



The European Disability Card

Analysis of its relevance for
people with psychosocial disabilities



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Summary

On 6 September 2023, the European Commission published the [proposal for a Directive](#) establishing the European Disability Card. The proposal to create a European Disability Card is one of the flagship initiatives of the [Strategy for the Rights of Persons with Disabilities 2021-2030](#) and one of the [Commission's key initiatives for 2023](#).

The objective of the European Disability Card is to facilitate access to the right to **free movement** for persons with disabilities. By ensuring **mutual recognition of disability status** among all member states of the European Union (EU), it allows people with disabilities moving to any other Member State for a **short stay** to benefit from **special conditions or preferential treatment** when accessing services, activities and facilities, on equal terms and conditions as residents with disabilities.

The current proposal for a directive is the result of different consultations with general public and targeted stakeholders. Mental Health Europe contributed to the public consultation, to targeted online surveys, as well as to the discussions in the framework of the Disability Platform, including its specific sub-group on the European Disability Card. We put forward recommendations on how to strengthen the legislative proposal, from the perspective of people with psychosocial disabilities.

Some of the recommendations we put forward in previous phases – such as the opportunity to enlarge the scope compared to the pilot project- have been taken on board. Further suggestions on how to strengthen the initiative have not been taken into account yet and are reiterated in this analysis. The European Disability Card is currently undergoing negotiations in the European Parliament and in the European Council and there is still room to influence the process. Other recommendations – mainly the need to harmonise disability assessments at EU level – have been discarded as considered beyond EU competences. We acknowledge the argument, but we will continue to advocate for an upward convergence towards human rights compliant disability assessments across Europe, as we consider it a crucial step for people with disabilities to fully enjoy their human rights.

About this Analysis

This Analysis aims to examine the methodology of the European Disability Card and its relevance for persons with psychosocial disabilities. It is addressed to stakeholders from the mental health field, as well as policymakers and general public interested in disability topics.

Mental Health Europe has compiled this analysis based on desk research, followed by a consultation with experts by experience from our network and key stakeholders in the disability sector.

What is the European Disability Card?

[The legal background](#)

The right of EU citizens to move and reside freely within the EU is one of the EU's most cherished achievements. The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) – which the EU itself and all its member states have ratified - contains obligations for States Parties to recognise the rights of persons with disabilities to liberty of movement on an equal basis with others.

The European Pillar of Social Rights provides that everyone, regardless of disability, has the right to equal treatment and opportunities regarding access to goods and services available to the public. In addition, the European Pillar of Social Rights recognises that persons with disabilities have the right to services that enable them to participate in society. The European Pillar of Social Rights Action Plan refers to significant barriers that persons with disabilities still face, which are further addressed in the Strategy for the Rights of Persons with Disabilities 2021-2030.

The problem

Persons with disabilities whose disability status is assessed and recognised by the competent authorities in a member state are often granted special conditions or preferential treatment in the access to a variety of services, activities and facilities in that Member State, in different policy domains, such as culture, leisure, tourism, sports, public and private transport, education. Examples include free access, reduced tariffs, reduced fees or user charges for toll roads, priority access, designated seats in parks and other public areas, accessible seating in cultural or public events, personal assistance, assistance animals, support (access to braille, audio guides), provisions of aids or assistance, obtaining tourist information in accessible format, and many others.

However, persons with a recognised disability status in their member states of residence travelling to another Member State may encounter difficulties with accessing special conditions or preferential treatment that are accessible to residents of the Member State they are visiting, due to a lack of recognition of their disability certificate issued by their Member State of residence. Oftentimes, in order to prove their disability status, persons with disabilities are requested to show medical documentation. The lack of recognition of disability status in other member states might limit their access to special conditions, such as free access or reduced tariffs, or preferential treatment and has an impact on their travel costs. Having to deal with legal uncertainty and potential additional costs may impair the possibilities of people with disabilities to exercise their free movement rights fully and effectively. This is particularly important, given that persons with disabilities have a higher poverty risk than persons without disabilities.

To overcome these issues, the European Commission has worked on an initiative establishing the framework, rules and common conditions for a European Disability Card as proof of a recognised disability status. The mutual recognition of the European Disability Card will ensure that persons with disabilities travelling to another country will receive the same special conditions/preferential treatment as persons with disabilities residing in that country. This will facilitate mobility of persons with disabilities and a more effective participation and inclusion in society of persons with disabilities.

Differences between the proposal for a Directive and the European Disability Card pilot project

The proposal to create a European Disability Card builds on the experience of the [European Disability Card pilot project](#).

