

**Meeting of the EU Framework
to promote, protect and monitor the UNCRPD
Thursday, 13 February 2014, 14:00 to 18:00
Rue du Luxembourg 46, 1049 Brussels, meeting room Fortescue**

Participants:

European Ombudsman (EO)	Tina NILSSON, Legal officer
European Parliament (EP)	Sabina MAGNANO, Head of Unit, EMPL Committee secretariat Maira ANDREANELLI, EMPL Committee secretariat Mario SAMMUT, Legal Service
Fundamental Rights Agency of the EU (FRA)	Ioannis N. DIMITRAKOPOULOS, Head of Equality and Citizens' Rights Department Martha STICKINGS, Research officer
European Disability Forum (EDF)	Carlotta BESOZZI, Director Javier GUEMES, Deputy Director An-Sofie LEENKNECHT, Human Rights officer
European Commission (EC)	Johan ten GEUZENDAM, Head of Unit, Rights of Persons with Disabilities, DG Justice Inmaculada PLACENCIA PORRERO, Deputy Head of Unit Annelisa COTONE, Policy officer Katja REUTER, Trainee

Agenda

1. Welcome and opening by Mr Ioannis Vardakastanis, Chairperson of the Framework's meeting
2. Approval of the agenda
3. Approval of the record of the meeting of 16 May 2013
4. Representation of the EP in the EU Framework
5. The Framework's work programme for 2014
6. Update of the declaration of EU competences under the UNCRPD
7. Status of the UNCRPD in the EU legal order
8. Debriefing on and follow-up to the Work Forum 2013 and restricted meeting of the EU and national frameworks (25 October 2013)
9. Presentation by FRA and EC of on-going activities on indicators and data collection
10. Information from the Commission on the preparation of the EU Report to the UN CRPD Committee on the implementation of the Convention
11. Date and points for the next meeting
12. Miscellaneous

Minutes

1. Welcome and opening by Ms Carlotta Besozzi, Chairperson of the Framework's meeting

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

2. Approval of the agenda

The agenda was approved with a change in the order of items. EDF asked to include under Miscellaneous an info point on the complementary Impact Assessment carried out by the EP and released in February 2014 on the proposed horizontal Directive on Equal Treatment.

3. Approval of the record of the meeting of 16 May 2013

The record of the meeting of 16 May 2013 was approved. It was agreed that in the future members will adopt the minutes by written procedure.

4. Representation of the EP in the EU Framework

The representatives of the EP EMPL Committee's secretariat presented the decision taken by the Conference of Presidents on 12 December 2013, entrusting the EMPL Committee with the task of ensuring the representation of the EP in the Framework in close cooperation with LIBE (and in association with other committees where needed). The EP clarified that the EMPL and LIBE Committee are to present a proposal to the Conference of Presidents by the end of the current legislature to give practical follow-up to this decision. It was also clarified that the decision of the Conference of Presidents does not preclude in principle the involvement of PETI in the Framework for which a practical arrangement can be found. The representatives of the EMPL Committee's secretariat explained the background of the decision noting that EMPL and LIBE are responsible for disability and anti-discrimination respectively. Furthermore, they pointed out that PETI will continue to forward relevant petitions to the responsible thematic committees.

The members of the Framework welcomed the broader involvement of the EP in the promotion, protection and monitoring of the Convention. The Commission underlined the specific function of PETI in the protection of individuals, which was at the basis of its initial proposal, and the importance of the continued involvement of this committee in the work of the Framework.

Members discussed how to complete the exchange of letters necessary to confirm the members' participation in the Framework. The members agreed that once the EP has taken a formal decision on its representation in the Framework, it will reply to each of the other members. Once the procedure is completed, the Commission will inform the Council. There is no need for the other members to change their letters.

5. The Framework's work programme for 2014

The members discussed their ideas for a work programme for 2014 divided between the three main functions of Article 33 of the Convention.

With regard to promotion, EDF enumerated a number of actions in the areas of awareness raising, dissemination of information about the work of the institutions, but also proposed to give recommendations on how to improve the implementation of the UNCRPD, the drafting of a paper on the impact of the financial crisis on the situation of persons with disabilities and the enjoyment of their fundamental rights, the elaboration of a strategy for the complementarity with national frameworks as well as recommendations to the EU institutions on training of staff.

FRA emphasised the importance of quickly agreeing a 2014 work programme, which should extend to 2015 to take into account the members' cycle of activity programming. It also emphasised that the work programme should set out concrete activities, along with an expected timeframe.

FRA suggested the possibility of Framework members working together, within their respective mandates and areas of activity, on joint activities in line with the tasks of the Framework. The cooperation between FRA and the EC on the political participation indicators are an example of such joint activities.

