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## MINUTES of the EU Disability High Level Group meeting
## Monday and Tuesday 19-20 October 2015, Committee of the Regions

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# 19 October 2015

## Joint meeting with representatives of civil society

### 1. Approval of the minutes of the DHLG meeting of 28 April 2015

Minutes from the previous meeting were approved.

### 2. Update on the implementation of the UNCRPD recent developments: debriefing of the CRPD dialogue: EU

The Commission provided info on the UN dialogue of the EU and recommendations received from the UN Committee on the Rights of Persons with Disabilities. The Commission will undertake their best endeavour to follow the recommendations. Concerning the recommendations requiring action within 12 months: the Commission is examining how to withdraw from the Independent monitoring framework and should adopt the accessibility act before the end of the year. The Commission plans to compile a revised list of EU law related to disability.

### 3. State of play of ratification of the UNCRPD

**The three countries (FI, IE and NL)** that still have not ratified UNCRPD informed about the state of play of ratification. They are finalising their work on putting all domestic legislation in accordance with UNCRPD.

In **Finland** the Ministry of Social Affairs and Health was preparing a Government Proposal on modifications to the Act on Intellectual Disabilities so that the provisions authorizing restrictions on the right to self-determination are clearly defined with appropriate appeal procedures, as well as the required measures supporting the right to self-determination. The Proposal should be given to the Parliament on 22 October 2015. If accepted, it would come into force on 1 March 2016. Finland will deposit the ratification instrument soon after this. Afterwards, it is planned to continue with a more comprehensive review on the self-determination of social welfare clients and patients.

In **Ireland** several legislative acts related to particular articles of UNCRPD are in process of approval or amendments. They concerns articles 3, 5 (reasonable accommodation), 12, 13, 14, 15, 23, 29, 33. The Government published a roadmap to ratification in October 2015.

As concerns **Netherlands**, they informed that they are also finalising the process. Mental Health Europe raised the issue of forced treatment claiming that the related national

legislative proposal would not be in line with UNCRPD. The NL representative disagreed with this assessment.

**Possible reservation** on some article/s of UNCRPD: FI – none, NL – none but will have an explanatory declaration and IE intends to put several declarations or reservations.

**European Union of the Deaf (EUD)** pointed out that the UNCRPD mentions sign language seven times in five different articles. (Article 2 – Definition, Article 9 – Accessibility, Article 21 – Freedom of expression and opinion, and access to information, Article 24 – Education, Article 30 – Participation in cultural life, recreation, leisure and sport). FI already has sign language legislation in place but NI and IE do not have any reference of sign language legislation in place despite amending domestic legislation in accordance with the UNCRPD. EUD need to understand the reason for the lack of legislation in spite of the ratification process of the UNCRPD.

**European Association of Service Providers for Persons with Disabilities (EASPD)** asked the 3 Member States concerned to speed up the ratification process as this would facilitate the discussion on the needed innovation regarding support provision in these countries.

**4. Shared implementation of the UNCRPD – discussion on better cooperation between the EU and national levels**

As highlighted by the dialogue of the UNCRPD Committee with the EU, the implementation of the Convention is a shared responsibility of the EU and its Member States which requires close cooperation between the two levels. The aim of the session was to share information and good practices on common objectives.

a) **Examples of good practice on consultation - how Member States involve persons with disabilities in decision making**

In **Latvia** persons with disabilities are included in decision making process via the National Council of Disability Affairs; regular meetings; working groups; public consultation on legislative acts and policy planning documents. The National Council of Disability Affairs is composed of ministries, representatives of local government, Ombudsman, other public bodies, social partners, NGOs (half of participants) and holds meetings 4 times per year. Regular meetings are a platform for face to face discussion of stakeholders and are held 2-3 times per year to discuss the state of play, actual issues, special legal provisions, etc. Working groups are organised when necessary on legislation, development of new services, ESF projects. Public consultation on legislation is mandatory and takes place on the ministries' web pages for 2 weeks.

**Malta** informed about the bodies involved in consultation with persons with disabilities. There is the Parliamentary Secretariat for Active Ageing and Persons with a Disability who is currently working on various national projects in disability area. It also holds regular meetings with persons with disabilities. It also has weekly meetings with the MT independent mechanism, Sapport Agency and other stakeholders. Examples of good practice in consultation were presented. The National Disability Policy was launched in 2014. It was drafted by the Committee for a Right Society and put into national consultation. In 2015 Sign Language Act was approved by the parliament making the sign language an official language in Malta.

**b) Examples of good practice on employment – how Member States address employment of persons with disabilities in public administration**

**Germany** informed about support for integration of severely disabled persons into the labour market supported by the Federal Employment Agency and by the National Action Plan for the implementation of the UNCRPD with over 30 employment measures. The key one is the Inclusion Initiative (€140 million) that focuses on particular groups of severely disabled people (such as young people during the transition into working life or older severely disabled unemployed people). To supplement the Inclusion Initiative, the Federal Ministry of Labour and Social Affairs launched an inclusion initiative for training and employment in autumn 2013, together with many partners, that aims at raising awareness of employers and increasing in-company training and employment (€80 million from the national rehabilitation fund). Both inclusion initiatives together should provide for improving the vocational participation by means of professional support in the transition from school to work; placement in training or employment; raising the awareness of companies; government funding.

