRPD, which is particularly relevant at the moment.

Indeed, article **11 of the UN CRPD specifically mentions situations of risk and humanitarian emergencies**:

*“States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.”[[6]](#footnote-6)*

Since 1988**, Inclusion Europe represents people with intellectual disabilities and their families in Europe and fights for their equal rights and full inclusion in all aspects of life**.

Inclusion Europe currently represents 79 member organisations in 39 European countries.

Since the very beginning of the Covid-19 emergency, Inclusion Europe has been active to inform our members and provide information in [Easy-to-read](https://www.inclusion-europe.eu/coronavirus-pandemic/#1584977061628-16fcec00-a699) and [gather information](https://www.inclusion-europe.eu/coronavirus-pandemic/#1584977115025-1ebd5d7f-b126) from our members of what had been going on in the Member State.

**We would like to draw the Committee’s attention to several cases of national laws being incompatible with either the UN CRPD or the EU Charter of Fundamental Rights and ask them to focus on the measures that need to be taken to protect people with intellectual disabilities and their families.**

**The situation we see in some countries:**

* People with intellectual disabilities sick with the Covid 19
  + People not receiving medical treatment for their conditions, because they are too "difficult";
  + Communication: no possibility to understand what is going on, high level of stress and anxiety and no possibility to be accompanied by a person to explain what is going on;
  + Very shocking triage directives at hospitals which have the very clear aim of not caring for people with disabilities because they have little chance of healing and their lives are not "worthy" in any case
* Access to healthcare that people had on a daily basis previously to the crisis
  + People are being left without any support, as the International Disability Alliance stated, “persons with disabilities are not just dying due to coronavirus, we’re also dying from lack of services due to the lack of socioeconomic support”.
* Children without education because schools cannot communicate with them and families left on their own to deal with everything from feeding to education
  + As the situation of education throughout Europe was barely inclusive pre-crisis and education was very much segregated… the situation throughout Europe in time of crisis is catastrophic. Children have no support persons as support persons are not deemed to be “essential jobs” in many EU countries.
* Inability to reach relatives and friends and have a normal, human conversation?
  + People in so called “care homes”/ institutions are being locked down. This means that families cannot visit them, and persons are actually at high risk of being contaminated as there is, as it has been said many times, no protective material in those institutions.
  + This really puts some light on large-scale residential "care" institutions for what they are: pressure-cookers of risks and problems, not the "safe spaces" they sell themselves to be. [[7]](#footnote-7)

To conclude, the situation is **full of paradoxes** between people in institutions who would like to go back to their families but are forbidden to and those who are “stuck” with their families when the only thing they would like more than anything is be independent !

Coronavirus and the lockdown highlight the **ongoing segregation and discrimination** of people with intellectual disabilities, especially in access to healthcare.

What the coronavirus emergency does to the millions of them across Europe is make these features of daily life worse.[[8]](#footnote-8)

**Concrete measures the EU could take to protect people with intellectual disabilities**

As for the immediate health response, ensure that it is compatible to both the EU Charter and the CRPD, bearing in mind that all lives are equal and no third person can be deemed able to judge whether or not a person’s life is worth or not.

“Adding any realistic prospect of a coronavirus lockdown exit will not bring people with intellectual disabilities any relief, just a symbolic start to a long period of harm and suffering, away from media attention.

Even if things go back to normal, pre-pandemic times, it still means people with disabilities being segregated from their communities and from schools; families having to provide most care and support, and to fight for every inch of progress and recognition; it still means people with intellectual disabilities not receiving proper health care.

As unwelcome as it sounds, it would still be better than what we must fear most: the financial repercussions and the cutting of services.

We have seen the lethal impact of the 2009 financial crisis – closed services, slashed disability and social benefits, massive unemployment and finally the toll this took on peoples' wellbeing and lives.

[This is why, to avoid such a tragedy, it is crucial that] national and EU authorities ensure the billions of post-corona economic injections are targeted first and foremost at people with disabilities and other "vulnerable" groups.

So far, the signs are not encouraging, and the communication is focused on businesses and employment, on using EU cohesion money to fund whatever corona-measures are needed.

Business and employment are important, but it is not everything. Money taken from cohesion funds now will be missed later. Trickle-down economy does not work, as many rightly point out looking overseas.

[…]

What is needed is **disability related services returning to normal as a matter of priority, among the first to open in the "lockdown exit**".

What is needed is **post-Corona financial measures not only reaching out but starting with people intellectual disabilities and their families**.“[[9]](#footnote-9)

1. Council Decision 2010/48/ EC <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2010.023.01.0035.01.ENG> and Code of Conduct 2010/C 340/08 <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:340:0011:0015:EN:PDF> [↑](#footnote-ref-1)
2. The EU has ratified the convention. What does this mean, An-Sofie Leenknecht, European Disability Forum <http://www.edf-feph.org/eu-has-ratified-convention-what-does-mean> [↑](#footnote-ref-2)
3. Justice and fundamental rights, European Commission’s website <https://ec.europa.eu/info/topics/justice-and-fundamental-rights_en> [↑](#footnote-ref-3)
4. EU Charter, article 26 [↑](#footnote-ref-4)
5. Incorporating fundamental rights into EU legislative process, European Commission website <https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights/application-charter/incorporating-fundamental-rights-eu-legislative-process_en#strategy> [↑](#footnote-ref-5)
6. UN CRPD article 11 [↑](#footnote-ref-6)
7. The Plight of Europe’s disabled under coronavirus, Milan Šveřepa, EU Observer, 21 April 2020 <https://euobserver.com/opinion/148118> [↑](#footnote-ref-7)
8. The Plight of Europe’s disabled under coronavirus, Milan Sverepa, EU Observer, 21 April 2020 <https://euobserver.com/opinion/148118> [↑](#footnote-ref-8)
9. The Plight of Europe’s disabled under coronavirus, Milan Sverepa, EU Observer, 21 April 2020 <https://euobserver.com/opinion/148118> [↑](#footnote-ref-9)