



EDF answer to OI/8/2014/AN- Cohesion Policy consultation

1. What are the main problems related to the respect of fundamental rights that occur in the implementation of the cohesion policy? What do you think are the causes of these problems?

Structural Funds represent the most important financial instrument at EU level for social and economic development. Therefore they should be used to contribute to social inclusion of disadvantaged group including persons with disability. However this was not the case in the past programming periods and it will be a challenge in the current programming period too despite the improvements made in the new legislative package. Main problems:

- Lack of adequate equality, human rights indicators to evaluate the use of the funds to promote fundamental rights, non discrimination and accessibility for persons with disabilities. These indicators should have been included as part of the regulations, the European Commission could still give guidance to the Member States (MSs).
- Lack of checklists to measure the accessibility and non-discrimination of the projects. Checklists should be compulsory and attached to the grant proposals as an important tool in the implementation of disability-related provisions.
- Lack of adequate involvement of civil society organisations, including organisations of persons with disabilities (DPOs), in the monitoring committees.
- Scarce technical assistance given to DPOs to access the Funds as well as to engage in the monitoring committees.



- Implementation reports on the use of European Social Funds (ESF) did not focus on “actions to strengthen integration in employment and social inclusion of other disadvantage group, including people with disabilities”.
- MSs did not adequately report on the actions taken to promote the inclusion of people with disabilities in society.
- MSs should organize and report on accordingly about partnerships with “other bodies representing civil society (...), non-governmental organisations” (Art. 11 of the General Regulations 1083/2006)
- Structural funds were used to reinforce institutionalisation of persons with disabilities. This should be monitored, reported and penalized.¹
- Non discrimination and accessibility for persons with disabilities weren't sufficiently taken into consideration during the design, implementation, and monitoring of the programmes in the past programming period 2007-2013. There is not enough evidence on how this is being taken into consideration in the current negotiation of the operational programmes for the period 2014-2020.
- Organisations of people with disabilities were not part of the monitoring mechanisms and when they were in most of the cases they did not have voting rights

2. Have you ever reported such problems to the European Commission?

Over the years EDF had an open dialogue with the European Commission and the relevant services.

We reported directly by answering consultations on Cohesion Policy Reports, by sending spontaneous written comments to the desk officers responsible. When alerted by our national members, we sent letters to Commissioners. (See Annex I)

EDF has facilitated meetings between national members and desk officers responsible for specific countries, including Belgium, France, Latvia, Denmark, Spain,

¹ European Coalition for Community Living, Wasted Time, Wasted Money, Wasted Lives – A Wasted Opportunity?, 2010



so to raise awareness on cases of misuse of structural funds, receiving satisfactory responses.

EDF is part of the expert group on transition from institutional to community based care(EEG). The EEG regularly meets with European Commission officials to monitor the use of structural funds and deinstitutionalisation processes.

EDF is part of the EC structured dialogue on ESI Funds.

However, there is a lack of adequate information on the European Social Fund Committee not knowing how compliance with the ex-ante conditionality on disability, non discrimination and fight against poverty and social exclusion is ensured in negotiating the operational programmes.

The European Commission was very responsive, cooperative and attentive to our messages.

However, in the past, the European Commission officials rarely asked questions on the implementation of the horizon principle on equality between men and women and non-discrimination² during the monitoring committees meetings.

3. Does the new legislative framework of the cohesion policy contribute to addressing these problems?

EDF welcomed the new legislative package, in particular, the horizontal principles of partnership, accessibility and equality of opportunities and the provisions linked to the fight against poverty and social exclusion including transition from institutional to community based care. EDF welcomes the requirement to include civil society organisations on an equal basis as regional authorities and social partners. We welcomed the support for technical assistance and capacity building for DPOs foreseen in the European Social Fund legislation. Accessibility is now better incorporated across the legislation. Stronger reporting obligations exist for MSs to provide information on how they implement non discrimination and accessibility procedures.

² as per article 16 of the general regulation CE 1083(2006)



However implementation of these provisions remains a challenge and this has been the case already in the negotiation of the partnership agreement and operational programmes.

a. Are the national means of redress foreseen in the legislative framework sufficient?

There is lack of awareness and lack of knowledge on how to implement these new elements and not enough training was provided to national authorities nor to Commission officials on new legal obligations e.g. on the obligations stemming from the UN Convention on the rights of persons with disabilities when implementing the Funds.

b. What role do you think the Commission can play in supporting national authorities to implement well-functioning redress systems? Has the Commission's ability to supervise the Member States improved?

The European Commission should regularly collect best practices, should develop indicators and checklists. The European Commission should ensure meaningful involvement of organisations of persons with disabilities at European level for instance in the ESF committee.

4. Are the measures mentioned in the Commission's reply appropriate to deal with possible problems?

The European Commission should put in place stronger enforcement mechanisms and infringement procedures. The European Commission should directly involve civil society organisations in the monitoring of the implementation of article 74(3) and in evaluating the way in which MSs have addressed complaints.

