



Draft Minutes AER Working Group Equal Europe for Disabled Brussels, 21st September 2009

*(All powerpoint presentations are available on the AER website- please log in to access:
<http://www.aer.eu/events/health-social/2009/disabledbrussels.html>)*

Opening of the Seminar and Welcome

Metin GENC (Istanbul-TR), Chairperson of the Working Group, opened the meeting and welcomed participants. The aim of the meeting is to focus on four articles of the UN Convention on the Rights of Persons with Disabilities and to discuss areas of joint interest and possibilities for cooperation among the regions.

Presentation of the UN Convention on the Rights of Persons with Disabilities and special focus on the articles: Awareness-raising; Accessibility; Health; Habilitation and Rehabilitation

Kerstin JANSSON, Swedish UN Convention Expert, presented the background to the creation of the UN Convention on the Rights of Persons with Disabilities and the key discussions during the negotiations. The key importance of this convention is that it entrenches human rights and thereby changes the perception of persons with disabilities from patients requiring treatment and charity to citizens with the right to participation and inclusion. This convention is one of seven conventions on human rights and as such does not create any new human rights, but rather applies acknowledged human rights to the case of persons with disabilities.

When implementing Article 8 on awareness-raising, it is very important to cooperate with the disabilities movement and to ensure that awareness-raising campaigns do not in fact reinforce existing stereotypes about disabilities.

Article 9 on accessibility should not be considered as a special right, but rather as a perspective to be adopted when implementing all other rights.

Article 25 emphasises the importance of ensuring healthcare is accessible to all, as well as the role public health can play in early identification and prevention of disabilities.

Article 26 on habilitation and rehabilitation singles out a right which in other conventions is normally included under the right to health, because it is important that people with disabilities have access to multi-disciplinary training in order to reintegrate society.

A powerpoint presentation is available on the AER website.

Christian Bayerlein (European Network on Independent Living-ENIL) underlined the move that the Convention has facilitated from the medical model of disability, where disability is the result of physical impairments that set persons apart from the rest of society, to the social model where disability is a result of people's interaction with society. He also mentioned three more very important articles:

Article 4 about participation; Article 19 on the right to live in the community independently and Article 24 about education.

Developments at EU level in relation to the UN Convention

Maria ZUBER, European Commission Unit on Disability Unit DG Employment, Social Affairs and Equal Opportunities, outlined key figures about disabilities, explained the rationale for European initiatives in this area and outlined key European actions.

The Commission promotes the mainstreaming of disabilities issues, to ensure that these are taken into account at all policy stages and in all policy areas. To achieve this, the Commission has set up a inter-service group with other DGs.

As regards European funding, there is no single funding programme specifically addressing disabilities issues. Here too, disabilities have been mainstreamed across European funding instruments. The Structural Funds have disabilities as a criterion for the selection of projects and the Commission has published a toolkit on how to include accessibility and non-discrimination in Structural Funds projects. The Progress, Life-Long Learning and 7th Framework Programme also include disabilities issues.

The European Commission has also signed the UN Convention on the Rights of Persons with Disabilities- the first time that the EC is party to a human rights convention. Work is currently underway to clarify the division of competences between the EC and the Member States and to determine which party will do what. The added value of the EC being a signatory to the Convention is that this allows persons an extra route of judicial redress to the European Court of Justice and the possibility to apply sanctions.

The Commission is currently working on the European Disability Strategy post-2010 and a consultation will be launched shortly on this issue.

The regions have an important role to play in implementing the convention, within the sphere of their competences. The Commission encourages the regions to go through the new toolkit on using structural funds for disabilities and to consider how projects can take disability issues into consideration.

A powerpoint presentation is available on the AER website.

Christina Wahrolin (Värmland-S) asked for further information on the Commission's work on awareness-raising and shared her concerns that the Commission's communications do not seem to take the needs of persons with disabilities into consideration.

Maria Zuber agreed that the European Union has a problem in communicating with its citizens more generally, and not just those with disabilities. There is a small unit and they have developed a special website for persons with disabilities and are making publications, participating to conferences and working hard in the Commission's inter-

service working group to ensure that disabilities issues are taken into account.

Christina Wahrolin suggested that the Commission could offer to educate the new Members of European Parliament (MEPs) on the UN Convention on the Rights of Persons with Disabilities. She further suggested that the Commission buildings should be a model for disabled access, something which unfortunately is not the case today.

