



Studiengruppe Rechte von Menschen mit Behinderungen

**Beitrag zum Bericht der EU an den Ausschuss
für die Rechte von Menschen mit Behinderungen
der Vereinten Nationen (UNCRPD)**



**Europäischer Wirtschafts-
und Sozialausschuss**

**STUDIENGRUPPE RECHTE VON MENSCHEN MIT BEHINDERUNGEN
BEITRAG ZUM BERICHT DER EU AN DEN AUSSCHUSS FÜR DIE RECHTE VON
MENSCHEN MIT BEHINDERUNGEN DER VEREINTEN NATIONEN**

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1. EINLEITUNG

1.1. Hintergrundinformationen

Nach Ratifizierung des Übereinkommens über die Rechte von Menschen mit Behinderungen der Vereinten Nationen (im Folgenden kurz: VN-Übereinkommen) und des dazugehörigen Fakultativprotokolls durch die EU im Jahr 2010 verpflichtete¹ sich der Europäische Wirtschafts- und Sozialausschuss (EWSA), eine Struktur zur Überwachung der Umsetzung dieses Übereinkommens zu schaffen. Ihre Aufgabe sollte es sein, die Organe der EU dazu aufzufordern, über ihre Arbeit zu berichten, sowie Reaktionen von Menschen mit Behinderungen über die sie vertretenden Organisationen einzuholen, um ein unabhängiges Bild der Fortschritte bei der Umsetzung des Übereinkommens zu zeichnen.

Dazu wurde im Januar 2014 zunächst eine Ad-hoc-Gruppe zu Behinderungen geschaffen und im Oktober 2015 dann die Studiengruppe Rechte von Menschen mit Behinderungen (SG-DIS), deren Mandat 2018 erneut bestätigt wurde.

1.2. Ziele

Das Mandat dieser Gruppe lautet:

- Sicherstellung der praktischen Umsetzung des VN-Übereinkommens innerhalb und außerhalb des EWSA;
- Förderung politischer EU-Leitlinien in vom VN-Ausschuss für die Rechte von Menschen mit Behinderungen herausgestellten Schlüsselbereichen;
- Förderung der Teilhabe durch Schaffung eines Forums für Diskussionen und die strukturierte Einbeziehung von Behindertenorganisationen, Organisationen der Zivilgesellschaft und anderen Interessenträgern an der Umsetzung des VN-Übereinkommens.

1.3. Allgemeiner Überblick über die ausgeführten Tätigkeiten

Zur Erreichung dieser Ziele hielt die SG-DIS in der laufenden Mandatsperiode (2018–2021) öffentliche Anhörungen ab, um verschiedene Fragen im Zusammenhang mit den Rechten von Menschen mit Behinderungen mit Behindertenorganisationen und Organisationen der Zivilgesellschaft zu erörtern. Die Studiengruppe führte zudem mehrere Informationsreisen durch, um den Stand der Umsetzung des Übereinkommens eingehender zu prüfen. Eine Delegation der SG-DIS nahm an der Konferenz der Vertragsstaaten des VN-Übereinkommens (COSP) teil.

Verschiedene Vertreter von EU-Organen, Regierungsbehörden, Behindertenorganisationen und anderen Organisationen der Zivilgesellschaft nahmen an diesen Tätigkeiten teil. In diesem Bericht sind die Empfehlungen zusammengefasst, die von der SG-DIS bei den von ihr abgehaltenen Veranstaltungen eingeholt wurden, um einen Beitrag zur Berichterstattung der EU an den VN-Ausschuss für die Rechte von Menschen mit Behinderungen zu leisten.

¹

[EWSA-Stellungnahme SOC/464](#).

2. EMPFEHLUNGEN

Als Vertragspartei des Übereinkommens muss die EU regelmäßig Berichte zu dessen Umsetzung beim VN-Ausschuss für die Rechte von Menschen mit Behinderungen vorlegen. Ein erster Bericht wurde 2014 erstellt. Der VN-Ausschuss nahm dazu mit einer Reihe von abschließenden Bemerkungen Stellung, die Empfehlungen dazu enthielten, wie das VN-Übereinkommen besser umgesetzt werden kann. Der EWSA war die erste EU-Institution, die – nur wenige Tage nach Veröffentlichung der abschließenden Bemerkungen – eine Konferenz abhielt, um zu erörtern, welche Folgemaßnahmen zu diesen Empfehlungen ergriffen werden müssen. Der nächste EU-Bericht ist im Januar 2021 fällig, und ab dann ist mindestens alle vier Jahre ein weiterer Bericht vorzulegen.

Die SG-DIS trägt zu dieser Berichterstattung bei, indem sie der Europäischen Kommission durch die von ihr organisierten Tätigkeiten inhaltliche Impulse liefert.

2.1. Allgemeine Empfehlungen

Die EU setzt das Übereinkommen im Rahmen ihrer Strategie zugunsten von Menschen mit Behinderungen um. Die derzeitige Strategie läuft zum Ende des Jahres aus, und die SG-DIS hat mehrere Empfehlungen zum Inhalt der nächsten ausgesprochen.

Auf organisatorischer Ebene sollten in allen Generaldirektionen und Institutionen der EU Anlaufstellen eingerichtet werden. Aufgrund des bereichsübergreifenden Charakters der Belange von Menschen mit Behinderungen sollte eine zentrale Anlaufstelle im Generalsekretariat der Kommission angesiedelt werden. Es sollte ein interinstitutioneller Mechanismus zwischen Kommission, Parlament und Rat geschaffen werden, deren Präsidentinnen bzw. Präsidenten zu Beginn jeder Legislaturperiode zu einem Treffen zusammenkommen sollten. Die personelle und finanzielle Ausstattung des EU-Rahmens für das VN-Übereinkommen sollten aufgestockt und die jeweiligen Zuständigkeiten der EU und Mitgliedstaaten geprüft und auf den neuesten Stand gebracht werden.

Auf legislativer Ebene ist es nach Erlass des europäischen Rechtsakts zur Barrierefreiheit wichtig, einen EU-Ausschuss für Barrierefreiheit einzurichten, um die Umsetzung der EU-Rechtsvorschriften zur Barrierefreiheit zu überwachen. Andere zu verabschiedende Gesetzesinitiativen sind Rechtsvorschriften zur Bekämpfung sämtlicher Formen von Diskriminierung aufgrund einer Behinderung, eine Richtlinie zur Vereinheitlichung der EU-weiten Anerkennung der Bewertung von Behinderungen, Maßnahmen zur Wahrung der Rechte von Menschen mit Behinderungen auf politische Teilhabe auf EU-Ebene sowie Leitlinien für die Mitgliedstaaten, damit dies auch auf nationaler Ebene gewährleistet ist. Ferner bedarf es bindender Rechtsvorschriften zur Harmonisierung der technischen Normen für die Barrierefreiheit der bebauten Umwelt, Maßnahmen zur Angleichung der Mindeststandards für angemessene Vorkehrungen am Arbeitsplatz und Leitlinien zur Mindesthöhe der Leistungen bei Behinderung und zur Erbringung von Dienstleistungen.

Überdies sollte Menschen mit Behinderungen in sämtlichen Politikbereichen berücksichtigt werden und die neue Agenda sollte klare und greifbare Richtwerte sowie Indikatoren umfassen, die sich auf eine verbesserte aufgeschlüsselte Datenerhebung durch Eurostat stützen.

Außerdem ist es wichtig, dass der EU-Haushalt nicht genutzt wird, um Projekte oder politische Maßnahmen zu finanzieren, welche die Grundsätze des VN-Übereinkommens nicht erfüllen. Mögliche Investitionsbereiche sind die Forschung zur Entwicklung neuer assistiver Technologien, die Verbesserung der Barrierefreiheit von Erasmus+-Programmen, die finanzielle Unterstützung für den

Übergang von der Betreuung in Einrichtungen hin zur Betreuung in der Familie und in der lokalen Gemeinschaft sowie zur selbständigen Lebensführung sowie die Umsetzung des VN-Übereinkommens in den Mitgliedstaaten, insbesondere in Bereichen, in denen die EU nicht über die ausschließliche Zuständigkeit verfügt.

Empfehlungen:

- ▶ Einrichtung von Anlaufstellen für Menschen mit Behinderungen in allen Generaldirektionen und Institutionen der EU sowie einer zentralen Anlaufstelle im Generalsekretariat der Kommission
- ▶ Einrichtung eines interinstitutionellen Mechanismus zwischen EP, Rat und Kommission
- ▶ Aufstockung der Mittel für den EU-Rahmen
- ▶ Erarbeitung einer Erklärung zu den Zuständigkeiten zur Änderung der Erklärung über die ausschließlichen Zuständigkeiten der EU und Abschluss des Fakultativprotokolls zum VN-Übereinkommen
- ▶ Einrichtung eines Europäischen Ausschusses für Barrierefreiheit, um die Umsetzung der EU-Rechtsvorschriften zur Barrierefreiheit zu überwachen
- ▶ Durchgängige Berücksichtigung der Grundsätze der europäischen Säule sozialer Rechte im Rahmen der Strategie zugunsten von Menschen mit Behinderungen, insbesondere zur Umsetzung von Grundsatz 17 zur Inklusion von Menschen mit Behinderungen
- ▶ Durchgängige Berücksichtigung von Menschen mit Behinderungen bei allen wirtschafts-, sozial- und umweltpolitischen sowie externen politischen Maßnahmen der EU, insbesondere bei der Strategie für die Gleichstellung der Geschlechter, der Jugendgarantie, dem Grünen Deal, der Garantie gegen Kinderarmut und dem Grünbuch zum Thema Altern
- ▶ Sicherstellung, dass der EU-Haushalt ausschließlich zur Finanzierung von Maßnahmen verwendet wird, welche die Grundsätze des VN-Übereinkommens erfüllen
- ▶ Verbesserung der Datenerhebung zu Menschen mit Behinderungen durch EUROSTAT
- ▶ Einbeziehung klarer und aussagekräftiger Richtwerte sowie messbarer Indikatoren, insbesondere für Frauen und Mädchen mit Behinderungen, junge und ältere Menschen mit Behinderungen sowie für Flüchtlinge, Migranten und LGBTI-Personen mit Behinderungen
- ▶ Nutzung des Europäischen Semesters, um die Mitgliedstaaten dazu anzuregen, eigene nationale Strategien für Menschen mit Behinderungen zu entwickeln und in den nationalen Reformprogrammen auf die Umsetzung des VN-Übereinkommens einzugehen
- ▶ Umfassende Berücksichtigung der Rechte von Menschen mit Behinderungen und des Übereinkommens im Rahmen des sozialen Dialogs auf der europäischen und nationalen Ebene sowie bei Tarifverhandlungen der Sozialpartner unter Einbindung von Behindertenorganisationen
- ▶ Sicherstellung der vollumfänglichen und aktiven Einbindung von Behindertenorganisationen und Organisationen der Zivilgesellschaft in die Konzipierung, Umsetzung und Verwaltung der Strategie und jeder politischen Maßnahme zu Menschen mit Behinderungen

2.2. Frauen mit Behinderungen (Artikel 6)

Schätzungen zufolge leben etwa 47 Millionen Frauen mit Behinderungen in der EU und werden in mehrfacher Hinsicht aufgrund ihres Geschlechts und einer Behinderung diskriminiert. Sie sind nicht nur im Vergleich zu Frauen ohne Behinderungen, sondern auch zu Männern mit Behinderungen einem größeren Risiko von Armut und sozialer Ausgrenzung ausgesetzt. Dabei stoßen sie auf Diskriminierung beim Zugang zu Bildung und Beschäftigung sowie hinsichtlich ihrer sexuellen und reproduktiven Rechte und sind öfter Opfer von Gewalt.