**Austria** presented its quota system and the situation as concerns employment of persons with disabilities in public administration (federal, länder). Legal protection based on the Disability Employment Act and The Disability Equality Act provide for increased protection against dismissal from the 4th year of employment, prohibits salary reduction due to disability, protects against discrimination and harassment at work, provides for tax reliefs, for additional vacation (one more week), the right to elect Disabled Persons' Representatives in all enterprises with five or more registered disabled persons. As concerns civil servants with disabilities, they can use reasonable accommodation and adaptions, financing of personal assistance at the individual workplace, there is also an e-government strategy committed to accessibility and usability, mentoring projects on career planning for staff with disabilities (Measure 186 of National Action Plan on Disability 2012-2020), agreements between the Human Resources Management and employee representatives on internal objectives to promote the inclusion, increasing trainings on disability issues and accessibility for the administration staff.

**EASPD** made a remark that some Member States including Austria declare people with a certain degree of disability unable to work. Two issues arise from this administrative practice. (1) Is this in line with the right to work as stipulated in art. 27 of the UNCRPD? (2) By declaring people unable to work they disappear from all (un)employment statistics. This might become a barrier when promoting employment of persons with disabilities on the labour market.

**c) The EU**

**The Commission (DG Human Resources)** informed about DisAbility Management in the European Commission based on reasonable accommodation (Guidance on Reasonable Accommodation is in place). According to the Staff Survey 2014, the number of employees with disabilities (self-reported) is increasing (4.8% in 2013, 5.7% in 2014). Work is ongoing on accessibility (buildings, websites and information). A draft New Commission Internal Diversity and Inclusion Policy was proposed. The aims of future activities are recruitment - more colleagues with a disability; one stop shop (SEP-Single Entry Point); state of the art statistical knowledge; monitoring, reviewing and reporting; awareness–raising campaigns. To the question of European Association of Service Providers (EASPD) it was confirmed that services (cleaning, security, catering, etc.) are outsourced but they have to comply with BE legislation that includes disability obligation.

**d) NGOs presentations of their Action Grants 2014 results**

**European Network on Independent Living (ENIL)** presented its briefing on the use of European Structural and Investment Funds to support transition from institutional care to community living. It referred to 2 issues:

−   the Commission guidance on Transition from institutional to community-based care (de-institutionalisation - DI) as it allows investments into institutions for some restricted cases (such as constant medical supervision);
−   the case of bad treatment of a child in Rumania in community-based care supported by the structural funds.

**European Union of the Deaf** presented its publications on individual articles of UNCRP (with a deaf perspective): it focused on articles 29 Participation in Political and Public Life, 27 Work and Employment, 33 National implementation and monitoring. The publications are intended as tools for policy makers and organisations and present the examples of good practices.

**European Multiple Sclerosis Platform (EMSP)** presented its work done on employment for people with multiple sclerosis, in particular the European Employment Pact (project Paving the Path to Participation) and work done for young people with MS to help them into employment (project Believe & Achieve).

**European Disability Forum (EDF)** informed about its work to support its members in preparation for the dialogues of State Parties with the UN Committee on the Rights of Persons with disabilities, such as drafting the NGOs alternative reports, response to the EU list of issues, etc.

**EASPD** agreed not to present due to the lack of time available. It was agreed that EASPD would introduce its work next DHLG.

**6. Information on the revision of the European Social Statistics (IESS)**

**Eurostat** informed about its plan for modernisation of social statistics. The idea is to streamline data collection. It is planned to launch three Framework Regulations in the area of social statistics: Integrated European Social Statistics (IESS) – surveys and other micro-data collections (on-going); Demographic data collections and census (starting in 2019); Administrative data collections (after 2019). Integrated European Social Statistics (IESS) should cover domains health (=EHIS), income and living conditions (=EU-SILC). In SILC there should be a new health module every 3 years. They also presented the ongoing discussion on incorporating GALI into the Labour Force Survey is ongoing.

**7. Parking Card – combating fraud**

**The Commission (DG CONNECT)** presented the project SIMON (assisted Mobility for Older aNd impaired users). It should address the misuse of the European Disabled Badge – parking cards, lack of information on the mobility possibilities and resources available, lack of incorporation of ICT solutions in the provision of accessibility and mobility. The aim is modernisation of badges, security tokens and mobile apps. Three pilots are ongoing in Madrid, Lisbon and Parma. The platform will support different services: user authentication when parking in a reserved space; user authentication when accessing to restricted areas; multimodal navigation – routes considering accessibility; notification of occupancy of parking areas, availability. Users with disabilities are involved in the project.   **http://simon-project.eu/**