

# UNCRPD Concluding Observations in relation to the EU report, from the perspective of petitions received

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## **Abstract**

This briefing gives an overview of the concluding observations issued in March 2025 by the Committee monitoring the UN Convention on the Rights of Persons with Disabilities (UN CRPD). It looks at those concluding observations through the experiences set out in petitions to the European Parliament, with a focus on three distinct CRPD articles: accessibility, education and employment.

This document was prepared by Policy Department for Citizens, Equality and Culture at the request of the European Parliament's Committee on Petitions.

This document was requested by the European Parliament's Committee on Women's Rights and Gender Equality.

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Original: EN

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Manuscript completed in November 2025

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## **LIST OF ABBREVIATIONS**

<b>CJEU</b>	Court of Justice of the European Union
<b>CRPD</b>	Convention on the Rights of Persons with Disabilities
<b>EDF</b>	European Disabilities Forum
<b>EU</b>	European Union
<b>TFEU</b>	Treaty on the Functioning of the European Union
<b>UN</b>	United Nations
<b>VCLD</b>	Vienna Convention on the Law of the Treaties

## EXECUTIVE SUMMARY

The European Union was the first regional organisation to ratify the UN Convention on the Rights of Persons with Disabilities (CRPD). That has real legal consequences for the EU. Under Article 216(2) TFEU the CRPD binds the EU institutions and the Member States within the scope of EU competences, and the Court of Justice of the European Union has confirmed that secondary EU law must, as far as possible, be interpreted consistently with the Convention. The Committee's latest concluding observations (2025) addressed to the EU are therefore important. They provide a list of actions to bring the EU's legislation and policy into line with binding treaty obligations. This briefing looks at those concluding observations through the experiences set out in petitions to the European Parliament. This briefing focuses on three distinct CRPD articles: accessibility, education and employment. The petitions highlight patterns of exclusion in multiple contexts. People cannot enter schools, homes, transport systems or public buildings because of physical and digital barriers. Deaf and deafblind people cannot communicate with doctors and hospitals. Disabled students experience bullying or are left without appropriate supports. Disabled workers are excluded from the open labour market on low pay and without full labour rights, or experience long term unemployment.

In the area of accessibility, the CRPD Committee highlights the limited scope of the European Accessibility Act, delays in transposition, gaps in the Web Accessibility Directive and the voluntary nature of accessibility provisions in the relevant digital legislation. The petitions tell us that these gaps translate into everyday obstacles in housing, transport, education, healthcare and in navigating the built environment. A key message in this briefing is that the EU has clear internal market and other competences that can and should be used more ambitiously to deliver barrier-free physical and digital environments.

On education, the concluding observations stress the persistence of segregation, the lack of accessible school buildings, the risks of discriminatory uses of artificial intelligence and the need for Erasmus+ to cover disability-related costs. The petitions offer a human face to these barriers. The petitions also describe inaccessible school premises, fear that the closure of special schools will not be matched by investment in inclusive education, and the impact of bullying on autistic students. They also show how apparently neutral tools such as standardised entrance examinations can exclude disabled students from higher education. While the EU's competence in education is supportive rather than harmonising, its funding, policy guidance and standard-setting instruments remain powerful levers for change, however they remain underutilised. The European Parliament can insist that inclusive education, accessibility and reasonable accommodation are better incorporated into the Digital Education Action Plan, Erasmus+, research and innovation funding and support initiatives such as the Nicosia Declaration, and that disability-related costs are systematically anticipated and covered.

In work and employment, the Committee's concerns about segregated employment, low participation in the open labour market and the failure to provide reasonable accommodation are echoed in the petitions reviewed in this briefing. The key message for Members of the European Parliament is clear. Persons with disabilities are EU citizens who want to study, work, travel and participate in their communities on an equal basis with others. The EU has already developed important legislation and policy, but gaps in its scope, enforcement and design result in continued exclusion. The European Parliament is well placed to close the implementation gap identified. It can use its legislative, budgetary

and scrutiny powers to consider disability in all new laws, strengthen accessibility requirements in internal market measures, ensure that EU funding facilitates inclusive education and open labour market employment.

## 1. INTRODUCTION

This briefing considers the UN Committee on the Rights of Persons with Disabilities 2025 concluding observations to the European Union. The briefing assesses their relevance to the issues raised in petitions submitted to the European Parliament. It focuses on three specific articles of the CRPD, namely accessibility, education and employment. These petitions provide tangible insights into how gaps in EU legislation, policy, and implementation affect the rights of persons with disabilities across EU Member States. This briefing also maps people's lived experiences as set out in the petitions against the Committee's recommendations as contained in the concluding observations to the EU. The briefing identifies areas where the EU is making progress, highlights persistent shortcomings and outlines where the European Parliament can strengthen legislative initiatives, improve scrutiny of Member State compliance and ensure that EU funding and policy actions are aligned with obligations under the CRPD.

## 2. UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) AND THE EUROPEAN UNION

The European Union is a State Party to the UN Convention on the Rights of Persons with Disabilities (CRPD), acceding to the Convention in December 2010.<sup>1</sup> Additionally, all EU Member States have ratified the Convention. The CRPD is considered a mixed agreement: that means, some of its obligations fall under EU competence, others under Member States' competence, and many under shared competence. Therefore, both the EU and its Member States are responsible for implementing the CRPD, each according to their competences.<sup>2</sup>

Article 216(2) TFEU provides that 'agreements concluded by the Union are binding upon the institutions of the Union and on its Member States.' This position has been reaffirmed by the Court of Justice of the European Union (CJEU) where it held:

It should also be recalled that the primacy of international agreements concluded by the European Union over instruments of secondary law means that those instruments must as far as possible be interpreted in a manner that is consistent with those agreements.<sup>3</sup>

In practice this means that the CRPD is superior to secondary law such as EU regulations and directives, but inferior to the EU Treaties. The CJEU when considering secondary legislation must interpret them in a manner that is consistent with the CRPD. Favalli and Ferri note that the CRPD has a 'quasi-constitutional' status, therefore EU secondary law must be interpreted in light of the CRPD. Where more than one interpretation of secondary law is possible, then preference ought to be given to the

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<sup>1</sup> Council Decision 2010/48/EC concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities.

<sup>2</sup> Waddington, L., 'The European Union and the United Nations Convention on the Rights of Persons with Disabilities: A Story of Exclusive and Shared Competences' *Maastricht Journal of European and Comparative Law*, Vol. 18, Number 4, 2011, 431-453.

<sup>3</sup> Cases C-335/11 and C-337/11, HK Danmark (HK Danmark, acting on behalf of Jette Ring v. Dansk almennyttigt Boligselskab and HK Danmark, acting on behalf of Lone Skouboe Werge v. Dansk Arbejdsgiverforening, acting on behalf of Pro Display A/S, para 29.

interpretation that is the most consistent with the CRPD.<sup>4</sup> This ensures that the CRPD has a strong normative weight in shaping EU legislation and policy, particularly where there is shared competence, for example in accessibility and non-discrimination.