5. If you have any comments on the topic which are not addressed by the above questions, please mention them briefly.



EDF commented to the 6th Cohesion Policy Report highlighting how Structural Funds were used in 2017-2013 for persons with disabilities. The document includes challenges and opportunities for the use of the European Structural and Investment Funds during the current programming period 2014-2020. (See Annex II)

Contact person at the EDF secretariat:

[REDACTED], Social Policy Officer

Tel: [REDACTED], Email: [REDACTED]

Should you have any problems in accessing the documentation, please contact the EDF Secretariat. (Tel: +32 (0) 2 282 46 00, Email: [REDACTED]).



Annex I

Commissioner László Andor
European Commission

Brussels, 25 March 2014

Dear Commissioner Andor,

RE: Partnership Agreement with Lithuania: use of ESIF Funds for Deinstitutionalisation

On behalf of the European Disability Forum, the Lithuanian National Forum of the Disabled (LNF), Eurochild, Lithuanian coalition "For child's rights"³, we are contacting you with regards to the upcoming conclusion of the partnership agreement between the European Commission and the Lithuanian government for the use of the ESIF Funds in the new programming period.

While welcoming the objective of using EU funds to promote the transition from institution to community-based care, in particular for children and persons with disabilities, we are very concerned of the lack of ambition and commitment of the Lithuania government.

The targets set and the indicators used in their proposal are not considered sufficient in order to achieve a real change nor a positive progress in promoting deinstitutionalization in Lithuania.

Attached to this letter, for your kind consideration, you will find the table as proposed by the Lithuanian government followed by the same tables amended by us. The main changes regard decrease of share of children and persons with disabilities that should be still placed in institutions in the future and increase of community based care alternatives developed.

We call therefore for your support in taking into consideration our proposal when negotiating the agreement with the Lithuanian government.

Acknowledging the specific provisions in the new regulations that support the transition from institutional to community-based care, we appreciate your support and engagement in the promotion of deinstitutionalization in this and various other occasions.

We trust we can count on you again in this important situation, to make sure that EU funds are used in the best way and in the interest of all EU citizens for a real social cohesion across the EU.

We remain at your disposal for any additional information you may require.

Sincerely,

[Redacted signature]

[Redacted name]

European Disability Forum

³ Lithuanian Coalition „On children rights“ at the moment include 11 NGOs working in the area of children rights.



[Redacted]

[Redacted]

Eurochild

[Redacted]

[Redacted]

Lithuanian National Forum of the Disabled (LNF)

[Redacted]

[Redacted]

On behalf of Coalition "For child's rights", representing these organizations:

Human Rights Monitoring Institute

SOS Children Villages - Lithuania

Children Support Centre

Save the Children Lithuania

Mental Health Perspectives

Child Helpline Lithuania

National Assembly of Active Mothers

Lithuanian Care Association of People with Intellectual Disabilities „Hope“

Family Relations Institute

Lithuanian Forum of the Disabled

In favour of child



Greek Minister of Labour, Social Security and Welfare
Mr Yiannis Vroutsis,
Greek Minister of Health
Mr Adonis Georgiadis

Brussels, 5 May 2014

Dear Minister Mr Vroutsis,
Dear Minister Mr. Georgiadis,

RE: Partnership Agreement: use of ESIF Funds for Deinstitutionalisation

On behalf of the European Disability Forum, the Greek National Confederation of Disabled People (ESAMEA NCDP), Eurochild, we are contacting you with regards to the upcoming conclusion of the partnership agreement between the European Commission and the Greek government for the use of the ESIF Funds in the new programming period.

Acknowledging as an objective of the regulation the use of EU funds to promote the transition from institution to community-based care, in particular for children and persons with disabilities, we regret and are very concerned of the lack of commitment of the Greek government, considering that deinstitutionalization is not included as a funding priority in the Greek partnership agreement.

In the proposed partnership agreement activities for modernization of social services are limited to the Memorandum of Cooperation between the Commissioner of Employment and the Minister of Health for 2014 and 2015. This is a missed opportunity to use financial resources from the European Union to carry out positive actions and ensure continuity of services that suffered from the crisis.

Acknowledging the specific provisions in the new regulations that support the transition from institutional to community-based care, we call for the government to reconsider its proposal when negotiating the agreement with the European Commission.

We trust we can count on you, to make sure that EU funds are used in the best way and in the interest of all EU citizens for a real social cohesion across the EU.

We remain at your disposal for any additional information you may require.
Sincerely,

[Redacted]
European Disability Forum and National Confederation of Disabled People

[Redacted]
Eurochild



Annex II

EDF POSITION ON 6TH COHESION POLICY REPORT: IMPACT OF STRUCTURAL FUNDS ON PERSONS WITH DISABILITIES

The European Disability Forum (EDF)

EDF is the European umbrella organisation representing the interests of 80 million persons with disabilities in Europe. The mission of EDF is to ensure that persons with disabilities have full access to fundamental and human rights through their active involvement in policy development and implementation in Europe. EDF is a member of the International Disability Alliance and works closely with the European institutions, the Council of Europe and the United Nations.

Introduction

In July 2014, the European Commission published the 6th Cohesion Policy report based on the use of the Structural Funds for the period 2007-2012. EDF welcomes the link of the reporting exercise with the changing political and financial context due to the economic crisis and the Europe 2020 Strategy.

