

Meeting of the EU Framework to promote, protect and monitor the UNCRPD

Thursday, 16 May 2013, 14:15 to 18:00

Rue Luxembourg 46, 1049 Brussels, Room FORTESCUE, LX 46 Ground Floor

Participants:

European Ombudsman (EO)	Rosita AGNEW, Legal officer Tina NILSSON, Legal officer
European Parliament, Committee on Petitions (PETI)	David LOWE, Head of Unit Georgiana SANDU Olga RADZIENCZAK, trainee
EU Fundamental Rights Agency (FRA)	Ioannis N. DIMITRAKOPOULOS, Head of Equality and Citizens' Rights Department
European Disability Forum (EDF)	Ioannis VARDAKASTANIS, President Carlotta BESOZZI, Director Javier GUEMES, Deputy Director An-Sofie LEENKNECHT, Human Rights officer
European Commission, DG Justice (EC)	Aurel CIOBANU-DORDEA, Director for Equality (Chair of the meeting) Johan TEN GEUZENDAM, Head of Unit, Rights of Persons with Disabilities Inmaculada PLACENCIA PORRERO, Deputy Head of Unit, Rights of Persons with Disabilities Annelisa COTONE, Policy officer, Rights of Persons with Disabilities Nadja KUNADT, trainee, Rights of Persons with Disabilities

Agenda

1. Welcome and opening by Mr Aurel CIOBANU-DORDEA, Director for Equality, European Commission, DG Justice
2. Approval of the agenda
3. Approval of the record of the Framework constituent meeting of 23 January 2013
4. Practical work of the Framework and *modus operandi*:
 - a. Role, nature and resources of the Framework's secretariat
 - b. Appointment of the Chair of the EU Framework's meetings
 - c. Working methods, rules of procedure and transparency
 - d. Exchange of letters
5. Presentation by Framework's members of relevant activities and Framework's work programme

- a. Consultation of Framework members with a view to developing a multi-annual work programme (short paper circulated by EO on 29/04/2013)
6. The status of the UNCRPD in the EU legal order
7. Date of next meeting and agreed points for next meeting
8. Miscellaneous

Minutes

1. Welcome and opening by Mr Aurel CIOBANU-DORDEA, Director for Equality, European Commission, DG Justice

The Chair opened the meeting and set out that the primary objective was to discuss and decide on the left-overs of the constituent meeting of the Framework held on 23 January 2013, including the discussion about the work programme.

2. Approval of the agenda

The agenda of the meeting was adopted with the addition at the request of the OMBUDSMAN OFFICE of a point under "Miscellaneous" concerning good practice in the area of dyslexia.

3. Approval of the record of the Framework's constituent meeting of 23 January 2013

The minutes of the Framework constituent meeting of 23 January 2013 were adopted.

4. Practical work of the Framework and *modus operandi*

The Chair opened the discussion on the basis of the three papers circulated by the Commission in advance and dealing respectively with the role of the Secretariat, of the Chairperson and the Framework's working methods. Comments were received from the members before the meeting. The three papers were examined in detail in order to reach agreement on a final version.

a. Role, nature and resources of the Framework's secretariat

EDF referred to comments already sent in writing in response to the Commission's draft. EDF proposed to include a two-year mandate for the Secretariat and the possibility to review the appointment after two years. EDF emphasised that there should be an explicit reference to the distinction between the work of the body holding the position and the Secretariat itself.

The Chair then opened the discussion on the appointment of one of the members to perform the role of Secretariat.

The Commission noted that during the constituent meeting some members had indicated their support for the Commission performing this function. The Commission

again confirmed its availability to perform the role of Framework's secretariat. In doing so, the Commission confirmed that its performance as secretariat will be distinguished from its function as focal point. The Commission recalled that the Secretariat is not intended to have a leading role, but has a technical role of facilitator and organiser of the meetings.

PETI noted that at present the Commission is the most suitable body for the performance of the Secretariat, while after two year this arrangement could be reviewed and changed if considered necessary.

EDF pointed out that without additional funding it is difficult for other organisations to have the capacity to carry out this role, and noted that the option to establish funding for this had not been considered.