The European Disability Card pilot project started in 2016 and was concluded in 2019 in eight member states (Belgium, Cyprus, Estonia, Finland, Italy, Malta, Romania, Slovenia). It implied **voluntary** mutual recognition of disability status between participating member states and provided access to a number of **benefits** when accessing services in the areas of culture, leisure,

sports and, in some cases, transport (i.e., free access, price reduction). The package of benefits provided in each Member State depended on the number and type of participating service providers. Once they joined the Card's scheme, service providers were obliged to offer the same benefits they provided to nationals with disabilities also to cardholders from other participating member states. Member states had to maintain a record of the services that adhered to the system and update it regularly.

Whereas the pilot project listed the four sectors covered and included (nationally) elaborated lists of "participating providers" in a public database, the logic of this legislative proposal is different. The European Disability Card – rather than being based on a restrictive list of services- provides for the mutual recognition of disability status in all services, facilities and activities (public and private services), with the important exception of social security, social protection and social assistance, which will be discussed later in this document. Therefore, the scope of the Disability Card is broader than the scope of the Card under the pilot project. Moreover, mutual recognition is no longer voluntary/limited to participating countries, but mandatory for all EU countries. In previous phases of the process, we had recommended implementing these changes compared to the pilot project. We are delighted to see that our recommendation has been taken into consideration and accepted.

At the end of the pilot project, the [European Commission conducted an evaluation study](#) with a positive outcome (including on non-discrimination, integration and freedom of movement). The Study confirmed the EU added value of the Card and concluded that there was potential for larger scale adoption.

What is not covered by the European Disability Card

- **The Disability Card clearly excludes anything related to social security, social assistance and other residence-based social benefits in cash or in kind.**

This is an important exception and a missed opportunity. When persons with disabilities move permanently to another Member State for work or studies, they immediately lose their right to social security benefits in their home country. They will have to undergo a disability assessment in the new country of residence. Yet, this process can take months or even years. In the meantime, the persons concerned are left with no support and must pay for vital services (such as personal assistance, adapted housing, provision of reasonable accommodation, assistive devices, etc.) out of their own pocket.

A similar gap in protection also concerns people with disabilities that move abroad in the framework of an EU Mobility Programme. They lose their social security benefits as soon as they change their country of residence, and they remain without any coverage. To overcome these gaps, we had asked to use the European Disability Card to offer a temporary protection while waiting for a new disability assessment and to ensure a portability of social security disability benefits (in a similar way to the regime of unemployment benefits, which "travel" with the person if the person changes country of residence within the EU).

- **Member states will continue to be competent for assessing disability status.**

The Disability Card will provide assurance of mutual recognition of disability for persons with disabilities across Europe. Very importantly though, the disability assessment procedures and the decision about who will receive the card will not be harmonised but will be issued according to national rules and procedures.

Hence, two persons with the same disability from two different countries – when visiting a third member state- can be treated differently (because the assessment of disability status lies at national level and the states of origin may follow different criteria).

In previous phases of the process, we had advocated for a common EU-wide definition of disability and for common standards for disability assessments across the EU. Since all EU countries are state parties of the UN CRPD, such a step should not pose a problem. By setting common standards, in line with the UNCRPD, the European Disability Card would create an **upwards convergence** in the quality of assessments.

This recommendation has been explicitly discarded by the European Commission, as considered “beyond EU competences”.

- **Member states will continue to be competent in determining whether or not to grant special benefits or preferential conditions for persons with disabilities and, where applicable, person(s) accompanying or assisting them.**

The current proposal only provides examples of services that could be covered by the card, but the actual determination is competence of member states. The European Disability Card only ensures that when such special conditions or preferential treatment are granted, these should be available on equal terms and conditions to all persons with disabilities who are holders of a European Disability Card. In the following sections of this analysis, we will provide an overview of specific needs of people with psychosocial disabilities in relation to freedom of movement and concrete measures that (could) address them.

The relevance of the European Disability Card for people with psychosocial disabilities

Disabilities include psychosocial disabilities

The UNCRPD defines persons with disabilities as those “who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”. ‘Psychosocial disabilities’ is a term to describe the experience of people who have mental health issues which, in interaction with various societal barriers, can result in a disability and hinder the full realisation of their rights. Mental health problems can disrupt day-to-day life, by having detrimental effects on people’s relationships, work and ability to participate in everyday activities.

The social model of disability: what does it mean?

The main concept behind the UNCRPD is the move away from a medical approach to disability, to a social/human rights approach. In the social model of disability, limitations are identified not with the individual, but rather with the ableist social context in which the individual lives. Society itself creates the barriers that result in a disability. The departure from the medical model expands our view of the difficulties associated with mental health problems beyond symptoms to the impact these conditions have on individuals’ daily lives, as influenced by social context.