Due to the status of the CRPD in EU law, the EU institutions including the European Parliament must ensure that new EU laws comply with the CRPD. Nevertheless, it is important to remember that the shared competence means that not all CRPD obligations can be fulfilled by the EU alone; Member States also carry responsibility.

### 3. CRPD COMMITTEE'S CONCLUDING OBSERVATIONS

State Parties to the CRPD provide regular updates to the CRPD Committee via periodic reports. These reports allow the Committee to monitor progress, highlight gaps and issue recommendations, via concluding observations. The European Commission is the designated focal point under Article 33(1) CRPD, and in that role it submits the periodic reports.<sup>5</sup>

The EU established the CRPD Framework to monitor, promote and implement the CRPD obligations within the EU areas of competence, in line with Article 33(2) of the CRPD.<sup>6</sup> The EU Framework members are active contributors to the review of the EU's implementation of the CRPD, including the combined second and third reviews that took place in 2025. In addition, independent bodies and civil society may also submit their own reports to the review process.

The CRPD's concluding observations on the EU are the official recommendations from the Committee to the EU, setting out how it can better implement the Convention.<sup>7</sup> The latest observations, issued in March 2025, highlight strengths, concerns and provide recommendations to the EU on a wide range of topics, including accessibility, employment and education. The concluding observations provide detailed guidance on steps the party to the Convention should take to better fulfil its treaty obligations. Concluding observations are authoritative, but not legally binding, interpretations of treaty standards. Treaty bodies are not judicial or legislative bodies, their outputs are considered 'soft law'.<sup>8</sup> That noted, concluding observations carry significant interpretive weight because they provide authoritative guidance on how treaty obligations should be understood and implemented. According to the Vienna Convention on the Law of Treaties (VCLT), concluding observations create expectations of good-faith compliance, rooted in the concept of *pacta sunt servanda*.<sup>9</sup> Parties to the Convention are expected to take the recommendations seriously. While not legally binding, that is not to say that concluding observations are without some status, O'Flaherty notes that while the Treaty obligations themselves

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<sup>4</sup> Favalli, S., Ferri, D., 'Defining Disability in the European Union Non-discrimination Legislation: Judicial Activism and Legislative Restraints', *European Public Law*, Vol.22, No.3, 2016, p541-568.

<sup>5</sup> Office of the High Commissioner for Human Rights (OHCHR), 'European Union – IMM situation,' accessed on 25th November 2025; <https://www.ohchr.org/en/treaty-bodies/crpd/european-union-imm-situation>.

<sup>6</sup> Fundamental Rights Agency (FRA), 'EU Framework for the UN Convention on the Rights of Persons with Disabilities,' accessed on 25th November 2025; <https://fra.europa.eu/en/cooperation/eu-partners/eu-crpd-framework>. The Framework includes bodies such as the European Parliament, the European Ombudsman, the EU FRA, and the European Disability Forum (EDF).

<sup>7</sup> CRPD/C/EU/CO/2-3, Concluding observations on the combined second and third periodic reports of the European Union, March 2025.

<sup>8</sup> O'Flaherty, M., "The Concluding Observations of United Nations Human Rights Treaty Bodies." *Human rights law review* 6.1 (2006): 27–52.

<sup>9</sup> Article 26 Vienna Convention on the Law of Treaties, 196: Adopts the principle of *pacta sunt servanda*, meaning agreements must be kept.

are not legally binding, their recommendations are not without consequence, particularly where they point to a violation of the treaty concerned.<sup>10</sup> They are widely cited in legal and policy analysis as authoritative guidance for interpreting CRPD obligations. In brief, the concluding observations ought to influence EU institutions' understanding of their obligations under the CRPD, which is binding on EU law.

## 4. CRPD COMMITTEE'S GENERAL COMMENTS

It is of note, that the concluding observations on the combined second and third periodic reports of the European Union refer to general comments where relevant.<sup>11</sup> General comments are authoritative interpretive statements issued by the treaty body to clarify the meaning, scope and legal implications of a treaty's provisions. General comments can relate to specific articles, for example General Comment No. 2: Article 9 Accessibility; or can be thematic, it is suggested here that General Comment No. 4 on the right to inclusive education is both thematic and article specific as it deals with the right to education, but addresses it through the overarching theme of inclusive education.

The goal of general comments is to develop an understanding of treaty obligations. As with concluding observations, they function as influential soft law interpretations, with significant persuasive authority.<sup>12</sup> Concluding observations are State Party specific assessments, adopted after reviewing an individual State Party's periodic reports. They are tailored to that State Party. General comments in contrast interpret treaty provisions in general.

This briefing addresses three articles, Article 9 on accessibility, Article 24 on education and Article 27 on work and employment. Therefore, this briefing refers to a number of relevant general comments and three in particular: General Comment No. 2 on Accessibility,<sup>13</sup> General Comment No. 4 on inclusive education,<sup>14</sup> and General Comment No. 8 on work and employment.<sup>15</sup>

## 5. ACCESSIBILITY

**Article 9 of the CRPD** is a novel provision in international law, it is the first human rights provision to address and articulate a provision on accessibility.<sup>16</sup> Persons with disabilities have been disproportionately impacted by exclusionary barriers; however, the beneficiaries of a more accessible environment will be broader than persons with disabilities. Article 9 CRPD, through the accessibility requirements, fosters the right of persons with disabilities to live independently and participate fully in all aspects of life. Accessibility is essential for persons with disabilities to live independently. The phrase

<sup>10</sup> O'Flaherty, M., "The Concluding Observations of United Nations Human Rights Treaty Bodies." *Human rights law review* 6.1 (2006): 36.

<sup>11</sup> CRPD/C/EU/CO/2-3, para 27, 59.

<sup>12</sup> Mechlem, K., 'Treaty Bodies and the Interpretation of Human Rights', *Vanderbilt Journal of Transnational Law*, Vol 42, Issue 3, (2009).

<sup>13</sup> CRPD /C/GC/2 General comment No. 2 (2014), Article 9: Accessibility.

<sup>14</sup> CRPD/C/GC/4 General comment No. 4 (2016) on the right to inclusive education.

<sup>15</sup> CRPD/C/GC/8: General comment No. 8 (2022) on the right of persons with disabilities to work and employment.

<sup>16</sup> See, generally, Lawson, A., Article 9: Accessibility, in Banktekas, I., Ashley Stein, M., Anastasiou, D., (Eds.), *The UN Convention on the Rights of Persons with Disabilities* (2018) Oxford; Broderick, A., 'Of rights and obligations: the birth of accessibility', *The international Journal of Human Rights*, 2020, Vol. 24, No. 4, 393–413; Ferri, D., 'The European Accessibility Act and the Shadow of the "Social Market Economy"' *European Law Review*, 2020, Vo. 45(5), pp 660–680; Ferri, D., 'Advancing an Embodied Understanding of Accessibility for Persons with Disabilities', *Journal of Human Rights Practice*, 2024, Vol, 17, 2 pp 1-18.

