

Meeting of the EU Framework
to promote, protect and monitor the UN CRPD
Thursday, 13 January 2015, 14:30 to 17:30
Rue du Montoyer 30, Brussels, room MTS30 00X62

Participants:

European Ombudsman (EO): Tina Nilsson, Astrid Eichstadt.

European Parliament (EP): Monika MAKAY (EMPL Secretariat), Rosa RAFFAELLI (LIBE Secretariat), Orsolya Zara (Assistant to MEP Adam Kósa).

Fundamental Rights Agency of the EU (FRA): Martha Stickings.

European Disability Forum (EDF): Catherine NAUGHTON, Javier GUEMES, An-Sofie Leenknecht.

European Commission (EC): Maria-Luisa Cabral, Inmaculada Placencia Porrero, Annelisa Cotone, Tamiack VAN VUUREN.

Agenda

1. Welcome and opening by Ms Catherine Naughton, Director of the European Disability Forum, and Chairperson of the Framework's meeting
2. Approval of the agenda
3. Tour de table: report on members' activities undertaken in 2014 in the promotion, protection and monitoring of the implementation of the of the UN Convention
4. Planned activities of the EU Framework and its members for 2015/2016 and information on the timeline of the EU review process by the CRPD Committee
5. Evaluation of the functioning of the EU framework with a view to strengthening its work
6. Preparation of Agenda for the High Level Meeting of the EU Framework

Minutes

1. Welcome and opening by Ms Catherine Naughton, Director of the European Disability Forum, and Chairperson of the Framework's meeting

The Chairperson welcomed the participants and asked them to do a short *tour de table* presenting themselves.

The Chairperson highlighted that this extraordinary meeting has been called to prepare the High Level Meeting later this year.

2. Approval of the Agenda

The Chairperson confirmed that the record of the meeting of 13 February 2014 had been approved by written procedure.

The meeting agenda was adopted with a change to agenda point 4 to include the Framework's response to an email received from the Secretariat of the UN Committee on the Rights of Persons with Disabilities regarding the examination of the EU's initial report on the implementation of the UN Convention on the Rights of Persons with Disabilities (the UN Convention) and possible exchanges with the EU Framework and its members.

3. Tour de Table: report on members' activities undertaken in 2014 in the promotion, protection and monitoring of the implementation of the UN Convention

Each member presented the main activities carried out in 2014.

The EO highlighted the own initiative inquiry on the respect for fundamental rights in the EU's cohesion policy. This resulted from – among other things - a series of complaints that EU funds were used to build residential care institutions for persons with disabilities instead of promoting social inclusion. The EO launched a consultation on this inquiry targeting among others the EDF, FRA and the European Network of National Human Rights Institutions (NHRIs). The consultation will close at the end of February 2015. The EO also mentioned complaints regarding the accessibility of the EU institutions and related services such as the Europass CV format and EPSO selection procedures.

The EC reported on several promotion activities such as the 5th Work Forum on the implementation of the UN Convention and the meeting of the EU Framework with national monitoring frameworks in October 2014; the Day of Persons with Disabilities conference in December 2014 and the 2015 Access city Award organised in cooperation with EDF. The EC also mentioned data collection and analysis done by Eurostat and for the EC by the Academic Network of European Disability experts (ANED). ANED 2014 work plan included a report on access to healthcare services for persons with disabilities as well as cooperation with FRA on the development of indicators on the right to political participation.

FRA highlighted its work to develop and populate human rights indicators on the right to political participation, which was carried out in close cooperation with the EC and ANED. The results of this project were published ahead of the EP elections in May 2014, with [online indicators](#) and [infographics](#) developed in addition to the [report](#). FRA also reported on its on-going [project on independent living](#), and in particular the transition from institutional to community-based care. In 2014 FRA prepared draft human rights indicators on Article 19 of the CRPD and collected data on the types of institutions currently existing in the EU: several framework members participated in the expert meetings discussing these activities in November 2014. Internally, FRA is also advancing with actions to implement the Convention, such as improving the accessibility of its reports, communication products, office, events and website. In addition, all staff received mandatory training on disability equality awareness.