Cohesion Policy has been identified as one of the most effective instrument to financially support the Europe 2020 strategy. Its effects in supporting countries during the crisis have been proven positive. Traditionally, in particular the European social fund, promoted employment and training opportunities for persons with disabilities. Article 16 of the General Regulation of Structural Funds 1083/2006 was a major achievement ensuring the use of the funds to promote non-discrimination and ensuring accessibility for persons with disabilities. However, during the period 2007-2013, there were cases of misuse of structural funds and access to the funds was extremely complex for organisations of persons with disabilities. In particular, funds were used towards building residential institutions with the consequences of locking people away from the society and cutting their possibility of being fully integrated. This is in direct contradiction with the Europe 2020 and its headline objective of fighting against social exclusion.

The ratification by the EU of the UN Convention on the Rights of Persons with Disabilities on 22nd December 2010 has a direct impact on the future Cohesion Policy, considering that structural funds are included in the declaration of EU competence for the implementation of the UNCRPD. Hence, the UN Convention represents now a legal obligation for all EU institutions and the whole policy making of the European Union, including the Cohesion Policy.

The new Structural and Investment Funds regulations, at least on paper, are much better and have been designed to serve the objectives of Europe 2020. They are positive in the sense that they address accessibility of social and health infrastructures in order to promote transition from institutional to community based care, accessibility for persons with disabilities is an overarching principle and is taken into account in all phases, partnership with civil society is compulsory and a general



principle as well. If we want to reach Europe 2020 targets by using the ESI Funds, these provisions must be implemented in an effective way and with full participation of persons with disabilities.

Use of Structural Funds in 2007- 2013

Horizontal Principles

Structural Funds is the most important financial instrument at EU level for social and economic development from 2007 to 2013. In many European regions it represents the most important source of public funding. The Structural Funds constitute over 35% of EU budget and 43 billion Euros annually.

The money spent should contribute to the social inclusion of persons with disabilities and no project co-funded with European money can ignore the principle of full accessibility for persons with disabilities. Furthermore, based on the related regulations, Member States must provide for the participation of civil society organizations in the monitoring committees and they are obliged to report on the actions taken to promote the inclusion of persons with disabilities in society.

EDF welcomes the Sixth Cohesion Policy report and its focus on linking the Cohesion Policy with the objectives of Europe 2020. At EU level, it is important that Europe 2020 and Cohesion Policy share a common approach to the target goals fixed by Europe 2020 strategy. Both policies should be linked by general principles based on EU treaties and on the UN Convention on the Rights of Persons with disabilities.

At member state level, the link between Europe 2020 Strategy and the cohesion policy should be done through a close link between National Reform Programmes and National Strategic reference Frameworks for the Structural Funds. In particular, the target objectives of Europe 2020 should enlighten the concrete activities foreseen under the Operational Programmes.

Accessibility and non-discrimination

The General Regulation (EC 1083/2006) that rules the structural funds from the programming period 2007-2013 highlights in Article 16 that “the member States and the Commission shall take appropriate steps to prevent any discrimination based on ... disability during the various stages of implementation of the funds and, in particular in the access to them. In particular accessibility for disabled persons shall be one of the criteria to be observed in defining operations co-financed by the funds and to be taken into account during the various stages of implementation”.

The Regulation defines therefore non discrimination and accessibility for persons with disabilities as principles to be taken into consideration horizontally in the design (definition of programmes), implementation (all funding must be accessible to disabled people), monitoring and evaluation of all OPs. Member States and the European Commission must also take preventive measures to ensure that persons with disabilities (either themselves or through their representative organizations) have full access to the funds.

However, despite the regulation, the implementation of this principle varied greatly from region to region and was often dependent on the degree of involvement of organizations of persons with disabilities in the process.

It is also difficult to have good information on the implementation of this principle as implementation reports submitted by governments rarely mention measures for



accessibility when using Structural Funds. EDF relies on feedback from its members, which seems to suggest that very few EDF national councils have been involved in the process.

The regulation on the European Social Fund mentions that ESF has an important role in “promoting pathways to integration and re-entry into employment of disadvantaged people such as persons with disabilities” (Article 3.1.c. (i)) Annual implementation reports on ESF have measures for persons with disabilities who participated in programmes targeting the help of disadvantaged groups into the labor market. However, the quantitative measures used in the reports and the different definitions of disability used in the national legislation do not provide enough understanding of the results of the recent period. Comprehensive reports must be made in order to focus on the results of the recent ESF programming period from this perspective.

If we consider the use of ESF, in some case such as UK, we assisted at a decrease of number of persons with disabilities involved in the actions.⁴

However, since the indicators used to evaluate the trainings were just the number of participants, we are not able to establish the reason why the participation decreased. Whether it was for lack of accessibility of training venue, material, information, or for budget cuts for aids to mobility of persons with disabilities is not known due to the lack of adequate indicators.

Involvement of organisations of persons with disabilities

Partnership with civil society organisations including representatives of persons with disabilities should be based on further improvement of democracy and its consultation methods.

The implementation of the partnership principle should be monitored by joint efforts of the European Commission, the Member States and the organised civil society.