'all aspects of life' ensures that Article 9 is cross cutting as it applies in multiple contexts.<sup>17</sup> In order for persons with disabilities to participate on an equal basis with others, State Parties are required to take action to ensure the physical environment, transportation, information and communications, technologies and communications are equally accessible.<sup>18</sup> State Parties are obliged to identify and eliminate barriers and obstacles to accessibility, in respect of buildings, roads, transport, facilities, schools, housing medical facilities, workplaces, information communications services and emergency services.<sup>19</sup> The remainder of the article sets out the means and modes of achieving the objectives of this article.<sup>20</sup>

The **concluding observations** when reporting on the EU's combined second and third periodic reports, raised concerns about the limited scope of, and delays in, transposing the European Accessibility Act; the lack of clarity of Regulation 2024/1670 on implementation of the Trans-European Networks; limited compliance with the Web Accessibility Directive and voluntary nature of the accessibility provisions in the Digital Services Act.<sup>21</sup> The recommendations include: to adopt legislation to guarantee accessibility of the built environment, products and information; accelerate accessibility standards; amend Regulation 2024/1670; amend the Web Accessibility Directive and ensure Member States compliance; to incorporate accessibility requirements into all digital legislation. Finally, they recommend providing training on accessibility and disability inclusive methodologies and adopting transparent physical and digital accessibility policies with implementation roadmaps for all buildings, services, appliances and digital platforms.

The sample of **accessibility-related petitions** relate to issues of physical, digital, and communication accessibility. They address accessibility barriers in education, healthcare, housing, and the built environment, as well as calls for stronger EU level legislative action to ensure equality and inclusion. While it is evident that EU legislation on accessibility has progressed quite considerably, significant gaps persist in the scope, enforcement and compliance with CRPD obligations. The petitions provide a useful evidence base into the ongoing accessibility barriers faced by persons with disabilities across Member States.

A number of the sample petitions address **accessibility to the built environment**. For example, petition 0287/2025<sup>22</sup> proposes strengthening the European Accessibility Act; Petition 0261/2022<sup>23</sup> addresses physical barriers to public buildings including schools, Petition 1491/2020<sup>24</sup> and Petition 0988/2020<sup>25</sup> address access barriers to people's home. What is apparent from the sample petitions is

<sup>17</sup> In *Nyusti and Takás v Hungary*, UN Doc CRPD/C/9/D/1/2010 the accessibility duty applied to the use of ATMs; *X v Argentina*, UN Doc CRPD/C/11D/8/2012 the accessibility duty was applied to detention, in *Beasley v Australia*, UN Doc CRPD/C/15/11/2013, and *Lockerey v Australia* UN Doc CRPD/C15/D/2013 it applied to participation in jury duty all of these cases highlight the scope of this article.

<sup>18</sup> Article 9(1) CRPD.

<sup>19</sup> Article 9(1)(a) and (b) CRPD.

<sup>20</sup> Article 9 (2)(a)-(h) CRPD.

<sup>21</sup> CRPD/C/EU/CO/2-3, para 27(a)-(e).

<sup>22</sup> [Petition No 0287/2025 by Pedro Lourenco \(Portuguese\) calling for stronger accessibility regulations for disabled people in the EU.](#)

<sup>23</sup> [Petition No 0261/2022 by Francesco Accardo \(Italian\), on behalf of Class Action Italia, signed by two other persons, on the alleged failure to implement architectural barrier elimination plans \(PEBA\) in Italy.](#)

<sup>24</sup> [Petition No 1491/2020 by Antonio Álvarez Gonzalez \(Spanish\), on behalf of the 'Comunidad de Propietarios', on discrimination on the grounds of disability.](#)

<sup>25</sup> [Petition No 0988/2020 by Raimonds Lejnietks-pūke \(Latvian\), on behalf of the Latvian Association for the Protection of the Interests of Unemployed and Job Seekers, on accessible accommodation for disabled persons and persons with reduced mobility.](#)

that many persons with disabilities are experiencing exclusion due to inaccessible built environment, from buildings, to schools to transport systems.<sup>26</sup> Petition 0261/2022 refers to the failure to remove architectural barriers, noting that only one in three schools are accessible to students with reduced mobility. Petition 1491/2020 highlighted non-compliance with accessibility laws, highlighting that there is no wheelchair ramp to the petitioner's building. Petition 0988/2020 also highlighted the inaccessibility of the petitioner's place of residence and the bureaucratic obstacles necessary to overcome to get a lift step to their place of residence. One point of particular concern in this petition was the necessity to get the agreement of three quarters of the owners of the remaining apartments in a multi-apartment building. People's access should not be determined by the wishes of others. Petition 0287/2025 notes the limitations of the European Accessibility Act and proposes the introduction of an EU Directive on Accessibility and Inclusion to strengthen the accessibility rights of persons with disabilities. The proposed Directive, inspired by laws from Portugal, Sweden, Germany and the American's with Disabilities Act, would require large companies to have Disability Officers, implement real-time monitoring for accessibility standards, mandatory training on disability rights for staff, fines for non-compliance and expansion of the Eurokey system.<sup>27</sup> The petitions reflect the concerns and the recommendations of the CRPD committee. The concluding observations to the EU recommend the introduction of legislation that would guarantee the accessibility of the built environment, products and information. Additionally, they recommend that the EU accelerate accessibility standards.

A relevant recent development in EU law is Directive (EU) 2024/1275 on the energy performance of buildings, adopted in 2024.<sup>28</sup> While its primary focus is energy efficiency, the Directive incorporates accessibility throughout the Directive. The European Disabilities Forum (EDF) has noted that this is the first time the EU has regulated aspects of accessibility of buildings beyond the limited context of railway stations, and that Articles 7 and 8 create obligations for Member States to address accessibility in both new buildings and those undergoing major renovation.<sup>29</sup> While not an accessibility instrument in itself, the Directive provides a meaningful legislative basis through which accessibility requirements can be mainstreamed into national renovation strategies, technical guidance and building stock planning etc. The EDF's toolkit speaks to how this Directive while not expressly designed around accessibility can nonetheless operate as an important instrument for advancing accessibility in practice, particularly when existing accessibility gaps across the EU persist and when the CRPD Committee has called for stronger EU-level action to guarantee accessible buildings, environments and services etc.

**Access to healthcare** is of fundamental importance to people, as it is crucial to ensuring their physical and mental wellbeing. Article 35 of the EU Charter of Fundamental Rights, provides that:

Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of

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<sup>26</sup> EDF, 'EU Transport Policy', accessed on 25th November 2025; <https://www.edf-feph.org/transport-5/>.

<sup>27</sup> This is a universal key and locking system that provides access to locked, accessible public facilities, such as toilets for persons with disabilities.

<sup>28</sup> Directive (EU) 2024/1275 of the European Parliament and of the Council of 24 April 2024 on the energy performance of buildings (recast).

