



NGO information submitted to the

UN Committee on the Rights of Persons with Disabilities

with reference to the review of the combined Second and Third periodic reports of the

EUROPEAN UNION
a regional integration organisation

scheduled for the
32nd Session of the Committee (3 - 21 March 2025)
under the Convention on the Rights of Persons with Disabilities

Submitted by:

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I. INTRODUCTION

1. This submission has been prepared by the Validity Foundation – Mental Disability Advocacy Centre (“Validity”), an international non-governmental human rights organisation headquartered in Budapest, Hungary. Validity is a specialist legal advocacy organisation that uses legal strategies to promote, protect and defend the human rights of persons with intellectual disabilities and persons with psychosocial disabilities worldwide. Validity holds participatory status at the Council of Europe and special consultative status at the UN Economic and Social Council (ECOSOC). Validity provides legal expertise to movements of persons with disabilities, conducts monitoring, research and advocacy programmes across Europe, Africa and at other international fora, and collaborates with a broad range of networks and coalitions of persons with disabilities worldwide. For more information, please visit www.validity.ngo.
2. Validity submitted a written submission to the UN Committee on the Rights of Persons with Disabilities (“CRPD Committee”) with reference to the adoption of a List of Issues Prior to Reporting (“LOIPR”) on the combined Second and Third reports of the European Union on 14 February 2022.¹ In that submission, we (1) provided a description and critical analysis of the status and operation of the CRPD within EU law (art. 44), and (2) addressed issues concerning the EU’s compliance with specific articles of the CRPD including general obligations and principles (arts. 1-4), equality and non-discrimination (arts. 5-7), the right to life in the context of the pandemic (arts. 10-11), access to justice and equality before the law (arts. 12-13), the right to independent living and the ongoing problem of institutionalisation within the Union (arts. 14-19), aspects concerning political rights (art. 29), and implementation and monitoring (art. 33).
3. This current written submission aims to provide the CRPD Committee with updated information on the EU’s failure to implement the right to access to justice (art. 13); the right to freedom from exploitation, violence and abuse (art. 16); the right to live independently and be included in the community (art. 19), and the right to participation in political and public life (art. 29) on the basis of Validity’s experience stemming from our projects, litigation and legal advocacy work.

II. SPECIFIC COMMENTS

a) Right to access to justice (art 13)

4. In para 38 of the first Concluding observations concerning the European Union,² the CRPD Committee was concerned about discrimination faced by persons with disabilities in accessing justice, owing to the lack of procedural accommodation in European Union (“EU”) Member States.

¹ Validity, ‘NGO information submitted to the UN Committee on the Rights of Persons with Disabilities with reference to the adoption, by the Committee, of a List of Issues Prior to Reporting (LOIPR) on the combined Second and Third reports of the European Union, a regional integration organization’, 14 February 2022, available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCRPD%2FICIS%2FEUR%2F48007&Lang=en (last accessed 23 January 2025).

² UN CRPD Committee, ‘Concluding observations on the initial report of the European Union’, CRPD/C/EU/CO/1, 2 October 2015, available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FEU%2FCO%2F1 (last accessed 23 January 2025).

5. Validity coordinated an EU co-funded project entitled ‘*Enabling inclusion and access to justice for defendants with intellectual and psychosocial disabilities*’ (“ENABLE”),³ which promoted access to justice and fairer criminal proceedings for defendants with intellectual and psychosocial disabilities in 8 EU countries: Bulgaria, Czechia, Hungary, Lithuania, Portugal, Slovenia, Spain and Romania. The project was implemented between August 2022 and August 2024.
6. The main outputs of the ENABLE project are: (1) National briefing papers⁴ based on participatory and inclusive research on access to justice across the 8 EU Member States; (2) National Benchbooks on the Rights of Persons with Disabilities in Criminal Proceedings;⁵ (3) a Model Benchbook on the Rights of Persons with Disabilities in Criminal Proceedings;⁶ (4) National Cross-disciplinary Cooperation Protocols;⁷ and (5) a Study titled ‘*Fair Trial Denied: Defendants with Disabilities Face Inaccessible Justice in the EU*’⁸ based on the national briefing papers.
7. In the *Fair Trial Denied* study, we identified **systemic barriers in national legislation concerning the right to access to justice of persons with disabilities**, including (1) deprivation of legal capacity and the ongoing prevalence of “incompetency” to stand trial procedures; (2) Lack of awareness concerning the interaction of impairments with the justice system; (3) Lack of procedural accommodations; (4) Poor identification of barriers and impairments, and where this does happen, it is a medicalised process led by forensic medical practitioners; (5) Assessment processes targeted at assessing culpability or “inimputability” (resulting in the application of security measures) and NOT their support needs or requirements for procedural accommodations; (6) Forensic psychiatric treatment imposed as a purported ‘safety measure’; (7) No case management systems: procedural accommodations, if any, are not documented; (8) Lack of inter-institutional, inter-disciplinary and cross-sectoral collaboration (for example, between courts, prosecutors, the bar association, probation, independent experts, and NGOs).
8. On the basis of our findings, we formulated recommendations for different stakeholders including the European Commission, the European Parliament and other EU Institutions.⁹ The relevant EU legal measures we target with our recommendations are (1) Directive

