



MINUTES of the EU Disability High Level Group meeting

28 April 2015

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Joint meeting with civil society

1. Welcome by director Lieve Fransen

Ms Lieve Fransen (than director of DG EMPL Directorate D on social policies) informed the group of the European semester 2015 and of current and future activities of DG EMPL in the area of social protection and employment (social protection stocktaking, social investment package, employability package, youth guarantee, mobility package, long-term unemployment initiative, future call for project proposals on social economy-entrepreneurship, etc.) as well as in the area of disability (Accessibility Act, EU Disability Card).

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

The minutes of the last meeting of 23 and 24 October 2014 were approved.

3. State of play of ratification of the UN Convention on the Rights of Persons with disabilities (UNCRPD)

The three countries (IE, FI, NL) that still have not ratified UNCRPD, informed about the state of play of ratification.

In **Ireland** an Interdepartmental Committee is in place to review outstanding issues and the actions and timeframes required to tackle them. Four main categories with a need of new or amended legislation were identified: capacity - the Assisted Decision-Making (Capacity) Bill (published in 2013) will comprehensively reform existing legislation governing capacity and will provide a series of options to support people with decision-making capacity difficulties to make decisions and exercise their basic rights; mental health legislation – a review of the Mental Health Act has been completed and the Expert Group’s report was published in March 2015; sexual offences legislation – the General Scheme of the Sexual Offences Bill (published in 2014) will reform the law concerning sexual offences against vulnerable persons. Legislative proposals to replace section 5 of the Criminal Law (Sexual Offences) Act 1993

are being prepared; all other necessary miscellaneous amendments, including those needed to update outmoded, unsuitable and sometimes archaic language and provisions. Within this final category, the constitutional issue concerning reasonable accommodation will be addressed.

In **the Netherlands**, two acts are necessary: Act to approve the Convention (description per article how the legislation and policy measures comply with the Convention); Act to implement the Convention (adjustments in legislation: elaboration of the Equal Treatment Act with goods and services and Electoral Act). The independent College of Human Rights is responsible for monitoring the Convention; it is developing indicators (qualitative and quantitative). Netherlands expects ratification by the end of 2015.

In **Finland**, the parliament accepted the ratification of the Convention and its Optional Protocol 3.3.2015. The President of Finland decided on the ratification and signed the Act for the ratification on 10.4.2015. The Parliament required that the requirements of article 14 of the Convention have to be met in the national legislation before the ratification can be concluded. In practise this means that the self-determination of the persons with disabilities has to be regulated by law before the ratification instrument can be deposited. The required legislation is expected to be given to the parliament in September 2015.

4. Update on the implementation of the UNCRPD recent developments

a) List of issues and preparation for the EU dialogue

The Commission informed about the upcoming dialogue of the EU with the UN. The Commission received the list of questions that were also circulated to all national focal points, to participants of the Work Forum. A reply to the UN will be sent by late June, the dialogue will take place on 27-28 August and the COM delegation will be led by DG EMPL Director General. The COM will circulate the reply to the DHLG once finalised.

b) Debriefing of the UNCRPD dialogue: Germany, the Czech Republic, Croatia

DE, CZ and HR informed about their dialogue with the UN Committee on the Rights of Persons with Disabilities. They received concluding observations on almost all articles of the UNCRPD, some of them were similar, such as inclusive education, employment in the regular labour market, violence especially against children and women, etc.

Germany also received recommendations to review the term "disabled", to review income situation and election law, etc.

The Czech Republic also received recommendations to ratify the Optional Protocol, to harmonise definition of disability to Article 1 of UNCRPD, extend application of reasonable accommodation to other areas than employment, to better support NGOs helping in access to justice, to progress with de-institutionalisation, and to ban chemical castration, sterilisation, etc.

Croatia was also recommended to do more on de-institutionalisation, involuntary placement in psychiatric hospitals, ban sterilisation without consent, support participation in community, sign language, etc.

Both European Association of Service Providers for Persons with Disabilities (**EASPD**) and European Network on Independent Living (**ENIL**) reported about their observations: because of austerity measures there are tendencies to re-institutionalisation and thus the Article 19 (on independent living) of UNCRPD is not being implemented satisfactory.

EASPD welcomed that the Commission works on employability and long-term unemployed. It informed about its work on the European semester – on a report on CSRs and about the intention to look also at impacts on de-institutionalisation. Further it reported on 6 issues prepared for COM in relation to the upcoming review of the implementation of UNCRPD by the EU.

http://www.easpd.eu/sites/default/files/sites/default/files/News/easps_proposals_for_list_of_issues_eu_report.pdf

ENIL stressed the need to have clear definitions of independent living, personal assistance, and community based services.

5. Latvian presidency programme

LV representative presented the Presidency actions in relation to disability. The main actions are the conference on disability (a draft Declaration on disability for this conference was prepared and discussed in the Council's Social Question Working Party but finally it was decided to present this declaration as a presidency conclusions only) and conference on de-institutionalisation. There was a request from the group to get such info before the beginning of presidency, the Commission promised to ensure it for future (if needed circulating information by email).