<sup>29</sup> European Disability Forum, 'Toolkit on the Energy Performance of Buildings Directive (recast) 2024/1275, 2024 at pages 5–6, accessed 25 November 2025: <https://www.edf-feph.org/publications/toolkit-energy-performance-of-buildings-directive-recast-2024-1275/>.

human health protection shall be ensured in the definition and implementation of all Union policies and activities.

In addition, the right to health is enshrined in a number of conventions,<sup>30</sup> including the CRPD.<sup>31</sup> Petition 1415/2024<sup>32</sup> highlights the barriers faced by deaf, hearing-impaired and deafblind people.<sup>33</sup> The petitioner notes that people with hearing impairments face major communication barriers in hospitals and healthcare settings. Wheatley highlights the barriers that deaf people face in relation to health care, that includes access to health information, the reliance on family members to translate for them, that health professionals do not necessarily have sufficient deaf awareness training.<sup>34</sup>

The concluding observations state that the EU must adopt 'legislation to guarantee the accessibility of the built environment, products and information.'<sup>35</sup> The built environment refers to human made structures and spaces, the CRPD committee note therefore that the built environment 'is under the full control of society.'<sup>36</sup> We can extrapolate from this that healthcare systems form part of the built environment, and therefore healthcare information ought to be accessible. Moreover, the concluding observations also highlight General Comment No. 2 (2014) on accessibility which provides:

Persons with disabilities should have equal access to all goods, products and services that are open or provided to the public ... denial of access should be considered to constitute a discriminatory act.<sup>37</sup>

That general comment goes on to state that all information and communication relating to the provision of health care should be accessible through alternative modes and that includes sign language.<sup>38</sup>

## 6. EDUCATION

**Article 24 of the CRPD** addresses the right to education.<sup>39</sup> This article recognises the right to education, without discrimination and on the basis of equal opportunity for persons with disabilities. The Convention very clearly requires State Parties to ensure an inclusive education system at all levels.<sup>40</sup> The article then elaborates on what is required to achieve this, and that entails: not excluding persons

<sup>30</sup> See Article 12 International Covenant on Economic Social and Cultural Rights; Article 24 Convention on the Rights of the Child.

<sup>31</sup> Article 25, CRPD.

<sup>32</sup> [Petition No 1415/2024 by Laura Fernández Barreiro \(Spanish\) on access to public healthcare for persons with disabilities in Spain.](#)

<sup>33</sup> See European Union of the Deaf, 'Policy Recommendation on Access to Healthcare for Deaf Persons in the EU,' 2023, accessed on 25th November, 2025; <https://eud.eu/publication-of-eud-policy-recommendations-on-the-access-to-healthcare-for-deaf-persons-in-the-eu/> European Association of Service providers for Persons with Disabilities, EASPD, Access to health services for persons with disabilities in the EU: Review and Commentary, 2019.

<sup>34</sup> Wheatley, M., European Disability Forum 'Barriers faced by deaf people which accessing healthcare' 2021, accessed on 25th November 2025; <https://www.edf-feph.org/blog/barriers-faced-by-deaf-people-while-accessing-healthcare/>.

<sup>35</sup> CRPD/C/EU/CO/2-3, para 27(a).

<sup>36</sup> CRPD/C/GC/2, Article 9 Accessibility, para 3.

<sup>37</sup> CRPD/C/GC/2, Article 9 Accessibility, para 13.

<sup>38</sup> CRPD/C/GC/2, Article 9 Accessibility, para 40.

<sup>39</sup> See, generally, Anastasiou, D., Gregory, M., Kauffman, JM., 'Article 24: Education' in Banktekas, I., Ashley Stein, M., Anastasiou D, (Eds.), *The UN Convention on the Rights of Persons with Disabilities* (2018) Oxford; de Beco, G., 'The Right to Inclusive Education According to Article 24 of the UN Convention on the Rights of Persons with Disabilities: Background, Requirements and (Remaining) Questions' *Netherlands Quarterly of Human Rights*, (2017) 32(3), 263-287; Broderick, A., Quinlivan, S., 'The Right to Education: Article 24 of the CRPD' in O'Mahony C., & Quinn C., (Eds.), *Disability Law and Policy: An Analysis of the UN Convention* (2017) Clarus Press; de Beco, G., Quinlivan, S., Lord, JE., *The Right to Inclusive Education in International Human Rights Law*, (2019) Cambridge.

<sup>40</sup> Article 24(1) CRPD.

with disabilities from the general education system,<sup>41</sup> the right to access quality inclusive education,<sup>42</sup> the provision of reasonable accommodation<sup>43</sup> and crucially, the provision of supports<sup>44</sup> including effective individualised support to persons with disabilities.<sup>45</sup>

The **concluding observations** of the CRPD Committee, when reporting on the EU's combined second and third periodic reports, encouraged the EU to fulfil its obligation to provide quality inclusive education throughout the entire education cycle, to ensure that the use of AI in education does not discriminate against persons with disabilities, ensure the implementation of the Digital Education Action Plan and to ensure that the Erasmus+ programme covers all disability-related expenses.<sup>46</sup>

The sample of **education-related petitions** examined address a broad range of issues. Petition 0986/2015<sup>47</sup> addresses access to university education; petitions 1209/2023<sup>48</sup> and 0103/2021<sup>49</sup> address education quality, petition 1340/2024<sup>50</sup> addresses bullying and harassment of students with disabilities, petition 1105/2024<sup>51</sup> addresses inaccessible school venues, and finally petition 0822/2022<sup>52</sup> addresses the European Disability Card.

Addressing the issue of **access to education**, petition 0986/2015 refers to university entrance exams, and proposes quota's for persons with disabilities. The Committee does not explicitly require quotas or reserved places in its recommendations, but does require State Parties to ensure an inclusive education system at all levels, which includes university level. The European Court of Human Rights has held that standardised exams were indirectly discriminatory, as the facially neutral provision had a disproportionately prejudicial impact in that instance on Roma children.<sup>53</sup> The CRPD Committee in General Comment No. 4 on Education state that 'standardised assessments must be replaced with flexible and multiple forms of assessments ...'<sup>54</sup> While there is no explicit requirement for quotas, the use of standardised entrance exams is inherently problematic, and not conducive to an inclusive

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<sup>41</sup> Article 24(2)(a) CRPD.

<sup>42</sup> Article 24(2)(b) CRPD.

<sup>43</sup> Article 24(2)(c) CRPD.

<sup>44</sup> CRPD/C/GC/4 para 32, define these supports as support a student may require to facilitate their effective education. It can also mean availability of services and facilities within the education system, it is different from individualised supports and from reasonable accommodations.

<sup>45</sup> Article 24(d)-(e) CRPD.

<sup>46</sup> CRPD/C/EU/CO/2-3, para 64(a)-(c).