Ben Whitehouse (Hampshire-West Sussex) agreed that the EC institutions appear to adopt the lowest common denominator in light of limited funds and competences. He underlined the fact that very few Commission buildings are accessible, the europa website is not fully accessible, publications are often difficult to read and the percentage of persons with disabilities working in the Commission is quite low.

Maria Zuber agreed that more needs to be done and pointed out that as regards employment issues, there is a person within the Commission administration with the role of accommodating the needs of persons with disabilities. New buildings are fully accessible and disabled needs are taken into account when an old building is being refurbished. The UN Convention will constitute an extra lever to encourage other DGs to fully implement disability rights.

Luk Zelderloo (European Association of Service Providers for Persons with Disabilities-EASPD) congratulated Maria Zuber and her Unit on their good work in promoting disability issues.

He highlighted the fact that European funds (structural funds and European pre-accession and development aid) is often used to construct and/or modernise segregating institutions. It is therefore important to monitor how these funds are spent and to develop community-based conditions for independent living, rather than large segregating institutions.

Presentations of all participating regions with a special focus on the selected articles

Värmland-S

Christina Wahrolin explained that all Swedish county councils have the legal obligation to implement the UN Convention, which Sweden ratified in 2008. The Värmland County Council works in close cooperation with the disabilities movement in the region and they will provide training for members of the movement about the new convention and the rights it creates.

The County Council will mainly focus on Articles 25 and 26 of the Convention, as health policy is their key competence and they are currently working with the disability movement to form an action plan.

As regards assistive devices, Värmland considers that citizens have not only rights but also obligations. Therefore, citizens are expected to pay a fixed charge for these devices. Värmland will make a survey on the needs for devices and the consequences for the system and the individual.

Salzburg-A

Mag. Michaela Petz (Salzburg Brussels Office) apologised for not having received detailed information from her region in preparation for the meeting.

Salzburg has an office on equal opportunities and they focus on the application of article 9.2.e, with initiatives such as providing sign-language interpretation, working with women of migrant background and parents of children with disabilities.

Wallonie-B

Julie-Anne Vandeville (Agence Wallonie pour l'integration des personnes handicapees-AWIPH) informed members that Belgium ratified the UN Convention and optional Protocol in 2008. Implementation is proving complicated, as competences are divided among the regions, the federal government and the municipalities. They are currently looking at adapting Belgian legislation to bring it in line with the Convention.

Hampshire-West Sussex – UK

Ben Whitehouse (Brussels Representation of Hampshire-West Sussex) explained that English local authorities are responsible for primary care for the elderly, youth without families in children's homes and are large service providers, for example of social housing and education.

The UK Disability Discrimination Act has dealt with most issues raised in the UN Convention, as it requires service providers to ensure equal access to services in a form that best suits the individual, rather than what suits the provider or is cheaper.

Reasonable adjustments need to be made in order to facilitate employment. It is often difficult to facilitate employment in very old buildings, but there is a legal duty to adapt these.

Grad Zagreb- HR (City of Zagreb)

Marinka Bakula-Andélic explained that they have been implementing the rights set out in the UN Convention since 2003, even before the convention came into being, by promoting a social model for persons with disabilities grounded in the protection of human rights. 11% of the total population are disabled. Partnership with the disabilities movement is key to the success of their policies.

Zagreb has adopted a strategy for the equal opportunities for persons with disabilities for 2007-2010. This strategy is divided into 11 policy areas and lists all activities that need to be taken, the department responsible for these activities and the deadline for implementation.

Zagreb is very successful in reconstructing old areas in the city and adapting them for recreational and health use by persons with disabilities. They have also adapted all education institutions and some cultural institutions to make them accessible. They aim to have rendered all old buildings accessible by 2010. All new public transport is also accessible. Recently they opened a day centre for children with difficulties specialised in education and in early identification and diagnosis of disabilities. This service will shortly be made available at home also.

Catalunya-E

Natalia Marin Sarabia explained that Catalunya has 450.000 persons with disabilities, out of a population of 7 million. They are currently reviewing and revising all their regional legislation to ensure it is in line with the UN Convention. They work with health,

employment and justice and ensure accessibility to these areas. The region also provides services for persons with disabilities, including tutorials, adapted transport and early identification of disabilities.