With regard to promotion, FRA proposed that the Framework focusses on:

1. setting up a Framework webpage hosted by the EC/Europa portal, possibly with information on the progress of EU legislation in this area and on EU key legal and policy issues related to the UNCRPD;
2. Increasing awareness among the staff of the EU institutions about the UNCRPD;
3. Review of whether the Impact Assessment Guidelines are a sufficiently effective tool for ensuring compliance of new proposals with the UNCRPD;
4. Information on the implementation of the UNCRPD within the EU institutions/bodies and agencies;
5. Facilitating the communication with the national frameworks, i.e. through a meeting to exchange information.

With regard to monitoring, FRA suggested:

- To reflect on a more structured engagement with other EU-level bodies and agencies collecting data in relevant areas (Eurostat, FRA, the European Centre for Disease Prevention and Control (ECDC) and the European Foundation for the Improvement of Living and Working Conditions (Eurofound)) with the contribution of the EC together with the Academic Network of European Disability experts (ANED).
- FRA also mentioned that in 2014 it is chairing the network of EU agencies and could use this channel to collect information and promote the CRPD in relevant activities (e.g. accessibility of agencies websites).

FRA finally commented on the EDF's initial proposal for the 2014 Framework's work programme:

- Concerning EDF's proposal to draft a paper on how the crisis affects the human rights of persons with disabilities in Europe, FRA commented that producing such a study would require more time and resources.

The EO office pointed out that with regard to protection its mandate is limited to looking at administrative practices of the EU institutions and formulating recommendations in that area. In the area of monitoring, the EO is setting up a new system to improve the identification of

structural problems in the EU institutions and from March 2014 a seconded national expert will join the office to work on disability issues.

The EO and FRA underlined that their respective mandates do not allow them to issue recommendations and opinions as part of the Framework.

The EC reminded that the objective of the Framework is to pool resources and to identify relevant activities from the members' work programmes, to explore possibilities of cooperation, and to highlight existing gaps and to see who could tackle them, to make sure that the three aspects of Article 33 of the Convention are performed adequately. Concerning promotion, developments in the area of awareness-raising are possible, for example through the indicators project on political participation which could be used more for promotion activities. The Work Forum was also presented as a major activity that could benefit from increased cooperation between EU Framework members. As to monitoring, due to the short experience with current guidance of fundamental rights in the EC Impact Assessments, it would be preferable to critically analyse if existing tools are used in an efficient and effective way. The EC highlighted the role of the Disability Interservice group in promoting the mainstreaming of disability in relevant EC activities, including by raising awareness of the obligations deriving from the CRPD.

EDF pointed out that a number of activities could be implemented jointly by a group of Framework members or by all Framework members together. It was proposed to create a document with a core part detailing what the members decide to do together and a concrete timetable. Issues that are being done more specifically by each member in the Framework could be put in an annex.

Operational conclusion:

- EDF will circulate a revised proposal for a work programme for 2014/2015 and members will have two weeks to provide comments and input with the aim to adopt it by written procedure before the next Framework's meeting.

6. Update of the declaration of EU competences under the UNCRPD

The Chairperson pointed out that the update of the declaration of EU competences under the UNCRPD is necessary as the Lisbon Treaty as well as new legislation including a reference to persons with disabilities have brought some changes in the scope and nature of EU competences.

The EC pointed out that it sees this as an item where there is no role for the Framework as such. The study on the implementation of the UNCRPD carried out by an external contractor deals with this issue. It is planned to publish the results of the study subject to internal authorisation procedures. The update is done in connection with the preparation of the first EU report to the UN, but the submission to the UN of an updated declaration will be done separately from the presentation of the first EU report to the UN. The EC drew attention to the annual review of EU law and policies relevant for the UNCRPD done by ANED (available online)¹. It informed the members that they are free to send comments on issues they consider being overlooked.

¹ <http://www.disability-europe.net/theme/eu-law-and-policy/reports-law-and-policy>

7. Status of the UNCRPD in the EU legal order (former agenda item 8)

EDF presented its analysis of the status of the UNCRPD in the EU legal order in reaction to the note prepared by the EC disability unit in May 2013. EDF pointed out that the EC paper fails to acknowledge the novelty of the UNCRPD as the first human rights treaty ratified by EU and its wider impact on the EU legal order, and takes a conservative and passive stance towards the obligations deriving from the UNCRPD. In particular Article 4 of the UNCRPD implies a pro-active duty for state parties to review compliance of existing legislation with the UNCRPD and carry out the necessary reforms to remove non-compliance issues. There should also be a new instrument to systematically check the compliance of new EU initiatives with the UNCRPD.

The EC responded that a review of legal instruments had been carried out before concluding the Convention and is reflected in the declaration of competences. At that time, each DG in the EC was asked to indicate any compliance problems, and none were mentioned.