Um Artikel 6 des Übereinkommens vollständig umzusetzen und das vorstehend geschilderte Problem zu lösen, wird ein zweigleisiger Ansatz benötigt, der zum einen die vielfachen Formen von Diskriminierung bekämpft und zum anderen die Position von Frauen mit Behinderungen stärkt.

Die bestehenden Rechtsvorschriften sollten überarbeitet und Bestimmungen, welche die Rechte von Frauen verletzen, geändert oder aufgehoben werden. Positive Aktionen und Maßnahmen sollten erlassen werden, um bestehende Benachteiligungen auszugleichen. Es sollten Mittel für die Forschung und Sicherstellung der Verfügbarkeit von zuverlässigen aufgeschlüsselten Daten als Orientierungshilfe für politische Maßnahmen bereitgestellt werden. Organisationen, die Frauen mit Behinderungen vertreten, sollten ebenfalls unterstützt werden.

Um den bereichsübergreifenden Aspekt der Diskriminierung anzugehen, ist es außerdem wichtig, dass die EU die Geschlechterdimension bei Maßnahmen und Programmen für Menschen mit Behinderungen berücksichtigt und umgekehrt. Finanzierungsinstrumente der EU, insbesondere die Strukturfonds und der Europäische Sozialfonds, sollten als Schlüsselinstrumente eingesetzt werden, um die Mitgliedstaaten bei der Förderung von Barrierefreiheit und Nichtdiskriminierung zugunsten von Frauen und Mädchen mit Behinderungen zu unterstützen.

Hinsichtlich der Bekämpfung von Gewalt gegen Frauen sollten die EU und ihre Mitgliedstaaten auch dem Übereinkommen des Europarates zur Verhütung und Bekämpfung von Gewalt gegen Frauen und häuslicher Gewalt (Übereinkommen von Istanbul) beitreten, um die Bekämpfung der Gewalt gegen Frauen und Mädchen mit Behinderungen voranzubringen. In der Folge sollten auch Maßnahmen ergriffen werden, um sexuelle und andere Gewalt gegen Frauen und Mädchen mit Behinderungen unter Strafe zu stellen und Zwangssterilisierung zu beenden. Darüber hinaus ist es wichtig, dass die EU und die Mitgliedstaaten Maßnahmen ergreifen, um sicherzustellen, dass Frauen und Mädchen mit Behinderungen gleichberechtigt Zugang zu barrierefreien und speziell auf die Bedürfnisse von Menschen mit Behinderungen ausgerichteten Gesundheitsdiensten sowie zu erschwinglicher allgemeiner Gesundheitsversorgung haben.

Empfehlungen:

- ▶ Änderung oder Aufhebung diskriminierender Rechtsvorschriften
- ▶ Umsetzung von auf Stärkung abzielender, positiver Maßnahmen
- ▶ Unterstützung von Organisationen, die Frauen mit Behinderungen vertreten
- ▶ Unterstützung von Forschung und Datenerhebung
- ▶ Durchgängige Berücksichtigung der Geschlechterdimension bei politischen Maßnahmen zu Menschen mit Behinderungen und umgekehrt
- ▶ Beitritt zum Übereinkommen von Istanbul und Ergreifen von Maßnahmen zum Schutz von Frauen mit Behinderungen vor sämtlichen Formen von Gewalt, einschließlich sexueller Gewalt und Zwangssterilisation

2.3. Bewusstseinsbildung (Artikel 9) – Rolle der Medien

Die Art und Weise, in der eine Gesellschaft Menschen mit Behinderungen im Besonderen und Diversität im Allgemeinen darstellt, scheint ihr Demokratieniveau widerzuspiegeln. Die Medien spielen eine wichtige Rolle bei der Bewusstseinsbildung zu den Rechten von Menschen mit Behinderungen und der Bekämpfung ihrer Stigmatisierung. Sie können einen menschenrechtsorientierten Ansatz fördern und Menschen mit Behinderungen selbst stärkeres Gehör verschaffen. Dazu sollten die Medien Menschen mit Behinderungen nicht länger als bemitleidenswerte oder auch inspirierende Persönlichkeiten darstellen. Stattdessen sollten sie darüber reden, was für diese Menschen wichtig ist, und Probleme sowie Missbrauch verurteilen. Um dies zu erreichen, müssen auch Behindertenorganisationen eine Rolle spielen. Beim Umgang mit den Medien sollten sie ihre Botschaft an die geänderte Medienlandschaft, der weniger Ressourcen zur Verfügung stehen und die schnelllebig geworden ist, anpassen und ihrerseits eingängiger kommunizieren. Die Medien sollten mehr Menschen mit Behinderungen in verschiedenen Funktionen einstellen, wie z. B. als Journalisten, aber auch Regisseure, Drehbuchautoren usw. Die EU und ihre Mitgliedstaaten sollten auf politischer und regulatorischer Ebene tätig werden (z. B. mit Leitlinien zur Kommunikation über Menschen mit Behinderungen in den sozialen Medien und der Annahme eines Verhaltenskodexes zur Berichterstattung über Menschen mit Behinderungen). Auch auf EU-Ebene sollten sämtliche Organe Leitlinien zur Kommunikation zu den Rechten von Menschen mit Behinderungen festlegen, die dem VN-Übereinkommen in vollem Umfang entsprechen, und es sollten Initiativen zur speziellen Schulung von Journalisten ins Leben gerufen werden.

Empfehlungen:

- ▶ Medien sollten aufgrund ihrer Rolle bei der Bewusstseinsbildung und Bekämpfung der Stigmatisierung verantwortungsvoll handeln.
- ▶ Medien sollten Menschen mit Behinderungen nicht länger als bemitleidenswerte oder auch inspirierende Persönlichkeiten darstellen und stattdessen deren Probleme sowie für sie wichtige Themen ansprechen sowie Missbrauch verurteilen.
- ▶ Menschen mit Behinderungen sollten in der Medienbranche in verschiedenen Positionen eingestellt werden.
- ▶ Behindertenorganisationen sollten ihren Umgang mit den Medien anpassen und ihre Botschaften eingängiger formulieren.
- ▶ Die EU und die Mitgliedstaaten könnten Leitlinien und einen im Einklang mit dem VN-Übereinkommen stehenden Verhaltenskodex für die Kommunikation über Menschen mit Behinderungen annehmen.

2.4. **Recht auf Arbeit (Artikel 27)**

Das Recht auf Arbeit und Beschäftigung ist für Menschen mit Behinderungen in der EU leider bei Weitem keine Selbstverständlichkeit. Aktuelle Daten zeigen, dass das Beschäftigungsgefälle zwischen Menschen mit Behinderungen und der übrigen Bevölkerung sehr hoch ist, wobei sich die Situation bei Frauen, jungen Menschen mit Behinderungen und Menschen mit schwereren oder mehrfachen Behinderungen sogar noch schlechter darstellt.

Entscheidend für einen Ausgleich des Gefälles ist es, Menschen mit Behinderungen und ihre Organisationen in die Konzipierung, Umsetzung und Überwachung sämtlicher politischer Maßnahmen und Programme einzubinden, die darauf gerichtet sind, die Beschäftigung von Menschen mit Behinderungen auszubauen. Behindertenorganisationen sollten zudem aktiv für die Entwicklung politischer Maßnahmen durch die Regierungen werben, die dem VN-Übereinkommen entsprechen. Eine engere Zusammenarbeit zwischen Behindertenorganisationen und Sozialpartnern könnte ebenfalls dazu beitragen, die Rechte von Menschen mit Behinderungen zu stärken und den sozialen Dialog sowie Tarifverhandlungen besser zu nutzen.

Ziel muss die vollständige Inklusion von Menschen mit Behinderungen in den offenen Arbeitsmarkt sein. Andere Vorgehensweisen wie etwa ein Quotensystem, geförderte Beschäftigungsprogramme, geschützte Werkstätten und Maßnahmen zum leichteren Übergang sind jedoch in konkreten Situationen nach wie vor von hohem Wert.

Zur Verbesserung ihrer Qualifikationen und Fähigkeiten sollten Menschen mit Behinderungen Zugang zu beruflicher Aus- und Weiterbildung sowie Berufsberatung erhalten. Dies gilt auch für diejenigen, die sich bereits in einem Beschäftigungsverhältnis befinden. Peer-Coaching hat sich ebenfalls als hilfreich erwiesen, um Menschen mit Behinderungen dabei zu unterstützen, sich an eine neue Arbeitsumgebung anzupassen und ihre Eingliederung zu erleichtern. Die Position von Frauen, jungen Menschen und Menschen mit geistiger Behinderung sollte besonders gestärkt werden, da sie in noch höherem Maße benachteiligt sind.

Diese Maßnahmen allein reichen jedoch nicht aus, solange sich nicht auch die Einstellung der Gesellschaft und Arbeitgeber gegenüber Menschen mit Behinderungen ändert: Im Mittelpunkt sollte nicht die Behinderung stehen, sondern das, was eine Person an Fertigkeiten und Fähigkeiten mitbringen kann. Dazu sollten sich Arbeitgeber an Maßnahmen zur Bewusstseinsbildung beteiligen, um Vorurteile wie etwa jenes auszuräumen, dass Menschen mit Behinderungen weniger produktiv sind und ihre Beschäftigung hohe Kosten aufgrund der Anpassung von Arbeitsplätzen bedeutet. Angemessene Vorkehrungen können z. B. in einigen Fällen einfach in flexiblen Arbeitszeiten oder Telearbeit bestehen. Im Grunde ist entscheidend, dass Flexibilität je nach individuellen Bedürfnissen geboten wird. Es könnte ein gemeinsames Mindestunterstützungssystem für Arbeitgeber auf EU-Ebene eingerichtet werden.

Auch das Potenzial assistiver Technologien sollte besser ausgeschöpft werden, um die Teilhabe von Menschen mit Behinderungen am Arbeitsmarkt zu steigern. Die entsprechenden Kosten könnten von der EU geregelt werden, um Chancengleichheit zu gewähren.

Die EU und Behindertenorganisationen können den Austausch bewährter Verfahren erleichtern, um deren Anwendung auszuweiten. Weiterhin wird vorgeschlagen, dass sich die EU-Organe und die Mitgliedstaaten auf eine Garantie der Rechte von Menschen mit Behinderungen in Anlehnung an die Jugendgarantie einigen, um Menschen mit Behinderungen beim Zugang zu Beschäftigung, Praktika, der Vermittlung eines Arbeitsplatzes und Weiterbildung zu unterstützen.

