



SOC/851

Social services for persons with disabilities

DRAFT OPINION

Section for Employment, Social Affairs and Citizenship

**Social inclusion and independent living for persons with disabilities through high quality and specialised social services
(exploratory opinion requested by the Cyprus presidency)**

Rapporteur: **Pietro Vittorio BARBIERI**

For the attention of the section members

Section meeting	24/2/2026, 10:15
Deadline for amendments	19/2/2026, 10:00
Contact	soc@eesc.europa.eu
Administrator	Valeria ATZORI
Document date	17/2/2026

Study group	Social services for persons with disabilities
President	Giulia BARBUCCI (IT-II)
Rapporteur	Pietro Vittorio BARBIERI (IT-III)
Members	Marie-Charles BONJEAN (FR-III) Meelis JOOST (EE-III) Kristina KRUPAVIČIENĖ (LT-II) Marie-Pierre LE BRETON (FR-I) Ellen NYGREN (SE-II) Isabel YGLESIAS (ES-I) Marie ZVOLSKÁ (CZ-I)
Advisor	Carlo GIACOBINI (to the rapporteur)
Request from the Cyprus Presidency of the Council of the EU	Letter of 13/10/2025
Legal basis	Article 304 of the Treaty on the Functioning of the European Union Exploratory opinion
Section responsible	Employment, Social Affairs and Citizenship
Adopted in section	D/M/YYYY
Outcome of vote (for/against/abstentions)	.../.../...
Adopted at plenary session	D/M/YYYY
Plenary session No	...
Outcome of vote (for/against/abstentions)	.../.../...

1. Conclusions and recommendations

- 1.1 The Committee welcomes the European Commission's effort to produce a ten-year plan, meeting the milestones and adopting instruments in line with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). It recognises the legal force of its provisions, starting with Article 19 and Article 12, whose combined application is essential to ensuring the right to independent living.
- 1.2 The EESC notes that existing data nevertheless highlight a continuing trend towards institutionalisation. This is due to a lack of funding for quality and community-based social services, staff shortages and a cultural approach that remains tied to assumptions which the UNCRPD seeks to challenge and overcome.
- 1.3 In order to overcome the current weakness of soft law instruments, the EESC considers it necessary to adopt a binding directive that translates Article 19 of the UNCRPD into specific requirements, clearly defining 'institution' and 'community-based service', and to address the issue of trans-institutionalisation. In parallel, there is a need for mandatory national de-institutionalisation strategies with dedicated budgets, deadlines and measurable indicators, co-designed with disabled people's organisations (DPOs).
- 1.4 The EESC calls for the inclusion of a reference to de-institutionalisation in the affordable housing plan, the integration of accessibility requirements into all EU-funded housing investments, the development of national strategies for accessible housing and stronger synergies between the ESF+, ERDF and InvestEU to scale up community-based supported housing solutions.
- 1.5 In its opinion¹, the EESC had already called for a substantial revision of the Commission proposal for a regulation on the international protection of adults, based on the principle of the hierarchy of norms, according to which the CRPD (specifically Articles 12 and 19) is the primary legal reference, and not the Hague Convention. The EESC reiterates the need for this to be revised.
- 1.6 The EESC notes the need to reverse the trend towards new and old forms of segregation and to support independent living through proportionate funding. The issue of European funds, moreover, must be subject to strong conditionalities to ensure that such funds do not end up financing segregating environments instead. This requirement should be central in the 2028-2034 MFF. EU funds are a powerful tool for promoting inclusion and reducing inequalities across Europe. The safeguard clauses must be maintained and reinforced in the future MFF, in order to ensure continuous progress towards inclusive and community-based assistance.

2. Background

- 2.1 This opinion is based on the international legal framework of the UNCRPD, ratified by the EU and all its Member States². Specifically, the opinion aligns with the combined provisions of

¹ [OJ C, C/2024/1581, 5.3.2024, ELI.](#)

² https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2021/04/European-Strategy-2021-2030_EN.pdf.

