



Background document on equal access and accessibility

This background document focuses on the horizontal obligations set forth by the two Directives on Standards for equality bodies (Directive 2024/1499 and Directive 2024/1500, thereafter “the Directives”) to ensure that the services and activities of equality bodies can be accessed on an equal basis for all. It presents how the Commission services understand the Directives. It does not encroach on the Court of Justice's competence for interpreting EU law.

The paper aims to clarify the scope of these obligations, to provide examples of possible solutions and to explain the choices made on this subject in the working document containing preliminary draft indicators.

1. Equal access, accessibility and reasonable accommodation

The ability of equality bodies to reach and assist all persons who may be at risk of discrimination is a key component of their effectiveness. Hence the obligation to ensure access on an equal basis for all to each of their services and activities addressed to the public.

To tackle this need, the Directives includes obligations on equal access, accessibility and reasonable accommodation. While “equal access” is a general obligation (which will benefit all persons including those with disabilities), accessibility and reasonable accommodation are specific obligations to accommodate the needs of persons with disabilities.

Equal access: in the context of the Directives, equal access is understood as the obligation to remove any barrier to allow all persons to access the activities and services of equality bodies on a full and equal basis. To achieve this objective, particular attention must be paid to groups who may face specific barriers (e.g., language, literacy, age, disability, lack of access to online tools).



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Accessibility: accessibility is “an enabler of rights” for persons with disabilities¹. Ensuring accessibility is an obligation for both the Member States and the European Union, for their respective areas of competence, stemming from the United Nations Convention on the Rights of Persons with Disabilities (thereafter, “UNCRPD”), to which they are all parties. It ensures that barriers which would otherwise hinder access of persons with disabilities on equal basis with others are removed. Accessibility is a general principle in the Convention (see Article 3 of the Convention) and is further elaborated under Article 9 (Accessibility), which contains concrete obligations.

Despite their primary and essential focus on persons with disabilities, accessibility obligations can also facilitate access and the participation of other groups of persons, such as pregnant persons who might be experiencing temporary impairments such as reduced mobility, or older persons, as they often have impairments associated with old age.

At EU level, different pieces of legislation have been adopted to lay down how accessibility must be ensured in various areas. These include Directive 2019/882 (thereafter, the “European Accessibility Act”), which sets EU-wide functional accessibility requirements for certain products and services, and Directive 2016/2102 (thereafter, the “Web Accessibility Directive”) on the accessibility of the websites and mobile applications of public sector bodies. European accessibility standards have been put in place, including in the areas of the built environment and of information and communication technology (ICT) as well on Design for All².

To support the implementation of accessibility legislation and policies across the EU, in 2023 the Commission launched the European resource centre [AccessibleEU](#)³.

Reasonable accommodation: reasonable accommodation, as defined in Article 2 UNCRPD, means any “necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030, COM(2021) 101 final, p. 3.

² See, respectively, standards EN 17210:2021 on the accessibility and usability of the built environment, EN 301 549 on accessibility requirements for ICT products and services, EN 17161 on 'Design for All – Accessibility following a Design for All approach in products, goods and services - Extending the range of users'.

³ Accessible EU gathers a community of practice composed of national authorities, accessibility experts and organisations representation of persons with disabilities and serves as a knowledge hub on accessibility, offering, *inter alia*, an online library and trainings in all the key fields (built environment, transport, information and communication technologies).



ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms”. The substantial obligation of employers to provide reasonable accommodation for persons with disabilities is already established under EU Law in Article 5 of Directive 2000/78 (the “Employment Equality Directive”).

2. Obligations

The Directives include several obligations aiming to grant access (both in the sense of equal access to all and accessibility and reasonable accommodation for persons with disabilities) to the activities and services and of equality bodies.

2.1 Equal access

As required by Article 12 of the Directives, “access to equality bodies’ services and publications” should be guaranteed “on an equal basis for all”.

One of the pre-requisites of this obligation is the awareness among the general population, and in particular persons at risk of discrimination, of their own rights, as well as of the existence and services of equality bodies.