The social model also highlights social factors that exacerbate individuals' experience of disability, such as stigma and associated discrimination.

[The reluctance to get a label: stigma and fluctuation of mental health](#)

Individuals with psychosocial disabilities may face a number of distinct experiences of stigma: because of negative stereotypes, they may be considered dangerous or violent. They may face discrimination in employment, housing, insurances.

Self-stigma can also occur, as individuals with stigmatised identities come to internalise public stereotypes and attitudes.

Stigma is one factor why individuals may be hesitant to disclose their problems or adopt labels.

In addition to stigma, people experiencing mental health issues may also witness a fluctuation of their problems, with periods in which their experiences improve and they are able to participate and live as they wish, followed by other periods when their problems disrupt their day-to-day life. As a result of this non permanence of mental health problems, some people may be reluctant in receiving the permanent label of having a disability.

Moreover, psychosocial disabilities are, by and large, invisible. [Experiencing a concealable stigmatised problem often involves a tension between efforts to avoid stigma by hiding it, and efforts to pursue support and accommodation via disclosure of that problem.](#)

Stigma, self-stigma, the invisibility of psychosocial disabilities and the fluctuation of mental health problems may result in a reluctance to disclose the situation and to adopt a disability label.

[European Disability card: is the reward worth the label?](#)

We interviewed experts by experience to investigate the relevance of the European Disability card for people with psychosocial disabilities. Their testimonials confirm the complexity inherent to framing mental health problems as a disability.

One expert was particularly sceptical about the opportunity of such a European Disability Card for people with mental health problems. They expressed reluctance in receiving a disability card, as this would "label" the person as disabled and they did not want such a label, because of stigma and fear of potential discrimination, but also because their mental health constantly fluctuates. They expressed concerns at the idea of carrying a European disability card – mentioning a psychosocial disability- when travelling in other countries, where police officers may not have the same level of awareness on mental health and human rights as authorities from their home country have.

In their perspective, a delicate balance needs to happen, weighing in the benefits of getting the card versus the label. The only reason why they would ask for a disability assessment and a disability card would be to receive social protection benefits (e.g., disability allowance) and reasonable accommodation at work. In this case, the reward balances the label. In the case of the European Disability Card – as it only allows special treatment and preferential conditions when visiting another country- **the reward is not worth the label.**

On the other hand, two other experts by experience were particularly positive about the potential impact of a European Disability Card. In their opinion, such a tool can be powerful to raise awareness on the fact that not all disabilities are visible, that people with invisible

disabilities (including people experiencing mental health problems, but also intellectual disabilities or some physical disabilities) can face challenges in their daily life that are as serious as the ones of people with visible disabilities, and they are equally entitled to ask for support. It was pointed out that people with psychosocial disabilities oftentimes are not taken seriously in their struggle and in the challenges they face in their daily life. In the words of the experts: “People with psychosocial disabilities should look at the confidence of most people with visible disabilities in asking for the support they are entitled to in order to fully enjoy their human rights”.

The European Disability Card could act as a legitimization of a struggle and – in the long term- trigger a change in mindsets and a reduction of stigma (including self-stigma) that still surrounds mental health.

The voice of experts by experience – and the difference in their perspective- confirms that framing mental health is complex and very personal. For some people, the label is empowering, while for others is stigmatising. We can't reconcile these different perspectives and we don't have to. Everyone is free to adopt their own language for their experiences and to make their own choices as to how to frame their mental health problems.

The implications for the European Disability Card are that it needs to remain voluntary (i.e. nobody should be obliged to receive a disability card). Moreover, the type of disability doesn't have to be clearly indicated on the card, as it is up to every person to decide what to disclose, with whom and how.

[What are the needs of people with psychosocial disabilities and how to address them?](#)

A reflection is needed about what the needs of people with psychosocial disabilities in relation to free movement are, what barriers they face and what measures could be put in place to overcome them.

The experts by experiences we consulted provided examples of different concrete actions that could help people with psychosocial disabilities in exercising their right to freedom of movement. As this is not a homogenous group, some measures could be relevant just for those experiencing a certain problem and not for others. If we think of people experiencing anxiety, for instance, the obstacle may be having to wait in a queue, or not knowing – once they arrive– how to reach the destination. Also, airports and stations can be triggering for many people, as they typically are noisy and crowded environments. Examples of preferential treatment that could meet the needs of people with psychosocial disabilities are:

- Special compartments in train, which are calmer.
- Access to the first line of seats on a plane.
- Fast track in airports or stations.
- System of mental health buddies helping a person coming from another country to settle and go around in the new one.
- Alcohol free areas on long transport (for people struggling with addiction, as travels are stressful situations and there may be the temptation to self-medicate with alcohol).
- Possibility -when travelling- to have fresh air (rather than being obliged to spend long times between four walls).
- Information on how mental health friendly the system in the receiving country is (for instance, whether there is a risk, in case of a mental health crisis, to be

institutionalised and be victim of coercion and involuntary treatment) and which mental health services can be accessed in case of need.