<sup>47</sup> [Petition No 0986/2015 by A.C.D. \(Italian\) on recognition of civil disability and handicaps in the National Science Qualification \(ASN\), as a prerequisite for university entrance examinations.](#)

<sup>48</sup> [Petition No 1209/2023 by Lucía Posse Casal \(Spanish\) on Spain's compliance with the UN Convention on the Rights of Persons with Disabilities.](#)

<sup>49</sup> [Petition No 0103/2021 by C.F.B. \(Spanish\), on behalf of "Inclusiva Sí, Especial TAMBIÉN", on the right to education for children with disabilities in specialized centres in Spain.](#)

<sup>50</sup> [Petition No 1340/2024 by Andrea Fernández Naya \(Spanish\) on fighting bullying of people with autistic spectrum disorder in schools.](#)

<sup>51</sup> [Petition No 1105/2024 by D. R. D. \(Spanish\) on the alleged violation of the rights of a disabled pupil in Spain.](#)

<sup>52</sup> [Petition No 0822/2022 by Maria Pindado Galan \(Spanish\), on behalf of Confederación Autismo España, asking for the European Disability Statute to contemplate the rights of people with autism.](#)

<sup>53</sup> *DH and others v The Czech Republic* (2007) App no 57325/00 (Grand Chamber).

<sup>54</sup> CRPD/C/GC/4 para 26.

education system. It is of note that a number of EU Member States provide alternative entry routes to University for persons with disabilities.<sup>55</sup>

Two petitions speak to the issue of **quality of education**. Petition 1209/2023 raises concerns about the quality of education received by children with disabilities, highlighting higher illiteracy rates among persons with disabilities and in particular the petitioner concludes that the educational needs are not being identified or assessed in accordance with the relevant state law. Petitioner 0103/2021 raises concerns about a Spanish law that aims at the progressive elimination of special education schools and raises concerns that this will negatively impact on children with disabilities. The phasing out of segregated education, is compliant with the goal of inclusive education. The petitioner also urges the government to guarantee 'the right of students with intellectual disabilities to continue schooling in special education centres' and that families who chose those centres should not be subjected to discrimination. This aspect of the petition is not in line with the goal of inclusive education. While the issue of parental choice in education is not addressed in the CRPD, it is generally protected in international law.<sup>56</sup> That is not to state that the Spanish government owe a duty to fund an alternative system of education, but more to respect parental choice if they choose an alternative system of education. It is not possible to argue that this aspect of the petition is compliant with the CRPD. However, the petitioner raises a more fundamental concern, that is that 'all children with intellectual disabilities receive a quality education that allows them a real inclusion in society.'<sup>57</sup> Parents have a legitimate concern that their child's educational needs may not be met in an inclusive setting, the CRPD Committee have attempted to address this by urging States Parties to transfer resources from segregated education settings to inclusive settings;<sup>58</sup> to provide reasonable accommodation in an accessible learning environment;<sup>59</sup> develop individualised education plans to address transitions from segregated education to mainstream settings;<sup>60</sup> as well as provide necessary supports. Article 24 of the CRPD, refers to the necessity for persons with disabilities to be able to access quality education, receive reasonable accommodation, individualised supports, as well as general supports. A quality and inclusive education system requires appropriately qualified teachers, inclusion of disability awareness into teacher training, the use of augmentative and alternative means of communication and educational techniques.<sup>61</sup> The goal would not be to lose the skills of 'special' educators, but to incorporate them into the general education system to ensure a truly inclusive education system.

Petition 1340/2024 addresses **bullying of children with disabilities** in education settings, the petitioner highlights the prevalence of bullying and harassment of students with disabilities. This

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<sup>55</sup> For example: Ireland provides Disability Access Route to Education (DARE) which offers places on reduced points to school leavers with disabilities; Tamás Gyulavári, ANED country report on equality of education and training opportunities for young persons with disabilities, highlights that the Hungary Act of Higher Education allows for extra points for students with disabilities. Access to third level is dependent on points achieved in exams and the additional points ensured that significantly more students with disabilities were now entering third level education; Article 209, Greek Law 4957/2022 requires all public higher education institutions in Greece to establish an Equal Access Unit which will address access to University among other requirements. See also Buckley, LA., Quinlivan, S., Inclusive learning in Ireland: A case study. *International Journal of Discrimination and the Law*, (2023) 23(1-2), 103-125.

<sup>56</sup> Article 13(3), International Covenant on Economic Social and Cultural rights, Article 28 Convention on the Rights of the Child.

<sup>57</sup> Petition No 0103/2021.

<sup>58</sup> CRPD/C/GC/4, para 70.

<sup>59</sup> CRPD/C/GC/4, para 13.

<sup>60</sup> CRPD/C/GC/4, para 33.

<sup>61</sup> See de Beco, G., Quinlivan, S., Lord, JE., *The Right to Inclusive Education in International Human Rights Law*, (2019) Cambridge.

reflects concerns raised by the CRPD Committee about bullying of children with disabilities 'in and on route to school.'<sup>62</sup> The petitioner in this instance calls on Member States to teach specific measures such as interpersonal relationships skills. In General Comment No 4, the CRPD Committee state that among the core features of an inclusive education system, is respect for and value of diversity. That requires 'effective measures to prevent abuse and bullying are in place.'<sup>63</sup> Additionally, State Parties to the Convention must commit sufficient financial and human resources to support inclusive education, this includes providing 'awareness raising initiatives to address stigma and discrimination, particularly bullying in the educational settings.'<sup>64</sup>

Petition 1105/2024 addresses issues of **accessibility in the education system**. The petition in this case describes a situation where the mother of a child with disabilities is required to carry her child upstairs since the lift in the school is broken.<sup>65</sup> The concluding observations of the CRPD Committee refer to the necessity for reasonable accommodation and accessible school buildings and the need to meet the diverse needs of students with disabilities.<sup>66</sup> It is undoubted that the issues raised in this petition are a breach of the provisions of the CRPD. The petition does not specify whether the school was generally accessible or whether there were accessible classrooms available on lower levels. Were this the case, for the duration the lift was broken, a reasonable accommodation for the student would have been to relocate their classes to an accessible area of the school. The failure to provide reasonable accommodation is a form of discrimination and an immediately enforceable duty under the Convention.<sup>67</sup> Accessibility in contrast is progressively realisable, but an essential element of an effective education system. An accessible learning environment and accessibility are core features of an inclusive education system, and this is clearly set out in the General Comment No. 4.<sup>68</sup>

Finally, from the sample of education petitions examined, there is petition 0822/2022 on the **European Disability Card**. The petitioners sought to ensure that persons with autism spectrum disorder are recognised by the future European Disability Card. The petitioners proposed that the inclusion of persons with hidden disabilities on the European Disability Card would enable more meaningful free movement of persons with disabilities. This would be particularly important in the context of education and or employment. This petition predates the introduction of Directive 2024/2841, which introduces European Disability Card addressing persons with hidden disabilities, including persons with autism.<sup>69</sup> This petition speaks to a broader issue, and that is the free movement of persons with disabilities, this

<sup>62</sup> CRPD/C/GC/4, para 49.

<sup>63</sup> CRPD/C/GC/4, para 12(e).

<sup>64</sup> CRPD/C/GC/4, para 67.