Empfehlungen:

- ▶ Die EU und die Mitgliedstaaten sollten Menschen mit Behinderungen und ihre Organisation in die Erstellung, Umsetzung und Überwachung sämtlicher politischer Maßnahmen und Programme einbinden, die darauf gerichtet sind, ihre Beschäftigungsquote zu erhöhen.
- ▶ Behindertenorganisationen sollten zudem aktiv für die Entwicklung politischer Maßnahmen durch die Regierungen werben, die dem VN-Übereinkommen entsprechen.
- ▶ Behindertenorganisationen und Sozialpartner sollten ihre Zusammenarbeit verbessern, um die Rechte von Menschen mit Behinderungen durch sozialen Dialog und Tarifverhandlungen zu stärken.
- ▶ Menschen mit Behinderungen sollten Zugang zu allgemeiner und beruflicher Bildung sowie Coaching am Arbeitsplatz haben.
- ▶ Arbeitgeber sollten Maßnahmen und Schulungen zur Bewusstseinsbildung durchführen, um Vorurteile abzubauen.
- ▶ Für Frauen, junge Menschen und Menschen mit geistiger Behinderung sollten stärkere Schutzmaßnahmen vorgesehen werden.
- ▶ Das Potenzial assistiver Technologien ließe sich besser ausschöpfen und deren Kosten könnten von der EU geregelt werden.
- ▶ Annahme eine Garantie der Rechte von Menschen mit Behinderungen

2.5. Recht auf Bildung (Artikel 24)

Artikel 24 des Übereinkommens über die Rechte von Menschen mit Behinderungen der Vereinten Nationen bekräftigt das Recht auf Bildung als grundlegend. Innerhalb der EU ist die Situation jedoch bei Weitem nicht ideal und unterscheidet sich zwischen den einzelnen Mitgliedstaaten. Nicht alle Länder bieten Menschen mit Behinderungen Zugang zum allgemeinen Bildungssystem. In einigen Ländern gibt es immer noch sogenannte „Sonderschulen“, die oftmals vom übrigen Bildungssystem getrennt sind. Darüber hinaus scheiden Menschen mit Behinderungen aktuellen Angaben² zufolge viel früher aus der allgemeinen und beruflichen Bildung aus als die übrige Bevölkerung.

Zur Verbesserung der Situation ist es wichtig, geeignete inklusive Rechtsvorschriften zu erlassen und umzusetzen. Oftmals sind schlechte Ergebnisse in der Umsetzungsphase auf mangelnde finanzielle Mittel zurückzuführen. Um dies zu vermeiden, sollte der Anteil des BIP für die Finanzierung des Bildungssystems erhöht werden und EU-Mittel sollten ausschließlich zur Finanzierung inklusiver

²

<https://ec.europa.eu/eurostat/statistics-explained/pdfscache/34423.pdf>.

Lernumgebungen genutzt werden. Die Rolle von Lehrkräften und Inklusionsassistenten und -assistentinnen, die auf Lernende mit Behinderungen spezialisiert sind, sollte größere Wertschätzung erfahren, indem bessere Arbeitsbedingungen und lebenslange Fortbildungsmöglichkeiten angeboten werden, sodass der Beruf attraktiver wird. Der Erfahrungsaustausch zwischen Lernenden und gegenseitige Nachhilfe haben sich ebenfalls als inklusionsfördernd erwiesen, ebenso wie Sport, Tanz und Kunst.

Um die Teilhabe von Menschen mit Behinderungen an Austauschprogrammen wie Erasmus zu fördern, sollte die EU deren Barrierefreiheit erhöhen, indem sie Unterstützung für Assistenz und Kosten im Studium oder während der Ausbildung im Ausland bietet.

Empfehlungen:

- ▶ Erlass von Rechtsvorschriften, die auf ein inklusives Bildungssystem gerichtet sind, in dem Menschen mit Behinderungen eine Teilhabe am allgemeinen Bildungssystem möglich ist
- ▶ Ausschließliche Verwendung von EU-Mitteln für inklusive Lernumgebungen
- ▶ Sicherstellung, dass EU-Programme völlig barrierefrei sind und Menschen mit Behinderungen geeignete Unterstützung erhalten
- ▶ Bereitstellung ausreichender Mitteln für Schulen und Personal

2.6. Recht auf Teilhabe am politischen und öffentlichen Leben (Artikel 29)

Obwohl sowohl auf europäischer als auch auf internationaler Ebene Rechtsvorschriften wie das VN-Übereinkommen bestehen, das sich ausdrücklich auf das Recht von Menschen mit Behinderungen bezieht, bürgerliche und politische Rechte gleichberechtigt mit Menschen ohne Behinderungen wahrzunehmen, sieht die Realität anders aus. Nahezu 800 000 Unionsbürgerinnen und -bürger sind wegen ihrer Behinderung vom Recht zur Teilnahme an Wahlen ausgeschlossen. Bei den Wahlen zum Europäischen Parlament hat sich herausgestellt, dass es in jedem Mitgliedstaat rechtliche oder organisatorische Barrieren gibt, durch die Menschen mit Behinderungen ausgeschlossen werden.

Um diese Probleme anzugehen, empfiehlt der EWSA die Rechtsvorschriften zu ändern und Mindeststandards für die Barrierefreiheit der physischen Umgebung und der vor und während einer Wahl bereitgestellten Informationen festzulegen, umzusetzen und zu überwachen. Des Weiteren ist es wichtig, dass nationale Wahlbehörden zu Nichtdiskriminierung, angemessenen Vorkehrungen und Barrierefreiheit geschult werden. Sämtliche dieser Maßnahmen sollten unter Beteiligung von Menschen mit Behinderungen und ihren Organisationen durchgeführt werden.

Empfehlungen:

- ▶ Änderung von Rechtsvorschriften, welche die Rechtsfähigkeit einschränken
- ▶ Festlegung und Überwachung der Umsetzung von Mindeststandards für Barrierefreiheit
- ▶ Einbeziehung von Menschen mit Behinderungen in den Beschlussfassungsprozess
- ▶ Bewusstseinsbildung bei Wahlbehörden in Bezug auf Nichtdiskriminierung, angemessene Vorkehrungen und Barrierefreiheit

APPENDICES

Fact-finding mission reports

REPORT

COUNTRY VISIT – CZECH REPUBLIC

Social services for persons with disabilities

3-5 April 2019

**Members: Marie Zvolská (Group I), Christophe Lefèvre (Group II), Gunta Anča (Group III)
SOC secretariat: Valeria Atzori**

Wednesday 3 April

The delegation left early in the morning for Prostějov but was delayed because the minivan turned out not to be accessible to wheelchair users, despite this being clearly specified in the call for tenders. A taxi company providing accessible cars was contacted and subsequently two members and the secretariat left in the minivan. However, the taxi did not arrive until 10.30 a.m. and, considering the distance (3 hours' drive), the member in the wheelchair decided not to join the rest of the delegation for that day. Over the following days, the transport company provided either an accessible minivan or a standard minivan and an accessible taxi. However, this accident showed the reality of the difficulties a person with limited mobility can face when travelling. Accessibility is still far from having been achieved.

Meeting with Renata Cekalova, president of [Association Lipka](#) and member of the Czech National Council of Persons with Disabilities

During the stay in Prostějov, the EESC delegation visited three different centres:

- a day care centre for the elderly and persons with disabilities;
- a centre with sheltered housing for persons with disabilities, pastry production facilities and a café;
- the SENZA cooperative, which offers workshops and a restaurant as well as catering, cleaning and ironing services.

LIPKA is an independent non-governmental, non-profit humanitarian organisation founded in 1992 by the parents of children with disabilities. It started as a private school and day care centre and now offers rehabilitation and speech therapy. Currently, they have 82 clients, of which 42 are adults and 40 are children. The children at the school, all of whom have disabilities, attend classes from nursery to high-school level. The organisation receives a contribution from the national budget for each child, the rest being covered by parents' fees. The day care centre offers workshops on making pottery, ceramics, baking and other traditional products. One hour rehabilitation sessions are available twice a week for adults and three times a week for children, and include hydrotherapy. Digital rehabilitation is not available and IT equipment is scarce.

The sheltered houses offer accommodation to 42 clients, half of whom work or attend school in the morning. In the afternoon, therapeutic activities are available. For clients with more severe disabilities, meals are provided by the SENZA cooperative in the common kitchen and living room. At the weekend, clients go shopping and cook together. The aim of the activities offered is to teach clients to live independently (cooking, cleaning, etc.). Clients with less severe disabilities have their own apartment and are fully independent. The SENZA cooperative currently employs 60 workers, 95% of whom are disabled. It has a pastry workshop and a tearoom, which are open to the local community. It also has a canteen, a laundry centre and sheltered housing. The employees prepare around 300 meals a day, of which two-thirds are to take away, especially for older people. Other activities include quality control and setting up workshops. Both the sheltered housing and the SENZA cooperative have also received EU funding. However, this was not sufficient and a loan had to be sought from a private bank.

Guided tour of the city hall and meeting with the deputy mayor of Prostějov

The services available to persons with disabilities were presented:

- the entire public transport system is accessible;
- map of the "barrier-free" city – a first in the Czech Republic;
- an overview of existing social services in the community drawn up to evaluate and identify future needs. This has enhanced dialogue and cooperation among social service providers, families and local authorities.

Thursday 4 April

International conference on "Disabled people on the labour market: when, how and why", organised under the patronage of Radka Maxová, chair of the Committee on Social Policy of the Chamber of Deputies at the Czech Parliament.

The aim of the conference was to examine the situation of persons with disabilities in the Czech labour market, focusing on the perspective of employers. The programme included representatives from the Czech government and several employers' organisations, and highlighted some good practices from other EU countries. Gunta Anča also gave a presentation highlighting the EU perspective.

Main conclusions:

Recent changes in legislation entail an increase in the minimum wage, including for persons with disabilities. This is a problem for employers as the performance of persons with disabilities is sometimes not as high as that of other employees. Possible solutions put forward included a proposal for the government to introduce a corresponding increase in the payments it makes to employers.

Accessibility of the workplace and reasonable accommodation are a prerequisite and should become a reality.

The education system should also be inclusive and allow persons with disabilities to gain better qualifications that are useful on the job market.

Attention should be paid to workers that become disabled after an accident, and appropriate measures should be introduced. These should cover healthcare, rehabilitation and help with returning to work.

There is a need for a personalised approach and for coordination among employers, local communities and families.

Friday 5 April

Visit to a number of charities:

1. Centrum pro tělesně postižené Fatima

The Fatima Centre offers rehabilitation services to adult patients with spinal injuries who have become confined to a wheelchair due to an accident or illness. A patient's stay may last for anything between 5 days and 2 years. Patients are provided with temporary accommodation in the form of sheltered apartments. They also receive support in developing and sustaining the highest level of autonomy as well as the skills they need to return to their normal daily routines. <https://praha.charita.cz/en/social-services/fatima-center-for-physically-handicapped/>

2. Azylový dům Gloria

This centre offers accommodation and care to patients suffering from Alzheimer's disease. It also has a day care centre and sheltered housing for mothers with children. The centre aims to offer personalised care and a family dimension. Fees are paid by pensions and, if this is not enough, families, the social security system or the local city council also contribute.

3. Domov svate rodiny – osoby s mentálním postižením

The centre offers accommodation and care to 72 people, most of whom were brought there as children and are now aged around 50 years old. Some workshops are provided, such as pottery workshops, and those who wish to do so can also help in the kitchen or as cleaners. However, as most of the residents do not have legal capacity, they cannot work outside, nor can they participate in elections. Some events are held annually to boost links with the local community. Such events include garden parties and other activities involving volunteers. Some patients cannot leave the building, having been individually assessed and deemed as being potentially dangerous.

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CONCLUSIONS AND RECOMMENDATIONS

- National policy concerning persons with disabilities does not always protect the needs of persons with disabilities. Recent changes to the legislation provide for salary reductions in the case of "insufficient performance", affecting workers with severe disabilities. To compensate for this, workers with less severe disabilities have to work more, leading to unfairness in the system.
- The EU funding system requires organisations to be able to cover their expenses until funds are received. This procedure is cumbersome and small organisations risk being penalised.
- National governments should have a stronger voice and a multiannual funding system should be put in place instead of an annual system, in order to guarantee the continuity of projects.
- Persons with disabilities are often unwilling to actively look for a job because of fear of losing social benefits, having a low income, or losing their job and not being able to regain benefits.