6. Peer reviews' system of the Social Protection Committee (SPC)

The Commission informed about the SPC peer reviews and offered the group to have a peer review on disability (topic should be justified, how it would contribute to the group's work).

7. Disability-inclusive disaster management, preparedness and response

The DG Humanitarian Aid and Civil Protection (ECHO) informed about the EU Civil Protection Mechanism (EUCPM) that should facilitate cooperation in civil protection assistance interventions in the event of major disasters inside and outside the EU. It is based on the Decision of the European Parliament and of the Council on a Union Civil Protection Mechanism (1313/2013/EU) and the Commission Implementing Decision No 2014/762/EU laying down rules for the implementation of Decision No 1313/2013 of the European Parliament and of the Council on a Union Civil Protection Mechanism. There are 32 participating countries: 28 MS + Iceland, Norway, the Former Yugoslav Republic of Macedonia and Montenegro (Serbia and Turkey will join soon). Persons with disabilities are seen as priority for the mechanism.

There was a workshop in Riga (January 2015) on "Needs of persons with disability throughout disaster management cycle" and in March 2015 the Council adopted the Conclusions on Disability Inclusive Disaster Management. There are 9 projects co-funded related to persons with disabilities under the UCPM (€2.1 million).

<http://ec.europa.eu/echo/node/2677>

The Council of Europe informed about its initiative on People with disabilities and Disaster Risk Reduction: <http://www.coe.int/en/web/europarisks/people-with-disabilities1>

In 2013, the Council of Europe decided to organise a survey on the safety and security of people with disabilities in case of disasters. In 2014 it published the document Major Hazards and People with Disabilities. Afterwards, in 2014, the Council of Europe decided to organise a new survey with the aim of collecting good practice at international level and to compile these examples in an "easy to use" Major Hazards and People with Disabilities: A Toolkit for good practice. A draft Toolkit was presented at the December Conference:

<http://www.coe.int/en/web/europarisks/-/major-hazards-and-people-with-disabilities-a-toolkit-for-good-practice?inheritRedirect=true&redirect=%2Fen%2Fweb%2Feuroparisks%2Fhome>

8. Miscellaneous

a) Presentation from the Member States of innovative projects and actions

Sweden informed about its implementation of recommendations from the UNCRPD Committee, i.e. about the Information Campaign on the Rights of Persons with Disabilities. The Swedish Agency for Participation has been assigned to launch such an information campaign 2015-2017. The purpose is to prevent discrimination of persons with disabilities. The Campaign will cover: the rights of persons with disabilities; the new legislation on lack of reasonable accommodation as a form of discrimination; the recommendations from the Committee to Sweden. The campaign should be based on experiences from persons with disabilities and implementation should be in close cooperation with the civil society.

In the discussion it was stressed that easy to read, accessible formats should be available (SE - campaign will include them) and that anti-stigma campaign on mental health is important (SE - campaign is directed on psychiatric disabilities not intellectual).

Hungary presented three projects: 1) the studies of pedagogy of autism spectrum disorders, with the aim to provide curricula tailor-made for the needs of people living with autism (the Faculty of Special Education of the Eötvös Loránd University); 2) a programme supported by EU funds for the establishment of a sign language video-interpretation service for deaf, hard of hearing and deafblind persons - the so called KONTAKT interpretation service that allows the remote use of the interpreter, by using a web based video and subtitling; 3) a project is planned, using EU funds 2014-2020, for the creation of centres offering complex communication services. The project would be based on the network of sign language interpreters, and would offer the rental of alternative and augmentative communication devices as well as services.

b) Updated information on the monitoring mechanisms in the Member States

Estonia provided updated info on independent monitoring of UNCRPD. At the beginning of 2015, preparations to nominate the Gender Equality and Equal Treatment Commissioner as the UNCRPD independent monitoring mechanism started, including necessary amendments in legislation (Equal Treatment Act) and allocating necessary resources to complete the task. There is a need to expand the powers of the Commissioner set out in the Equal Treatment Act, changes are expected to come into force in the first half of 2016.

Hungary informed about the National Disability Council that is an independent mechanism. It is the main advisory and consultative body of the government, its main task is to transmit the views of the civil society in disability related questions. It facilitates, defends and monitors the implementation of the Convention in Hungary. In addition, the setting up of the Inter-Ministerial Committee on Disabilities has been started. This high level governmental committee will coordinate the legal proposals and initiatives relating to disability. It is also planned that this Committee will serve as the coordination mechanism within government as defined by Article 33 of the CRPD Convention. The National Disability Council discussed and unanimously supported the setting up of the Committee.

c) Information on the thematic chapter of the 8th DHLG report

The Commission informed about the DHLG reports, 7th Report is almost finished and should be published soon. As concerns 8th Report, the thematic chapter will focus on employment, in the open labour market mainly. The topic is of a big relevance also for the revision of Europe 2020. The Commission intends to send the questionnaire around the summer break. All Member States suggestions are welcomed and can be sent to COM.