



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE

Directorate D: Equality
Unit D.3: Rights of persons with disabilities

MINUTES of the EU Disability High Level Group meeting

21 and 22 October 2014

Chair: Maria Luisa Cabral (HoU JUST.D.3)

Secretariat: Hana Velecka (Policy Officer JUST.D.3)

Logistics: Catherine Koeckx (Assistant JUST.D.3)

21 October

Joint meeting with civil society

1. Welcome and presentation of the agenda

The Chair opened the meeting, welcomed the participants, explained the linguistic regime and presented the agenda.

The agenda was adopted.

2. Approval of the minutes of the HLG meeting of 23-24 October 2013

The minutes of the last meeting of 8 and 9 April 2014 were approved.

3. Statistics and data – UCCRPD obligation and a tool for better design and targeting of policies

The Eurostat informed about its proposals for future surveys that would cover people with disabilities. The aim is to have 2 health core variables (including GALI) in all key EU2020 indicators, including the Labour Force Survey (LFS) (in this case the LFS ad-hoc module would be dropped). There would be the health module in SILC every 3 years. In addition comparability of GALI and its suitability to identify persons with disabilities should be improved. As concerns the Health Interview Survey (EHIS) it should be kept but its periodicity needs to be discussed. The Health and Social Integration Survey (EHSIS) should be discontinued if a disability model would be incorporated into EHIS. It was highlighted that the quality and comparability of data depends on whether national institutes collect and give data.

The Fundamental Rights Agency informed about its new project on the right to live independently and to develop human rights indicators on Article 19 of CRPD. It will namely do typology of institutions, indicators, identification of implementation gaps, case studies for a small number of localities.

4. Update on the implementation of the UNCRPD recent developments

a. Update by the Commission

The Commission informed about the first EU report on implementation of the UNCRPD that was published on 5.6.2014 and of the dialogue with the UN Committee, which will take place in summer 2015. The UN Committee will adopt its questions for the Commission in April 2015. As concerns the 7th Session of the Conference of State Parties (10-12 June 2014), the Commission informed that out of 9 elected members of the Committee 3 are from the EU (DE, DK, LT). The Commission sent well in advance the EU statements but this was not the case with all Member States. There was an EU coordinating meeting before the conference addressing coordination issues. During the coordination meeting, the EU and several Member States expressed its support to the participation of civil society in the opening of the Conference of States Parties. The Commission, with EDF, organised a side event on development cooperation (12.6.2014) that was well attended and received. The 8th conference will take place on 9-11 June 2015.

b. Debriefing of the CRPD dialogue (Belgium and Denmark) and preparation for the dialogue (Germany)

BE and DK stressed that there was only limited time to prepare answers to questions and then answer before the Committee. Space for replies is limited for countries; while NGOs do not have a limit of pages. The UN Committee first meets with civil society; some of the UN committee questions come from civil society. For the dialogue it is necessary to have a good team in place and colleagues on "standby" at home- easy to reach if necessary. The Commission thanked BE for their invitation to be part of their delegation as observers and expressed the usefulness of the process encouraging other Member States to take advantage of the opportunity offered in the Code of Conduct.

EASPD commented a key question is what will be the next steps taken by countries following the dialogue and whether in some case a real system change is required. BE stressed that if system changes are needed, it is necessary not to wait for examination but to look into principles after ratification. DK confirmed that each ministry, according to the principle of sector responsibility, are looking at the recommendations to decide how they will proceed with the recommendations. EL informed about its work to improve the system of inclusive education in all regions. AT intends to use as much as possible ESIF for accessibility and improving situation of people with disabilities. Several countries pointed out to problems for changes caused by the federal structure of countries.

c. Presentation of the Spanish Disability Strategy Action Plan 2014-2016

The Action plan of the Spanish Strategy for People with Disabilities has 5 goals: equality, employment, education, accessibility, dynamism of economy. It has more than €3 billion for 2014-2016. Responsible body for monitoring the Plan is the National Council for People with Disabilities (Coordination Mechanism of article 33.2 CRPD in Spain) and wide participation and consensus of different ministries and partners were reached in the elaboration. The plan contains 96 measures in 5 axes. Special attention is paid to the most vulnerable persons: women with disabilities affected by double discrimination; children with disabilities in risk of exclusion, violence and poverty; rural residents, greater dispersion of the population and lack of resources; older people with disabilities.

d. Civil society shadow reporting

EDF informed about its alternative report on the EU implementation of CRPD that is under preparation. EDF collected information through a questionnaire in 2013, covering specific EU policy areas. It had 2 civil society meetings, in October 2013 and April 2014. Since July 2014 a first version of the report is in consultation with the EDF members and external organisations. The conclusion of the shadow report is that improvement in the human rights situation of people with disabilities is slow; especially freedom of movement is not fulfilled. Protection against discrimination is only in the employment area. Consultation with people with disabilities representatives on disability policies are made only on ad-hoc basis. Key is legislation on accessibility. The Erasmus programme needs to be accessible for all students with disabilities. As concerns de-institutionalization, the ESIF regulations are a step forward. The EU administration should ensure accessibility in recruitment, working environment, etc. Second version of the report will be in October, it should be finalised by the end of 2014.