- The following measures have proved beneficial in avoiding this: easy procedures for regaining benefits, training possibilities during employment and good salaries.
 - More help and assistance should be given with finding employment. Benefits should come as a second step.
 - Employment is a tool for inclusion in society. An open labour market is the best solution, followed by a supported labour market when that is not possible.
 - It is necessary to tackle stereotypes among employers and in society as a whole regarding persons with disabilities.
 - It is necessary to cut red tape for employers that wish to employ persons with disabilities.
 - A quota system can help but there is a danger that only those with a lesser degree of disability will be employed. It is more important to change mentalities.
 - Institutionalisation is still a reality in the Czech Republic. People who are deprived of legal capacity are also deprived of their right to vote. Supported decision-making should be introduced and community-based services should be developed so that big institutions can be permanently closed.
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REPORT

COUNTRY VISIT – IRELAND

The situation of persons with disabilities in rural areas

23-25 October 2019

Members: Gintaras Morkis (GR 1), Bo Jansson (GR 2), Diana Indjova (GR 3)
SOC Secretariat: Valeria Atzori

AIM OF THE VISIT: to look into the situation of persons with disabilities (PWD) in rural areas, focusing on the following questions:

1. What are the main challenges for PWD living in rural areas in Ireland?
2. If there are any successful programmes and policies, what are the keys to their success?
3. What could local and national authorities and the EU do to improve the situation of PWD living in rural areas?

Wednesday 23 October – Dublin

Meetings with the Irish Disability Federation and other disabled people's organisations (DPOs): Wexford PPN, Spinal Injuries Ireland, Longford & Westmeath ETB, Laois County Council, Irish Wheelchair Association

The main issues raised:

- In Ireland, disability policy falls under the remit of the Ministry of Health. According to the participants, this means that the measures proposed often do not meet PWD's real needs, as they are focused more on health-related problems rather than social services. In particular, there is a lack of home-care support and other community-based services. This is causing delays in the deinstitutionalisation process, which remains slow and inconsistent.
- There is a lack of accountability at government level and no cohesive disability strategy.
- There is a lack of coordination and consistency among counties; the services offered to PWD differ considerably. This has led to some people moving to get the services they need.
- The disability movement is not compact and united; on the contrary, there is a sort of competition among DPOs to get funding for their individual needs. This represents a major obstacle to achieving progress in disability rights.
- The rate of PWD attending secondary education and in employment is very low. One of the main problems seems to be the lack or scarcity of accessible transport. This particularly affects people living in rural areas. As regards employment, employers are often not informed about the benefits and other fiscal advantages available.
- There is still widespread social stigma against PWD. To avoid this, many people prefer not to declare that they have a disability.
- There is excessive red tape and a lack of support for PWD transitioning through different life phases (from primary to secondary school, to further and higher education, to employment). For example, PWD have to reapply continuously for assistive technology and transport arrangements whenever they change schools. The same disability assessment has to be repeated every year, even for permanent disabilities.
- EU funds have been useful (e.g. the LEADER programme), but here again, the red tape and the resources needed to apply exclude poorer associations and the most remote areas.
- The Social Inclusion Community Activation Programme (SICAP) is a good initiative but has an insufficient budget and is only aimed at PWD that do not receive disability benefits.

Meeting with Adam Byrne and Caroline Timmons, Housing Department

- The availability and affordability of housing is a big problem in Ireland. PWD and older people, especially those living in rural areas, are particularly affected.
- To tackle this, a national housing strategy has been designed to promote inclusion in the community and independent living, with a specific chapter for PWD. The aim is to find housing for PWD and move everybody out of institutions.
- Housing Disability Steering Groups have been set up in each local authority to listen to the needs of PWD. To try to accommodate their demands, local authorities have to prepare a housing strategy for PWD.
- De-institutionalisation (DI) is the priority. Various measures are available:
 - tenancy sustainment is on offer for people with mental health problems;
 - houses for a maximum of four people are being built and community based services enhanced;
 - social housing is also available;
 - a contribution of EUR 8 000 can be given to renovate and adapt houses based on a universal design.
- According to the department representatives, the situation has been improving in recent years.

Thursday 24 October – Athlone

Meetings with local DPOs and PWD from rural areas: Spina Bifida Hydrocephalus Ireland, Research Institute for Disabled Consumers (RIDC), Epilepsy Ireland, Athlone Access Awareness, Chime

Housing:

- The participants confirmed that the scarcity of housing in general and accessible housing in particular was a problem. Another obstacle to independent living for PWD is the fact that most of them grow up in non-accessible housing and therefore rely on help to complete everyday tasks; they never learn the basic skills required to live on their own. In addition, disability allowance is often granted to the PWD's whole family, which can be an issue when a PWD wants to move out into a house of their own.
- It is hard to access to social housing; many PWD do not even apply as this would involve identifying themselves as disabled and they fear being subjected to stigma. However, being on the list of eligible candidates is a prerequisite for receiving other types of support. PWD, like everyone else, will be put at the bottom of the list if they turn down more than three proposals. This rule does not take into account the fact that the houses proposed are often not accessible or not adapted to the specific needs of a person/family.
- The housing list process does not consider either people's changing needs as they grow older or the needs of households with multiple disabilities.

Employment

- The employment rate of PWD in Ireland is one of the lowest in the EU and the gap with rest of the population is among the highest. According to the available data, 70-80% of PWD are unemployed.
- The public sector has to meet an employment quota of 3-5% of PWD, but there is no real monitoring or enforcing mechanism.
- There are various obstacles to overcome to increase the employment of PWD. Reasonable accommodation is often not provided. Employers are not aware of the support measures available if they employ PWD and are afraid of absenteeism. PWD worry about losing their disability allowance and other support measures if they start working; therefore, many are too

scared to do so and prefer to live on subsidies. There are not enough lifelong learning opportunities.

- There is a lack of awareness of the mental health repercussions of not having a job for both PWD and their carers (often family members). Moreover, if a PWD passes away, carers find themselves unemployed and without any allowance, on top of grieving their loss.

Education

The main problems identified:

- Support for students with disabilities stops after they have completed compulsory education; this makes it difficult for PWD to progress to higher education.
- Many schools are not accessible, in terms of either the built environment or the activities proposed. Students with disabilities do not attend or drop out because of this lack of support.
- There is a lack of transportation, especially in remote rural areas.
- Classes are overcrowded and schools understaffed, with teachers lacking appropriate training.
- At preschool level, there is a shortage of speech and language therapists. As the communication skills of PWD are assessed before they are granted access to mainstream schools, the absence of speech and language support causes PWD to end up in special schools, which affects their further access to quality employment.

Transport

- The lack of transportation is a big problem in rural areas. Funding from the government has been stopped. Free transport is no longer available for PWD to go to medical appointments or similar.
- There are not enough accessible public transport options or accessible taxis available in rural areas. This prevents PWD without their own car from taking up education, training or work.

Healthcare

- The procedure for getting certification attesting disability on a permanent basis (Primary Medical Certificate) is outdated and the certificate is very difficult to obtain (it requires being unable to use either arm or either leg). Applicants must go through continuous assessment on a yearly basis, which proves tiring and humiliating.
- The assessment of needs is not individualised.
- There is not enough consultation with people on the ground to listen to their needs.

Friday 25 October – Dublin

Meeting with Kevin Doyle, Department of Transport, Tourism and Sport

- The National Transport Authority manages transport on behalf of the government. An accessibility officer was appointed and DPOs were consulted for the design of the new national transport plan.
- New connections will be built and old ones will be revamped. Accessibility is a problem because of old infrastructure. Two thirds of railway stations are accessible, but bus stops and taxis also have to be adapted.
- Buses: the Local Link bus network is 80% accessible for wheelchair users. Pilot projects are being run to find solutions and fill the gaps in rural areas with small populations (e.g. community cars).
- Trains: assistance does not need to be requested in advance for intercity trains, as specialist staff are on hand on every train. For local trains, four hours' notice is required.

- The department is trying to work together with the Ministry of Health to map out needs and come up with individualised solutions for transport for PWD in rural areas.
- They are also mapping existing transport to identify gaps in view of the report to the UNCRPD.

Meeting with David O'Connor, Department of Health

The Disability Service Unit deals with disability within the Department of Health. Health services all around the country are provided by the Health Service Executive through service providers. Among the services they offer are:

- Respite services, providing alternative family or institutional care for a PWD to enable their carers to take a short break or holiday, or to rest.
- Mobility transport scheme: this was a sum of money given to PWD to use on transport. It is currently being reviewed by the ombudsman and applications have been suspended – many PWD in rural areas are without support and isolated.
- Tax incentives to adapt cars.
- Disability allowance: this is a weekly amount of money (EUR 203 a week) and gives entitlement to free transport, but in rural areas, this is not very useful as there is almost no public transport. The department is carrying out an analysis of needs of PWD in rural areas. One proposal is to provide bus connections to day care centres.
- Deinstitutionalisation: around 2000 people are living in institutions; efforts are underway to move them to houses of no more than four people.

Meeting with Paul Hill, Department of Social Affairs and Employment

The employment rate of PWD in Ireland is among the lowest in the EU. There are various measures to tackle this:

- activation measures for jobseekers
- fast-track procedure for reapplying for disability allowance in case PWD lose their job
- recommendations for early engagement of PWD
- quota in the public sector to be increased to 6% by 2024
- subsidies for private companies that employ PWD
- programmes that support the transition from university to employment.

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CONCLUSIONS AND RECOMMENDATIONS

PARTICIPATION

- DPOs should be more involved at all levels and should speak with one voice.
- More structures need to be put in place for PWD to be heard at macro level.
- Improve government accountability with regard to the implementation of legislation and the UNCRPD obligations.

EMPLOYMENT

- For a more cross-cutting approach, consider moving disability policy to the Department of Social Protection.

- Look into the possibility of adopting a system similar to that of France: private companies can decide to either employ PWD or pay a sum of money that goes towards funds to support PWD.
- Improve the information available to employers on the existing measures and the support they can receive.
- Facilitate access to work with a programme similar to the "Access to work" programme for young people.

HOUSING

- Better tailor funding allocations to the needs of individuals.
- Reduce red tape and simplify application forms.

EDUCATION

- Introduce mandatory disability awareness training for teachers in mainstream schools.
- Ensure that schools are accessible in terms of transportation, the built environment and the activities offered to students.

TRANSPORT

- Put in place transport systems that are accessible across rural Ireland.
- Offer a provisional travel pass for people who have recently acquired a disability and a travel pass for young people.

HEALTHCARE

- Reduce red tape to make it easier to obtain a disability certificate and review the continuous assessment of disability.
 - Ensure that the assessment of needs confers the right to the services and support that the assessment highlights.
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REPORT

COUNTRY VISIT – CYPRUS Employment of persons with disabilities

18-20 November 2019

Members: Marie Zvolska (GR 1), Christophe Lefevre (GR 2), Ioannis Vardakastanis (GR 3)
Observer: Haydn Hammersley, European Disability Forum (EDF)
SOC Secretariat: Valeria Atzori

AIM OF THE VISIT: to look into the situation of persons with disabilities (PWD) in Cyprus, with a particular focus on employment.

1. What are the main obstacles to employing PWDs in Cyprus?
2. If there are any successful programmes and policies, what are the keys to their success?
3. What could local and national authorities and the EU do to improve the situation?