Article 19, which lays down the right to living independently and being included in the community, and Article 12, which guarantees equal recognition before the law. The EESC considers Article 12 the legal basis of and the key to ensuring the effective enjoyment of the right to choose laid down in Article 19^{3,4,5,6}.

2.2 In the EU, the Strategy for the Rights of Persons with Disabilities 2021-2030 is the main instrument for implementing the UNCRPD. It identifies independent living and de-institutionalising as top priorities, in line with the vision of a ‘Union of Equality’.

2.3 Nevertheless, the EESC notes a significant gap between the commitments undertaken and the lived reality of millions of citizens with disabilities. The implementation gap is evident and alarming. High-quality social services, essential for filling this gap, are undermined by structural challenges and an often counter-productive use of EU funds.

3. General comments

3.1 The EU’s regulatory framework and commitment

3.1.1 The EESC recognises that the EU’s commitment to independent living is enshrined in a solid legal and policy framework. Article 19 of the UNCRPD sets out clear, indivisible objectives to guarantee the freedom for people with disabilities to choose their place of residence, access to a range of services and the availability of community services. UN Committee General Comment No.5 clarifies that ‘independent living’ means that persons with disabilities can choose and assert control over the way they want to live through the necessary support. The European Strategy 2021-2030 translates these obligations into an action plan supported by flagship initiatives⁷ already launched or under way, including the Disability Platform, the ‘AccessibleEU’ resource centre^{8,9}, the Employment Package¹⁰ and the proposed European Disability Card¹¹. Of particular relevance to this opinion are the ‘Guidelines on Independent Living’ (2023)^{12,13,14} and the ‘Framework for Social Services of Excellence’ (2024)¹⁵, which aim to improve the delivery of support services.

3 <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no5-article-19-right-live>.

4 <https://www.ncbi.nlm.nih.gov/books/NBK539188/>.

5 <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no5-article-19-right-live>.

6 <https://www.disability-europe.net/theme/independent-living?country=european-union>.

7 https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/disability/union-equality-strategy-rights-persons-disabilities-2021-2030_en.

8 <https://www.europarl.europa.eu/cmsdata/291558/QA-01-24-084-EN-N.pdf>.

9 <https://knowledge.epr.equass.be/article/607-european-framework-for-social-services-of-excellence-for-persons-with-disabilities>.

10 <https://www.disability-europe.net/theme/independent-living?country=european-union>.

11 <https://www.edf-feph.org/disability-rights-strategy/>.

12 <https://www.inclusion-europe.eu/european-disability-strategy/>.

13 <https://www.edf-feph.org/disability-rights-strategy/>.

14 https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Disability_statistics_-_poverty_and_income_inequalities&oldid=455407.

15 <https://www.edf-feph.org/disability-rights-strategy/>.

3.1.2 The EESC notes that the implementation of legally binding obligations is to a large extent entrusted to soft law instruments such as strategies and guidelines¹⁶. The non-binding nature of such instruments creates systemic vulnerability, allowing Member States to delay the implementation of commitments without penalty.

3.2 The statistical reality: systemic exclusion and poverty gap

3.2.1 The EESC notes the fact that EU official data indicate a widespread delay in guaranteeing equal opportunities. Major data on various sectors highlight the systemic and persistent inequalities that people with disabilities have to deal with. EU data (2023/2024) highlight systemic inequalities: the risk of poverty or social exclusion for persons with disabilities is 28.8% (+10.8 points compared to the general population), while severe material and social deprivation is 2.2 times higher¹⁷.

3.2.2 While acknowledging the key role of social transfers (both economic and non-economic) in mitigating the worst effects of poverty, the EESC highlights the strong correlation between disability, poverty and low levels of education. These data do not describe isolated problems but a vicious circle – disability increases the risk of poverty, which in turn limits access to the things needed for social participation and to find work (housing, transport, services¹⁸)¹⁹.