In carrying out, respectively, awareness raising and prevention/promotion activities, Article 5(3) requires that Member States and equality bodies “*take into consideration appropriate communication tools and formats for each target group*”, focusing in particular on those groups “*whose access to information may be hindered*” for example in relation to “*their precarious economic status, age, disability, level of literacy, nationality or residence status, or due to their lack of access to online tools*”.

For example, it is preferable that **plain language** be employed in verbal communication to the extent possible.

Likewise, it is preferable that information disseminated via text be written to the extent possible also in **easy-to-read formats**, facilitating the understanding of persons who may struggle with written communication, because of, for instance, their level of literacy, the fact that the language in which the text is written is not their first language, or an intellectual disability.



Also, **alternatives to mere online dissemination should be put in place**, to avoid the exclusion of persons not having access to online tools, due to, for example, their age.

The same tools and formats should be employed for the equality bodies' **publications** (e.g., decisions or opinions, their work programmes, activity reports and reports on the state of discrimination in their Member State).

Besides, Article 12 specifically refers to **complaints**, requiring that there are no barriers to their submission: for example, equality bodies should be able to receive complaints in different ways (e.g., in writing, orally and online). Recital 25 also refers to victims being able to file complaints in a language of their choosing, common in the Member State where the equality body is located.

Ensuring equal access is an obligation encompassing **all activities** and services of the equality bodies so it also covers other activities/services such as cases where alternative dispute resolution is carried out.

Article 12 also provides that the services of equality bodies shall be **free of charge for complainants** to ensure that complainants have access to the services of equality bodies regardless of their economic situation.

The obligation to ensure equal access also has a **territorial dimension**: the services of equality bodies must be available throughout the territory of the Member States, including in rural and remote areas. This topic was addressed in the background document on structure, to which reference should be made (please see para 4 "Coverage of all territory").

Relevant provisions

Article 5

Awareness raising, prevention and promotion

*3. Member States and equality bodies shall take into consideration **appropriate communication tools and formats for each target group**. They shall focus in particular on **groups whose access to information can be hindered**, for example due to their precarious economic status, age, disability, level of literacy, nationality or residence status, or due to their lack of access to online tools.*



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(38) *The effectiveness of equality bodies' work also depends on **giving groups at risk of discrimination full access to their services**. In the Second European Union Minorities and Discrimination Survey conducted by the European Union Fundamental Rights Agency, 71 % of members of ethnic or immigrant minority groups reported to be unaware of any organisation offering support or advice to victims of discrimination. A key step to support such access is for Member States to **ensure that people know their rights and are aware of the existence of and services offered by equality bodies**. This is particularly important for disadvantaged groups and groups whose **access to that information can be hindered, for example by their precarious economic status, age, disability, level of literacy, nationality or residence status, or their lack of access to online tools***



Article 12

Equal access

1. *Member States shall **guarantee access to equality bodies' services and publications on an equal basis for all**.*
2. *Equality bodies shall guarantee that there are **no barriers to the submission of complaints**, for example by being able to receive complaints orally, in writing and online.*
3. *Member States shall ensure that equality bodies **provide their services at no cost to complainants, throughout their territory, including in rural and remote areas***

(25) *To ensure that all victims are able to complain, it should be possible to **submit complaints in various ways**. According to Recommendation (EU) 2018/951, the submission of complaints should be possible in **a language of the complainant's choosing which is common in the Member State** where the equality body is located*

(39) *Access to equality bodies' services and publications on an equal basis for all should be guaranteed. For that purpose, potential barriers to access to equality bodies' services should be identified and addressed. Services should be **free of charge** for complainants. Member States should also, without prejudice to the autonomy of regional and local authorities, make sure that the services of equality bodies are available to all potential victims **throughout their territory**, for example through the establishment of local offices, including mobile ones, the use of communication tools, the organisation of local campaigns, cooperation with local delegates or civil society organisations or through contracted service providers.*

2.2 Accessibility and reasonable accommodation

Article 13 of the Directives requires Member States to “**ensure accessibility and provide reasonable accommodation for persons with disabilities to guarantee their**



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equal access to all services and activities of equality bodies, including assistance to victims, complaint handling, alternative dispute resolution, information and publications, as well as prevention, promotion and awareness-raising activities”.