Monday 18 November

Meeting with Panikos Argyrides, General Organiser of the Cyprus Workers Confederation (SEK)

Main points raised:

- Legislation provides for a 10% quota to employ PWDs in the public sector. The quota was raised from 7 to 10% during the crisis. However, this target has mostly not been met due to problems in the implementation of the legislation, namely a lack of adequate infrastructure and reasonable accommodation.
- Discrimination begins in the education system; most PWDs don't have the necessary qualifications because they tend to leave school early.
- No quota in the private sector; there are incentives for employers but the schemes are often not known. No understanding of reasonable accommodation among employers.
- A pancyprian council for PWDs has been set up as a coordination mechanism to facilitate action for the implementation of the UNCRPD. This body is chaired by the Minister for Labour and Social Insurance and is made up of DPOs and social partners. However, the council has been inactive for the past 7 years.
- There is no social economy sector in Cyprus.

Meeting with Pambis Kyritsis, Secretary-General of the Pancyprian Federation of Labour (PEO)

Main points raised:

- The Minimum Guaranteed Income (MGI) was introduced in 2014. Its aim is to safeguard a minimum living status for every family, including PWDs. It amounts to a maximum of EUR 848 per month, but only 8000 people receive it (mostly a partial amount). Problems: narrow definition of who can be considered disabled; income ceiling very low; and full beneficiaries prohibited from working.
- Lack of dialogue between the government and civil society. Measures planned unilaterally by the government, informing trade unions only afterwards. This does not comply with the UNCRPD (art.33).

Meeting with Iosif Anastasiou, President of the Democratic Labour Organisation Federation of Cyprus (DEOK), and Stelios Christodoulou, Deputy President of DEOK

Main points raised:

- Weakening of the position of trade unions after the crisis.
- Need for legislation and incentives to employ PWDs in the private sector.
- Cuts in OSH had negative effects: increase in the number of accidents, also causing disability.
- High poverty rate among PWDs.
- The independent mechanism for the promotion and protection of the convention is the Ombudsman. The participants questioned the compliance of this body with the Paris Principles³ in terms of independence.

Meeting with Christakis Nikolaides, President of Cyprus Confederation of Organisations of the Disabled

Main points raised:

- Very high unemployment rate among PWDs.
- Persistence of the medical and charitable approach to disability; the human rights approach, in line with the UNCRPD, has not yet been fully incorporated into legislation.
- Restricted perception and recognition of disability, mainly limited to physical disability.
- They felt they were not consulted in the development of legislation and other measures to address the low employment rate of PWDs.
- Critical of existing instruments in place: quota system in the public sector is limited to low-level positions; the scheme of incentives for employers should be extended from two to three years and not involve only PWDs with less severe disabilities; the scheme to support self-employment is not attractive for PWDs because of excessive red tape.
- Lack of reasonable accommodation in the private sector, which represents an additional obstacle for PWDs to find and maintain employment.
- Antidiscrimination legislation should be accompanied by positive actions (equal treatment, reasonable accommodation, lifelong training etc.).

Tuesday 19 November

Meeting with Mario Tsiakkis, Secretary-General, Cyprus Chamber of Commerce and Industry

Main points raised:

- Positive outlook on the scheme, which provides incentives for employers.
- Not favourable to the extension of the quota system to the private sector; as an alternative, a target could work better.

Meeting with members of the Parliamentary Committees on Labour, Welfare and Social Insurance and on Human Rights and Equal Opportunities

Main points raised:

- Presentation of the programmes and schemes to support the employment of PWDs: quota system of 10% in the public sector, scheme of incentives for employers and scheme for self-employment. Following the observations of the UNCRPD committee, they are considering extending the quota system to the private sector.

³

The United Nations Paris Principles provide the international benchmarks against which national human rights institutions (NHRIs) can be accredited by the Global Alliance of National Human Rights Institutions, <https://www.un.org/ruleoflaw/files/PRINCI-5.PDF>

- MGI: problem with the definition of disability, restricted to severe physical disability or moderate mental disability. As a result, many PWDs are excluded from this measure.
- Areas to be improved: reasonable accommodation, infrastructure and accessibility in rural areas.
- Cyprus has adopted its first national disability strategy for the period 2018-2028.

Meeting with Maria Stylianou-Lottidis, Commissioner for the Administration and Protection of Human Rights

Main points raised:

- Independent mechanism responsible for the implementation of the UNCRPD since 2012; they also preside over the pancyprian council for PWDs. They plan to enlarge participation in the council to other DPOs, as requested by the Cypriot Parliament.
- They can act on their own initiative or on the basis of a complaint. The instruments they use are: opinions, letters addressed to the body responsible for the violation of the UNCRP, and reports as a last resort. They also carry out awareness-raising campaigns.
- During the meeting, the independence of the Ombudsman from the government and the criteria needed to comply with the Paris Principles were called into question by some of the participants.

Meeting with Zeta Emilianidou, Minister for Labour, Welfare and Social Insurance

- In May 2017, Cyprus received the Concluding Observations (COs) of the UNCRPD Committee; their objective was to implement them and the Convention. To do this, they adopted the Croatian Disability Strategy for the period 2018-2028 and a national plan for the period 2018-2020.
- Among the actions proposed: provision of housing within the community for people with an intellectual disability; scheme to encourage employment of PWDs and self-employment scheme, quota for the public sector.
- No scheme to finance reasonable accommodation in the workplace is planned so far.
- The Ministry declared itself open to relaunching social dialogue in order to identify ways of increasing employment of PWDs.

Meeting with Michalis Antoniou, Director-General, and George Petrou, Cyprus Employers and Industrialists Federation

- The participants were not in favour of introducing a quota in the private sector, but they were open to alternative solutions (payment of a fee, buying goods from companies that employ PWDs, etc.).
- They were open to cooperating with trade unions and national authorities in the framework of social dialogue.
- They were carrying out an information campaign among members on the recent governmental scheme, giving incentives to employers that employ PWDs.

Wednesday 20 November

Meeting with Christina Flourentzou-Kakouri, Director of the Department for Social Inclusion of Persons with Disabilities, and Alexandros Alexandrou, Director of the Department for Labour

Presentation of the instruments available to support employment of PWDs:

- Scheme to support employers that hire PWDs. Its previous campaign targeted 400 people and lasted 24 months; 75% of the salary was paid by the state with a budget of EUR 2 million. Based on an initial evaluation, it seems that more than 50% of people were still employed after the end of the scheme. Reasonable accommodation is provided for by the law, but this is often not implemented. Support for employers in this area could be useful.

- The law on the recruitment of PWDs in the wider public service of 2009 stipulates that PWDs should account for 10% of the total number of vacancies. Since 2009, 1 068 people have been evaluated, 418 found to be eligible and 185 recruited, most of them in the educational system. The definition of disability was considered to be too narrow.
- Supported employment scheme: 350 PWDs involved. Subsidies are given to companies to hire job coaches for people with intellectual disabilities. The coach and the PWD meet and decide together what kind of job to look for. The PWD receives concrete help to find a job but can also access support in the case of subsequent problems with the employer. This scheme is used especially by companies like fast food chains, supermarkets or major corporations.
- Scheme to subsidise self-employment: the subsidy consists of EUR 8 500. They receive only 10 demands per year. Possible reason: more risky and money needs to be invested.
- A law on social enterprises is currently making its way through parliament. It stipulates two types of social enterprise: the first aims to provide a common benefit, the second to employ persons from vulnerable groups.

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CONCLUSIONS AND RECOMMENDATIONS

- The national disability strategy should provide instruments for the implementation of the UNCRPD and the COs and include specific actions targeting women with disabilities and other disadvantaged groups.
- Discrimination in the field of employment persists in Cyprus despite the legislative framework in place. Obstacles are to be found especially at the implementation level.
- A national plan addressing specifically the employment of PWDs should be adopted, including: incentives for employers, reasonable accommodation, offer of fully accessible vocational and lifelong training, creation of a database for employers where they could find profiles of PWDs matching their needs.
- Better use could be made of collective bargaining, specifically targeting PWDs. Good practices from other EU countries could serve as a model.
- Need for more cooperation between trade unions and DPOs, reactivation of the pancyprian council for PWDs and reinforcement of social dialogue.
- The education system and vocational training should be fully accessible to break the cycle of exclusion and enable PWDs to get better jobs.
- When developing specific legislation to fight poverty among PWDs, benefits should be decoupled from strict income requirements that don't take into consideration the higher expenses that PWDs have to undertake.
- Employers could be better informed on the existing incentive schemes available.
- DPOs and social partners could make a joint assessment of initiatives that worked and those that did not work, pointing out where there are needs to be covered, and forward this analysis to the national authorities.
- The development of the social economy sector in Cyprus, as set out in the recent law on the topic, could help to increase the employment of PWDs.

REPORT

COUNTRY VISIT – PORTUGAL

19-21 March 2018

Members: Madi Sharma (GR 1), Irena Petraitiene (GR 2), Ioannis Vardakastanis (GR 3)
SOC Secretariat: Valeria Atzori

Monday 19 March

Meeting with Lina Lopes, General Union of Portuguese Workers (UGTP)

For UGTP, disability is a question of equality.

Main areas of work:

- Government proposal for single inclusion benefit for pwd
- Proposal for legislation giving formal status to informal carers
- Patients with Alzheimer disease
- Creation of brand "inclusive employing entity" for companies that have inclusive practices in recruitment, jobs keeping, accessibility
- Ask for disaggregated data on pwd
- Including pwd in collective bargaining

Meeting with Humberto Santos, National Institute for Rehabilitation (INR)

1. Mandate and role of INR: to provide support programmes for pwd under the Secretary of State for Inclusion. INR coordinates the programmes together with representatives from other ministries (like health, education) and three DPOs.
2. Institutional dialogue INR and DPOs: periodical meetings, close relationship with civil society. They are trying to improve it. National Council for Solidarity and Social Security and specific committee on inclusion of pwd were established, with 13 NGOs taking part into it.
3. Financial support for DPOs: coming from general budget of INR. It covers projects and daily expenditures of NGOs. Data 2012-2015 shows an increase of financing support.
4. Recent initiatives of the new government:
 - Single Social inclusion allowance: it will ensure that no PWD will leave below poverty line in PT
 - Model for independent living
 - National Strategy ended in 2013, they are working on a new strategy, called Agenda for Inclusion. The guiding documents are the UNCRPD, EU DIS Strategy, strategy for the disabled of the CoE and the recommendations to PT of the UNCRPD Committee of 2016.
5. Employers concerns: employability of pwd is very important, a working group has been set up and INR seats in it. There is legislation but in practice it is not implemented. The Institute for Employment and vocational training has a number of measures to give benefits to employers employing pwd. Major obstacle is cultural, they try to do awareness raising among employers on employability of pwd. Quota (5% 2001 in public and 2% 2004 in private) are not applied either. The Secretary of State is going to take measures for these standards to be met. Cases were brought to tribunal, especially in public sector.

Meeting with Vera Bonvalot, Novamente (National Federation for Traumatic Brain Injured (TBI) and families), Member of coalition monitoring UNCRPD

This Association has been set up to provide help for people that remained disabled after an accident and subsequent brain damage. There was no org for neuro cognitive disability defending their specific rights and needs. They are not government funded. They offer support to families; victims of accidents are 60% men. Caregivers are 90% women.