The EP representatives outlined the recent decision of the EP Conference of Presidents to designate the Committee on Employment and Social Affairs (EMPL Committee) to represent the EP in the EU Framework in close cooperation with the Committee on Civil Liberties, Justice and Home Affairs (LIBE) and the involvement of the Committee on Petitions (PETI). The Coordinators of the EMPL

Committee appointed MEP Adam KOSA as representative of the EMPL Committee in the EU Framework and Ms Blinkeviciute as substitute. The EP published in January 2014 a complementary impact assessment on the proposal for a directive on implementing the principle of equal treatment. A study entitled "Reasonable Accommodation and Sheltered Workshops for People with Disabilities: Costs and Returns" is currently being finalised and will be published by EP in January 2015. The EP Research Service is planning to publish an implementation appraisal on the Employment Equality Directive. An oral question was put by the acting EMPL Chair to the Commission in the plenary session in November 2014 on the Implementation of the Employment Equality Directive also addressing the CRPD and reasonable accommodation. The question was followed by a debate in plenary. Several petitions related to disabilities were submitted to the EP and answered by the PETI Committee.

EDF informed the members that in 2014 it uploaded relevant documents regarding the EU Framework onto their website, including the minutes. EDF contributed to a training organised by the EC DG Development cooperation with participation of DG JUST and the EEAS on the human rights of persons with disabilities for staff of the EU Delegations. EDF sent a contribution to the public consultation on the revision of the EC impact assessment guidelines. EDF also organised two civil society hearings with the European Economic and Social Committee on the implementation of the UN Convention with focus on the EU report and the alternative report preparation. EDF has finalised its alternative report and will submit it to the UN by the end of February. On 2 April 2015 EDF will join a closed meeting of civil society with the UN Committee. Another closed meeting is expected to take place in August 2015. As regards protection, EDF submitted third-party interventions at the ECHR on higher education in Romania, and on privacy and family life in Russia. Lastly, EDF will publish a manual on the UN CRPD Optional Protocol.

Operational conclusion: each member will update the table of the 2014 work programme indicating which actions were completed and any changes that occurred.

4. Planned activities of the EU Framework and its members for 2015/2016 and information on the timeline of the EU review process by the CRPD Committee

a) The Chair presented the timeline of the upcoming dialogue with the UN Committee on the EU's first implementation report:

- 2 April 2015: Civil society briefing meeting with the UN Committee; UN Committee's discussion of list of issues for the EU.
- 17 April 2015: Adoption of the list of issues by the UN Committee.
- Between 24 and 28 August 2015: Dialogue with the EU (exact date still to be decided).
- 3 September 2015: Adoption of concluding observations by the UN Committee.

The EC mentioned that it plans to organise both the Disability High-level Group meeting and the Work Forum in May 2015 in order to collect useful information and views from different sources.

The EO and EDF plan to reply individually to the list of issues. The EO will do so if it can draw relevant material from its cases.

Members agreed that it is important to keep regular contacts among themselves during the whole examination process in 2015 and share information, including on contacts with the UN Committee.

Response to the UN Committee on possible contribution of the EU Framework in the examination

The members discussed ideas to respond to an email from the UN Committee secretariat regarding the possible involvement of the Framework in the review process. They agreed that the EU Framework could be involved in the preparatory process of the examination to provide information to the Committee for a better understanding of the EU system. This is particularly important as it is the first time that the Committee examines a regional integration organisation that is party to the Convention.

The idea of organising an informative collective briefing meeting with the Committee was endorsed. This should take place as soon as possible, preferably before the discussion on the list of issues on 2 April 2015. The Chair of the EU Framework would introduce the Framework and respond to initial questions, following a line-to-take agreed with other members. Members can expand on individual activities if requested.

It was suggested to involve an independent academic expert or OHCHR Europe to explain the functioning of the EU system. An alternative option was organising a side event during the Committee's session to present the functioning of the EU Framework.

Possible practical arrangements for the presence of the EU Framework during the EU examination dialogue in August were briefly discussed.

Operational conclusion: The Chair will circulate a draft reply to the Committee secretariat for agreement from the other members. The reply will indicate that a) the EU Framework is available for an informative meeting to provide clarifications on the EU legal system and b) each member is available individually to answer questions from the Committee if needed.

b) Other planned activities:

Framework webpage

The EC informed the members that the draft content of the page will be circulated for comments after the meeting. It includes information on what the EU Frameworks does and the activities of each member. The page will also include the work programme, and a section on cooperation with national frameworks and other relevant networks.