FRA underlined the importance of public perception and accountability and transparency in the way the Framework and its Secretariat operate, and reminded in this context the double role that the Commission would have as focal point and secretariat of the Framework.

EDF agreed that public perception was important and noted that a member State had used the membership of the European Commission in the EU framework to justify its government participation in the national framework.

The Commission reminded that its membership of the Framework is necessary in order to comply with its obligation under the EU Treaties to monitor compliance by the Member States with EU law falling under the scope of the UNCRPD. The set-up of the EU Framework reflects the specificity of the EU as Regional Integration Organisation party to the UNCRPD and its legal order based on conferred powers. The Commission also noted that this justification would not apply at member State level, and that they were ready to send a clarification letter to EDF on this matter.

Operational Conclusions of Point 4a

- The paper on the role of the Secretariat will be revised in light of the agreed changes and will be circulated to the members for final agreement through written procedure.
- The Commission is appointed to perform the function of Framework's Secretariat for a period of two years after which this appointment will be reviewed.

b. Appointment of the Chair of the EU Framework

The members agreed that the Chairing should be held by members according to a rotation system and that the Chair has a technical role to run the meetings and cooperate with the Secretariat for preparation and follow-up. The Chair will not have an external representation role for the Framework.

Regarding the text of the paper, PETI underlined the importance to stress the collegial nature of the Framework and the fact that the Chair is *primus inter pares*. This should be made more explicit in the paper.

The members discussed the issue of duration of the mandate and agreed that a two-year mandate would ensure equilibrium and efficiency in the performance of this role and align it to the review clause for the Secretariat.

Regarding the appointment of the first Chair, EDF proposed itself as candidate.

The OMBUDSMAN OFFICE mentioned that it would also be ready and willing to take up the role of the chair, but would also agree on EDF taking up this position first.

Operational Conclusions of Point 4b

- The paper on the role of the Chair of the Framework will be revised in light of the agreed changes and will be circulated to the members for final agreement through written procedure.
- EDF is appointed as Chair of the Framework for a period of two years.
- After the first two-year mandate, the members will appoint a new Chair by consensus based on the voluntary candidacy by any of the members. The body holding the function of Secretariat will remain outside of the rotation system for chairing.

c. Working methods, rules of procedure and transparency

The members examined the Commission's draft paper outlining the proposal for the Framework's working methods.

PETI asked to put more emphasis on the principle that members contribute collectively to the Framework's tasks, while working in independence on their individual activities.

EDF suggested the publication of an annual report of Framework's activities. There was little support for this suggestion.

It was agreed that the reference to the complementary nature of the EU Framework in respect to the national Framework established by the EU Member States should be made more explicit. The complementarity aspect should be addressed as part of the Framework's work programme.

FRA suggested that the Framework's Secretariat should as soon as possible set up a webpage and afterwards develop it into a website. The Secretariat will look into the options to set up a webpage and further develop it into a website distinct from the DG Justice Portal. It will circulate a proposal for the structure, content and practical set up and management. The Commission reminded that as long as the webpage is hosted on the Commission site, the page will have to comply with Commission rules concerning

visual identity and structure. Of course the page will be accessible following the guidelines applicable to the Europa website.

It was agreed that the Framework should meet “at least twice a year”.

Members agreed that meeting documents will be circulated well in advance and an estimated time limit should be allocated to each item on the agenda.

Operational Conclusions of Point 4c

- The paper on the Framework's working methods will be revised following the agreed changes and will be circulated to the members for final agreement through written procedure.
- The Secretariat will look into the options for developing the Framework website and circulate an outline before the next meeting.

d. Exchange of letters

The members discussed the draft text for the exchange of letters that was circulated by the Commission on 30/04/2013. Comments were received before the meeting. It was agreed that the same text will be used by all members for the exchange of letters with the others.

PETI requested that the letters be published in the EU Official Journal. The Commission noted that it will consult its Secretariat General and inform the members of the follow-up.

Operational Conclusions of Point 4d

- The Secretariat will adapt the text of the letters to the comments made by the members and circulate a revised text for approval in written procedure.
- The Commission will consult its Secretariat General regarding the publication of the exchange of letters in the EU Official Journal and will inform the members.

