Dear Special Rapporteur,

We are making this submission on behalf of the European Disability Forum. We are an umbrella organisation of persons with disabilities that defends the interests of over 100 million persons with disabilities in Europe.

Throughout 2019 and 2020 we have been conducting extensive research into the disproportional impact of poverty (including extreme poverty and homelessness) and social exclusion on persons with disabilities in the EU. We have also been studying the extent to which EU structures and policies have played a role in exacerbating this, and what role they could subsequently play in remedying the situation. As part of your official visit to the EU, we feel it would be particularly interesting for you to get an insight into the specific challenges faced by persons with disabilities when it comes to the risk of poverty.

The EU-level data that we used for the basis of large parts of our study come from before the start of the COVID-19 pandemic. While data showing the impact of the pandemic on employment and poverty rates among persons with disabilities will probably not be made publicly available for quite some time, it seems clear to us that we can expect a huge impact on the material wellbeing and social inclusion of this group.

Even before the onset of the pandemic, figures from Eurostat suggested that 28.7% of all persons with disabilities in the EU lived in poverty, around 10 percentage points higher than for persons without disabilities. For women with disabilities, young people with disabilities, people with multiple disabilities and those with high support needs, the risk of poverty is even greater.

What we found is that the approach to social protection for persons with disabilities varies greatly from one Member State to another, but we nevertheless see a number of reoccurring problems that could be tackled at the EU level in the form of Framework Directives or Council Recommendations. One of the main issues is the incompatibility of support in the form of disability payments or “benefits” with income from other sources. One of the clearest examples of this is that in the majority of EU Member States persons with disabilities who have found jobs are not allowed to continue receiving any disability benefits. In the Member States that do offer this possibility (Ireland, Finland, Lithuania, Slovakia, Austria, Croatia, Romania, Greece, Malta and Cyprus) the conditions are strict, either meaning workers with disabilities can only retain benefits for a limited period of time before losing them indefinitely, or can only earn up to a very low salary threshold before losing all financial support, which does not allow the person with disabilities to realistically improve their financial situation. The same is true for persons with disabilities who inherit money, own a property or get married. More often than not, these occurrences result in the direct loss of any financial support to cover their disability-related costs.

What is problematic with this approach is that disability payments have been designed with the intention of off-setting and compensating the extra cost of living that comes with having a disability. The costs of living for persons with disabilities is on average significantly higher than it is for persons without disabilities and is one of the main factors in increasing the risk of poverty for this group. Researchers from the University of Salamanca in Spain and the University of Linz in Austria estimated that a person with disabilities living in Sweden would have to pay an average of 23,000€ more than a person without disabilities per year to make ends meet. In Denmark and the Netherlands this extra cost was estimated at just over 20,000€ annually. These extra costs come largely from having to pay out of pocket for accessible transport, accessible housing that is more expensive and harder to find than standard housing, assistive devices and personal assistance/care. If disability benefits are foreseen to help offset these costs, and to create a level playing field in a society that is full of barriers and extra costs for persons with disabilities, then they should be guaranteed regardless of what other income a person is receiving. This is a matter that the European Commission could lead on as part of its commitment to the European Pillar of Social Rights, the creation of the new Disability Strategy or even in its plan for a Directive on Minimum Wage, which could extend to make special mention of the compatibility of wages with social protection schemes to ensure adequate income levels for all.

The risk involved in taking up employment, when faced with the perspective of losing all future entitlements, plays a large role in the disproportionately high unemployment rates among persons with disabilities in the EU. It also goes some way towards explaining the fact that, according to Eurostat, even before the pandemic an estimated 11% of workers with disabilities were at risk of in-work poverty.

We also see issues with the constitutional architecture of the EU, its ability to live up to the founding principles of the Union, and the potential it gives to persons with disabilities to be enjoy financial upward mobility. One of the main fundamental rights for EU citizens that persons with disabilities are *de facto* denied, is that of the freedom to live and work in another EU Member State. The reason for this is that the way disability assessment and recognition is conducted varies according to each Member State. For this reason, a person with a recognised disability who moves to another Member State will need to be reassessed to be recognised as disabled. This requires lengthy delays during which the person has no entitlement or access to support services that will allow them to do their job and live their day-to-day life. In practice this results in persons with disabilities finding it far too risky to move abroad. It is not uncommon for EU citizens with disabilities to be forcibly returned to their home country because they are deemed to be an “undue burden” on their new country of residence. Typically, freedom of movement in the EU is a freedom that allows citizens to seek better employment opportunities elsewhere or move to a country that is in need of workers with their particular skills or qualifications. Sadly, for workers with disabilities, such possibilities for career advancement and financial upward mobility remain out of reach.

Finally, we would like to discuss with you the growing concerns over the impacts of the EU’s COVID-19 response on the rights of persons with disabilities living in poverty. We are aware that many workers with disabilities have lost their jobs owing to a number of factors. Even before the pandemic, Eurostat figures showed that persons with disabilities in the EU were 24 percentage points less likely to be employed than person without disabilities. Women with disabilities are facing greater level of unemployment. Only 20.6% of women with disabilities are in full time employment (comparing to 28.5% of men with disabilities and 48.5% of women without disabilities). Their average earning is also lower than the one of men with disabilities. Many workers with disabilities were at the bottom of their employment hierarchy and were the first to be laid off as the pandemic took hold. Persons with disabilities were also more likely to be employed in service industry jobs that could not be continued remotely. Finally, a large number of workers with disabilities are simply employed without actual work contracts, particularly in certain sheltered workshop settings in some Member States (although not all). It is crucial that the money from the EU’s COVID-19 recovery fund Next Generation EU, be specifically targeted to retraining and employing workers with disabilities, to help them regain access to the open labour market.

We thank you in advance for taking the time to read and consider our proposal. We would also be happy to discuss the ways in which we as the European Disability Forum can be of assistance to you in your role as Special Rapporteur on Extreme Poverty and Human Rights.

We would invite you to read more about all of the topics above and see our policy recommendations for action at the EU level in the EDF’s 2020 Human Rights Report. You can [find this report by clicking here](https://mcusercontent.com/865a5bbea1086c57a41cc876d/files/ad60807b-a923-4a7e-ac84-559c4a5212a8/EDF_HR_Report_final_tagged_interactive_v2_accessible.pdf).