3.3 Article 12 of the UNCRPD: legal capacity as the ‘key’ to independent living

3.3.1 The EESC notes that the right to independent living (Article 19) is inextricably linked to the equal recognition of legal capacity (Article 12). As clarified by the UN Committee in General Comment No. 1²⁰, Article 12 is the crux of the convention – the key to exercising all other rights, including the right to choose where and with whom to live²¹. Although the convention requires a shift from ‘substitute decision-making’ to ‘supported decision-making’, interdiction and full guardianship regimes persist across Europe. By depriving the individual of the capacity to act (sign contracts, manage funds), these regimes de facto render Article 19 and the right to independent living inapplicable.

3.3.2 The EESC notes that, in the Strategy for the Rights of Persons with Disabilities 2021-2030, the European Commission acknowledges the existence of ‘legal barriers’ and that people with intellectual or psychological disabilities ‘are often restricted in or deprived of their legal capacity’²². The European Union Agency for Fundamental Rights (FRA) has also highlighted the need to abolish substitute decision-making and to invest in supported decision-making.

16 https://fra.europa.eu/sites/default/files/legal-capacity-intellectual-disabilities-mental-health-problems-factsheet-it_0.pdf.

17 https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Disability_statistics_-_poverty_and_income_inequalities&oldid=455407.

18 <https://www.edf-feph.org/publications/the-transition-from-institutions-to-community-based-services-and-independent-living-for-persons-with-disabilities/>.

19 <https://www.eurofound.europa.eu/en/publications/all/paths-towards-independent-living-and-social-inclusion-europe>.

20 <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-1-article-12-equal-recognition-1>.

21 https://fra.europa.eu/sites/default/files/legal-capacity-intellectual-disabilities-mental-health-problems-factsheet-it_0.pdf.

22 <https://www.europarl.europa.eu/cmsdata/291558/QA-01-24-084-EN-N.pdf>.

Organisations such as Mental Health Europe (MHE), Inclusion Europe and the European Association of Service providers for Persons with Disabilities (EASPD) have for a long time been developing guidelines identifying good practices for implementing supported decision-making; however, these remain fragmented and are not integrated into a coherent EU policy and funding framework²³.

3.4 De-institutionalisation: a process that has come to a standstill, or which is even backsliding

3.4.1 The EESC warns that in the EU at least 1.4 million persons with disabilities are still living in institutions, with a regressive trend (+29% in residential institutions over the past decade), a figure that is in fact underestimated due to the severe lack of data^{24,25}. Political inertia and the shortage of accessible housing are slowing down de-institutionalisation.

3.4.2 The EESC notes the phenomenon of trans-institutionalisation, which also occurs when someone is moved to community housing but remains subject to a substitution system, which denies them legal control of their daily, financial and health choices, or when people are transferred from large institutions to smaller residential facilities that nevertheless replicate the same ‘institutional culture’ based on segregation and lack of individual control over one’s own life.

3.4.3 The EESC also regrets the significant lack of data on de-institutionalisation, an even bigger statistical shortcoming with regard to Article 12. There is currently no harmonised data collection on the number of adult citizens who are totally or partially deprived of legal capacity and subject to guardianship or trusteeship. This statistical ‘invisibility’ means that progress (or backsliding) in the implementation of the convention is not monitored and makes it impossible for the Commission and the Council to assess the actual impact of inclusion policies in this area.

3.4.4 The EESC regrets that in many countries – particularly those that have started the de-institutionalisation process – persons with intellectual disabilities are still those most likely to remain in institutional settings and least likely to benefit from support.

3.4.5 The EESC also regrets that user-run services remain generally rare compared with other types of services, despite having demonstrated excellent results in terms of independent living.

3.5 Use of EU structural funds

3.5.1 The EESC has found a serious contradiction in the way structural funds are used. Even though the rules prohibit supporting actions that contribute to segregation, EU funds continue to be used to restructure or build new segregated facilities.