Legal clarity is needed in terms of local and regional stakeholders’ involvement in the use of the Funds. Guidelines and minimum requirements for their participation should be incorporated in the General Regulation and be therefore applicable to all Structural Funds. In this context, the role of NGOs should be enhanced.

EDF recommends to ensure that the implementation of article 16 is on the agenda of the monitoring committees on a regular basis; Member States should publish a list of NGOs that participate in monitoring committees; Organizations of Persons with Disabilities (DPOs) must receive voting rights as their participation contributes effectively to the implementation of the Article 16 of the General Regulations.

National Strategic Reference Frameworks and Operational Programmes are the basis for the programmes of the whole programming period of 2007-2013. DPOs should be invited to consult these strategic documents but based on the answers of DPOs throughout Europe it seems that between 2007 and 2013 only a small minority of them were involved. However, in those countries where such cooperation happened, it proved to be successful for both parties, as it was reported by

⁴ UK Annual Implementation Report ESF In 2012, the proportion of participants recorded with a disability or health condition, at 14%, is the lowest since 2007.



organisations in Spain and in Greece. Some countries such as Bulgaria, Cyprus, Estonia, Greece and Hungary have included important specific actions tackling persons with disabilities within the framework of bigger Operational Programmes. It is important to note that these results derive from very proactive involvement of national councils from those countries.

Based on the Article 11 of the general regulation, Member States have to organise partnership with “other bodies representing civil society (...), non-governmental organizations.” Responsibility of engaging partners lies with Member States. Even though there are good practices for cooperation between disabled people organisations and Managing Authorities in Greece or in Spain, in most of the member states they are not invited and not included to such cooperation. Throughout the phases of the Funds’ intervention (preparation, implementation, monitoring and evaluation) in most Member States, DPOs are only participating in the monitoring phase.

The missed opportunity of involving DPOs from the preparation of the National Strategic Reference Frameworks results in programmes which rarely take into account persons with disabilities or even more: they are supporting projects that build barrier between disabled people and society. As the report of European Coalition of Community Living⁵ highlights, only the instant and strong national and international NGO-reaction could prevent national governments to build new institutions (segregating residential institutions for disabled people) or to create further barriers in the built environment, transport and services. The overall picture shows us that cooperation among DPOs and Managing Authorities is exceptional. Moreover, managing authorities lack expertise to implement article 16 of the regulations, and to ensure mainstreaming of disability in the funds.

The system of Structural Funds, including different type of funds available, regulations, managing European and national bodies, programmes, is so complex, that DPO-s and other NGOs can hardly follow the decision making process. The complexity of Structural Funds requires such high and specified qualification from experts that cannot be expected to be gained by DPOs without appropriate support. Increased funding for technical assistance should also be considered. The most important step would be to simplify the procedures in the whole process: less reporting, fewer indicators, simplified grants would all help DPOs to have a greater understanding of the system.

Furthermore it is important that DPOs have access to information on the use of the funds and not only through European websites but also in their own language, including sign languages, in simplified way. Trainings and toolkits must be developed In order to ensure greater involvement of persons with disabilities in the process.

Evaluation of programmes

In addition to the regulation, annual and final implementation reports for the European Social Fund must focus “on actions to strengthen integration in employment and social inclusion of other disadvantaged groups, including persons with disabilities”. Still, the national reports show that the inclusion of persons with disabilities varies: there are certain good practices but the overall picture is not clear as clear measures and earmarking are not used.

⁵ <http://community-living.info/>



A successful result-oriented policy lies mainly on the right approach. The interrelation between the Community Strategic Guidelines, the National Strategic Reference Frameworks and the Operational Programmes should be governed by relevant specific targets and useful output and result indicators, which can make interventions measurable and comparable at EU level. These indicators should allow for a final assessment to measure progress made and impact on specific target groups such as persons with disabilities. At the same time, OPs should incorporate a result-oriented logic. Intermediate and impact evaluations are necessary to measure ongoing performance and results. Moreover, enhancing the partnership principle can help leverage additional resources from other public and private sources, thereby contributing to a more efficient implementation of the EU funds.

Lack of definition of practical tools such as checklists for accessibility of the projects (or non-discrimination principles) attached to grant proposals and to project monitoring schemes have led to a lack of implementation of these principles. If checklists are binding for beneficiaries, they can be an important tool for implementing disability related provisions.

So far annual implementation reports submitted by governments give limited information on disability related measures, and just to mention projects that also target persons with disabilities as good practices. Reports on the use of European Social Funds often discourse the number and percentage of persons with disabilities participating in certain programmes. However this data is not sufficient enough to determine the effectiveness of the programmes.

When independent evaluators started to research the field of deinstitutionalization and the use of Structural Funds, many dysfunctional practices were disclosed. There were cases, where, despite present regulations, Managing Authorities and Member states agreed on refurbishing of institutions. Evaluations about the implementation of Structural Funds in the disability context should be delivered covering many different areas: access to employment, social inclusion, accessibility etc.