5. Presentation by Framework's members of relevant activities and Framework's work programme

The Commission underlined that in future meetings, once procedural issues will be settled, activities undertaken by the members will be discussed in greater depth.

The OMBUDSMAN OFFICE referred to the short paper circulated on 29/04/2013 with a view to have an informal consultation on the most useful input that the Ombudsman office could provide, beyond its main role in protection.

FRA mentioned on-going work on legal capacity as well as the finalised project on fundamental rights of persons with intellectual disabilities and persons with mental

health problems. FRA stressed that its main task is data collection and invited the other members to consider and provide feedback on what issues could be covered in future data collection activities.

Regarding monitoring, the Commission referred to the work completed by the Academic Network of European Disability Experts (ANED) and the development of indicators to monitor the situation of persons with disabilities in particular as regards the achievement of the Europe 2020 targets in employment, education and poverty.

EDF mentioned its on-going campaign in the run-up to the 2014 European elections which aims to raise awareness of the key principles of the UN CRPD, especially with respect to accessibility of elections and political participation of disabled people. Following the experience of December 2011, this year EDF plans to hold a second State of the Union on Disability meeting.

Members agreed that the Framework will further address the issue of complementarity of national frameworks and the EU Framework. In particular the Commission referred to the annual Work Forum that it has been organising since 2010. The Commission proposed to devote at least one part of the 2013 Work Forum to exchange between national frameworks and the EU Framework. The Commission would be keen to receive input from the other members on the format of such session, its agenda and the preferred timeframe.

EDF welcomed the Commission's proposal and suggested that the agenda of the specific session would be agreed within the Framework. At the same time EDF preferred to have in the future a separate initiative for the exchange between the EU and national frameworks, outside of the Work Forum, and as an initiative of the EU Framework itself.

The Commission raised budgetary concerns with respect to organising a separate forum for the monitoring frameworks. It reminded that the Work Forum has a flexible format meant to offer the possibility of exchange between the governance mechanisms of the CRPD, not only the monitoring frameworks, in order to address common challenges and to learn from each other's experience and solutions. The agenda of the Forum can be adapted year after year according to the actual needs raised by the practical implementation and monitoring of the CRPD.

As regards the role of the Framework in the preparation of the EU report to the UNCRPD Committee, the Commission clarified that the report is prepared by the Commission as focal point and formal consultation with the Member States occurs via COHOM, the competent Council working group. While the Framework has no formal role in the reporting procedure, the Commission will informally share with the members of the Framework the draft report after the summer.

The Commission suggested that EDF could inform the Framework on the preparation of the shadow report in the next meeting.

Operational Conclusions of Point 5

- For the preparation of the next Work Forum, members will circulate suggestions as regards the agenda, format and timing of the session devoted to the EU Framework and its cooperation with national frameworks;
- In the next meeting FRA together with Commission will present on-going and planned work on developing indicators and carrying out data collection.

6. The status of the UNCRPD in the EU legal order

With reference to the Commission paper circulated on 03/05/2013, EDF announced that it is preparing an analysis on the status of the UNCRPD in the EU legal order and suggested that the Framework discuss this topic more thoroughly in one of its next meetings.

Operational Conclusions of Point 6

- The status of the UNCRPD in the EU legal order will be on the agenda of one of the next meetings. Members will be able to circulate their analysis in advance of the meeting in view of preparing the discussion.

7. Date of next meeting and agreed agenda points

Members agreed that the next meeting should be after the Work Forum. The date will be determined through exchange of e-mails.

Operational Conclusions of Point 7

- The date for the next meeting will be agreed through exchange of e-mails.
- Agenda items will include:
 - Presentation of indicators and data collection activities by FRA and the Commission (cf. operational conclusion of point 5);
 - Discussion about the update of the declaration of EU competences under the CRPD;
 - Discussion about the status of the UNCRPD in the EU legal order.

8. Miscellaneous

The OMBUDSMAN OFFICE informed the members on one case concerning dyslexia and other learning disabilities which however fell outside its jurisdiction. Members will send the Ombudsman relevant information on the topic by e-mail.