

Human rights for older people with disabilities and in need of care:
European Commission actions

- Malgorzata Kozlowska from the unit C2 of Modernisation of Social Protection Systems in the DG Employment, Social Affairs and Inclusion sends her sincere apology for not being present at this event due to exceptional circumstances and difficult travelling conditions. She would like to thank ENNHRI and especially Ciara O'Dwyer for making this event possible and she believes that the event would have a positive feedback and recognition.
- The involvement of DG EMPL sought to promote collaboration between social policy/social protection policy makers and human rights actors to illustrate that pensions, health and long-term care policies need to be designed in a way that help older persons enjoy their rights. In other words, it is through good social policy/social protection initiatives that we can put into practice human rights of older persons, which is increasingly important in the context of ageing societies.
- Although the prime responsibility for this policy area lies with Member States and the action needs to take place at the local level, the EU can help facilitate the exchange of good practice.
- The unit C2/DG EMPL addressed directly the issue of human rights for older people in the context of preventing the elder abuse. They helped organising a few events; most recent in June 2015, on the occasion of the 10th World Elder Abuse Awareness Day, AGE Platform Europe and the ENNHRI organised with financial support from EMPL a two day event to take stock of European and international action to tackle elder abuse and better protect and promote the rights of older people.
- As a follow up to the OHCHR-Commission conference on elder abuse in 2013, a project on HUMAN RIGHTS OF OLDER PERSONS AND LONG-TERM CARE was launched.
- As the CRPD is concerned and its article 19 on the rights of persons with disabilities to choose their place of residence, and to have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, we support using the full potential of the Convention to protect the rights of older people with disabilities.
- The shift from institutional to community-based care is a complex process that needs to be accompanied and complemented by integrated interventions in social services, health, housing, employment and education. The Member States remain

responsible for the management of social and health services and the EU has no competence to intervene directly in this field.

- In 2009 an ad-hoc group on transition from institutional to community-based care was convened by Mr Spidla. The group delivered a report that identified common basic principles to promote the rights of people living in institutions and provided recommendations to the Commission and Member States on how to support the transition.
- Since 2010 a European Expert Group on Transition from Institutional to Community-based care (EEG) has continued to work to promote its recommendations. Members are NGOs and international organisations (UNICEF, WHO) but Member States and Commission services are also represented.
- The Commission supports the reforms, notably through the implementation of the UN Convention, the use of European Structural and Investment Funds, the European Semester process and through raising awareness:

- The UN Convention implementation by the State Parties (EU, its Member States, etc.) is monitored by the UN Committee on the Rights of Persons with Disabilities that makes recommendations also on independent living. The Commission will ensure the implementation of the Recommendation issued by the UN Committee in August 2015 as an outcome of the first dialogue of the EU with the UN Committee on the rights of Persons with Disabilities "to foster the transition from institution-based to community-based service, and to strengthen the monitoring of ESI Funds use, as to ensure they are being used strictly for the development of support services for persons with disabilities in local communities and not for the re-development or expansion of care institutions" .

- The European Structural and Investment Funds can support the development of integrated services to enable people to leave residential institutions and live in the community with appropriate support, and prevent placements into institutional care. Such services include early intervention, family support, foster care, personal assistance, rehabilitation, community-based residential support, independent living schemes and supported employment. The European Social Fund can also support the capacity-building, training and requalification of social and health professionals in the transition from institutional to community-based care. A European Code of Conduct on Partnership in relation to the European Structural and Investment Funds has come into force. This requires all Member States to consult with civil society over the planning and spending of Structural Funds and to involve them as partners throughout the entire programming cycle including preparation, implementation, monitoring and evaluation.

- Regarding awareness-raising, at EU level, the Commission provides for exchange of information and good practices within the High Level Group on Disability, including on independent living. The HLG on Disability is an advisory group to the Commission composed of the Member States and civil society.

- In addition, the Commission supports the EU level non-governmental organisation European Network on Independent Living (ENIL) that promotes independent living values by having members in all Member States.
- However, monitoring of the process of de-institutionalisation and the situation of persons living in institutions is hampered by lack of data on people living in institutions. This is of course also lowering the possibility to measure implementation of the UN Convention and also to propose measures directly at the local level. The Eurostat surveys such as EU statistics on income and living conditions (EU-SILC) do not cover people living in institutions and thus we do not have an overview of their situation and are not able to measure for example their level of poverty.
- Therefore, we welcomed very much the Fundamental Rights Agency (FRA) project on "measuring the right to independent living" which aims to develop indicators on Article 19 on independent living of the UN Convention and mapping different types of institutions and community-based services available for persons with disabilities in the 28 EU Member States.
- Monitoring is also done via the European Semester.
- Given that accessibility is a precondition for participation and independent living, the Commission adopted the 2nd December 2015 a proposal for a Directive on accessible products and services which is an initiative to harmonise the accessibility of products and services in the internal market. This will also facilitate the work of economic operators leading to more accessible products at more competitive prices.