As regards **accessibility**, Recital 40 refers to the requirements set out in the European Accessibility Act, which applies to a number of products and services⁴, covering a number of their features, elements or functions. Although the **services** listed in the **European Accessibility Act** do not cover the (non for remuneration) public services equality bodies need to provide pursuant to the Directives, the requirements set forth in the Annexes of the Act (in particular, Annexes I-III) are useful to guide Member States in fulfilling their accessibility obligations, where they are relevant for the activities of the equality body.

For instance, **information** should be made available via more than one sensory channel, it should be presented in fonts of adequate size and suitable shape, and using sufficient contrast, as well as adjustable spacing between letters, lines and paragraphs, and disseminated in formats allowing alternative renditions of the content and its interoperability with a variety of assistive technologies, in such a way that it is perceivable, understandable, operable and robust. Any non-textual content should be supplemented with an alternative presentation of that content (see Annex I, Section III). Also, **real time text** and **video** should be provided **in addition to voice communication** (see Annex I, Section IV).

Recital 40 also refers to the **physical accessibility** of the equality bodies’ offices, which Member States should ensure in compliance with Article 9 UNCRPD. Accessibility measures are structural measures to remove barriers in advance, such as, for example, installing a ramp or providing other appropriate means to allow people using wheelchairs to enter the offices of an equality body. For accessibility requirements related to the built environment, please also refer for guidance to Annex III of the European Accessibility Act.

⁴ Computers and operating systems, smartphones and other communication devices, TV equipment related to digital television services, ATMs and payment terminals, e-readers, ticketing and check-in machines, phone services, banking services, e-commerce, websites, mobile services, electronic tickets and all sources of information for air, bus, rail and waterborne transport services, e-books, access to audio-visual media services (AVMS) and calls to the European emergency number 112. See Article 2 of the European Accessibility Act.



The **digital accessibility** of equality bodies should also be guaranteed: in this respect, equality bodies are covered by the **Web Accessibility Directive** which sets forth accessibility requirements for the websites and mobile applications of public sector bodies.

The provision of **reasonable accommodation** complements these accessibility requirements in order to achieve equal access for persons with disabilities. It consists in necessary and appropriate modifications and adjustments where needed in a particular case, i.e. ad hoc measures tailored to someone's needs, which will not impose a disproportionate burden on the equality body. For example, it could consist in hiring an interpreter in sign language to assist a person with hearing impairments who communicates only in that language.

Relevant provisions

Article 13

Accessibility and reasonable accommodations for persons with disabilities

Member States shall ensure accessibility and provide reasonable accommodations for persons with disabilities to guarantee their equal access to all services and activities of equality bodies, including assistance to victims, complaint handling, alternative dispute resolution, information and publications, as well as prevention, promotion and awareness-raising activities.

(40) In order to guarantee access for persons with disabilities to all services and activities of equality bodies, it is necessary to ensure accessibility, in accordance with the requirements set out in Directive (EU) 2019/882 of the European Parliament and of the Council and to ensure reasonable accommodations in line with the United Nations Convention on the Rights of Persons with Disabilities, adopted on 13 December 2006. Therefore, equality bodies should ensure physical and digital accessibility by preventing and removing the barriers that persons with disabilities can face in accessing equality bodies' services and information, and provide reasonable accommodations, making necessary and appropriate modifications and adjustments where needed in a particular case

3. The draft working document on indicators

The objective of all the obligations summarised above is to guarantee access to all to the services and activities of equality bodies on an equal basis for all, to ensure their effectiveness.



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A **clear-cut division between the indicators** aimed at monitoring equal access and those directed at measuring the accessibility of equality bodies for persons with disabilities would therefore be **artificial**.

For this reason, the indicators have been designed to cover both aspects, and are linked to both the categories - listed in Article 18 of the Directives – of **accessibility and effectiveness**.

One exception concerns the **“horizontal”** indicators on the **physical accessibility of buildings** and the **digital accessibility of websites and mobile applications**, which primarily focus on the needs of persons with disabilities. They have only been linked to the category of **accessibility**.

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