³ Description of the Project ‘Enabling inclusion and access to justice for defendants with intellectual and psychosocial disabilities’ (101056701 – ENABLE) is available at: <https://validity.ngo/projects-2/enabling-inclusion-and-access-to-justice-for-defendants-with-intellectual-and-psychosocial-disabilities/> (last accessed 23 January 2025).

⁴ ENABLE National briefing papers are available at: <https://validity.ngo/projects-2/enabling-inclusion-and-access-to-justice-for-defendants-with-intellectual-and-psychosocial-disabilities/national-briefing-papers/> (last accessed 23 January 2025).

⁵ ENABLE National Benchbooks on the Rights of Persons with Disabilities in Criminal Proceedings are available at: <https://validity.ngo/projects-2/enabling-inclusion-and-access-to-justice-for-defendants-with-intellectual-and-psychosocial-disabilities/national-benchbook-on-the-rights-of-persons-with-disabilities-in-criminal-proceedings/> (last accessed 23 January 2025).

⁶ Karolína Babická, Cristina Giacomini, Tim Fish and Ian Seiderman, ‘Model Benchbook on the Rights of Persons with Disabilities in Criminal Proceedings’, August 2024, available at: <https://validity.ngo/wp-content/uploads/2024/09/ENABLE-Model-disability-benchbook-1.pdf> (last accessed 23 January 2025).

⁷ ENABLE National Cooperation Protocols are available at: <https://validity.ngo/projects-2/enabling-inclusion-and-access-to-justice-for-defendants-with-intellectual-and-psychosocial-disabilities/national-cooperation-protocols-enable-project/> (last accessed 23 January 2025).

⁸ Bruno Monteiro, Ion Schidu, Axel Le Hô and Woon-Young Kim, ‘Fair Trial Denied: Defendants with Disabilities Face Inaccessible Justice in the EU’, August, 2024, available at: <https://validity.ngo/wp-content/uploads/2024/08/International-Synthesis-Report.pdf> (last accessed 23 January 2025).

⁹ Ibid, pp. 90-99.

2010/64/EU of the European Parliament and of the Council on the right to interpretation and translation; (2) Directive 2012/13/EU on the right to information in criminal proceedings; (3) Directive 2013/48/EU on the right to access to a lawyer in criminal proceedings; (4) Directive (EU) 2016/343 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings; (5) Directive (EU) 2016/1919 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings; and (6) Commission Recommendation of 27 November 2013 on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings. We submit that these EU legislative frameworks are insufficiently aligned with the CRPD and require revision in such a way as to significantly enhance the right to access to justice of persons with disabilities under article 13 CRPD (and related articles), and in particular for suspects, accused persons and defendants. We note that current European standards maintain outdated, medicalised, control-oriented, exclusionary and paternalistic frameworks that undermine equal access to justice, the presumption of innocence and the right to a defence.