²³ <https://www.mentalhealtheurope.org/what-we-do/human-rights/promising-practices/>.

²⁴ <https://www.ncbi.nlm.nih.gov/books/NBK539188/>.

²⁵ https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C_202590005.

3.5.2 The Committee attributes this distortion to the resistance of many Member States to the introduction of stricter rules, such as the earmarking of funds, and the lack of effective monitoring involving disabled people's organisations (DPOs) in the planning and monitoring of the funds²⁶.

3.5.3 This situation highlights the tension between the objective of cohesion and the obligation to respect human rights. In the absence of strong conditionality, the logic of cohesion prevails, leading the EU to finance practices that violate the human rights that it has undertaken to protect.

3.6 Quality of social services: structural challenges and the need for reform

3.6.1 The EESC welcomes the creation of a Framework for Social Services of Excellence for people with disabilities, one of the flagship initiatives of the 2021-2030 strategy. It agrees on the fact that such services must be based on principles aligned with the UNCRPD, such as the person-centred approach, co-production, results orientation and inclusion in the community. High-quality services for independent living are based on user-managed models, personal budgets, independent living centres, peer counselling practices and guarantees of empowerment. However, in this context, the framework for excellence risks remaining a theoretical exercise, if it is not accompanied by systemic reform.

3.6.2 The prerequisites on which these services are based are: the reform of outdated disability assessments, which are still grounded in a medical approach; the ability to replicate the model; the monitoring of outcomes for individuals and their quality of life; and the possibility of choice, control and the meaningful involvement of persons with disabilities. The EESC insists that supported decision-making be considered a key, cross-cutting and non-negotiable component of a person-centred service of excellence.

3.6.3 The EESC warns that the social services sector across Europe faces systemic challenges that undermine its effectiveness – chronic underfunding, lack of qualified staff, poor working conditions and outdated infrastructure²⁷. It points out that the quality of services requires adequate funding.

4. Considerations

4.1 The EESC believes that the Member States must carry out legislative reforms aimed at moving beyond substitution systems which deprive people with disabilities of legal capacity and replacing them with solutions that are in line with Article 12, based on supported decision-making. This process must be developed in close consultation with disabled people's organisations and self-advocacy organisations.

4.2 The EESC considers a structural reform in the use of ESI Funds to be unavoidable, introducing strict ex-ante conditionality to prohibit any financing of residential institutions and making programme approval dependent on compliance with the Guidelines on Independent Living. In this context, it is necessary to set earmarked quotas of the ERDF and ESF+ for the development

²⁶ https://enil.eu/wp-content/uploads/2024/03/ENIL-Proposal_SoSe-of-Excellence_FINAL-Version.pdf.

²⁷ https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C_202590005.

of community-based services and accessible housing, directing ESF+ specifically towards the transition to supported decision-making (training and self-advocacy). All of this should be subject to an independent monitoring mechanism – with the participation of the FRA and DPOs empowered to recommend the suspension of payments in cases of misuse.

- 4.3 The EESC welcomes the development of a framework for social services of excellence but stresses the need to link it to specific ESF+ funding streams to support the systemic transformation of services, provide training to staff and to improve working conditions in the social services sector.
 - 4.4 The EESC believes that data collection must be broadened urgently. In addition to monitoring people in institutions, it would be useful for Eurostat and the FRA to develop, in consultation with the DPOs, harmonised indicators for the collection of comparable data on the number of people (adults and minors) subject to measures that restrict legal capacity. The Committee calls for monitoring of progress (de-institutionalisation, supported decision-making processes, access to housing, improvements in the workforce) to be integrated horizontally into the Strategy for the Rights of Persons with Disabilities, the EU Anti-Poverty Strategy, the European Child Guarantee and the Affordable Housing Plan, with reporting based on disaggregated data and with the involvement of DPOs and service providers.
-