EASPD focused on availability of support that is a key issue for the correct implementation of the Article 19 of the CRPD. At present the situation in many countries is characterised by limited availability of services and low quality of services. There are rising needs but decreasing availability of services, increasing demand for mainstream and specialised social services, lack of data to assess the situation and plan public policies accordingly. To improve the situation the EU should collect data, DHLG should look into strategies, Member States should include information on the diversity and availability of services in their CRPD reports and National Reform Programmes and work towards sustainable funding for services.

ENIL elaborated on its shadow report on the implementation of Article 19. The report was funded by the Open Society Foundation – Mental Health Initiative. It underlines there is insufficient information on people with disabilities living in institutions, an adverse impact of austerity measures on people with disabilities and slow progress in developing community-based services for independent living. ENIL calls for prohibition of using the structural funds for institutional care and for setting clearer monitoring mechanisms. It sees as a significant problem the lack of attention given to promoting personal assistance schemes and the lack of their portability. The report will be officially launched on 14 November.

5. Implementation of European Disability Strategy 2010-2020

The Commission made an update on development cooperation. The Commission presented briefly the recently adopted Communication (June 2014) proposing key priorities at EU level contributing to the debate on the post 2015 agenda. It has as a main objective eradication of poverty and focuses on sustainable development. It contains a number of priorities and targets and mentions disability on 4 areas: health, education, employment and accessibility in the chapter on sustainable cities and human settlements. The UN Working group proposed a draft for the sustainable development goals that will be an input for general assembly; it contains 17 goals around two main objectives (eradication poverty and sustainable development). People with disabilities are specifically mentioned as a group and disability also mentioned in monitoring and desegregation of data. Still some weaknesses were indicated, for example right to access to basic and secondary education mentioned, but inclusive education is not, accessibility not covered sufficiently. On 10.9.2014 there was a resolution for the General Assembly that this document should be a basis for final sustainable development goals document.

6. European Semester and its disability dimension

The Commission informed about the Europe 2020 Strategy and the European Employment Strategy and the disability perspective. Some of the employment guidelines contain references to people with disabilities. People with disabilities have to be seen also under the Europe 2020 targets on increasing employment rate and decreasing poverty and social exclusion as they are among the vulnerable groups and on the other hand can contribute to reaching the targets. As concerns the 2014 European Semester there are 5 country specific recommendations on or relevant to people with disabilities but also other CSRs focused on employment, poverty, education, health, etc. that are in broader sense impacting on them. It is still not clear what will be the situation with the 2015 European Semester as the new Commission will only start.

EDF noted that compared to microeconomic objective, social issues represent minor issue and disability is almost not mentioned, even if in some countries social exclusion and poverty is worsening. Annual growth survey should include info on people with disabilities. People with disabilities should be seen as possible contributors to goals and should be covered also in the Youth Guarantee.

EASPD informed about the Toolkit on the European Semester that it published with other NGOs. It is important for people with disabilities to understand the importance of the process. The reforms have immediate impact on them.

7. Using the European Structural and Investment Funds for the rights of people with disabilities

The Commission summarised the disability provisions under the European Structural and Investment Funds 2014-2020. For this period stronger shift to the community-based care is expected. Challenges identified are: insufficient data on institutionalisation of children, disabled persons, elderly; reform of health and social services; needs assessment of disabled people; focus on the size of the institution; conditions for independent living; link to labour market integration.

The Commission stressed the need of holistic approach to de-institutionalisation to address implementation challenges. How to ensure that projects funded will not segregate or exclude people from society or that they will genuinely support the transition? It is role for the monitoring committees (NGOs should be full members), involvement of service users is important.

OHCHR also highlighted the risk in use of ESI funds against the meaning of the Article 19 of the Convention, i.e. replication of institutional model at smaller scale, lack of holistic approach: exclusion of certain user groups or inaccessibility of some mainstream services, investment in existing institutions, use of other financial resources to maintain a parallel system of institutional care, non-meaningful involvement of service users and stakeholders, cuts in co-funding because of austerity. It was recommended to use the Guidelines on the Transition from Institutional to Community-Based Care, mainstream the rights of persons with disabilities in public policy discussion and not to end by ratification of the Convention.