9. **Suggested recommendations to the European Union:**

- **All 5 EU Directives¹⁰ and the relevant Recommendation¹¹ should be amended to reflect the human rights model of disability, whereby the legal capacity of suspects, accused persons, and defendants is given full recognition. The legal frameworks must be amended to guarantee support in the exercise of legal capacity, to ensure the right to a fair trial, and must guarantee the implementation of procedural accommodations within all judicial proceedings, without exception or reference to the principle of ‘proportionality’ or similar. To these ends:**
 - a. **Explicitly guarantee the right to legal capacity in all criminal proceedings. Ensure that all defendants are able to access and directly participate in all stages of the justice process according to their will and preferences.**
 - b. **Adopt binding measures setting procedures for determination of support and procedural accommodations. These legal measures shall highlight that assessments must be done in dialogue with accused persons, suspects and/or defendants, as the case may be, regarding the barriers that need to be removed, and the accommodations to be put in place for them to access their right to a fair trial and their procedural rights under the Directives.**
 - c. **All Directives should establish remedies for contesting discriminatory assessments of ‘capacity’ or that undermine or violate fair trial rights;**
 - d. **All Directives should address police and judicial training to build the skills of these stakeholders to involve persons with disabilities in an age-, gender- and disability-sensitive manner.**

b) Right to freedom from exploitation, violence and abuse (art. 16)

10. In para 44 of the first Concluding observations to the European Union,¹² the CRPD Committee expressed concerns that persons with disabilities, especially women, girls and boys, and older persons, were subjected to violence, abuse and exploitation, especially in institutional settings.

¹⁰ See under para 8 of this submission.

¹¹ Ibid.

¹² Supra., at fn. 2.

11. The Validity-led and EU co-funded ‘Disability-based Connected Facilities and Programmes for Prevention of Violence against Women and Children’ (DIS-CONNECTED) project¹³ focuses on women and children with mental disabilities who are victims of violence in facilities and programmes designed to serve them in five countries (Bulgaria, Hungary, Lithuania, Portugal, and Slovakia) in the EU. The project started in 2022 and is scheduled to complete in February 2025.
12. Five national reports¹⁴ were published focusing, *inter alia*, on the experiences of women and children with disabilities regarding existing detection, monitoring, reporting and support systems. Our findings include the following most common topics: (1) Difficulty on the part of service providers and women and children in recognising experiences as abuse; (2) Normalisation of violence, discrimination and ableism in society; (3) Feelings, on the part of women and children with disabilities, of shame, self-blame, lack of confidence, fear and dependency on their abusers; (4) Concealment of violence in institutions; (5) Absence of processes to detect, recognise and report violence in institutions; (6) When hospitalised in psychiatric health care institutions, victims reported not being provided with specialised psychological support, having their trauma of abusive experiences go unacknowledged or addressed, and instead being excessively medicated; (7) Lack of trust in authorities, and lack of accountability and justice of perpetrators; (8) Credibility of victims with intellectual or psychosocial disabilities are often questioned by authorities; (9) Lack of accessible information and processes for reporting abuses; (10) Lack of reasonable accommodations in the judicial system for persons with disabilities, including those who are victims of abuse; (11) Denial of access to specialised services for victims of gender-based violence.
13. **Suggested recommendations to the European Union:**
 - **Amend all existing legislation, policies and strategies and adopt new ones for combating violence, abuse and exploitation of, and provide effective protection from violence, abuse and exploitation to all persons with disabilities with a special focus on women and children with disabilities placed in institutions, those accessing community-based services, and those living in a home environment.**

c) Right to live independently and be included in the community (art. 19)

14. In our written information submitted concerning the adoption of a LOIPR on the combined Second and Third reports of the European Union,¹⁵ Validity highlighted that beyond their segregative effects, there is extensive evidence that EU financing has been found in institutions where torture and ill-treatment have been documented and exposed publicly.
15. Unfortunately, the misuse of EU funds by creating smaller institutions for persons with disabilities remains an ongoing and critical problem and the EU’s failure to prevent or address these human rights violations has not been remedied.

¹³ Description of the project ‘Disability-based Connected Facilities and Programmes for Prevention of Violence against Women and Children’ (101049690- DIS-CONNECTED) is available at: <https://validity.ngo/projects-2/dis-connected/> (last accessed 23 January 2025).

¹⁴ DIS-CONNECTED National reports are available at: <https://validity.ngo/projects-2/dis-connected/national-reports/> (last accessed 23 January 2025).

¹⁵ Supra., at fn. 1.