It was underlined that the page should be informative, simple and easy to understand. It should also allow citizens to understand how the EU system works, including its remedies system as well as the protection afforded in cases where the EU has no competence to act.

EDF and FRA stressed the importance of accessibility of the website, which should include easy-to-read and sign language versions at least of the main pages.

Operational conclusions:

- The EC will circulate the draft content of the webpage for feedback and contribution by the members. It will also liaise with members to explore options for the easy to read and sign language versions.
- A consultation on the work programme for 2015/2016 will be done by written procedure with a view to finalising it by the end of February 2015.

5. Evaluation of the functioning of the EU framework with a view to strengthening its work

Members discussed shortcomings of the current functioning of the Framework and preliminary ideas on how to exploit its full potential.

EDF highlighted the following practical issues that came out of discussion with all members:

- Meetings should be more frequent, especially in the run-up to the dialogue with the UN.
- The secretariat function should be provided with sufficient resources.
- Information flow among members needs to be streamlined.
- Handling of possible conflict of interest of Members.
- The external acceptance of the framework is not fully established.

EDF also mentioned the following structural issues:

- The mandate of the framework as set out in the note endorsed by the Council does not seem to correspond to the mandates of the individual members.
- The EC roles as focal point and Framework member can be difficult to separate.
- The recent decision of the EP about its participation in the Framework may require a revision of the framework's rules of procedure as the EP is represented by the EMPL Committee in close cooperation with LIBE Committee and with the involvement of the PETI Committee for its specific role on petitions and not solely by the Committee on Petitions.

One idea to streamline the work could be to have a flexible approach so that any member may withdraw temporarily in case of conflict of interest. However this arrangement would not solve the issue of certain limitations that individual members face in their mandate.

Members agreed that the Framework should meet more frequently at a technical level to improve the sharing of information and to prepare joint activities like the proposed political meeting (see point 6 below) and the briefing with the UN Committee.

Members agreed that the website will be a very important tool to explain how the system of protection works in the EU and enhance the visibility and external perception of the Framework. The EO mentioned its interactive guide to assist citizens to file a complaint in the EU system. FRA has been developing the online [pilot tool CLARITY](#), which enables users easily to identify the most appropriate non-judicial body with a remit for particular fundamental rights issues.. The tool is planned to be integrated into the EC's e-justice portal. The EC suggested sharing these tools with a

view to incorporating similar features in the Framework webpage or making cross-references. It was agreed to prepare a standard presentation template that each member could use to inform the public about the Framework in relevant occasions.

The members agreed that contacts with national monitoring mechanisms should be more structured and frequent. The EC suggested writing to national monitoring mechanisms to raise their awareness of how the EU system works and how to better cooperate among national bodies and with the EU Framework. Contacts could be enhanced with other European networks such as Equinet or the European Network of NHRIs. In 2015, the meeting with the national mechanisms at the margin of the Work Forum will need better preparation both of the agenda and the logistics. FRA pointed to its meetings with equality bodies and national human rights institutions as opportunities to meet.

Members discussed the expiration of the Chair and secretariat mandates in May 2015. No member volunteered for the position of secretariat and the EC offered to keep this position for another year. No decision was taken on the follow-up and a possible extension of the current mandate of the Chair and the secretariat. The issue should be decided by written procedure.

Operational conclusions:

- The next meeting of the Framework will take place in February 2015 at technical level for the follow up on action points and left-overs from this meeting and the preparation of the political meeting.
- propose a draft letter to be sent to the national monitoring mechanisms to enhance cooperation and inform them of the next meeting at the margin of the Work Forum.
- The decision on the Chair and the secretariat will be discussed at the next meeting of the Framework.

6. Preparation of Agenda for the High Level Meeting of the EU Framework

The members agreed that the High Level Meeting will be an opportunity to give visibility to the Framework and ensure political endorsement of the role of each member in the Framework as well as of the common activities for 2015/2016. Each member will work to secure the highest possible political participation from their respective organisations. The possibility of producing a statement was also discussed.

Operational conclusions:

- The Chair will circulate a summary of the High level meeting purpose, and propose dates, taking into account the EP plenary schedule.
- All members will work on securing political participation at the highest possible level.
- The Chair will also propose dates for further technical meetings.