



Plenary sitting

B9-0204/2020

1.7.2020

MOTION FOR A RESOLUTION

pursuant to Rule 227(2) of the Rules of Procedure

on the rights of persons with intellectual disabilities in the COVID-19 crisis
(2020/2680(RSP))

Dolors Montserrat
on behalf of the Committee on Petitions

B9-0204/2020

**European Parliament resolution on the rights of persons with intellectual disabilities in the COVID-19 crisis
(2020/2680(RSP))**

The European Parliament,

- having regard to Article 2 of the Treaty on European Union, and Articles 2, 9, 10, 19, 165, 166, 168, and 216(2) of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to the Charter of Fundamental Rights of the European Union (CFR), in particular Articles 1, 3, 14, 20, 21, 26 and 35 thereof,
 - having regard to the UN Convention on the Rights of Persons with Disabilities (CRPD), in particular Articles 4(3), 11, 24, 25 and 28 thereof in accordance with Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities¹,
 - having regard to the European Pillar of Social Rights, in particular principle 17 thereof on the inclusion of people with disabilities, principle 3 thereof on equal opportunities, and principle 10 thereof on a healthy, safe and well-adapted work environment and data protection,
 - having regard to the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs), which the EU is committed to implementing,
 - having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences²,
 - having regard to Rule 227(2) of its Rules of Procedure,
- A. whereas the Committee on Petitions has received petition No 0470/2020 raising concerns over the rights of persons with intellectual disabilities and their families in the COVID-19 crisis and calling on the EU to ensure that measures taken during the COVID-19 crisis and its aftermath are compatible both with the CRPD and the CFR;
- B. whereas Article 11 of the CRPD, as the first international human rights treaty ratified by the EU and its 28 Member States, establishes that States Parties of the Convention must take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk and humanitarian emergencies;
- C. whereas measures taken by governments during exceptional circumstances such as major health crises, humanitarian emergencies and natural disasters, should always

¹ OJ L 23, 27.1.2010, p. 35.

² Texts adopted, P9_TA(2020)0054.

respect the fundamental rights of each and every individual and cannot discriminate against certain groups such as persons with disabilities;

- D. whereas persons with intellectual disabilities are more likely to suffer from COVID-19 due to barriers to accessing preventive information and hygiene, dependence on physical contact with support persons, very often living in institutions and community-based services, and other health conditions linked to some disabilities;
- E. whereas persons with intellectual disabilities are especially affected by strict confinement measures;
- F. whereas the COVID-19 crisis and the lockdown measures reveal the persisting and ongoing social segregation and discrimination against persons with intellectual disabilities;
- G. whereas the availability of disaggregated data to determine the impact of the effects of the pandemic on persons with intellectual disabilities is limited;
- H. whereas it has been reported that in some Member States persons with intellectual disabilities have been denied medical treatment, have been locked down in institutions and face social isolation with no possibility to receive visits from family members or to return to their relatives, and that discriminatory triage guidelines have been introduced;
- I. whereas structures for persons with intellectual disabilities, such as day care centres or schools, have been temporarily closed and emergencies have arisen which require families to care for their relatives with intellectual disabilities themselves;
- J. whereas the COVID-19 crisis has shown that the concept of inclusive education is not yet a reality; whereas in many Member States learners with intellectual disabilities have not been able to continue their learning during the lockdown; whereas families lack support for the education of learners with intellectual disabilities, in particular with regard to accessible digital and innovative technologies and distance-learning applications;
- K. whereas technology can play a crucial role in providing high-quality support to persons with disabilities, their parents, tutors and carers;
- L. whereas a considerable lack of protective equipment has been reported for persons with disabilities, especially for those living in institutions, their carers and staff;
- M. whereas Article 4(3) of the CRPD requires States Parties to closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organisations, in all decision-making processes that affect them;
- N. whereas the EU and the Member States should consult and actively involve organisations of persons with disabilities in their response to the COVID-19 pandemic, which could otherwise lead to the adoption of measures that violate their fundamental rights;
- O. whereas the European Ombudsman has launched an initiative, addressed to the

European Commission, to gather information on how the COVID-19 crisis has affected its staff members with disabilities and on the reasonable accommodation measures put in place to meet their needs, and to determine whether any of the solutions found and envisaged can be used to promote easier interaction with the EU administration for members of the public with disabilities;