16. For example, on 21 December 2022, Validity drew the attention of the Legal Service of the European Commission¹⁶ to serious inadequacies concerning the then ongoing call for proposals entitled “*Developing transition to community-based services – Creation of supported housing, development of basic social services, EFOP 2.2.25-22*” (the “Call”) published by the Hungarian government in September 2022. In this letter, Validity informed the European Commission that the deinstitutionalisation-related conditions of the Call did not meet Hungary’s nor the EU’s obligations under Article 19 of the CRPD. Our submission highlighted the relevant standards contained in General Comment No. 5 of the CRPD Committee, the CRPD Committee’s Inquiry Report on Hungary, and the Guidelines on deinstitutionalization, including in emergencies.
17. We pointed out that the indicative budget available for this call for proposals was HUF 15,000,000,000 (EUR 3,633,553.50 at the time). The Government intended to undertake to issue non-refundable grants of between HUF 100,000,000 (EUR 241,718.81) and HUF 1,250,000,000 (EUR 3,021,485.11) for projects that met the conditions of the Call, up to the amount of the funds available. The call was co-financed in large part by the European Regional Development Fund.
18. Validity highlighted that on 12 September 2022, we submitted comments on the draft Call for proposals 2.2.25-22 to the Hungarian Managing Authority and explained why the draft Call was in breach of the CRPD and the jurisprudence of the CRPD Committee. In its response, the Ministry of Interior said: “The aim of the call is to *improve the infrastructure of supported housing services provided for in the Social Act and modernisation of existing places* and, where necessary, the development of the basic service providing a service ring, contributing to the prevention of institutionalisation and the avoidance of institutional hospitalisation” (emphasis added).
19. In our correspondence with the European Commission, we underlined that for the Hungarian Government, placement of persons with disabilities in group homes (‘supported housing’) is not regarded as a form of institutionalisation. This is despite the fact that the CRPD Committee observed, in its Inquiry Report concerning Hungary, that “*[the] main features of institutional settings continue to prevail in supported housing. Persons with disabilities continue to experience disempowerment and restrictions on their autonomy to make their own choices*”.¹⁷ As the Call was co-financed by the European Regional Development Fund and with reference to the European Commission’s powers and responsibilities to monitor and control the use of EU funds, as well as being guardian of the Treaties and the Charter of Fundamental Rights, Validity requested the Commission to immediately investigate the situation and suspend Call EFOP 2.2.25-22 until it is brought fully in line with the CRPD and the authoritative interpretations of the CRPD Committee.
20. In its reply of 21 March 2023,¹⁸ the European Commission informed us that:

“the Commission services will closely monitor the selection and implementation in this case, in order to ensure the compliance with the UNCRPD, and is committed to

¹⁶ Letter from Validity Foundation of 21 December 2022 to the European Commission – Ares(2023)21639, available at: <https://validity.ngo/wp-content/uploads/2025/01/Validity-Foundation-Letter-re-EFOP-2.2.22-25-Hungary-21.12.2022.pdf> (last accessed 23 January 2025).

¹⁷ CRPD Committee, ‘Inquiry concerning Hungary under article 6 of the Optional Protocol to the Convention: Report of the Committee’, CRPD/C/HUN/IR/1, 17 September 2020, paras. 66-68.

¹⁸ European Commission’s reply of 21 March 2023 to the Validity Foundation – Ares(2023)2027575, available at: <https://validity.ngo/wp-content/uploads/2025/01/230301-VALIDITY-2022-draft-FINAL1clean.pdf> (last accessed 23 January 2025).

examining the situation in case of alleged violation. In this work, the Commission counts on the contribution of NGOs' monitoring activities to signal any such cases to the Managing Authority and the Commission. NGOs are also encouraged to pursue contacts with the Managing Authority and the Commission to share expertise on how the compliance of projects with the UNCRPD during project implementation can be ensured."

21. On 25 January 2024, Validity sent another letter to the European Commission,¹⁹ in which we informed the Commission about the implementation of EFOP 2.2.25-22 in Hungary. We pointed out, *inter alia*, that:

"In March and April 2023, Hungary approved thirty-five projects to create group homes for 6 and 12 people. This includes projects that will create specialised daycare centers for persons with disabilities, in violation of Hungary's obligations under Article 19 of the CRPD, General Comment No. 5 of the CRPD Committee, the CRPD Committee's Inquiry Report on Hungary, and the Guidelines on deinstitutionalization, including in emergencies. If the projects go ahead, the rights of dozens of persons with disabilities and/or psychiatric patients will be violated."

22. Validity requested the Commission to immediately investigate the situation and send a 'letter of formal notice' to Hungary in order to receive its observations on this matter and to protect the budget of the EU and prevent misuse of funds in violation of European Union and International law.

