**Reinforcing the European Pillars of Social Rights**

Submission to European Commission consulation on Action Plan for the Social Pillar, November 2020

**Inclusion Europe** is the European movement of people with intellectual disabilities and their families fighting for the equal rights and full inclusion in all aspects of life of people with intellectual disabilities. It has 79-member organisations in 39-European countries.

Inclusion Europe welcomes the European Commission’s commitment towards **reinforcing the European Pillar of Social Rights** through establishing an **Action Plan** to ensure that the Social Pillar reaches its targets, as it presents the opportunity to implement and realise the rights of persons with intellectual disabilities in all actions, polices and strategies of the European Pillar of Social Rights.

The Covid-19 pandemic highlighted the **ongoing segregation and discrimination** against people with intellectual disabilities and the compounding structural weaknesses in protecting the rights of persons with disabilities.

Thus, the European Union must now work towards building **a stronger social union** to protect European citizens and people living in the EU, through ensuring substantive equality.

**Our recommendations for reinforcing the European Pillar of Social Rights:**

* Inclusion of persons with disabilities must be mainstreamed and reflected through all policies (Principle 17)
* Collect **disaggregated** **data** and reflect them in **the Social Scoreboard,** guided by the [CRPD indicators](https://bridgingthegap-project.eu/crpd-indicators/).
* **Consult** people with disabilities for policies affecting them. .
* The **European** **Gender Equality Strategy** must ensure accessible measures for criminalising violence against women and supporting victims, including women with intellectual disabilities living in institutions, under guardianship or living independently.
* The transposition and implementation of the **Work-Life Balance Directive** must pay extra attention to persons with disabilities and their carers to prevent in-work poverty and poverty of households.
* **The EU Gender Action Plan** must address multiple and intersectional discrimination against people with intellectual disabilities, mainly through the Horizontal Anti-Discrimination Directive.
* **The EU Child Guarantee** must be inclusive of all children, including children with intellectual disabilities and complex support needs.
* **The Youth Guarantee** must include persons with intellectual disabilities, young people receiving disability allowance and those in sheltered workshops. Targets and projects must reach out to young people with intellectual disabilities, to increase employment, support job trainings/coaching and inclusion in the labour market and to avoid placements in sheltered workshops.
* The **Digital Action Plan** must be guided by the UN CRPD principles and be inclusive of persons with intellectual disabilities. Targeted polices, particularly aimed at closing the digital gap, must be developed.
* The **European Education Area** should support inclusive teaching and foster systemic change for inclusive education.
* Develop targeted social and employment policies addressing the **disproportional unemployment rates of people with** **intellectual disabilities** and multiple and intersectional discriminations to enter and stay in the labour market. The **EU Employment Equality Directive** (2000/78/EC), addressing the employer’s obligation to provide reasonable accommodation to employees with disabilities, must be applied.
* The **EU Recovery Plan** must include persons with disabilities.

**Preliminary Remarks**

**Pillar 17 of the European Pillar of Social Rights** refers to the right of persons with disabilities to be included in all aspects of society. Therefore, inclusion of persons with disabilities must be mainstreamed and reflected through all policies, both disability specific and disability inclusive, concerning the implementation of the European Pillar of Social Rights.

To do so, **data** **disaggregated** by types of disabilities and gender on the living conditions of persons with disabilities, with adequate indicators, must be collected. This should be reflected in **the Scoreboard of the Social Pillar**, following the [**CRPD indicators**](https://bridgingthegap-project.eu/crpd-indicators/)**,** recently developed by “Bridging the Gap”, a project funded by the European Union. This way polices can be adequately evaluated and inform evidence-based decisions and polices. Indicators should also reflect intersectional discriminations.

Consulting persons with disabilities for polices affecting them is an imperative.

**The European Gender Equality Strategy and the EU Gender Action Plan**

People with intellectual disabilities experience **unequal treatment, less opportunities and more breaches of their rights in all areas of life**, including socio-economic disadvantages, and employment
Women and girls with intellectual disabilities are more likely to live in poverty and social exclusion as they face double discrimination when accessing employment because of disability and because of their gender.[[1]](#footnote-2) When in employment, they also face the gender pay gap. Only 49,3% of women with disabilities are employed compared to 55,1% of men with disabilities[[2]](#footnote-3).

**Women and girls with intellectual disabilities** are at a higher risk of being victims of violence (including physical, psychological, sexual, financial and emotional violence, but also specific forms of violence like structural and institutional violence). The prevalence of violence against women and girls with disabilities is especially high in institutions[[3]](#footnote-4), where they face specific forms of violence, more difficult to identify for support services and that may hinder survivors' access to reporting and support.