- Learning in schools: right to access mainstream school, but there is no help for special care. During the crisis there was no budget so disabled students they were taken out of school.
- Social Protection: 17% of people that had a brain injury cannot go back to work. There was no programme in place to help them because of the specificity of this category. Some never received help, some were told that there was no budget because of cuts. There is a long waiting time to receive wheelchairs etc. Middle class during the crisis had a special tax to pay so also the financial support by families to pwd was very limited.
- Brain damage: with this type of injury, a long period of stimulation is needed after the accident to best recover previous capacity. However, during the crisis, because of lack of money, many patients were sent home too early. There are four rehabilitation centres which are public; during the crisis priority was given to people with insurance or money to pay. This is still a problem. 7% of people were not receiving appropriate rehabilitation, only 30% were receiving some kind of support. Caregivers were parents, marriages of up to five years led to divorce because of lack of public aid for neuro cognitive support.
- Employment: since 2012 a programme has been put in place to help looking for a new work, results are still not known.
- EU 2020 funding: not all funds were used, only now there are rules on how to use them.
- Disability movement during the crisis. Not being united was an obstacle to defend their rights. An independent mechanism for the implementation of the UNCRPD was created but no meeting took place for a long time because there was no budget. This mechanism is not invited to meetings where decisions related to disability take place.
- Single Social Inclusion allowance: 263 euros is the amount for brain damage, highest is 600, it is supposed to go in stages. It should be for everybody with disability, but so far with the requirement to have a bank account to facilitate payments. This is now under revision by the Government.
- Personal assistance : for now, a pilot project will be launched

Meeting with Joaquim Pequicho, Fenacerci

Fenacerci is a federation of cooperatives of social solidarity for persons with intellectual disability and covers the entire Country. 50 000 beneficiaries, not only with intellectual disability.

- Impact of crisis in territorial terms: it's a centralised country, so decision making is urban-centred. Therefore in regions with low population, decisions taken in Lisbon can indeed be negative. Risk of poverty is higher in small villages. Basic social services in rural areas were closed because of the crisis and this also had a negative impact.
- Access to public transportations, health services, banks, affects everybody but in particular pwd.
- How the crisis impacted organisations. The critical period has passed, but difficulties continue. Long term impact. Cooperatives are born from a need from citizens, it's not a top down approach.
- Situation of public-private partnerships, cooperatives and social sector. Incentives were suspended during the crisis and were not re-introduced.
- Pwd are amongst the most disadvantaged groups in Portuguese society. The risk of poverty and social exclusion for pwd is higher in PT than in the EU. 40% of pwd are at risk of poverty. Risk of poverty is higher for families with one member disabled. Low education, employability, income and high healthcare expenditure play a role.

- Overall access to allowances for families is going down, but families with members disabled are receiving more of these allowances, this is because their income is low.
- The new government has been increasing the money for support products for pwd.
- Cutting red tape and emerging challenges: in Portugal there is a lot of bureaucracy, ever growing. Administrative procedures to ask for allowances are heavy; also legislation is not user friendly. This causes more exclusion.
- The strategy for way forward is to have a debate with civil society, pwd, families; a national strategic plan to address all these shortcomings will be launched.

Meeting with with Jorge Falcato Simões, member of Portuguese Parliament with disability

During lunch, an informal discussion took place with Mr Falcato Simões, who told the EESC delegation about the main problems faced by pwd in PT. He mentioned the lack of national strategy and the scarcity of funding. He also wished more involvement of pwd and their organisations in decision making.

Meeting with Ana Sofia Antunes, Secretary of State, Ministry of work, solidarity and social security

The economic and social crisis heavily affected PT in the years 2011-2016. Most vulnerable people, among whom pwd, were the ones that paid more the price of indiscriminate cuts. Now a period of economic recovery has started and the government elected in 2016 wants to recover the revenue of population.

The main measures for pwd are:

1. *Single social inclusion allowance*

Before this measure, there were 12 different types of allowances that pwd could apply for, with considerable red tape. The aim is to bring coherence. The amount received has increased and has a citizenship dimension. The allowance has three components:

- Component 1: People with more than 80% of disability: permanent allowance regardless of income (264 euros/month); People; with 60-79% disability: allowance will vary on the basis of income. For people with less than 8 000 euro/year, it will also be 264 euros/month.
- Component 2: supplement paid only to people with no or low income (under a threshold)
- Component 3: not applied yet. To cover specific costs like rehabilitation, healthcare treatments.

The allowance started to be given in October 2017. So far 67 000 beneficiaries and 20 000 applications being analysed.

2. *Support to independent living*

This is a three years long pilot project, so far will cover 20 centres and approximately 500 people. A new legislation is being prepared, discussions took place with DPOs. In a first phase, the project will be co-financed by ESF, then it will be extended to the whole population and financed by national budget.

Issues: not only for physical but also mental/psycho social disabilities. The person him/herself should be able to choose the type of assistance. Different type of disability implies different needs. Need for a flexible module.

Applications were open on 22/03.

3. *Dignity and labour rights for carers*

Project of legislation, dialogue with DPOs ongoing.

4. ***Taxation for pwd***

Increase in the amount deducted from taxes for families taking care of pwd and deductions on health expenditure.

5. ***Price for certificate of disability***

The cost of the certificate, which is necessary to apply for all allowances, was 0.50 cents before the crisis. It then rose to EUR 50 and is now EUR 12.50 . In case of appeal, it costs EUR 25. A medical board examines the request.

6. ***National Strategy***

Portugal has currently no national strategy for disability. They preferred to concentrate their energies on measures with a direct impact on the improvement of life of pwd. Now the INR is working on the new strategy with the participation of DPOs. A speedy implementation of measures is not possible because of the lack of resources. Good results in inclusive education, social protection mechanism being put into place, accessibility being improved. Need for more resources both financial and human.

7. ***Other measures***

One stop shop for pwd; review of the legal status of inclusive education, promotion of employment placement service, looking at quota compliance in private and public sector.

Meeting with Ana Sezudo, Portuguese Association for the Disabled (APD)

APD was born 42 years ago, the 1st organisation for PWD in PT. It is led by PWD, work is carried out mainly on voluntary basis and it covers all types of disability. Its mission is to denounce noncompliance or violations of the rights of pwd and promoting new legislation (like the anti-discrimination law of 2006).

Activities:

- Campaign to improve accessibility of public transport. Recent demonstration near underground station next to the university and big hospital, which is inaccessible.
- Campaign to promote adapted sport: to raise awareness in the population and combat prejudice.
- Dialogue with Government: the relationship had up and downs but with the current government is good. They are asked for contributions on projects and consulted, but not always listened. A good result was the lowering of the cost of certificate of disability, necessary to apply for allowances. The cost was EUR 50 euros during the crisis and is now down to EUR 12.50.
- Dialogue with Political Parties: good, they approach them when they are preparing the budget or on specific proposals.

Their view on the current situation:

- Situation has improved with the new government but the lack of a national strategy makes adopted measures less effective. Pwd were more affected than the rest of the population by the impact of austerity measures
- Decrease in expenditure has been particularly strong in education.
- They support both new measures of the government.
- On the single social inclusion allowance. The objective is to reach an inclusive society where pwd don't need to live on allowances. Other measures are needed in education and employment.

- On independent living project: first step to fight institutionalisation. However there are some problems: it depends on financing by EU funds, number of beneficiaries is low, personal carers are not enough for true independent living.

Tuesday 20 March

Meeting with José Augusto Oliveira – Member of the Secretariat and Executive Bureau, Responsible for Social Policies and **Fernando Maurício** – Head of the International Department, **General Confederation of Portuguese Workers (CGTP)**

Oldest trade union in PT, established in the 1970's with the objective to fight against dictatorship, colonial war and foster democracy and human rights in PT. Within CTPG co-exist different political opinions: communist, socialist, Catholics, all representing workers. They reflect social reality, their principle is to stand united and fight for workers and stand against everything that is against workers. They speak a single voice. Largest trade union and social movement in PT. Over 99% of decisions are taken by consensus.

- On the UNCRPD, the EU should set an example. There are no good statistics on the situation of pwd, but the Institute of Human Rights has some, and the picture is not good. The EU must be an EU of the people and not of banks and vested interests.
- On the crisis: existing trends became worse. Discrimination on the basis of disability increased, however with the new government the situation has improved but remains serious. As regarding pwd, risk of poverty and exclusion is high (64%) while for the rest of population is 22%.
- CGTP has a lot of relations with CNOD and the association for victims of accidents in the workplace (ANDST), the number is high because of difficult working conditions. Consultation of Pwd and DPOs is essential.
- There are 100 associations for PWD, the most important being CNOD and APD, association for pwd after accidents in work and one on disability after military service.
- On the implementation of the UNCRPD: ratification took place during the period of troika (2011-2015): social conditions worsened for everybody, salaries dropped, and pwd were particularly affected. Only with the new government the UNCRPD started to be implemented properly.
- Challenges: Accessibility of built environment and transport and education
- Education. Although the rate of inclusion in mainstream education is 99%, practical conditions are not good. Lack of support offered, lack of training for staff. During the troika there was a trend to move students with disability to private education, because public schools could not provide adequate support. Cooperative schools are private but are run by charities, therefore for students from low income families, the social security can help paying the fees. In higher education there is a quota of 2% in university, not attained.
- The approach to disability in Portugal was medical; but it changed after the adoption of the UNCRPD and with the new government. An independent mechanism for the implementation of the UNCRPD was established in 2017. CGTP thinks that there are issues: too bureaucratic, it has to be lighter and more effective. The government has listened to CGTP and DPOs and will review its functioning.
- On employment, in companies with more than 10 persons, only 1% is pwd. In public is 2-3%. Unemployment decreased, but not for pwd. On the contrary, it increased. The state has to give an example and create incentives for employers.
- The single social inclusion allowance is a big step forward and CGTP has been fighting for it for years.

Meeting with Ana Vieira, CCP (Portuguese Confederation Commerce and Services)

CCP has no specific programmes or area of work for/affecting pwd; however they follow a more general anti-discrimination approach. Active labour market policy, they try to do positive discrimination. They have not been approached by DPOs, nor are in contact with Trade Unions for this topic. Disability is not on the agenda of collective bargaining.

Meeting with José Reis, CNOD (Portuguese Confederation of Disabled People) and Luis Machado, ANDST (National Association for the disabled after accidents in the workplace)

Austerity measures that had a negative impact on the situation of pwd in PT:

- Decrease of state contributions for buying medicines
- Elimination of derogations and exemptions for payments
- Increase in the cost of the certificate to attest disability
- Drop of pensions and salaries
- Cuts in policies for children and older people
- Increase in VAT
- Cuts in public schools
- Stagnation in accessibility

Positive measures taken by new government since 2016

- Single social inclusion allowance
- Project for independent living
- Financial support for DPOs covering not only projects but also operational costs

Existing problems

- Lack of resources
- Low accessibility in built environment
- Accidents in the Workplace are 1st cause of disability in PT
- Insurance companies decide on the degree of disability after the accident; appeal takes a long time and in the meanwhile there is no income for the worker
- Lack of political will to implement legislation of quota in public and private sector

Proposals

- State expenditure to finance policies for PWD should not be counted in the deficit
- Unity of the movement for disability rights
- Importance of involving pwd and DPOs in all steps of decision making

Visit project EAPN - Meeting with Carina Conduto, Educational Centre for Citizens with Disabilities

The ECDC Mira Sintra – Educational Center for Citizens with Disabilities – is a Cooperative of Social Solidarity, nonprofit and recognised as a public utility institution. It was founded in 1976 by parents and families of pwd. Currently serves about 2 200 people, including children, young people and adults who need specialised support. They have a day centre and 4 small residential units. Special education support is given to for children directly in schools. They have also a centre for occupational activities, another for vocational training (gardening, handyman and domestic service). They provide home assistance to older people and they built partnership with local companies for inclusion of pwd in the labour market. To lessen the negative impact of the crisis on employment of pwd, they also set up a company that

provides employment opportunities in the areas of gardening and laundry. They also offer a medical and rehabilitation service open to all the community. Because of the crisis, many families could not pay their services anymore. Fundraising activities were organised and staff expenditure was cut.