The lack of measures such as the one in the exemplificative list above can either make people uncomfortable when travelling or prevent them from travelling to another country altogether. As the European Disability Card does not define concrete services, leaving to each Member State the decision to determine what special conditions to ensure to people with disabilities, this list could prove useful for Member States.

There was unanimity among the experts on the importance of enlarging the scope of the Card, by using it to grant temporary protection (and portability of social security benefits) to people with disabilities moving abroad for work or study, while they wait for the new disability assessment procedure to be completed, or to people moving in the framework of mobility programmes. This could potentially sway the balance towards opportunities and make the European Disability Card be worthwhile.

[Ensuring human rights compliant disability assessments](#)

When it comes to disability assessments, one of the experts explained that they have a national disability card, but during the assessment their psychosocial disability was completely overlooked, and she has a card only because of co-occurring physical disabilities.

It is crucial to guarantee that everywhere in Europe disability assessments are implemented in a way that is compliant with the principles enshrined in the UN CRPD. This requires the adoption of a holistic method for disability assessment that looks at a combination of impairment and functional considerations while also having a focus on the person's support requirements and societal barriers. Another criterion for the disability assessment to be compliant with the UN CRPD is the provision of opportunities for persons with disabilities to be part of their own assessment process. Moreover, all professionals who are part of the disability assessment process should have a solid understanding of "hidden" or "invisible" disabilities, to avoid misinterpretations or absence of recognition of disabilities.

Recommendations

[To the European Council and the European Parliament](#)

- ✓ Make sure that the issue of the European Disability Card is **voluntary** (i.e. no direct issuing of the Card unless the person has asked for it) and that the card does not show the type of disability or the level of disability. This will avoid stigmatisation and **protect the privacy** of persons with disabilities.
- ✓ Enlarge the scope of the Card, by providing **temporary protection** – including social protection- while the disability is being re-assed in the new country of residence when somebody moves with a work contract or enrol in and education facility and by ensuring the **portability of social security benefits** in the case of people travelling in the framework of Mobility programmes.
- ✓ Ensure a **harmonisation at EU level of disability and disability assessments**, warranting human rights compliance and an upward convergence.
- ✓ Make **meaningful engagement of persons with disabilities** a reality in the implementation and evaluation of the Directive.

- ✓ Have an **EU-level centralised database** in all EU languages showing the available advantages for each Member State, designated EU funding, and an EU-level awareness raising campaign aimed at citizens and service providers.

To the member states

- ✓ Implement disability assessments in a way that is compliant with the principles enshrined in the UN Convention on the Rights of Persons with Disabilities.
- ✓ Acknowledge that persons with disabilities are a heterogeneous group, consider the needs of people with psychosocial disabilities and envisage measures to address their specific needs, when determining special conditions and preferential treatment.

Conclusions

The European Disability Card is promising, as it creates certainty about disability status being recognised everywhere in the EU. Yet, many problems remain unaddressed, such as the issue of portability of social security benefits, as well the discrimination related to the lack of harmonisation of disability assessment processes between Member states. Moreover, if the European Disability Card has the great advantage of showing that not all disabilities are visible, its relevance for people with psychosocial disabilities may be compromised by the reluctance to receive a label, because of stigma and of the fluctuating nature of mental health problems.

The European Disability Card will not solve all the problems of free movement for persons with disabilities. As outlined above, further work is needed, with efforts from different stakeholders, not necessarily in the framework of this specific legislative process.

Mental Health Europe stays committed to monitor the development of the legislative process, ensuring that the good elements of the European Commission's proposal are maintained, that it is further strengthened (according to the above recommendations) and that people with lived experience and their organisations are meaningfully engaged in every step of the process.

In parallel, we will continue to advocate for human rights compliance of disability assessment everywhere in the EU and to facilitate the exchange of best practices in relation to disability assessments for people with psychosocial disabilities.

Importantly, we will continue to work to break the stigma around mental health, by implementing awareness raising campaigns such as European Mental Health Week and by advocating for a language that is not stigmatising (see our [Glossary](#)). This will allow us to achieve our vision of a Europe where people with psychosocial disabilities can access the support they need and fully enjoy all the human rights they are entitled to.



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