Therefore, the **European** **Gender Equality Strategy** must ensure in its actions a broad understanding of violence against women and girls with intellectual disabilities. On the same note, it is equally important that the Gender Equality Strategy and the **EU Gender Action Plan** tackle the different forms violence towards women and girls with intellectual disabilities. This can be done, i.e. with awareness raising campaigns, commissioning projects and studies on the topic.[[4]](#footnote-5) All these measures must be planned and implemented with active participation of the people concerned.

Whilst the strategy calls for legal and harmonised measures to **criminalise violence against women** in all EU Member States, it must be ensured that those measures are accessible to women and girl with intellectual disabilities, whether they are living in institutions, placed under guardianship or living in the community.

When establishing **transparent and binding measures on equal payment,** equal payment of persons with intellectual disabilities in employment should be guaranteed, as well as in sheltered workshops.

It is important that the European Gender Equality Strategy and the EU Gender Action Plan address **multiple and intersectional discrimination** against people with intellectual disabilities, taking into particular account women and girls with intellectual disabilities.

Moreover, one of the Gender Equality Strategy's measure is the transposition and implementation of the **Work-Life Balance Directive**, which must ensure persons with disabilities and their carers are taken into account. Plus, the role of carer is often taken over by women, sometimes forgoing full-time employment to take care of their relatives, which often fuels in-work poverty[[5]](#footnote-6).

Lastly, to **prevent discrimination**, it is key that anti-discrimination and equality legislation and its enforcement ensure equality for people with intellectual disabilities. The Horizontal Anti-Discrimination Directive must be adopted.

**The EU Child Guarantee**

The **EU Child Guarantee** aims to ensure that every child in Europe at risk of poverty or social exclusion has access to free healthcare, free education, free early childhood education and care, decent housing and adequate nutrition.

In the light of this promising initiative, Inclusion Europe would like to highlight that across the EU, children with intellectual disabilities are disproportionately affected by **poverty** and face tremendous **difficulties in accessing basic services**, such as Early Childhood Education and Care, inclusive quality education, health services and adequate nutrition.

Worldwide**, children with disabilities are** **17 times more likely to be placed in institutional care** than their peers, often due to the absence of available and affordable community-based services. Institutionalisation tremendously damages children’s health and development.[[6]](#footnote-7)

Therefore, the **EU Child Guarantee**, which functions as an instrument to strengthen the European Pillar of Social Rights, needs to ensure that children with intellectual disabilities and complex support needs are granted the same importance, if not more, when it comes to ensuring respect of those basic rights. Moreover, the **funds and policies** under the EU Child Guarantee need to be targeted and traceable and support inclusive education and the deinstitutionalisation of children with intellectual disabilities and community-based services and support.

**Harmonised indicators** need to be developed to see whether children with intellectual disabilities and their families are reached. Read our complete submission [here](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12565-European-Child-Guarantee-/F583977).

**Reinforced Youth Guarantee**

The **Youth Guarantee** commits Member States towards ensuring that all young people under the age of 25 receive quality offers in employment, education, apprenticeship, and traineeship, within four months after leaving education or employment.

A great initiative, yet the “Communication of the Commission on The Youth Guarantee and Youth Employment Initiative three years on” highlighted, young people with disabilities belonged to the group that has benefitted the least from the Youth Guarantee.

Across the EU many **young persons with disabilities experience numerous barriers** in the transition to employment, as well as in accessing quality employment and fair wages. For example, in Bulgaria 77,2% of persons with disabilities between 15 and 24 are neither in employment, nor in education and training, compared to 21,4% of non-disabled peers their age.[[7]](#footnote-8)
Moreover, the extra cost of living for persons with disability is high, even in full-time employment 11% of persons with disabilities in the EU are at risk of in-work poverty.

To ensure that young persons with disabilities are included and benefit from the Youth Guarantee, persons that receive disability allowance and those in sheltered workshops need to be included. Additionally, some measures should reach out to youth with intellectual disabilities, to increase employment and support job trainings/coaching and inclusion in the labour market, and to avoid placements in sheltered workshops.

Funds under Erasmus+, EURES and ESF should be allocate to support persons with disabilities to find employment or apprenticeships. Moreover, it must be ensured that youth with disabilities receives equal income, according to their countries’ minimum wage to prevent in-work poverty.

The Youth Guarantee’sreport on “Activation Measures for Young People in Vulnerable Situations” is promising, as it offers examples of good practices of employment for youth with disabilities. However, more targeted projects need to be established and supported to largely increase employment for youth with disabilities.

Lastly, the collection of disaggregated data will further transparency and enable the EU Commission to assess whether the Youth Guarantee reaches young people with intellectual disabilities and creates a sustainable difference.