23. On 29 April 2024, we received a response from the European Commission²⁰ concerning our letters of 20 December 2022 and 25 January 2024; the European Commission dismissed our arguments relying on inputs received from the Hungarian Managing Authority. The European Commission informed us that they found no evidence of misuse of EU funds and incompatibility with the CRPD.

24. On 20 November 2024, the European Commission issued '*Guidance on independent living and inclusion in the community of persons with disabilities in the context of EU funding*'.²¹ In this Commission Notice, the creation of small group homes is very narrowly addressed. Chapter 3.1 of the document stresses that:

"(...) The right to independent living is not consistent with the practice of replacing large-scale institutional settings by (or transforming them into) *smaller ones where the preconditions for independent living and inclusion in the community are not met*, nor with having persons with disabilities living in their homes without the support mechanisms that enable their inclusion in community..." (*emphasis added*)

¹⁹ Letter from Validity Foundation of 25 January 2024 to the European Commission – Ares(2024)583028, available at: https://validity.ngo/wp-content/uploads/2025/01/2024.01.10-Letter-to-the-EC_EFOP-2.2.25-22_Hungary_fin.pdf (last accessed 23 January 2025).

²⁰ Commission's reply of 29 April 2024 to the Validity Foundation – Ares(2024)3119652, available at: https://validity.ngo/wp-content/uploads/2025/01/Reply_Validity-Foundation_signed.pdf (last accessed 23 January 2025).

²¹ European Commission, 'Guidance on independent living and inclusion in the community of persons with disabilities in the context of EU funding', Commission Notice, C(2024) 7897 final, Brussels, 20 November 2024, available at: <https://ec.europa.eu/social/BlobServlet?docId=27899&langId=en> (last accessed 23 January 2025).

25. Unfortunately, the wording here appears to be deliberately vague, and indeed raises the proposition that smaller institutions may meet the preconditions for independent living and inclusion in the community where “support mechanisms” are provided. This contradicts the letter and spirit of the Convention, and the CRPD Committee’s authoritative standards. This was indeed the scenario concerning the Hungarian EFOP 2.2.25-22 Deinstitutionalisation project described above, where the Member State convinced the Commission that the transfer of persons with disabilities from large institutions to small group homes was CRPD-compliant. In essence, this means that the Commission and Member States maintain their own interpretations of the CRPD, regardless of the CRPD Committee’s clear statements.
26. Furthermore, the wording of the *Guidance on independent living and inclusion in the community of persons with disabilities in the context of EU funding* is weak when it comes to redressing institutionalisation. This topic is addressed in one sentence only under Chapter 2:
- “(…) In addition, intermediate steps, which also respect the highest standards of human rights and fundamental freedoms may be needed: (i) to redress the effects of long-term institutionalisation of persons with disabilities leaving institutions; (…)”
27. Validity is convinced that Chapter IX. on remedies, reparations and redress of the CRPD Committee’s *Guidelines on deinstitutionalization, including in emergencies* (CRPD/C/5) should guide the European Commission when addressing remedies, reparations and redress in the context of institutionalisation and deinstitutionalisation.
28. **Suggested recommendations for the State party:**
- **Amend the Commission Notice on *Guidance on independent living and inclusion in the community of persons with disabilities in the context of EU funding* (C(2024) 7897 final) so that the Guidance makes clear that replacing large institutions with smaller ones is not compliant with the CRPD under any circumstances.**
 - **Amend the Commission Notice on *Guidance on independent living and inclusion in the community of persons with disabilities in the context of EU funding* (C(2024) 7897 final) in line with para 6 of the CRPD Committee’s *Guidelines on deinstitutionalization, including in emergencies* (CRPD/C/5) so that the Guidance calls on Member States to recognise institutionalisation as a form of violence and as discrimination against persons with disabilities.**
 - **Amend the Commission Notice on *Guidance on independent living and inclusion in the community of persons with disabilities in the context of EU funding* (C(2024) 7897 final) in line with paras 115-123 of the CRPD Committee’s *Guidelines on deinstitutionalization, including in emergencies* (CRPD/C/5) so that the Guidance elaborates on remedies, reparations and redress and calls on Member States to commit to identifying and redressing institutionalisation and its consequential harm.**

d) Right to participate in political and public life (art. 29)