<sup>65</sup> See *Stoian v Romania*, (Application no. 289/14), in this case the ECtHR addressed a case where a parent was forced to carry her child to upper levels of the school and to the toilet. The court did not find for the applicant, in this instance. There is however, a significant difference in the right to education as enshrined in the ECHR and the CRPD. The right to education in the ECHR is drafted so as not to impose positive obligations on State Parties, so not comparable to the CRPD.

<sup>66</sup> CRPD/C/EU/CO/2-3, para 64(a).

<sup>67</sup> Article 2 and 5 CRPD. See generally, CRPD/GC/6 on Equality and non-discrimination.

<sup>68</sup> CRPD/GC/4, para 12 (c), (d) and (f), 13, 14, 21, 22, 23 for example.

<sup>69</sup> See Directive (EU) 2024/2841 of the European Parliament and of the Council establishing the European Disability Card and the European Parking Card for persons with disabilities, accessed on 25th November 2025 [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/disability/union-equality-strategy-rights-persons-disabilities-2021-2030/european-disability-card-and-european-parking-card-persons-disabilities\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/disability/union-equality-strategy-rights-persons-disabilities-2021-2030/european-disability-card-and-european-parking-card-persons-disabilities_en) and Autism Europe, 'Milestone agreement on the European Disability Card' (2024), accessed on 25th November 2025: <https://www.autismeurope.org/blog/2024/02/08/milestone-agreement-on-the-european-disability-card/>

is also something addressed by the CRPD Committee in their concluding observations. They recommend that the Erasmus+ program covers all disability-related expenses. This recognises that persons with disabilities may face additional costs and expenses related to their disability, and if persons with disabilities are to have meaningful free movement these issues need to be addressed where they can be. It is evidently the case that the European Disability Card will go some way to address this concern.

More broadly, the EU influences education through funding initiatives, such as the Erasmus+ programme, European Research Grant, or Horizon funding. All EU funded initiatives should support inclusion, and freedom of movement and of residence,<sup>70</sup> in a meaningful manner. All such programmes should have disability related expenses either built into the project, or an ability to apply for such funding as necessary.

## 7. EMPLOYMENT

**Article 27 of the CRPD** addresses work and employment.<sup>71</sup> This article provides that persons with disabilities have a right to work, freely chosen, on an equal basis with others, this includes working in an open, inclusive and accessible labour market. The article sets out what is required to achieve this, and that includes the prohibition of discrimination,<sup>72</sup> reasonable accommodation,<sup>73</sup> equal opportunities including equal remuneration<sup>74</sup> among other relevant duties.

The **concluding observations** of the CRPD Committee to the EU highlighted persistent barriers to employment in the open labour market for persons with disabilities within the EU. Briefly put, those concerns relate to the use of segregated employment, including the use of State aid to support it; barriers in the open labour market, including issues of stigma, failure to provide reasonable accommodation, the incompatibility of disability benefits with paid work; low participation rates in full time employment, particularly for women with disabilities, persons with intellectual and/or psychosocial disabilities and persons with intensive support needs.<sup>75</sup>

The sample of **employment related petitions** examined address several of the issues raised by the CRPD Committee. Two petitions, petition 0690/2022<sup>76</sup> and petition 0070/2022<sup>77</sup> address different aspects of sheltered employment. One petition, 1139/2020<sup>78</sup> addresses the petitioner's inability to access the labour market, whereas petition 0805/2023<sup>79</sup> addresses potential disadvantages faced by

<sup>70</sup> Article 45 Charter of Fundamental Rights of the European Union.

<sup>71</sup> See, generally, Bantekas, I., Pennilas, F., Trömel, S., 'Article 27: Work and Employment' in Banktekas, I., Ashley Stein, M., Anastasiou D., (Eds.), *The UN Convention on the Rights of Persons with Disabilities* (2018) Oxford; Lawson, A., 'Reasonable Accommodation in the conversation on the rights of persons with disabilities and non-discrimination in employment: Rising to the challenges?' in O'Mahony C., and Quinn, G., (Eds.), *Disability law and Policy: An Analysis of a the UN Convention* (2017), Clarus.

<sup>72</sup> Article 27(1)(a) CRPD.

<sup>73</sup> Article 27(1)(i) CRPD.

<sup>74</sup> Article 27(1)(b) CRPD.

<sup>75</sup> CRPD/C/EU/CO/2-3, para 64(a)-(c).

<sup>76</sup> [Petition No 0690/2022 by Daniel Hans Jan Hinkelmann \(German\) on higher wages at sheltered workshops in Germany.](#)

<sup>77</sup> [Petition No 0070/2022 by Daniel Hans Jan Hinkelmann \(German\) on the abolition of sheltered workshops.](#)

<sup>78</sup> [Petition No 1139/2020 by D.R.B \(Spanish\) on the lack of employment opportunities for persons with disabilities in Galicia \(personal case\).](#)

<sup>79</sup> [Petition No 0805/2023 by Cosimo Caroli \(Italian\) on discrimination between people with physical and mental disabilities in Italy.](#)

persons with psychosocial disabilities in accessing public-sector employment due to the relevant hiring regime.

The issue of **sheltered employment** is directly relevant to two of the petitions (0690/2022 and 0070/2022). There is ample research indicating that persons with psychosocial or intellectual disabilities experience very low employment rates.<sup>80</sup> One response to this has been the use of 'sheltered employment' or 'sheltered workshops.' These types of employment remain somewhat undefined, as May-Simera highlights, there are 'national, regional and context specific characteristics of sheltered workshops.'<sup>81</sup> Arriving at a distinct definition can be difficult. The CRPD Committee have provided that sheltered workshops are characterised by a number of different elements, at least some of which must be present, including: persons with disabilities are segregated from the open labour market; medical or rehabilitation approaches are emphasized; transition to the open labour market is not promoted; workers do not receive equal remuneration for work of equal value, or on an equal basis with others; the workers do not have regular employment contracts and are not covered by social security schemes.<sup>82</sup> The only relevant definition at EU level, is contained in the General Block Exemption Regulations, which permits direct state aid to organisations that provide 'employment in an undertaking where at least 30% of the workers are workers with disabilities.'<sup>83</sup> This definition captures a plurality of settings that are likely to be in breach of the CRPD. The CRPD committee are unequivocal about segregated employment. General Comment No. 8 on the rights of persons with disabilities to work and employment, clarifies that segregated employment is not compatible with article 27(1) of the CRPD.<sup>84</sup> Segregated employment for persons with disabilities, is 'not to be considered as a measure of progressive realization of the right to work,'<sup>85</sup> the right to work is evidenced by work freely chosen in the open labour market.<sup>86</sup> The committee, provide that segregated employment, including sheltered workshops, need to be phased out expeditiously.<sup>87</sup> Bell, while acknowledging that sheltered employment may provide a 'stable and secure environment', he also recognises that it is 'fundamentally antithetical to the goal of enabling persons with disabilities to participate fully in the community.'<sup>88</sup> The EDF note, that these settings generally apply lower salaries, lower career development, the workers

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<sup>80</sup> EDF *European Human Rights Report*, Issue 7, 2023 on 'The Right to Work: The employment situation of persons with disabilities in Europe'; FRA report 'Choice and Control: the Right to Independent Living. Experiences of Persons with Intellectual Disabilities and Persons with Mental Health Problems in Nine EU Member States' (Publications Office of the European Union, 2013) at 27; Inclusion Europe 'Poverty and Intellectual Disability in Europe' (Inclusion Europe, 2005) at 20; Heyer, K., 'The future of sheltered workshops and the right to work' *European Journal of Disability Research*, (2024), p47-62.