**The European Education Area and the Digital Education Plan**

The European Education Area promises to foster inclusive education at all levels of education, implement the UN CRPD by 2025, increase digital skills and the quality of early childhood education and care. The Digital Education Action Plan (2021-2027)aims to create a digital education ecosystem through digital trainings and user-friendly tools.

Both, the **European Education Area** and the **Digital Education Plan** hold many opportunities for children with intellectual disabilities. As children with disabilities have the right to inclusive quality education in mainstream schools (Pillar 1 and 17 of European Social Pillar). However, many children are still placed in so called “special schools”, where they are segregated from their peers and excluded from the community, which inevitably violates their rights under the UN CRPD and impacts their opportunities for the future. **Inclusive education needs to encompass all children regardless of their disabilities.**[[8]](#footnote-9)

Moreover, **access to quality early childhood education and care** for children with intellectual disabilities and complex support needs is vital to have access to mainstream education, employment, better health, welfare and support for parents and less institutionalisation.[[9]](#footnote-10)

Additionally, digitalisation holds many opportunities for persons with intellectual disabilities, but also challenges. As the **digital gap** is particularly high among persons with intellectual disabilities and their households, especially those living in poverty face a financial barrier to afford devices, internet etc. Persons face difficulties in accessibility and navigation of devices and the Covid-19 pandemic has shown how persons with intellectual disabilities were left behind during distance learning.

Therefore, the **Digital Action Plan** must be guided by the UN CRPD and inclusive of persons with intellectual disabilities and must develop targeted polices, particularly aimed at closing the digital gap among persons with disabilities. It is important that people with intellectual disabilities are involved and consulted in the composition of accessible trainings, as well as in the provision of easy-to-read information and navigation for teachers and students.

The European Education Area should support teachers in inclusive teaching and **develop specific and evidence-based policies and targets** that foster systemic change for inclusive education.
For adequate evaluation, disaggregated data on all learners and their access to inclusive education at all levels must be collected.

**Employment**

Many of the principles are crucial for workers with intellectual disabilities and for the creation of inclusive workplaces, such as, amongst others:

* **active support to employment** (principle 4),
* **fair and equal working conditions** (principle 5),
* **fair wages** (principle 6), **social protection** (principle 11)
* **the right of people with disabilities to inclusion** (principle 17).

Recent EU data shows thatonly 50.8% of persons with disabilities are in employment, compared to 74.8% for persons without disabilities.[[10]](#footnote-11) Even though data on the employment situation of people with intellectual disabilities is scarce, the few information available clearly show that **the percentage of people with intellectual disabilities employed is extremely low**. In Ireland, according to the National Intellectual Disability Database, 36% of adults with an intellectual disability were in some form of work, 29% in sheltered centres and only 7.1% of people with intellectual disabilities were working in the open labour market.[[11]](#footnote-12) In order for employment and social policies to properly target people with intellectual disabilities, the collection of disaggregated data is key.

When employed in the open labour market, people with intellectual disabilities are often paid below minimum wage, work part-time and have precarious work contracts. Otherwise, people with disabilities tend to work in sheltered workshops where they are segregated and are not protected by labour laws. Therefore, a strong implementation of the Pillar and its principles must ensure **fair wages** for persons with intellectual disabilities at the workplace.

Furthermore, people with intellectual disabilities often face discrimination to enter the labour market and at the workplace. In this sense, the Action Plan must ensure the application of the **EU Employment Equality Directive** (2000/78/EC) which establishes a general framework for employment, and specifically addresses the employer’s obligation to provide reasonable accommodation for employees with disabilities.

Gender dimensions must also be considered. Women with disabilities face multiple and intersectional discrimination and are more likely to be unemployed.[[12]](#footnote-13) The difficulties to enter the labour market result in a greater risk of poverty, and a higher probability of facing financial hardship.[[13]](#footnote-14) Therefore, a strong implementation of the Social Pillar must develop targeted social and employment polices addressing the **disproportional unemployment rates of people with** **intellectual disabilities** and the multiple and intersectional discriminations to enter and stay in the labour market.

It is equally important to recognize the reality that family members (especially women) taking care-taker roles as their main activity. Studies have shown that the total amount of inactive women in the labour market said their caring responsibility was the main reason they could not take part in the labour force. This is very high, as opposed to only 4.5% of inactive men in the same situation. Additionally, 42 % of all women with part time contracts claimed to have them to be able to do unpaid care work[[14]](#footnote-15). Unpaid care-work fuels in-work poverty. Therefore**, the** **Work Life Balance Directive** needs to support carers to prevent in-work poverty and poverty of households.