29. In our written information submitted concerning the adoption of LOIPR on the combined Second and Third reports of the EU,²² Validity noted that universal suffrage for persons with disabilities was not yet guaranteed across the EU. Validity also noted the existence of practical and legal barriers to the right to vote for persons with disabilities.
30. In 2023/2024, in view of the upcoming European Parliament Elections, Validity sought to contribute to enhancing EU Member States' compliance with Article 29 of the CRPD. As a first step, research into EU laws was carried out. Subsequently, 3 national partners and Validity conducted desk and empirical research into voting rights for persons with disabilities in 5 EU Member States. The outcomes have been incorporated into a *Strategic Litigation Guidebook*,²³ drafted as part of an EU co-funded project entitled '*Strategic Litigation as a Gateway to address the rights of Persons with Disabilities in the European Union*' ("LITI-GATE").²⁴
31. Validity considers that the right to vote in the EU Parliament elections falls within the scope of EU law, specifically under Articles 14 of the Treaty on the EU ("TEU"), (ii) Articles 20, 22(2) of the Treaty on the Functioning of the European Union ("TFEU"), (iii) The Act concerning the election of the representatives of the Assembly by direct universal suffrage (the "1976 Act") and (iv) Article 39(1) and (2) of the EU Charter. In addition, Articles 21 and 26 of the EU Charter explicitly prohibit discrimination on the grounds of disability and provide for equal participation of persons with disabilities in society.
32. Nevertheless, the five national reports under the LITI-GATE Project covering Bulgaria, Czechia, Hungary, Slovakia and Romania, indicate that persons with disabilities have their right to vote restricted on account of their disabilities. Such restrictions include prohibitions on the right to vote resultant on deprivation of legal capacity; being subjected to individual assessments for determining whether they can vote or stand for elections; and lack of reasonable accommodations to overcome practical barriers for exercising the right to vote.²⁵ No European Union initiative to combat these laws and practices in the respective Member States has been identified.
33. Given that the Court of Justice of the European Union ("CJEU") has yet to have the opportunity of ruling on persons with disabilities' right to vote and to stand for the EU Parliament elections, Validity initiated several cases across Member States. In these cases, we requested domestic courts to refer preliminary questions on the interpretation of the relevant EU law to the Court of Justice of the European Union. Of these initiatives, we note in particular the case of Mr Bihary, a person with intellectual disabilities who wished to stand in the European Parliament Elections in Czechia. In that case, Mr Bihary through his lawyer requested the Czech Supreme Court to refer several questions to the CJEU concerning the interpretation of EU law and it allows for the denial of the right to stand in European Parliament elections on the ground of disability. In a judgment of 9 April 2024, the Czech Supreme Court dismissed Mr Bihary's appeal and declined to refer the questions to the CJEU. This case is now pending before the Constitutional Court, however, the European Parliament elections have already taken place and the CJEU was not given the

²² Supra., at fn. 1.

²³ Simona Florescu, 'Strategic Litigation Guidebook', November 2024, available at: https://validity.ngo/wp-content/uploads/2025/01/LITIGATE-GuideBook_FINAL_PUBLISHED.pdf (last accessed 23 January 2025).

²⁴ Description of the Project 'Strategic Litigation as a Gateway to address the rights of Persons with Disabilities in the European Union' (101084868 – LITI-GATE) is available at: <https://validity.ngo/projects-2/strategic-litigation-as-a-gateway-to-address-the-rights-of-persons-with-disabilities-in-the-european-union/> (last accessed 23 January 2025).

²⁵ For examples, please refer to the [Strategic Litigation Guidebook](#) (supra., at fn. 22), pp. 71-76.

opportunity to decide on this critical matter. We note that the EU, through the European Commission, has previously launched infringement proceedings against Member States on the ground of their unwillingness to refer questions to the CJEU, whenever they should have done so, under the EU Treaties.²⁶

34. **Suggested recommendations for the State party:**

- **Adopt or amend relevant legal instruments so that the right to vote and stand in elections for the EU Parliament of persons with disabilities is laid down without restrictions and in a manner consistent with the provisions of Article 29 of the CRPD.**
- **Adopt or amend relevant legal instruments so that support measures and reasonable accommodations are available for all persons with disabilities who want to exercise their right to vote and stand in elections for the EU Parliament in line with Articles 2, 5, 12 and 29 of the CRPD.**

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²⁶ CJEU, C-416/17, *Commission v. France*.