1. Is deeply concerned about the disproportionate impact of the COVID-19 crisis on persons with intellectual disabilities and persons with other mental health problems and their families, which creates an additional burden for family members caring for them, many of whom are women; emphasises that persons with disabilities should not become further isolated when they emerge from the lockdown phase, and that they should be treated as a priority during this phase;
2. Recalls that lockdown has been a serious problem, not only for persons with intellectual disabilities, but also for every person with a mental illness, as isolation can only aggravate the problems;
3. Considers that strict confinement measures have a particularly negative impact on persons with disabilities and that greater flexibility is needed on the part of the authorities;
4. Strongly condemns any medical discrimination against persons with intellectual disabilities; recalls that relevant measures adopted by the Member States must comply with the CRPD and ensure equal and non-discriminatory access to health care and social services; stresses that persons with intellectual disabilities or mental illnesses deserve the same medical treatment as any other person with COVID-19, including intensive medical care;
5. Recalls that medical guidelines must be non-discriminatory and must respect international law and existing ethical guidelines on care in the event of emergencies, health crises and natural disasters;
6. Recalls that support services, personal assistance, physical accessibility and communication for persons with intellectual disabilities must be provided during lockdown by adopting innovative methods of health care delivery;
7. Requests that data be collected in each Member State concerning the treatment of persons with intellectual disabilities in hospitals, institutions and community-based services and on mortality rates of persons with disabilities in order to assess whether or not persons with disabilities are receiving adequate protection, health care and support during the COVID-19 crisis;
8. Underlines that confinement measures greatly affect the mental health of persons with intellectual disabilities and their relatives and that related measures should be adapted to the needs of persons with intellectual disabilities in order to ensure their well-being and independent living;
9. Underlines that everyone has the right to independent living and to be informed immediately and correctly, in an accessible format, about the pandemic and the measures affecting them and their family; demands that all public health

communications be accessible to persons with disabilities and be provided in plain language, in a variety of traditional and digital formats, and in their national sign languages;

10. Recognises that the situation during COVID-19 is a wake-up call with respect to the attention received by this collective; acknowledges that attention must be provided through strong public health services; calls for consideration to be given to strengthening these through funding at EU level, where appropriate and possible; underlines the importance of appropriate health policies in the Member States;
11. Underlines the importance of removing barriers faced by persons with intellectual disabilities in accessing health services and hygiene products, as well as the importance of considering reasonable accommodation measures to allow them to telework;
12. Stresses that the COVID-19 pandemic has exposed major flaws in support systems for a number of at-risk groups in society; underlines that investing in the gradual transition from institutional care to community-based services for persons with intellectual disabilities should be a priority; underlines that investment funds should support the provision of personalised support services, as many of the providers of these services have suffered greatly during and after the pandemic and are at risk of being closed down indefinitely;
13. Calls on the Commission to take further steps to mobilise essential investments and resources in order to guarantee the continuity of care and support services, in accordance with the principles of the CRPD and the European Pillar of Social Rights;
14. Calls on the Commission and the Member States to ensure common protocols for possible future risk situations or humanitarian emergencies and natural disasters, based on the lessons learned from the COVID-19 crisis, including the provision of the necessary protective equipment, information materials and training for health care and social care professionals and regulatory bodies, always taking into account the specific needs and circumstances of persons with disabilities;
15. Urges the Commission and the Member States to consult and involve persons with disabilities and their representative organisations from the outset when adopting measures responding to a future crisis;
16. Invites the Commission and the Member States to monitor whether health and social services are sustainable and able to adapt to new forms of service provision; calls for genuine social inclusion to be promoted when allocating EU funding for these services, focusing on those that offer community-based living rather than institutionalisation; underlines the importance of ensuring that there are no financial barriers to access health care;
17. Calls on the Commission to put forward a comprehensive, ambitious and long-term post-2020 European Disability Strategy, including lessons learned from the COVID-19 crisis;
18. Stresses the need to follow the principles of universal design, taking into account the possibilities offered by digital and innovative technologies and applications when

developing resources accessible to learners with intellectual disabilities, and to offer distance-learning activities;

19. Reminds the Commission of the untapped potential of digital technologies and applications in promoting the independent living of persons with disabilities; calls for better use of these technologies and applications in possible future risk situations or humanitarian emergencies and natural disasters; stresses the importance of the availability of open licensing resources online and upskilling teachers on the use of information and communication technologies;
20. Calls on the Member States to provide psychological support for persons with intellectual disabilities to mitigate the impact of confinement measures;
21. Calls on the Member States to ensure legal recourse for persons with intellectual disabilities by paying special attention to proactively identifying cases where persons with intellectual disabilities who lack legal capacity do not have access or have insufficient access to their legal guardian to guarantee their rights;
22. Instructs its President to forward this resolution to the Council, the European Commission and the governments and the parliaments of the Member States.