<sup>81</sup> May-Simera, C., 'Reconsidering Sheltered Workshops in Light of the United Nations Convention on the Rights of persons with Disabilities', (2018) 7 *Laws* 60, 2.

<sup>82</sup> CRPD/C/GC/8, General comment No. 8 (2022) on the right of persons with disabilities to work and employment, para 14 (a)-(g).

<sup>83</sup> Regulation (EU) No 651/2014.

<sup>84</sup> CRPD/C/GC/8, General comment No. 8(2022) on the right of persons with disabilities to work and employment, para 12. This builds on the work of other treaty bodies, for example Committee on Economic, Social and Cultural Rights, general comment No. 5 (1994), para 21, para 47(c).

<sup>85</sup> CRPD/C/GC/8, General comment No. 8 (2022) on the right of persons with disabilities to work and employment, para 15.

<sup>86</sup> The one potential exception to this relates to Employment ventures that are managed and led by persons with disabilities, ... if they provide just and favourable conditions of work on an equal basis with others. CRPD/C/GC/8, General comment No. 8(2022) on the right of persons with disabilities to work and employment, para 15.

<sup>87</sup> CRPD/C/GC/8, General comment No. 8 (2022) on the right of persons with disabilities to work and employment, para 82(i).

<sup>88</sup> Bell, M., 'People with Intellectual Disabilities and Labour Market Inclusion: What Role for EU Labour law?' 2020 11 *European Labour Law Journal*, at 6/7.

are more removed from society, and in some contexts the participants are not considered employees, and therefore do not benefit from labour rights.<sup>89</sup>

All these elements are evident in the two petitions addressing sheltered employment. The petitions relate to the use of sheltered employment in Germany; however, it is evident that this is not an issue exclusive to the German context. Petition 0070/2022 calls for the abolition of workshops for persons with disabilities (WfbM) and the integration of their workers into the mainstream labour market. The petition highlights, that the workers are classified as 'rehabilitants' and therefore are excluded from employment statistics. Moreover, only 0.02% of participants transition to regular employment.<sup>90</sup> Worryingly, the petitioner highlights the increasing numbers of persons who are entering this form of segregated employment. The petition, effectively, gives voice to the position already adopted by the CRPD Committee, both in General Comment No. 8 as well as in the concluding observations of the EU Reports.

The second petition 0690/2022 addressing sheltered workshops, calls for higher wages at sheltered workshops in Germany. The petitioner proposes that persons with disabilities ought to be paid the minimum wage, and to ensure that the participants in these workshops have access to relevant employment rights. This issue was addressed by the CRPD Committee in General Comment no. 6 (2018) on equality and non-discrimination.<sup>91</sup> The CRPD Committee stated that to achieve equality, State Parties should facilitate the transition away from segregated employment, and in the meantime to ensure 'the immediate applicability of labour rights to those settings.'<sup>92</sup> These two petitions are in line with the recommendations of the CRPD Committee generally, as well as the specific recommendations to the EU in the concluding observations. The concluding observations recommend that the EU repeal legislation that allows for public financing of segregated employment for persons with disabilities. The CRPD Committee have already addressed the applicability of labour law, and held that persons with disabilities 'are paid no less than the minimum wage and do not lose the benefit of disability allowances when they start work.'<sup>93</sup> Additionally, in the 2015 decision of *Fenoll*<sup>94</sup> the CJEU were asked to clarify whether Mr Fenoll, who worked in a centre for persons with intellectual disabilities and whose activity did not fall within the scope of the Labour code, could be considered a worker for the purposes of the Working Time Directive. The CJEU held that Mr. Fenoll's work could be regarded as an 'effective and genuine economic activity' and therefore he was covered by the Working Time Directive.<sup>95</sup> This position

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<sup>89</sup> EDF *European Human Rights Report*, Issue 7, 2023 on 'The Right to Work: The employment situation of persons with disabilities in Europe' p. 90.

<sup>90</sup> Transition rates do appear to be very low, a 2015 European Parliament Report put the overall figure at 3% across the EU, see Mallender, J. et al (European Parliament), *Reasonable accommodation and Sheltered Workshops for People with Disabilities: Costs and Returns of Investments* (2015), accessed on 25th November 2025: [https://www.europarl.europa.eu/RegData/etudes/STUD/2015/536295/IPOL\\_STU%282015%29536295\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2015/536295/IPOL_STU%282015%29536295_EN.pdf) European Association of Service Providers for Persons with Disabilities (EASPD), *Fostering Employment through Sheltered Workshops: Reality, Trends and Next Steps*, December (2022).

<sup>91</sup> CRPD/C/GC/6, (2018) General comment No.6 on equality and non-discrimination.

<sup>92</sup> CRPD/C/GC/6, para 67(a).

<sup>93</sup> CRPD/C/GC/6, para 67(c).

<sup>94</sup> Case C-316/13 *Fenoll v Centre d'aide par le travail 'La Jouvène', Association de parents et d'amis de personnes handicapées mentales (APEI) d'Avignon*.

<sup>95</sup> Here the CJEU took a different position to the position taken in the earlier Case 344/87 *I. Bettray v Staatssecretaris van Justitie [1989] ECR 1621*. For more discussion on both cases see: Bell, M., 'People with Intellectual Disabilities and Labour Market Inclusion: What Role for EU Labour law?' 2020 11 *European Labour Law Journal*, at 16.

is undoubtedly applicable to other people in 'sheltered employment' and it is proposed, here, that those who work in sheltered employment ought to be fully covered by all aspects of EU labour law. It is also arguable based on the *Fenoll* decision, that the Employment Equality Directive is also applicable.<sup>96</sup> Article 2 of that Directive relates to the concept of discrimination, and at paragraph 2(2)(1) it provides that direct discrimination occurs where one person is treated less favourably than another has been or would be treated in a comparable situation on the grounds of disability. The phrase would be treated is important in this context as it allows for hypothetical comparators. In this instance, persons with disabilities working in sheltered employment could arguably compare themselves to persons without disabilities working in mainstream employment arguing that they are treated less favourably by not being in receipt of the minimum wage with access to other labour protections.