BEST PRACTICES PROMOTING THE RIGHTS OF PERSONS WITH DISABILITIES IN TARGETED AND MAINSTREAM ACTIONS

Promoting the labor market and social inclusion of persons with disabilities

Promoting the labor market and social inclusion of persons with disabilities is a priority on which to invest. Several countries across Europe, already, used the funds of the current programming period 2007-2013 to support actions at this end in different ways. Actions were funded in support to: Pathways to work for persons with disabilities: socialization, training, and counseling, insertion into employment, teleworking, and self-employment; Education and training: social and language skills development, purchase of special tools and assistive devices and equipment, fight against early school leaving addressing learners with disabilities in primary and secondary education.



Example: Austria – Computer training for the deaf or hard of hearing⁶

An example of a training initiative specifically tailored for persons with disabilities was carried out by the Styrian Association of the Deaf (Steirische Landesverband der Gehörlosenvereine), which developed and delivered computer training for the deaf or hard of hearing. The aim of the initiative was to improve job skills through the project 'Get it'. The training courses enabled the deaf and hard of hearing to achieve the European Computer Driving Licence (EC DL). The programme was targeted at deaf people and people with hearing impairment employed in low skilled occupations, who had difficulty accessing suitable training opportunities with training in data processing to improve their labour market skills. The course helped the participants to increase their self-confidence as well as their interest in education and training. The positive outcomes included improved positions within their company and keeping or gaining a job. The project also helped to overcome misunderstandings and prejudices against people with a hearing impairment.

Promoting Accessibility for persons with disabilities

Example 1: Sweden – Action Support Accessibility

Action Support Accessibility helps projects within the European Social Fund to work with accessibility for people with functional disabilities. Action Support Accessibility provides flexible support to apply design your project proposal and implements it once granted.

The support system includes:

- Helpdesk where accessibility consultants give telephone support or e-mail support.
- Regional coaches located around the country ready to support a particular ESF project. In direct consultation, they can read your draft application and make suggestions for improvements.
- A cost-free sounding-board offering information meetings and target group-designed training for project managers and for participants.
- Network of consultants in the area of accessibility

The task of those working with Action Support Accessibility is to increase the level of knowledge about ESF projects regarding accessibility for people with functional disabilities. The goal is to ensure that the demands to take accessibility into account shall be understandable and manageable.

Action Support Accessibility is available throughout the whole country in Sweden. The project is being run from 2009 – 2011 by Handisam (The Swedish Agency for

⁶ Extract from the study "The European Social Fund and Disability"

<http://www.google.it/url?sa=t&rct=j&q=the%20european%20social%20fund%20and%20disability&source=web&cd=1&ved=0CFkQFjAA&url=http%3A%2F%2Fec.europa.eu%2Fesf%2FblobServlet%3FdocId%3D182%26langId%3Den&ei=KHQSU0qjI86YhQfC94DoBw&usq=AFQjCNEI126QeuSHk2phwctAJ-upKy29Q>



Disability Policy Coordination) and the Swedish Disability Federation (43 Swedish disability organisations in co-operation). It is financed by the European Social Fund.⁷

Example 2: Hungary – “Providing accessibility to public services maintained by municipalities”

All regional operational programmes in Hungary include a measure “Providing accessibility to public services maintained by municipalities” specifically aimed at supporting the fulfilment of the provisions of the law. In the framework of the call local governments could apply for a grant of up to EUR 100,000 with the objective to make the buildings with locally maintained public services (schools, healthcare and social institutions, offices) accessible for all groups of persons with disabilities – comprising those impaired in movement, hearing, sight, etc.

Eligible costs included:

- construction works (parking spaces for the persons with disabilities, ramps, elevators, induction loops, symbol icons necessary for the accessibility of the entrance, the route to the client area and a restroom)
- service of specialised engineers verifying the accordance of design plans.

Up to date ca. 900 projects improving accessibility were financed with a total grant amount of EUR 40 million (average project size EUR 50,000).

In addition to this, we must underline that in all SF projects in the field of development of public services the beneficiaries were obliged to apply the provisions of the Act 26/1998 on accessibility while elaborating the design plans of their construction works. This implies that over 1,300 further projects contributed to the improvement of accessibility of public services for the persons with disabilities.

Mainstream participation of persons with disabilities in supported actions

Persons with disabilities participated in a wide range of mainstream education and training interventions as well as mainstream labour market measures funded by the European Social Fund under the programming period 2007-2013, Among these supported actions it could be listed:

- Basic vocational training for early school leavers to access the labor market, access to training in ICT skills
- Measures to increase participation of persons with disabilities in mainstream education including funding for equipment and support services
- Job creation in SMEs, support for self-employment

Example: Ireland – Third level Access

In Ireland, one measure aimed to facilitate and improve access to the labour market by promoting the participation of students with disabilities, students from disadvantaged backgrounds and mature ‘second chance’ students to further and higher education. A fund was established to:

⁷ More information in English is available <http://www.tillgangligtprojekt.se/Processtod/About-us/> contact [REDACTED], project leader, [REDACTED]



- Meet the specific needs of students with disabilities, in terms of equipment and additional support services;
- Provide additional financial support to disadvantaged students;
- Promote and assist outreach initiatives, together with post-primary schools in disadvantaged areas;
- Expand the provision of counselling and mentoring services to meet the needs of nontraditional students.