To increase the participation of people with intellectual disabilities in the labour market, the implementation of the social pillar must invest in several areas. For instance, **job coaching** and **job carving** schemes and heavy investments in the transition from education to employment. It is also necessary to **ensure welfare benefits** to cover extra costs of disability are not connected to whether people with disability have a job or not. It is very common that when a person with disabilities gets a job, these benefits cease or diminish, when they are actually supposed to continue to help the person entering the labour market to carry out work. Disability benefits should be totally disconnected from other benefits.

Finally, employment was one of the eight areas of action of the **2010-2020 European Disability Strategy**, however it received little focus and progress. Therefore, the upcoming European Disability Strategy, which is currently being drafted, must continue focusing on the employment of people with disabilities.

**EU Recovery plan**

Covid-19 had and still has a tremendous impact on persons with disabilities in all aspects of life. Many lost their jobs, were isolated and were denied their access to health and treatment.
Therefore, we urge the European Commission to include persons with intellectual disabilities in the EU Recovery Plan. **Specific funding under SURE and Next Generation EU** need to be allocated to support persons with disabilities that lost, or at risk of losing, their job during the pandemic. Moreover, funds under the Recovery Plan that are used to mitigate employment risks must reach out to person with disabilities, who have been hit hard during the Covid-19 pandemic.

Being an “at risk group” has isolated many persons with disabilities from society, many could not go to school or do their job. Therefore, the **Covid-19 vaccine** is vital for them, however, the communication to the European Parliament and Council on ‘Preparedness for COVID-19 vaccination strategies and vaccine deployment’ makes no mention of persons with disabilities [[15]](#footnote-16), this must be reconsidered.

The Covid-19 pandemic has also once more highlighted that institutionalisation of persons with disabilities is harmful. **Deinstitutionalisation is the only way forward** to learn from the horrible events that took place during the first wave of Covid-19, in which institutions became hot-beds for infections and Covid-19 deaths. Moreover, **independent investigations into death rates and human rights abuses** in institutions need to be conducted.

1. <https://data.consilium.europa.eu/doc/document/ST-14254-2019-ADD-2/en/pdf> [↑](#footnote-ref-2)
2. Gender Equality Index 2020,EIGE, https://eige.europa.eu/gender-equality-index/2020 [↑](#footnote-ref-3)
3. Information retrieved from European Inclusion Summit 2020, Protection of Women and Children with Disabilities against Violence [↑](#footnote-ref-4)
4. For more information on the topic, see Inclusion Europe’s feedback on the fitness check of EU legislation. Available at: <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12472-Fitness-check-of-the-EU-legislation-on-violence-against-women-and-domestic-violence/F543272>. [↑](#footnote-ref-5)
5. #  Gender equality and long-term care at home, EIGE, <https://eige.europa.eu/publications/gender-equality-and-long-term-care-home> and information retrieved from Equinet webinar on 22. October 2020.

 [↑](#footnote-ref-6)
6. Children with disabilities, UNICEF, https://www.unicef.org/eca/children-disabilities [↑](#footnote-ref-7)
7. ###  Young people neither in employment nor in education and training by type of disability, sex and age, Eurostat, 2019, https://ec.europa.eu/eurostat/databrowser/view/hlth\_de030/default/table?lang=en

 [↑](#footnote-ref-8)
8. Inclusion at school; a right for every child, Inclusion Europe, 2019, https://www.inclusion-europe.eu/education/ [↑](#footnote-ref-9)
9. Every child should get the support they need, Inclusion Europe, 2019, https://www.inclusion-europe.eu/every-child-should-get-the-support-they-need/ [↑](#footnote-ref-10)
10. EU SILC 2017 [↑](#footnote-ref-11)
11. Source: National Disability Authority (NDA) ‘Disability and Work: the Picture We Learn From Official Statistics’(Dublin: NDA, 2005) p 21. Available at: <http://nda.ie/nda-files/Disability-and-Work-The-picture-we-learn-from-official-statistics.pdf>. [↑](#footnote-ref-12)
12. Discrimination and access to employment for female workers with disabilities. Directorate-General for internal policies. Available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2017/602067/IPOL\_STU(2017)602067\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/602067/IPOL_STU%282017%29602067_EN.pdf). p. 29 [↑](#footnote-ref-13)
13. Ibid. [↑](#footnote-ref-14)
14. Gender equality and long-term care, EIGE, 2020, https://eige.europa.eu/publications/gender-equality-and-long-term-care-home [↑](#footnote-ref-15)
15. Why has the European Union not included persons with disabilities as a priority in the vaccination of Covid-19?, EDF, http://www.edf-feph.org/newsroom/news/why-has-european-union-not-included-people-disabilities-priority-vaccination-covid19 [↑](#footnote-ref-16)