Istanbul-TR

Kadir Dogan explained that both the provincial government and the municipality work in disabilities. Through cooperation and coordination of the different agencies and institutions, they strive to identify potential problems early on, identify solutions and avoid duplicating actions and services.

Their activities include the collection of statistical data, working in close cooperation with the disabilities movement, advising on social and legal rights of persons with disabilities, identifying needs for centres and schools for persons with disabilities and creating these as well as bringing together all the actors in the field in order to increase efficiency and effectiveness. A committee composed of representatives of the disability movement, the government and the administration must first approve all Istanbul projects, before these can be implemented.

A powerpoint presentation is available on the AER website.

Jönköping-S

Kristina Ögren explained that the County Council has one employee working full-time on disability issues. In terms of communication and awareness-raising, they publish a household magazine where they regularly try to raise awareness about accessibility issues. They have a web-based contacts platform for healthcare (myhealthcarecontacts) that allows people to make or cancel appointments, get prescriptions etc. They were one of the first Swedish county councils to create a special web space for disability issues. They have 35 clinics across their territory to ensure proximity to healthcare services.

Wielkopolskie-PL

Dominika Klawe explained that in Poland disability issues are still very much managed at national level. There exists a state fund, which is financed by fines paid by companies that have over 25 staff and under 6% of disabled employees. Money from this fund is then used to finance actions on disability issues and the regions coordinate these actions at the local level.

Metin GENC emphasised the importance of the optional Protocol to the UN Convention regarding implementation and requested more information on how regions can encourage its ratification.

Kerstin Jansson explained that Article 33 on implementation is divided into 3 parts. The first part outlines governments' responsibility- we need a focal point in a specific ministry that oversees all disability-related actions as well as coordination mechanisms to implement disability rights in all policy areas. The second part requires states to implement one or more mechanisms for monitoring implementation that should be independent of the state. Part 3 requires the involvement of disability organisations.

In Sweden there is a debate about how to organise the monitoring of all human rights conventions and she suggested that a new separate authority should be created, rather

than granting this role to the existing office of ombudsman who deals with redressing cases of discrimination, instead of promoting inclusion and preventing discrimination.

As regards the optional Protocol, it creates the right to make individual complaints to the UN Committee on the Rights of Persons with Disabilities but this is only a final course of action, after having exhausted all national mechanisms for redress.

Article 12 of the Convention talks about equal recognition before the law and thus creates an individual right to go before the courts and have one's rights upheld.

EASPD

Luk Zelderloo explained that the EASPD represent over 8000 organisations from across Europe, both NGOs and governmental agencies, that provide services for persons with disabilities.

He emphasised the need to focus on the implementation of the UN Convention and the need to develop some kind of Agenda 50 (following the Swedish Agenda 22 on implementation of the UN standard rules on disability issues that preceded the UN Convention) to help local authorities implement the Convention provisions.

EASPD works on capacity building and are willing to work with regions on how to raise awareness, evaluate the existing situation and develop plans and tools to implement disability rights. They work with the European Leonardo and Socrates programme to collect and exchange models of best practice and are very interested to cooperate with the regions.

Christina Wahrolin thanked for the reference to Agenda 22 and suggested that it is made available on the AER website.

European Foundation Centre (EFC)

Ana Mohedano Escobar explained that she represents foundations and corporate sponsors. The EFC have created a European consortium to focus on disability issues. They are currently doing a review of European and national legislation to identify provisions that need to be brought in line with the Convention. They also collect best practices on the implementation of the Convention and on how Member States plan to create implementing and monitoring bodies.

EFC is very interested in working with the regional dimension of implementing the Convention and in exploring further partnerships, as there are currently a number of projects in this area and we should try to avoid duplicating actions.

European Network for Independent Living (ENIL)

Christian Bayerlein explained that ENIL is composed both of individual members and NGOs active in this area. It aims to promote the independent living philosophy among its members and encourage the creation of barrier-free environments and the provision of personal assistance support and adequate technical aids. The organisation supports the empowerment of persons with disabilities by way of peer counselling and peer training.

Marinka Bakula-Andélic noted that although we emphasise the importance of cooperation with the disability movement, in her city she notes that her colleagues

unfortunately often are not willing to work with new disability movements. This is a difficult and often embarrassing situation.