Two other petitions, Petition 1139/2020 and Petition 0805/2023 also address issues raised in the concluding observations of the CRPD Committee, what could be termed ongoing **employment disparities** for persons with disabilities. Petition 1139/2020 highlights an individual case, of an adult who is long term unemployed and still living at home with his mother. The petitioner clearly expresses the wish to work and contribute to society. The EDF, highlight in their report that EU data consistently indicates that persons with disabilities are more likely to be unemployed than their non-disabled peers: only 51.3% of persons with disabilities in the European Union are employed, compared to 75.6% of persons without disabilities.<sup>97</sup> The employment disparity is greater when consideration is given to full-time employment, with only 20% of women with disabilities and 29% of men with disabilities in full-time employment. Moreover, the report highlighted, that there was a significant disability pay gap.

Petition 0805/2023 raises a concern in respect of the legal and practical situation in Italy, where the petitioner claims that persons with psychosocial disabilities face disadvantage in accessing public-sector employment because of how the special hiring regime is constructed (name-call via Art 9(4) of Law 68/99). Without wishing to focus in on the specificities of Italian law, the petitioner's overarching petition refers to the absence of reasonable accommodation measures for persons with psychosocial disabilities, as well as the necessity to ensure equal employment opportunities for persons with disabilities, including persons with psychosocial disabilities. The CRPD Committee also addressed this and recommended that the EU support Member States to implement the Disability Employment Package, aimed at employment for persons with disabilities in the open labour market. The Disability Employment Package has, since the submission of this petition, been established as part of the Strategy for the Rights of Persons with Disabilities 2021-2030. The goal of this package is to support Member States to ensure that persons with disabilities can 'enjoy social inclusion and economic autonomy through employment.'<sup>98</sup>

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<sup>96</sup> Directive 2000/78/EU.

<sup>97</sup> EDF *European Human Rights Report*, Issue 7, 2023 on 'The Right to Work: The employment situation of persons with disabilities in Europe' p. 16.

<sup>98</sup> European Commission, 'Disability Employment Package,' accessed on 25th November 2025

[https://employment-social-affairs.ec.europa.eu/policies-and-activities/eu-employment-policies/disability-employment-package\\_en](https://employment-social-affairs.ec.europa.eu/policies-and-activities/eu-employment-policies/disability-employment-package_en).

## 8. CONCLUSIONS AND RECOMMENDATIONS

The analysis of the petitions, through the prism of the CRPD concluding observations on the combined second and third periodic reports, highlight some common themes. The sample of petitions examined addressed three distinct areas: accessibility, education and employment. The petitions provide an invaluable insight into the lived experience of persons with disabilities in the European Union. It is evident that there have been important legislative and policy advances, however, barriers continue to impede the full inclusion of persons with disabilities in the European Union.

A pattern emerges from the evidence that persons with disabilities wish to participate equally in the labour market, in mainstream education throughout the life course and in the physical and digital environments that structure everyday life of the European Union. However, the petitioners' participation is constrained by gaps in reasonable accommodation and by patterns of exclusion. While the petitions refer to different contexts, and jurisdictions the underlying experiences of exclusion remain the same. There are references to exclusion from the built environment, transport, health care, education, open employment and employment rights. There are examples of failure to accommodate people in education and employment. The underlying theme for any policy recommendations must focus on the inclusion of persons with disabilities as equal citizens of the European Union. The recommendations below are in addition and supplement the recommendations made by the CRPD Committee.

### 8.1. Overarching recommendations

Both the CRPD and Article 26 of the Charter of Fundamental Rights recognise the right of persons with disabilities to participation in the life of the community. To that end, it would be important to prioritise research on inclusion. More is required to support inclusive practice. This would provide support for Member States through research that promotes inclusive practice, address the structural drivers of segregation and foster the meaningful participation of persons with disabilities in education, in employment, in society at large. A further overarching recommendation relates to the necessity for collecting disaggregated data, particularly in respect of segregated employment and segregated education.

### 8.2. Specific recommendations

On the issue of **accessibility**, the EU has a clear basis for competences and can therefore play a more active role in ensuring that the built and digital environments meet the requirements of the Convention across EU Member States. This includes further utilising the portfolio of sectorial competences and Article 114 TFEU to strengthen accessibility requirements.

Additionally, Directive EU 2024/1275 of the European Parliament and of the Council on the energy performance of buildings (recast) is a model of good practice. This Directive promotes the improvement of energy performance of buildings and the reduction of greenhouse gas emissions from building within the Union. Disability accessibility is built into the directive, mainstreaming the necessity to make the built environment accessible.

On the issue of **education**, the EU's limited competence requires a focus on supporting Member States through research and policy guidance. The European Parliament could promote inclusion in education,

through supporting initiatives such as the Nicosia Declaration.<sup>99</sup> This declaration calls for structural change in higher education, through embedding accessibility, universal design and inclusive teaching across all disciplines. A key priority would involve reforming policies and accreditation standards to make accessibility mandatory. More generally, all EU funded initiatives should support inclusion, and freedom of movement and of residence,<sup>100</sup> in a meaningful manner.

On the issue of **employment**, relying both on Article 27 of the CRPD, and Article 15 of the Charter of Fundamental Rights as well as noting the concluding observations of the CRPD Committee it is important to stress that everyone has the right to work, work that is freely chosen. Article 27, further states that that the work environment should be open, inclusive and accessible. This necessitates a focus on 'sheltered employment' which is not considered to be employment that is compliant with the provisions of the CRPD. At a minimum, it would seem that there ought to be a ban on State aid for segregated employment as proposed by the CRPD Committee. In light of the *Fenoll* decision it would seem that many people in 'sheltered employment' are in fact undertaking 'effective and genuine economic activity,' but not necessarily in receipt of fair and just working conditions, including equal remuneration, terms and conditions.<sup>101</sup> Therefore, while the goal is the phasing out of 'sheltered employment' in the interim the terms and conditions of the workers in these forms of employment ought to be regularised with those of all workers.

The provision of reasonable accommodation is an important non-discrimination tool. It is proposed that there ought to be expanded training on reasonable accommodation, which needs to be considered beyond employment, as it would advance equality for persons with disabilities.

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<sup>99</sup> Association for the Advancement of Assistive Technology in Europe, 'The Nicosia Declaration From Margins to Mainstream: Integrating Accessibility and Universal Design Across Higher Education Curricula' accessed on 25 November 2025, <https://aaate.net/the-nicosia-declaration/>.

<sup>100</sup> Article 45 Charter of Fundamental Rights of the European Union.

<sup>101</sup> Articles 21 and 31, Charter of Fundamental Rights of the European Union.

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This briefing gives an overview of the concluding observations issued in March 2025 by the Committee monitoring the UN Convention on the Rights of Persons with Disabilities (UN CRPD). It looks at those concluding observations through the experiences set out in petitions to the European Parliament, with a focus on three distinct CRPD articles: accessibility, education and employment.

This document was prepared by Policy Department for Citizens, Equality and Culture at the request of the European Parliament's Committee on Petitions.

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PE 780.258

IUST/2025/A/PETI/IC/036

Print ISBN 978-92-848-3154-8 | doi:10.2861/3435792 | QA-01-25-256-EN-C

PDF ISBN 978-92-848-3153-1 | doi:10.2861/6224232 | QA-01-25-256-EN-N