Recommendation: No liberalisation in social sector: this would imply that the poor could not afford to pay for social services.

Wednesday 21 March

Meeting with Paula Pinto, Disability and Human Rights Observatory

The Observatory was created in 2013 and is currently the only structure in PT doing research on disability. They are active in 4 areas: Information and awareness raising, training, research and social intervention/policy guidance. They presented the results of the 2017 report on Human Rights indicators for PWD.

Education: education is inclusive in PT, with 99% of PWD being in mainstream schools. But the support offered in public schools for pwd has decreased since the crisis and is still very low. Girls with disabilities are particularly hit.

Employment: unemployment rate decreased after the crisis for general population (-18%) but increased for pwd (+27%). Gender gap also here.

Social protection and living conditions: greater risk of poverty and social exclusion for pwd. The single social inclusion allowance is a good step forward but the problem is that it's based on a medical assessment of disability. Mental disabilities are therefore less likely to get a fair recognition. Another problem is that so far in order to receive it, you need to have a bank account and bank accounts are not opened for persons with some type of disability. They need to start a process for interdiction and get a tutor, but this takes time and money. However this problem is currently being dealt with by the Government who is changing the condition of having a bank account.

Urgent areas to be tackled:

- Reform of the system of assessment of disability (still medical approach): it should focus on what pwd can do and not their capacity level
- Accessibility
- Disability has to be mainstreamed

Visit Project EAPN – Meeting with Cristina Passos – The Liga Foundation

The LIGA Foundation is a foundation of social solidarity, with more than 60 years, whose mission is to contribute to the physical and mental well-being of disadvantaged people, namely people with disabilities. Covering around 2,100 people / year of all ages, in need of assistance because of their age, disability or chronic illness, the Foundation develops its intervention through a wide range of services in the areas of Early Intervention in Childhood, Rehabilitation, Vocational Training and Employability. It also includes programs aimed at the development of complementary capacities essential to full human development in the areas of Accessibility and Autonomous Life, Sport, Recreation, Art and Culture.

Visit project EAPN - Teresa Duarte, Association for Study and Psychosocial Integration (AEIPS)

It's a private non-profit organisation, founded in 1987, by a group of professionals, people with mental health problems and their families. AEIPS mission is to promote recovery and community integration of people with mental health problems. Currently, AEIPS provides an array of services in terms of employment, education, housing, mutual help and advocacy. Since 2009, AEIPS has been operating a housing first project, called "Casas Primeiro", for homeless people with mental health problems, to assist participants in accessing and maintaining independent apartments, rented from community landlords in

mainstream neighbourhoods. Under the European Year for Combating Poverty and Social Exclusion, Casas Primeiro project was selected by the European Commission, as an example of innovation and good practice in social investment and a short video was released at European level. AEIPS has also been providing training and technical assistance on Housing First approach to other organisations and service providers, both at national and European level. Currently AEIPS is leading a national partnership to scaling up Housing First in several cities in Portugal. During the meeting, several beneficiaries of the housing first project told about their experience and they all stressed the importance of housing as first essential step for reintegration in society.

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CONCLUSIONS AND RECOMMENDATIONS

- The economic crisis and the subsequent austerity measures negatively impacted the situation of population in Portugal, and pwd even more among them. Poverty and social exclusion of pwd rose, due to general low education levels, low employability, high healthcare expenditure and low income.
- Since 2016, the new government has introduced two main measures to tackle this situation. Both the single social inclusion allowance and the project on independent living are positive steps to a simplification of existing procedures and red tape and towards eradication of institutionalisation. Other measures like a project of legislation on labour rights for carers, decreased taxation and lowering the price for certificating one's disability are also good proposals.
- An important issue is the lack of an official national strategy for disability, as required by the UNCRPD. This is perceived with concern by DPOs and could have as repercussion a lack of cohesion in the adopted measures. On a positive note, the new government is working on it in consultation with DPOs.
- Social partners and DPOs unanimously recognised the positive change since the new Government started to work in 2016 and appreciated the fact of being systematically consulted. However, some of the DPOs had some reserve on the extent on which their opinion was listened to.
- On the social inclusion allowance, they felt that red tape was still too cumbersome and the certification needed to attest disability still based only on a medical approach. Mental and psychosocial disabilities are therefore penalised. The assessment should be based on needs and not on the level of disability.
- On the project on independent living, the main issues are the financing (for the moment provided by the ESF) and the low number of beneficiaries attained.
- In employment the situation is still worrying, with unemployment level being on the rise despite a general lowering trend in the rest of the population. The quote is not attained neither in public nor private sector and no effective measures have been taken so far to tackle this problem.
- Education is very inclusive but mainstream system lacks resources to provide proper support to students with disabilities.
- Women and girls suffer double discrimination both in employment and education.
- Accessibility of built environment remains a problem and has not progressed in the last years.
- As regarding the implementation of the UNCRPD, an independent mechanism was set up only recently, but lacking resources to function properly. Situation has now improved with the new government .
- Scarcity of funding and resources is perceived as a problem both by the government and social partners/DPOs.
- Despite all this, interesting and valuable work is being done by NGOs and cooperatives offering services of different kind, that especially during the hardest years of the crisis have succeeded in partially mitigating the effects of the budgetary cuts on living standards of pwd.

REPORT

COUNTRY VISIT – POLAND

Use of ESIF for the integration of persons with disabilities

29-31 October 2018

Members: Marie Zvolská (GR I), Irene Petraitienė (GR II), Pietro Vittorio Barbieri (GR III)
Observers: Haydn Hammersley (EDF), Marek Plura (MEP), Alicja Majewska Gałęziak (Marek Plura's head of office)
SOC Secretariat: Valeria Atzori

Monday 29 October

Meeting with representatives of the Polish Government

Representatives of the Ministry of Family, Labour and Social Policy, director of the European Social Fund Implementation Department, (Monika Zielińska-Choina – implementation ESF), director of the Office of the Government Plenipotentiary for Disabled People (Michał Pelczarski); representatives from the Ministry of Investment and Economic Development, the and the unit for international cooperation. The representatives presented different projects (finalised, currently under implementation and planned projects) on the social and occupational inclusion of persons with disabilities (pwd) financed by ESIF under various operational programmes (OP). These projects are selected by the State Fund for Rehabilitation of Disabled Persons (PFRON) and the government.

Knowledge Education Development (KED) Programme:

- project to come up with recommendations to adapt existing public policies to the UN Convention on the Rights of Persons with Disabilities (UNCRPD);
- project on developing a rehabilitation model to enable pwd to get jobs or return to a job after an accident. Creation of 4 centres, 600 participants expected;
- project to develop a model to support pwd in their work environments; to be disseminated to 100 000 employers;
- project to provide training to officials to ensure the accessibility of public policies, especially in rural areas;
- project to develop instruments to support the employment of pwd;
- project to support the independence of pwd.

Accessibility and Programme

- Transport: training for staff providing transport services (+- 5 000 employees)
- Mobility: provision of individual door-to-door transport services.

In addition to this, some funds will be allocated to individual support for pwd and paid directly to them (2 000 pwd). This includes support for young people, gender equality, people at risk of social exclusion, the development of social services and the social economy.

Situation with the new MFF: the proposed reduction in funds available will be counter balanced by alternatives funds and schemes.

Poland has a roadmap for the inclusion of pwd, along with a solidarity fund, a social responsibility package and support for family and caretakers. It has also reorganised the system for medical certifications of disability and adopted the Supported Employment Act. A Strategy for the inclusion of pwd 2030 is also being prepared, focusing on awareness raising and labour market inclusion. On this

point, the main obstacle seems to be the benefit trap, although there is a lack of data on the exact number of pwd as the certification procedure is voluntary and fragmented (it is done by different institutions). There are an estimated 5 million but only 3 million have been certified. In 2017, there was a rise in the employment rate of pwd, (1.5 million) but most of them were employed under the supported schemes.

Meeting with representatives of PFRON (State Fund for Rehabilitation of pwd)

Description of PFRON functioning:

Revenues: contributions from companies that do not comply with quotas.

Expenses: subsidies that are given to employers that employ pwd and subsidies to local government to support the social and occupational reintegration of pwd;

Other functions: to provide support DPOs; to manage programmes (testing tools for inclusion. If the test is successful, programmes will be funded by the national budget).

Currently there are three projects being funded:

- A comprehensive rehabilitation system – for persons who were disabled after an accident; including medical, psychological and workplace adaptations. In universities, a post-graduate programme to train rehabilitation management experts has been set up. Centres have been selected to put it into practice for three years. After that, a set of recommendations will be drafted to adapt it to a larger scale.
- A programme to come up with a model to help employers to employ pwd; publication of a manual with advice on how to adapt the working environment.
- POWER – OP Digital Poland: development of an IT tool to facilitate applications for pwd funding.

Under Accessibility +: a programme to improve access to public spaces and services; training for guide dogs; training for public transport staff; awareness raising activities and to improve the accessibility of buildings through the development of universal design models (150 communities targeted so far).

Concerns:

- NGOs encounter difficulties when applying for EU funds e.g.: high levels of bureaucracy, administrative burdens and finding the financial means to pay for experts. PFRON tries to help by offering assistance to applications through a cofinancing tool. However, there has not been much interest so far.
Accessibility financing for local authorities is direct; but ESIF can be used in addition, offering the opportunity to test pilot programmes
- Employment of pwd: the public sector employs more pwd than the private, cleaning services employ more than other sectors. The main challenge is to achieve a change in mentality and overcome stereotypes.

Working lunch with Tomasz Przybyszewski, head of the media section in Integracja

"Integracja" is a leading organisation on disability and has already been active for more than 20 years. They have extensive experience of dialogue with the government. Their activities include a magazine entitled "Integracja" and a portal dedicated to disability related issues: "Niepełnosprawni.pl". They also have several thematic services, including a YouTube channel, "Integracja.tv". They organise a lot of awareness raising campaigns and are currently implementing various projects.
(<http://www.integracja.org/>)

Main issues in Poland:

- No umbrella organisation, fragmentation of DPOs;
- The Advisory Body on disability is not independent;
- There is a need for a dialogue platform with the government;
- Programmes are good, but often pwd are not consulted/involved.

Tuesday 30 October

Visit to Zakład Aktywizacji Zawodowej (Professional Activity Centre)

- The added value of this centre is that pwd and the local community work together. The rehabilitation centre offers services both to pwd working there and to the local community (mainly the elderly);
- There are currently 70 pwd staff members and 30 who are not disabled;
- They offer activities including: gardening, carpentry, catering, a milk bar in the town centre and a day centre for the elderly;
- They also offer training and transport for pwd;
- A project dedicated to supporting the professional activities of person with disabilities: this project is 85 % financed by EU funds and has been success as most of the participants have found a job and kept it;
- A project offering a personal assistance scheme (PAS) and short break (for families) – run by Fundacja Imago. There was no legislation or standards. Now legislation has been introduced. Money comes the Public State Fund, ESIF.

Visit the historic Guido Queen Louise coalmine complex

This coalmine complex operated between 1791 and 1990. It is now a museum, which opened thanks to EU funds and can be considered as good practice in the field of accessible tourism. The underground visit is accessible to wheelchairs users. <https://kopalniaguido.pl/>

Meeting with representatives of various DPOs and other stakeholders, open discussion on the topic "The use of structural funds for persons with disabilities".