115,983 learners were recorded as participating in this measure, of whom 55,445 (47.8%) were persons with disabilities. The ratio between women and men was 73% and 27% respectively. 7,131 students benefited from the special fund for students with disabilities, with 35,918 of them from the top up grant and 12,396 from the Millennium Fund for assistive devices.

Involvement and partnership with organisations of persons with disabilities

In the present structure, in most countries there are representatives of civil society in the Monitoring Committees of Operational Programmes. Even though the participation of these organizations allows a certain level of information about the implementation of operational programmes, it does not always mean an effective monitoring.

In Monitoring Committees, NGOs participate in the formal approval of the reports, but without being able to influence them. Often, organisations of persons with disabilities do not have voting rights which reduces their participation to observation. In other cases, especially for the operational programmes funded under the ERDF, they are not invited at all. Furthermore, the amount of effort, expertise and time to participate in Monitoring Committees implies a strong investment that often organisations of persons with disabilities are not able to make.

Nevertheless, good practices exist. DPOs in Spain and in Greece have a good experience about cooperation with Managing Authorities in Monitoring Committees, in other countries such as Greece, Denmark, Hungary, Sweden, Austria and Portugal, DPOs are participating in relevant Monitoring Committees.

Good Practice: Monitoring committee - Greece

The disability movement in Greece is very well organised and duly recognised by the public authorities. In fact, the National Confederation of Disabled People - NCDP has been recognised by law as social partner to be consulted and involved in all disability related affairs.

Consistently with this legal framework, the Ministry of Economy and Finance, responsible for the use of structural funds in the programming period 2007-2013, invited NCDP to contribute to the design and implementation of the National Strategic Reference Framework and its operational programmes. The consultation took place from June 2004 - October 2006. During the consultation period the NCDP participated in all Developmental Conferences and thematic meetings. The NCDP and the Ministry of Economy and Finance co - organized a conference on the 8th of February 2007 on "The NSRF 2007 - 2013 as a tool for the promotion of equal



opportunities and the inclusion of persons with disabilities into the Greek society". Furthermore, the NCDP also contributed to the national Information Day on how to use the Funds for the promotion of equal opportunities and the inclusion of persons with disabilities into the Greek society – with a position paper about the way to ensure both the horizontal inclusion of the principle of non-discrimination and the criterion of accessibility in the operational programs of the programmatic period 2007 – 2013.⁸

The NCDP representatives participate as full members (with voting right) in the Monitoring Committees of: 1) Sectorial Operational Programmes such as Environment - Sustainable Development, Accessibility Improvement, Competitiveness and Entrepreneurship, Digital Convergence, Human Resource Development, Education and Lifelong Learning, Public Administration Reform, Technical Support for Implementation, National Contingency Reserve. 2) Five inter-regional Operational Programmes in the area of culture, health and welfare in all prefectures of Greece. The NCDP also participates with voting right in the Conference of Committee Chairmen (Chairs of the monitoring committees of the above mentioned Operational Programmes), and in the Monitoring Committees of the above mentioned Operational Programmes (The green coloured sentence is a repetition – Please see the red coloured sentence in the beginning of this paragraph). Moreover, NCDP participates as observer (without voting right) in the Monitoring Committees on European Territorial Cooperation Programmes. NCDP included the principle of non-discrimination based on disability and accessibility as ON – OFF criteria in all Sectorial and Inter- Regional Operational Programmes. Finally, NCDP, as a member with voting right in the Monitoring Committees, continues to examine the correct implementation of accessibility criteria in all notices and call for tenders. For instance, in the Operational Programme "Digital Convergence", NCDP intervened quite often to denounce the lack of accessibility which was not included as legally binding criteria in the applications. A close cooperation with the responsible staff of the Management Authority of the Operational Programme "Digital Convergence" allowed the creation of a standard form which could be included in all call for projects and applications.

Good Practice: Operational Programme – Spain

Since 2000, Fundación ONCE manages the Operational Programme (OP) "Fight against Discrimination", co-financed by of the European Social Fund, in the period 2007-2013. In this framework, many activities have been implemented to promote the employability of persons with disabilities, considering education and training as a key factor in order to obtain better jobs. The Operational Programme Fight against Discrimination, Programa Xtalento (For Talent Programme), is the programme that the ONCE Foundation is managing during the period 2007-2013, with co-financing from the European Social Fund (ESF) and with the participation in some of the planned actions as beneficiary of the same, of the Association for the Employment and Training of People with Disabilities, FSC Inserta. The appointment of the ONCE Foundation as one of the managers of said Programme, is under the auspices of the

⁸ The essay was sent by the NCPD to all responsible units for the designation of the NSRF Operational Programmes. This essay was also delivered to the Deputy - President of the Greek Parliament on the 8th of December 2006



Ministry of Labour and Immigration in its role as Managing Authority of the European Social Fund in Spain.