8. The European Social Network (ESN) and Presentation from the ESN on “the role of public local social services in implementing disability policies”

The European Social Network presented its Independent Living Report that focuses on 6 Member States and how they promote independent living, e.g. via personal budgets or personal assistance schemes. The levels of independent living are inconsistent because of a lack of resources and evidence regarding which programme works. In December, the organisation is launching its working group on disability, gathering experienced members - directors of social public services at the local level, but also researchers and inspectors. With two thematic meetings a year, the working group should run until the end of 2016. The aim is to promote person-centred, quality services for people with disabilities, gather practices in the field, while contributing to the implementation of the European Disability Strategy and the EU2020 principles. Next meeting will take place in March 2015 and will look at the integration of services supporting people with disabilities.

22 October 2014

Meeting with Member States' representatives

9. Exchange of best practises for mutual learning

a. Presentation from Sweden about the Action Support Accessibility project

Sweden made a presentation on the Action Support Accessibility project (2009-2013) financed by ESF. It was conducted in collaboration between the Agency for Disability Policy Coordination and the Disability Federation. Its aim was to include accessibility into all ESF projects. In total it was active in 1000 projects, private and public companies/institutions were involved (50% to 50%). The base was the national guidelines on accessibility. In projects, that received support, it is possible to see that accessibility has taken hold in a way that can also provide a basis for the effect on the structural level. The issue has gained ground in a systematic way and it carries it in everything they do. Some organisations changed procurement policies, criterion on accessibility was added. It often helped persons with disabilities to get jobs. The result was the greater availability of consultants in the market, a network of 80 consultants is today in place (bigger, smaller companies).

The Commission welcomed this pioneering work of Sweden on public procurement and accessibility. At EU level there is already obligation of accessibility under the European Structural and Investment Funds and the Public Procurement legislation.

b. Discussion on a process of implementation of easy language in the Member States

Germany put forward a question on a process of implementation of easy language for interacting of public authorities with people with learning difficulties. Of course the main challenge is if it is possible to draft legislation in easy language.

Belgium stressed that they make sure that the main text on disability is in simplified text. There is no legal basis.

Spain informed that few large federations of people with disabilities have methods to simplify text. There is also a national centre for accessibility –CEAPAT -, which has guidelines how to simplify text.

Slovenia informed that the Convention is translated into easy to read version. There is brail or interpretation for impaired people available to get judgments of courts. Now the aim is to prepare guidelines on national legislation in easy to read language. However, the change of the legislation will not happen in near future.

Ireland has guidance on understandable English. Based on the 2005 legislation public bodies have to make documents available for people with disabilities in brail or easy to read English if someone asks. It monitors public sector bodies via questionnaire monitoring.

Austria does not have any legal provision but tries to publish important publication in easy language (Convention, legislation on equality, etc.). There are the national measures for ministries to have "know-how" to offer the most important publications in easy language and also sign language. There is one pilot project in one state.

Greece is in similar situation as Austria. Accessible text of Convention and legislation related to disability were made available. Now it is working on accessibility in a way that at least all webs of public institutions become accessible. There are no works on content to be accessible. However, the ministry for regional development (responsible also for ICT development in public sector) is looking into standards.

Luxembourg has an institute for easy language. There is no legal basis for publication in easy language. The institute is working with ministries to help them to draft in easy language (letters, etc.).

Bulgaria has no legal basis in this area but it tries to prepare the easy to read text of Convention, asked for help the biggest organisation of people with intellectual disabilities. It also established a working group to analyse the situation in legislation, including the article 29 on accessible information. It would like to write a concept paper.

Sweden informed that more and more public organisations are reporting to be in line with accessibility.

Czech Republic has a government decree that all public authorities have to publish info in accessible format. The Ministry of Interior has a working group that elaborated guidelines for accessible web. However, it did not cover easy to read format, but it might be included in future.

Malta has only laws on people with disabilities in easy language but would like to go further.

Latvia is in a process of development of standards for accessible websites. Through ESIF accessible webs will be supported.

10. Miscellaneous

Latvia informed on the presidency events.

Finland hopes to ratify **CRPD** early next year. **Ireland** is in process of ratification.

Belgium informed about the conference on risk management for people with disabilities in disasters in December 4-5 in scope of its presidency of the Council of Europe.

Austria informed about its conference in April in Vienna on disability and human rights (presidency of Council of Europe). The final report from the conference will be published.

The Commission informed of its December conference of the Day of people with disabilities.