Natalia Marin Sarabia informed participants of a project currently underway in Catalunya to develop a smart card for persons with disabilities, to replace the current paper-based accreditation system. Only 5 Spanish regions have such a system in place and Catalunya would be interested to learn from other regions that have implemented such a system.

Funding opportunities

Ourania Georgoutsakou (AER Secretariat) apologised on behalf of her colleague Anja Ruhland who was not able to attend the meeting and outlined the possible funding available at European level for regional initiatives in the field of disabilities.

Disability issues are mainstreamed across European funding programmes and there is no single programme dedicated to this theme. Regions can access funding under the Structural Funds (Regional Development Fund and Social Fund), the Life-Long Learning programme, PROGRESS, Youth in Action and the 7th Research Programme. For further information on funding opportunities, member regions are encouraged to contact Anja Ruhland.

A powerpoint presentation and full contact details are available on the AER website.

Planning of the Working Group's future activities and projects

Metin Genc presented the draft work plan for 2010. He suggested that the Council of Europe is listed as a potential partner and that the AER should invite high-ranking persons from the regions and governments to contribute to group meetings.

Christina Wahrolin proposed to delete the second point under main priorities- 'support regions in responding to the needs of persons with disabilities and creating inclusive societies' because it is implied under the other priorities.

This amendment was approved.

Christian Bayerlein suggested that the working group should expand its focus to include Article 19 of the UN Convention on independent living and living in the community. He further suggested that the proposed disability ambassador should be a person with disabilities, because only a disabled person can truly represent a group of disabled people.

Christina Wahrolin suggested that the group should keep to its mission and the 4 Convention Articles that were originally selected.

She also stated she does not favour the creation of the post of disability ambassador. She felt that each member of the group should be a disability ambassador and all AER structures should mainstream disabilities in their work, rather than having a small group of people working on this issue.

Metin Genc agreed that all members of the group should be disability ambassadors.

This point was deleted from the proposed activities for 2010.

The proposal to expand the group's mandate to include Article 19 was not adopted.

Kadir Dogan suggested the possibility to organise an exchange programme between regions whereby organisations can have study visits in other regions to see how the convention provisions are being implemented.

Christina Wahrolin suggested adding a reference to working with organisations at the local level. This proposal was approved.

She further suggested linking the planned event for 2010 to a plenary session of AER Committee 2 (Social Policy and Public Health) in order to raise awareness of the group's work and attract members.

She felt that it is not the work of the group to monitor European developments, but rather to monitor developments at regional and national level and report these back to the group. Metin Genc agreed with this proposal. The text was revised accordingly.

Ourania Georgoutsakou suggested expanding the application of disabled accessibility standards from the new AER website to the other AER communication material, including working documents, brochures etc.

Ben Whitehouse suggested applying accepted standards on web design and on communication material that is accessible to persons with disabilities. He further suggested that the group could coordinate on an ad hoc basis with other organisations active in the field of health that do not have sub-groups on disabilities, as well as groups representing the building or transport sector, to avoid duplicating efforts.

Christina Wahrolin suggested that the member regions should identify the representative organisation that is active at the regional and local level in their territories and work with them in developing and implementing policies. She emphasised that cooperation with the disability movement in each of our regions is crucial for the success of our actions and the implementation of the Convention.

The document was amended accordingly.

Metin Genc asked participants to forward links of other representative organisations, in particular at regional level, to the AER Secretariat. He also asked if participants agreed to circulate their contact details within the group. There were no objections to this.

The members discussed about the next meeting of the group and the proposal was voiced to link it to a meeting of an AER Committee (either 1, 2 or 3) in order to increase participation, raise awareness and mainstream disability issues across the AER's work.

The draft work programme 2010 was adopted subject to the amendments listed above.

Presentation of the association “Le 8ème Jour / The 8th Day”

Patrick Ipsen (Le 8ème jour) introduced a short film to presents the work of the association. Le 8ème jour provides people with disabilities with facilities for semi-autonomous and autonomous living.

Metin Genc thanked members for their participation and closed the meeting.

Christina Wahrolin thanked Metin Genc on behalf of the members of the group and the AER Social Policy and Public Health Committee (2) for his excellent leadership of the meeting.

The members of the working group and the AER Secretariat wish to thank the regions of Bruxelles-Capitale and Wallonie for their hospitality and their assistance in organising this meeting.

OG, 23rd September 2009