LESSONS LEARNT AND FUTURE CHALLENGES

The overall approach of implementing Cohesion Policy in correlation with the Europe 2020 Strategy should include transversal elements such as non-discrimination and accessibility for disabled people, but should not undermine the need for specific measures, under the Cohesion Policy, for specific groups such as persons with disabilities. Specific operational programmes tackling the needs of vulnerable groups should be adopted at National level. General indicators at EU level, to be translated into national indicators by Member states, are deemed necessary in an attempt to enhance OPs' successful implementation and contribution to the EU2020 objectives. At sub-national level indicators should reflect specific regional needs (for instance in terms of human resources), specific and global impacts (linked to overall objectives); results (reflecting immediate effect on beneficiaries); and outputs (that refer to activity, and are connected with the operational objectives). These should be much wider than the GDP criterion and easy to measure.

It is of outmost importance to maintain and enhance the pluri-regional programmes that generate strong partnerships and tackle intraregional disparities while guaranteeing sustainable interventions across the territory. Reinforcing horizontal as well as vertical coordination of Managing Authorities with different stakeholders will contribute to increase effectiveness of Cohesion Policy and better achieve EU2020 objectives.

Conditionality provisions creating incentives for reforms should include areas such as the reduction of social exclusion, which should be cross-cutting to all thematic priorities in all EU regions. Compliance with these rules should be monitored by the evaluation process and checked in payment claims. Conditionality should be also considered as a link to respect legal obligations of the European Union. The respect to the UN Convention on the Rights of Persons with disabilities should be a pre-condition in the development of the Cohesion Policy. Any action against the articles of the UN Convention should not be permitted under the development of the Cohesion Policy.

When it comes to the financial sanctions and incentives linked to the Stability and Growth Pact, more clarity is needed as regards the impact on end beneficiaries. The European Commission must clarify how potential suspensions or cancellations of EU funds to Member States would not compromise the funding certainty of EU projects. Intensifying the coordination of EU Funds at national and European level will surely increase effectiveness of Cohesion Policy, facilitate an integrated approach of actions and achieve greater impact.

The process of transposition of the general and specific regulations of the European Structural and Investment Funds (ESIF) has brought some initial conclusions that have to be considered as the process is far from being finalised as it is expected that the European Commission will still take almost all 2015 to finalise the total package of Operational Programmes in all EU member states.

Transition from Institutional to community-based care



Structural Funds had a huge potential in promoting inclusion of persons with disabilities and in funding social and health services' infrastructure. However different studies show how article 16 was not adequately implemented and how Funds were misused. The ECCL in its report on the use of structural funds described the way European regulations were neglected and European Social Fund contributed to the survival of social systems which are burden to the social inclusion of persons with disabilities⁹. In parallel the members of ECCL have been instrumental in raising awareness of the European Commission of this fact, as well as of the violations of human rights persons with disabilities were exposed to, as a result.

Further also to reports on situation of disabled people in institutions in Bulgaria, the European Commission convinced the government to set up an action plan financed by Structural Funds for the reform of the service system of residential services in the country.

In addition the European Commission established an ad hoc expert group on transition from institutional to community based care. This group evolved in a larger partnership the European Expert group¹⁰ to produce guidelines on deinstitutionalisation and toolkit¹¹ on the use of EU funds to promote this process. The Expert group worked efficiently together with the European Commission both to monitor the use of the funds for the programming period 2007-2013 and in the negotiation of the regulations for the following period 2014-2020.

2014-2020 Negotiation and mainstreaming disability

The European Commission and the Member States are currently negotiating partnership agreements and operational programmes. EDF and its members have been involved at different levels and three main actions have paid off in the last months to ensure better transposition of the ESI Funds into national priorities:

EDF has facilitated meetings with the European Commission desk-officers in Brussels. This has demonstrated in cases such as Belgium and France to be useful for the inclusion of priorities in the area of disability and to ensure better involvement. Thanks to the European Expert Group on transition to Community Based Services, contacts between European Commission desk officers and the national umbrellas were possible in order to enhance de-institutionalisation through ESIF in countries such as Lithuania, Czech Republic, Slovakia, Romania and Slovenia. EDF has been selected to take part in the Structured Dialogue experts group at EU level in order to monitor the implementation of the ESIF from a global European perspective. The European Economic and Social Committee, that has created and AD Hoc group on disability, and counts on EDF as strategic advisor, has included the ESIF evaluation

⁹ Wasted Time, Wasted Money, Wasted Lives ... A Wasted Opportunity? - A Focus Report on how the current use of Structural Funds perpetuates the social exclusion of disabled people in Central and Eastern Europe by failing to support the transition from institutional care to community-based services. ECCL, London, 2010. <http://www.community-living.info/?page=268>

¹⁰ Members of the European Expert Group: EDF together with some of its European NGO members, such as Mental Health Europe, Inclusion Europe, ENIL and COFACE, representatives of service providers such as Feantsa and EASPD, local authorities represented by the European Social Network, children organisations such as LUMOS and Eurochild and UN bodies such as UNICEF and the UN Office of the High Commissioner for Human Rights

¹¹ <http://deinstitutionalisationguide.eu/>



in a recent Hearing. The same has been done by the Disability High Level Group. In both the cases the European Commission has encourage EDF members at national level to be vocal on their advocacy.