FRA underlined that although elaborating a common position is difficult, it is in favour of organising a discussion between different actors. FRA added that it is the implementation of existing legislation at national and local level across the EU that is problematic, rather than the existence of legislation and that the focus of attention should be on identifying and highlighting implementation weaknesses.

The EO office pointed out that both the EC and EDF analysis were useful. Bearing in mind the limits of the EO's mandate, and while respecting practices in the implementation of international treaties, it is important to have a proactive interpretation and implementation of the UNCRPD. The EO can monitor the "active" implementation of the UNCRPD within the EU administration.

8. Debriefing on and follow-up to the Work Forum 2013 and restricted meeting of the EU and national frameworks (25 October 2013)

The Chairperson pointed out the need to organise in 2014 a more formal meeting with the national frameworks on the basis of a more structured agenda and with wider participation. The possibility of having this meeting outside of the framework of the Work Forum was also discussed, but in the end not retained.

The EC noted that the first meeting with the national frameworks in 2013 was attended only by a small number of Member States, but that it was however a good starting point. Combining the two events remains the best possibility in terms of cost-efficiency as the EC covers all travel and accommodation costs.

With regard to reaching out to more actors, the EO office announced that it will check to what extent the European Network of Ombudsman can be used for this purpose.

On the issue of the complementarity with the national monitoring frameworks, FRA underlined that the EC should suggest further cooperation to the national monitoring frameworks.

EDF highlighted that it will be important to invite the persons working in the national monitoring frameworks to this meeting and to avoid participation by the focal points'

representatives. A possibility could be to contact the Chair of the Working Group on the UN CRPD of the European National Human Rights Institutions, Ms Sara Brunet of the UK Equality and Human Rights Commission. The EC agreed to contact her in the preparation of the meeting.

Operational conclusions:

- The EC will ask the members of the national frameworks about their availability for a meeting around 23-24 October.
- The EU framework members shall signal difficulties with that date as soon as possible.

9. Presentation by FRA and EC of on-going activities on indicators and data collection (former agenda item 7)

The EC and FRA presented the ongoing project carried out in cooperation with ANED with the goal to develop and populate indicators on political participation of persons with disabilities, in view of the European elections in 2014. This project is a good example of cooperation among Framework members. The project is still ongoing with the draft report being reviewed. It is planned to be published in April 2014. The participants discussed how to use the Framework for the dissemination of the results. The EC proposed to align processes, i.e. by producing a joint report by ANED and FRA, and organising joint presentations and events. Furthermore it pointed out the need to see how to enhance data collection in the future. FRA also underlined the role of the EP in the broader promotion of results.

EDF brought up the subject of indicators in the area of development and cooperation towards the achievement of the Millennium Development Goals (MDGs). Civil society is advocating for the inclusion of disability in the MDGs, and if this is to be achieved, indicators will be needed for the monitoring. A number of Governments are already proposing indicators. It pointed out the importance of having an active position at EU level in that regard. EDF sees the added value of discussing this subject within the Framework, as some of its members are experts on indicators. The EC agreed with the importance of this issue, but pointed out the practical problems encountered with data collection and indicator construction at EU level and that, internationally, this will prove to be even more complicated. Nevertheless efforts should be made. It also added that it is crucial to create indicators that are sustainable.

10. Information from the Commission on the preparation of the EU Report to the UN CRPD Committee on the implementation of the Convention

The EC informed the Framework members about progress in the preparation of the EU report to the UN on the implementation of the UNCRPD. The EC as focal point has been carrying out various consultations before finalising the report and envisages sharing the draft report with the Members on a confidential basis. EDF pointed out that it would like to see more involvement of other institutions on that issue. With regard to the sharing of the draft EU report to the UN with the framework members, the EC pointed out that if this is done, it would need to be done on a confidential basis. The other members of the Framework replied that they would have to check their legal position on this issue.

Concerning the review of the EU's report to the UN CRPD Committee, FRA commented that the framework should not be taking an official position as several members are producing their own parallel reports.

Operational conclusion:

The Commission envisages sharing the draft report with the Members on a confidential basis and invites them to clarify their position on this procedure in writing as soon as possible. Thereafter the modalities of this possible consultation will be communicated.

11. Date of next meeting and points for the agenda

The Secretariat will send a proposal for possible meeting dates in May/June.

12. Miscellaneous

EDF informed the members that the EP presented in February 2014 a complementary Impact Assessment of the proposed horizontal Directive on Equal Treatment.² EDF noted that the study had a limited approach and did not look at the potential benefits of a horizontal directive in the area of discrimination. The EC confirmed that it has identified a number of problems with the methodology and the conclusions of the study.

²www.europarl.europa.eu/meetdocs/2009_2014/documents/libe/dv/38_eprs_equaltreatment_/38_eprs_equaltreatment_en.pdf