European Parliament
Committee on Civil Liberties, Justice and Home Affairs – LIBE

Hearing on 'The situation of fundamental rights in the European Union'
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Specific threats to fundamental rights in Europe: The way ahead
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CHECK AGAINST DELIVERY

In my capacity as Secretary General of the European Disability Forum and Vice-president of the Platform of European Social NGOs I would like to thank the European Parliament for inviting me to speak at this important hearing.

With its 48 members Social Platform is the largest network of social NGOs advocating for the enjoyment of fundamental right by all people, for participatory democracy and for social justice in Europe.

EDF is the umbrella organisation of the European National Councils and DPOs representing 80 million people with disabilities and their families in the EU.

Both organisations are able to unify and speak with one voice on issues of common interest, challenging the European Institutions to deliver on the basis of the commitments taken by the European Union in its Treaties and in the Charter of Fundamental Rights.

It is a matter of fact that the living conditions in the EU have been deteriorating since 2008 when the economic crisis began to destroy the social and political context that had been called the "European Dream". Since then, there has been more mass unemployment, widespread poverty, homelessness and social exclusion resulting in growing social and wealth disparities all over Europe.

Many people in the EU still experience discrimination and violations of their fundamental rights in all spheres of life in all member states.

I will give you just some examples collected by the National Equality Bodies and one personal.

In Germany: for more than ten years a woman with a visual disability used to go to a local swimming pool without experiencing any difficulties. But then the club owner changed and she was denied access to the facility unless accompanied by an assistant.

In Lithuania: an older person was refused to travel by airplane because she could not get health insurance due to her age.

In Belgium: a Muslim woman was not admitted to play bowling because of a company's policy forbidding headwear.

In Austria: same sex couples reported they had been turned away from a bar or a café simply because they kissed each other in public. Also in Austria there have been cases of people under 30 years who were refused rented accommodation due to their age.

In Italy: in my home town I was denied renting a flat because the owner feared I could fall down from the balcony or damage the flat due to my disability.

In Poland: but also in many other countries, persons using guide or service dogs were denied access to shops, restaurants, taxis and even churches.
In Ireland: a young man with an intellectual disability was forced to leave his family and was segregated in an institution to get the treatment he needed.

The list could continue, but I'll stop here.

Situations like these may seem extraordinary for some, but for the millions of citizens who experience discrimination and infringements of their fundamental rights they have become a part of their everyday life.

Unfortunately, many people are either afraid to report their experience or do not trust the legal system, even more so when they experience hate crime or bias violence.

Besides the analysis of individual stories, we need also to collect comparable equality related data across different countries. The Fundamental Rights Agency is developing a methodology to this aim, but much more needs to be done to convince policy-makers to go from words to deeds.

Denying people the access to the built environment, to public spaces such as bars, restaurants and shops, to goods and services, such as financial and insurance services, bank loans etc. is not just an infringement of an individual right, but rather the infringement of the funding principles of the EU which ensure the right of all citizens to fully participate in the social life, in the internal market and to move freely within the Union.
Persons with disabilities whose legal capacity have been denied or limited are unable to enjoy and exercise an array of rights deriving from EU law, such as the right to a fair trial, to decide where to live, to sign employment or commercial contracts, to make financial transactions or to vote in elections.

Cutting or misusing funds or services are also a fundamental rights violation.
Cutting services as the result of austerity measures or using EU funding to maintain and support institutionalisation of persons with disabilities are violations of the right to live an independent and dignified life in the community.

The current situation, we believe, needs a radical change. There is a way forward and we propose three main actions:

1. to develop an EU internal strategy to promote human rights;

2. to complement such a strategy with rights-specific frameworks and policies;

3. to finally adopt the horizontal equality directive [COM(2008) 426 final - Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation]

Regarding the EU internal strategy to promote the human rights we welcome MEP Ferrara's draft report on the human rights situation in the EU and we are glad that her proposal for an internal strategy is in line with the proposals of the Social Platform and of the human rights and democracy network.

Beyond the institutional proposals put forward, we particularly welcome that the report is focusing on solidarity and social rights, as we want the EU to go beyond from simply respecting and protecting human rights and to play a proactive role to ensure that they are really implemented and practiced.

Since the time needed to accede to the European Convention on Human Rights will probably be longer than expected, it is of the utmost importance that the EU identifies and makes use of its competencies to the maximum extent. This means using all existing resources, knowledge and expertise through a regular and structured dialogue with the Council of Europe, the Fundamental Rights Agency, the office of the UN High Commissioner for Human Rights and the civil society organisations.

Regarding social rights, also mentioned in Ferrara's report, the EU should encourage the Member States to adhere to human rights instruments and mechanisms of the Council of Europe and the UN, in particular the European Social Charter and the collective complaints procedures.

Secondly, the EU internal strategy to promote human rights should be complemented by other rights-specific EU frameworks and strategies and it should not intend to replace them.

For instance, the aim of the European Disability Strategy 2010-2020 should be reviewed in order to ensure the implementation of the United Nations Convention on the Rights of Persons with Disabilities which, after its ratification by the EU, became an integral part of its legal system, so that all EU fundamental rights policies must include an assessment of its implementation.

While the previous Commission adopted the National Roma Integration Strategies and the EU Gender Equality Strategy, there are worrying indications from president Juncker's team that a revision of existing frameworks and strategies and the adoption of new ones are not on the agenda.

As a consequence, there is a risk that the EU is missing the opportunity to develop policies which might really make the difference in the life of people experiencing discrimination or the infringement of their fundamental rights.

For example, an EU roadmap for the promotion of LGBTI rights could improve the consistency between the EU's stand and actions inside and outside the EU.

An EU agenda for the Rights of the Child could concretely support the implementation of measures to protect the rights of the child as required by the TEU.

A strategy addressing the demographic change would allow a holistic approach to protect the rights of people throughout their life cycle.

Antisemitism, afrophobia, islamophobia and anti-gypsyism must be addressed with targeted policies, as the nature of racist discrimination against different groups takes on specific forms and affect people in different ways.

But, more importantly, it is essential that the EU finally unlocks the horizontal Equality Directive.
We appreciate that the European Parliament is in favour of it and we also welcome the commitment of Commissioner Jourova to this aim.

The adoption of the Equality Directive will ensure that all people belonging to the six groups at risk of discrimination identified in Art. 19 of the TEU must be protected against discrimination when accessing any goods or services. The Directive will also encourage the Member States to further implement the UNCRPD in a consistent way across the EU.

We are also anxiously waiting for the Commission to come up with its proposal for a European Accessibility Act (announced in 2012), as such an act would contribute to strongly enhance the opportunities of millions of citizens to benefit from the technological developments, to access goods and services and to improve their freedom of movement.

We are of the opinion that, in the long run, the European Institutions should acknowledge the added value for the EU to ratify or adhere to international human rights instruments as it has done with the UNCRPD.

To conclude, I would like to stress that Social Platform and EDF are interested to continue discussing these proposals with our friends in the Parliament and in particular with the LIBE Committee.

Thank you for your attention.