In a first analysis and contacts with a number of EDF members on the experience that they are facing with the adoption of the National Partnerships and the OPs:

Mainstreaming: There is a difficulty to implement articles 96 and 27 of the Common Provision Regulation¹² in order to ensure mainstreaming of disability in all OPs. It is clear the national authorities continue confining disability just in employment and social OPs without correct inclusion of disability in the rest of European Social Fund (ESF) funded strategies, with clear difficulty to be integrated in the European Regional Development Fund (ERDF) programmes.

Involvement: Organisations of persons with disabilities are scarcely invited to take part in the monitoring committees (article 5) In the case they are invited, they are exclusively confined to the social/employment OPs. There is also scarce participation at regional level. One country also found a way to exclude EDF member through the interpretation of general ex-ante conditionality 3 as a way in which disability umbrella organisations can be replaced by the state disability councils.

Capacity Building: There are no clear programmes presented by the state authorities in order to ensure capacity building of DPOs in the implementation of the ESIFs (article 6 ESF)

Indicators: The regulations establish clear needs of evaluation and reporting. There is no clear intention from the State authorities to establish a clear set of indicators to measure the impact of the funds in the social inclusion of persons with disabilities and the implementation of the accessibility criteria. Just one country has reported in this regard some initial discussions.

National authorities do not strictly implement the earmarking of 20% from the ESF for Social inclusion and fight poverty as they include expenses (such as salaries of civil servants) that are not directly related to those purposes.

There is no connection with National important initiatives at national level (such as Disability strategies, social inclusion policies, etc) that have been affected by the economic crisis. In this regard, the ESIFs are losing its capacity to find synergies with existing policies in Education, ICT, Accessibility, and so on

Best Practice: Development of Partnership Agreement and Operational Programmes in Greece

The potential impact of Cohesion Policy in countries like Greece, that are recipients of great amount of money, cannot be lost. The phases of developing ambitious Partnership Agreements and Operational Programmes are crucial to ensure long-term benefits in the use of the Funds. The Regulations for the programming period 2014-2020 introduce new elements and new obligations for Member States, managing authorities, monitoring committees as well as civil society. Adequate information and training of all actors involved are needed to raise awareness and also to ensure mainstream of disability across the actions funded. This is what the National Confederation of Disabled People – NCDP did in a great effort and with good results.

¹² Regulation (EU) No 1303/2013



Partnership Principle. As a first step, NCDP participated fully in all consultation processes for the preparation of the partnership agreement between Greece and the European Commission, in which it has been explicitly mentioned several times. Moreover, NCPD participated in all consultation processes for the preparation and design not only of the Sectorial and Regional Operational Programs but also the European Territorial Cooperation ones. As next step, NCDP requested the Minister of Development to establish a working group with the participation of representatives from all managing authorities of the following Funds: Cohesion Fund, European Social Fund, European Agricultural Fund for Rural Development, and European Regional Development Fund. The working group was set up with allowing NCDP to undertake the screening of all operational programs to make sure they adequately included the principle of non-discrimination based on disability and accessibility. NCDP wrote comments and proposals papers of more than 10 pages each for 20 operational programs regarding: a) the horizontal application of the principle of non-discrimination based on disability and the accessibility for persons with disabilities b) the inclusion in the Operational Programs' texts actions targeted to persons with disabilities and their families.

In order to adequately contribute to the work of the monitoring committees across the Greek territory, NCDP carried out training of its own members, nominated to take part in the committees. Two events have been organised. On 30th of May NCDP held a conference in Thessaloniki in which representatives from the Managing Authorities of the Regional Operational Programs of Northern Greece, representative from the Greek Authority responsible for the horizontal implementation of ESF actions (ESF Actions Coordination and Monitoring Authority - EYSEKT) in Operational Programs 2014 – 2020 and NCDP representatives participated. During this meeting extensive discussions took place regarding the incorporation of the principle of non-discrimination based on disability and accessibility for persons with disabilities into the Operational Programs 2014 – 2020. A second event took place on 22nd of September 2014 in Athens for the NCDP Executives which will participate in the monitoring committees of the Regional Operation Programs 2014 – 2020 with a voting right. The title of the seminar was the following: «*Regional Operational Programs: horizontal incorporation of the principle of non-discrimination based on disability and implementation of targeted to people with disabilities and their families actions*». During the seminar were presented all the provisions for persons with disabilities which have been included in the regulation of ESI Funds, the new architecture of the Partnership Agreement 2014 – 2020 and the first conclusions from the scanning of the texts of the Regional Operational Programs 2014 – 2020.

Ex-ante Conditionality/NCDP requested that managing authorities were trained on the elements of the general ex-ante conditionality 3 on Disability. On October 8-9, they co-organised a seminar. More than 100 representatives from all managing authorities all over the country took part in that 2-day seminar. They were trained on the UN Convention on the Rights of Persons with Disabilities, and other disability related issues, including accessibility, built environment, transport, E-accessibility and also on how to mainstream disability and accessibility issues in all thematic objectives, in all programs, etc.



Capacity building. Article 6 of the regulation of the European Social Fund for 2014-2020¹³ foresees that an appropriate amount of ESF resources is allocated to capacity building activities for non-governmental organisations. NCDP ensured that this provision was implemented in the national operational programme investing in human resources

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¹³ Regulation (EU) No 1304/2013