The debate focused on two questions:

1. Elements of success of good practice;
2. Recommendations on what could be improved at EU level.

Replies from participants:

1-Elements of success of good practice

- A personalised and needs-based approach: support has to be adapted to the type of disability /gender;
- Continuity;
- Employment assistance must not stop once the job has been found – it should continue in the form of coaching and provide support with keeping the job;
- Social inclusion should be given as much help as labour inclusion;
- Projects are often centred around big urban centres – small villages receive less attention;
- Raising awareness of accessibility among local authorities is important;
- Adopting a preventive approach, especially for people with mental health problem is needed.

2- Recommendations on what could be improved at EU level

- Keep it simple – there is a need for help in interpreting project guidelines;
- Too much effort is put into asking organisations to provide proof of results;
- There is too much emphasis on indicators of success, rather than on persons: this is a disincentive to working with more difficult cases (e.g. people with multiple disabilities, because results would be worse) and generates exclusion;

- Accessibility should be a requirement for all programmes;
- EU funds are still used to finance projects not in line with the UNCRPD.

3- Other concerns

- Assistance needed in transport and education;
- Not enough funds for Personal Assistants in Poland;
- Deaf people particularly disadvantaged: exams in schools not adapted; more info on projects in sign-language is needed;
- Lack of indicators on PA schemes and supported housing.

Wednesday 31 October

Visit to the **Centre for Rehabilitation and Education for children with multiple disabilities**

- This centre is open to children from the moment a disability is diagnosed; most of them have multiple disabilities and a high degree of disability. At the moment there are 50 children and 40 staff. Services are offered for free, but not transport, nor food;
- Financing: ESIF + national government;
- Activities offered: early development support, club activities, friendly learning, music therapy, dog therapy, hippo therapy, boarding school from Monday to Friday (13 children), home support;
- Some of the children also attend mainstream school, some do not;
- They try to mix with the local community through parties, football teams etc.

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CONCLUSION AND RECOMMENDATIONS

To the Government:

- Establish legal requirements for the independent representation of pwd;
- Improve dialogue mechanisms and the involvement of pwd in planning, implementing, monitoring and evaluating policies and programmes that affect them;
- Make education fully inclusive;
- Improve access to the open labour market;
- Elements for the success of programmes: cooperation between local authorities, families and pwd, good staff and adequate financial resources.

To the EU:

- Introduce the possibility of withdrawing EU funding to projects that increase segregation and improve monitoring;
- Find alternatives to the grant-based approach, which generates a lack of continuity;
- Cut red tape and provide clear accessible guidelines.

REPORT

COUNTRY VISIT – ITALY Inclusive education of persons with disabilities

14-16 November 2018

**Members: Sandro Mascia (GRI), Bo Jansson (GRII), Pietro Vittorio Barbieri (GRIII)
SOC Secretariat: Valeria Atzori**

Wednesday 14 November

Visit to the Di Donato primary school. Meeting with Silvia Stefanovichj (parents' association) and Valeria Ciai (school director)

School website <https://www.romapaese.it/risorsa/scuola-elementare-di-donato/>
Parents' association website <http://www.genitorididonato.it/wp/>

The primary school, located in a disadvantaged area in Rome, next to the Termini railway station, is a model of inclusive education, not only for children with disabilities (+10%), but also for children of migrants (40% of all students). The school promotes diversity as a source of richness and the sense of belonging to a community. The strength of the school is the parents' association, a bottom-up approach. Many of the activities offered are provided by volunteer parents.

One of them is the "danceability" project (<http://www.danceability.it/home.html>), a type of contemporary dance that uses body movement as a means to communicate and develop. The delegation attended a moving performance of a group of 5th grade children of different ethnic origins, including one child in a wheelchair.

The school is open every day until 10 pm thanks to different activities offered by the parents' association, including creative workshops, sport, dance, multicultural dinners, etc. The school playground is open to children in the neighbourhood and during summer holidays, and a range of activities is also offered.

The main problem for the school: lack of resources and lack of continuity and stability in teaching,

Visit to the Centro di Audiofonologopedia (Hearing and Speech Therapy Centre)
<http://www.audiofonologopedia.it/Audiofonologopedia.htm>

- The centre was set up in the 1970's, when the first laws on inclusive education were adopted, on the initiative of parents of deaf children.
- Its services are free and include teaching deaf children to speak, rehabilitation for deaf and autistic, and for children with Down's and other syndromes. They also organise training for curricular and support teachers.
- 160 children in the centre – there is a waiting list; scarcity of services on offer.
- Use of technologic devices helps, but the human factor remains fundamental.
- In Italy there is an oral approach to deafness – small children aged 0-6 years old can be taught to speak, which is why neonatal screening is so important.
- Sign language is taught as a support.

Remarks:

- Need for closer cooperation between schools, parents and therapists.
- Relationships with schools vary according to school directors/teachers.
- Problem of lack of stability/continuity in teaching.

Meeting in the "Associazione come un albero" centre (<http://www.comeunalbero.org>)

The centre is both a bistro and a museum, organised like a house, where each room is meant to allow visitors to reflect on the condition of being disabled. The bistro employs 12 people, of whom five have a mental disability.

Meetings with representatives of the Italian Ministry of Education : Raffaele Ciambrone, responsible for inclusive education , Vincenzo Falabella, president of FISH (Italian Federation for Overcoming Handicap) and Salvatore Nocera, FISH

Overview of the process that led to inclusive education in Italy:

- 1968 student movement: the whole of society, including families and people working in special schools, asked for an inclusive education system
- 1971 decree law: children with physical disability enter mainstream schools
- 1976 first blind child enters mainstream school
- Law 517/77: mainstream school open to all children with disabilities ,with support teachers provided but only for compulsory education
- 1992 law extending inclusion to private schools
- 2003 obligation for local authorities to provide assistance
- Law 107/2015: most recent law reforming the school system. Adoption of WHO ICF mechanism: ICF (International Classification of Functioning, Disability and Health) is the WHO framework for measuring health and disability at both individual and population levels.

Current situation:

- Child receives a certification of disability
- Local health authority identifies needs
- School and Family and Health services (GLH – Working Group on Handicap) establish an Individual Educational Plan (PEI) with clear objectives.

Data: +8 000 000 students

250 000 with a disability

300 000 with learning disorders

Law 2012: BES (specific educational needs, in the event of traumatic temporary events such divorce, moving, etc.) and DSA (specific learning disorders: dyslexia, dysgraphia, etc.)

Shared competences: state and local authorities (regions and municipalities)

New law in 2017: monitoring and evaluation of level of inclusiveness – 16 new indicators. Uneven application of the law

Creation of territorial support centres (CTS): interface between national administration and schools

Development of ICT for inclusive education

Setting up of autism helpdesks

There are a total of 154 000 support teachers; 30% do not have permanent contracts and change school every year.

Meeting in the Agricoltura Capodarco, restaurant and social agriculture centre
<http://www.agricolturacapodarco.it>

The centre is a social cooperative, offering a restaurant and a project for social agriculture that employs persons with disabilities and migrants/refugees.

Thursday 15 November

Visit to the ITAS Garibaldi school – meeting with Patrizia Marini (school director)

<http://www.itasgaribaldi-roma.gov.it/garibaldiweb/chisiamo.asp>

The secondary school has a total of 800 pupils, of whom 107 with disability. Their model of inclusion is based on a system of tutoring: other students volunteer to be tutors for a disabled student on a shifting basis (peer-to-peer education). They also have workshops in sport, cooking and gardening.

Visit to la Sapienza University / DISCO (Regional entity for the right to study): Ivetta Ivaldi and Paolo Moroni (<http://www.laziodisco.it>)

Universities started to work on inclusion in the 1990's. In each faculty there is a referee for disability with coordination mechanisms at local and national level. Work has advanced considerably on DSA. Problems still persist in accessibility and for certain categories: becoming surgeons for blind people, deaf students taking part in Erasmus (problem with sign language). A counselling service has been set up, offering psychological support and help in making the transition to employment. A tutoring system is also in place. Thanks to all these measures, the success rate for students with a disability is quite high.

DISCO: for disabled people, the organisation offers scholarships, accommodation, transport, personal assistance, 24-hour assistance and psychological support.

Roundtable meeting with representatives from:

Dpos:

FISH: Vincenzo Falabella, Paolo Grillo, Roberto Speziale and Gianfranco De Robertis

FAND (Federation of associations of people with a disability): Roberto Romeo, vice-president of FAND (Federation of National Association for Disability), Domenico Sabia, ANMIC consultant (National association of people with an injury or disability)

Trade unions:

CGIL (Maristella Mortellaro and Manuela Pascarella)

CISL (Lena Gissi)

UIL (Mirella Novello, Noemi Ranieri, Francesca Severa and Mariolina Ciarnella)

Association of School Directors (ANP) <http://www.anp.it> Federica Sleiter

Main points raised:

- Negative effects of turnover of teachers and lack of curricular continuity;
- Reduction in investments in schools and in hiring support teachers;
- Schools are inclusive, but the same cannot be said for society and the labour market;
- Diversity both in schools and the workplace has proven to be positive for everybody;
- There are not enough specialised support teachers, because training is expensive and resources for lifelong training are scarce;
- Laws are not always respected, for example on the maximum number of pupils per class in situations where there is a disabled student.

Friday 16 November

Visit to the Liceo Montessori

[http://www.scuoleodiroma.it/portfolio/liceo-statale-maria-montessori/Gennaro Viglione, school director](http://www.scuoleodiroma.it/portfolio/liceo-statale-maria-montessori/Gennaro_Viglione_school_director)

The school was founded by Maria Montessori and opened 1928. It now offers five different types of high school education, has +30 students with a disability and more than 100 with BES/DSA.

Montessori schools are not very widespread because of the costs, meaning that very few are public. In the school, curricular teachers receive specific training as support teachers. Support teachers are available for the whole class, as inclusion is a two-way process.

Visit to the Centro per l'Autonomia (Centre for autonomy)

<http://www.centroperlautonomia.it>

This centre offers assistance to persons with a high degree of disability within the Rome ASL (+450 per year, with a staff of 40 people). It is a private structure but has an agreement with the National Health Service in different areas: occupational therapy, accessibility, social services, psychological support and engineering and architectural consultancies.

During the visit, we made a tour of the building, which includes an area for stimulating communication, a technical aids showroom where people can select e.g. the wheelchair best suited to them by trying them out and an accessible house.

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CONCLUSIONS AND RECOMMENDATIONS

- Education in Italy is by legislation highly inclusive. However, there are gaps in implementation, often because of a lack of resources;
- Labour market and society in general are less inclusive than the educational system;
- Resources for education and recruiting curricular and support teachers have to be increased. Currently they represent only 3.8% of GDP;
- Lack of curricular continuity and excessive turnover of teachers – contracts renewed every year – negatively affects students' learning and emotional wellbeing;
- Support teacher positions are seen by teachers with precarious contracts and without specialist qualifications as a means to getting a permanent contract: to avoid this, there should be a clear separation of the two careers paths and curricular teachers should receive specific training;
- Support teachers often work exclusively with the child with a disability: they should be working with the whole class;
- Lifelong learning opportunities should be provided to both support and curricular teachers;
- Universities are lagging behind with respect to compulsory education; more efforts are needed;
- Sharing of competences between state, region and municipality can be a problem and generate confusion when applying for support or implementing legislation;
- Peer-to-peer education and tutoring by students have been proven successful;
- Sport, dance and art can be a powerful means of inclusion;
- Processes and results have to be monitored.



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