

First follow-up meeting of Ad Hoc Expert Group on the Transition from Institutional to Community-based Care

18 November 2009

The meeting was attended by the following Experts: Jan PFEIFFER, Georgette MULHEIR, Ask ANDERSEN, Ines BULIC, Josee VAN REMOORTEL, Anne-Sophie PARENT, Céline SIMONIN and Luk ZELDERLOO. Excused: Geert FREYHOFF. The European Commission was represented by Jan JARAB (Cab Spidla), Silvio GRIECO and Marie-Anne PARASKEVAS (DG EMPL), Carsten RASMUSSEN and Liesbet DE LETTER (DG REGIO).

Introduction

Mr. Jarab warmly thanked all the Members of the Group for the excellent cooperation that led to the timely hand-over of the Report to Commissioner Spidla on 23 September, and explained the main purpose of the meeting, to have a joint brainstorming of Commission staff and non-Commission experts on a potential follow-up strategy. He then introduced Mr Rasmussen and Ms De Letter, attending the meeting as representatives of DG REGIO's Deputy Director General Katarina Mathernová, to provide a more general view on coordination with regional policy (above all with the European Regional Development Fund). Mr Rasmussen is the Deputy Head of the DG REGIO Unit which deals with ERDF investments in Bulgaria, who has been actively involved in the working party on the use of ERDF and ESF to promote deinstitutionalisation in Bulgaria.

Mr Jarab then informed that Commissioner Spidla will not be reappointed for the new Commission, and at the moment there is no obvious candidate for the Social Affairs portfolio. Due to the delays occurred on the overall institutional decisions at EU level, the current Commission, including the Spidla Cabinet, will probably stay until the end of January 2010. Finally, Mr Jarab mentioned that he has been chosen as the new European Regional Representative of the UN Commissioner for Human Rights, and that he will keep the deinstitutionalisation issue high on his agenda.

Translation and dissemination of the Report

Concerning the translations of the Report into all the EU languages, Ms Paraskevas assured that the process is under way and that they should be ready in January. In this context, it was also agreed to add Georgette Mulheir (Children's High Level Group) to the list of authors on the opening page, thus recognising her quite crucial contribution to the report's expertise. Members of the group further recommended to add also a reference to the fact that the report had been drafted with the help of Commission services.

Mr Grieco then mentioned that the work of the Ad Hoc Expert Group and the Report will be presented during the annual Conference marking the **European Day of People with Disabilities on 3 and 4 December 2009** (joint Commission/EDF event), the theme of this year being "Creating conditions for independent living". Mr Jarab, Mr Zelderloo, and Mr Lodomez (representing COFACE) have been invited to speak at the conference and discuss, on different angles, the challenges and steps ahead in setting up community-based services.

All members of the group and Commission colleagues are invited to attend the conference, and they can contact Mr Grieco if they have not received yet a formal invitation.

It was then discussed the possibility to organise a "Baptism ceremony" of the Report, i.e., its **launch in form of a press conference**, when all the language versions are ready. In this context, it was suggested to tie the launch of the Report to the launch of the **European Year against Poverty and Social Exclusion**, which is to happen in Spain on 21 January. The Report should then be launched a few days later in Brussels, with the presence of the Commissioner, to give it more publicity.

During the discussion, it was also suggested that the issue of transition from institutional to community-based services and right of people with disabilities (and other vulnerable groups) to live in the community should be made visible **within the activities of the European Year itself**. Segregation in remote (and often rather dreadful) residential settings is, indeed, a form of social exclusion par excellence.

Furthermore, it was suggested to bring the Report and its theme into other events and processes, namely:

- The lunch debate of 30 November 2009 in the European Parliament, organised by MEP Milan Zver and Mental Health Europe;
- EASPD Conference on Innovative Service Models to be held on 7-9 October 2010 in Skopje, general broadening of focus to include pre-accession countries;
- Putting the issue on the agenda of the Committee of Regions, including their brochure on Ageing Well (*Anne-Sophie Parent, AGE*);
- A proposal to organise a Conference within the framework of the DG REGIO initiative "Regions for economic change" (*Anne-Sophie Parent, AGE*);
- Making the topic relevant for the new observatory on the use of Structural Funds in the context of disability, which is being launched (on a EU-wide scale) by the Spanish organisation ONCE;
- Making the topic relevant in the context of social dialogue, involving the European Economic and Social Committee, ETUC, EPSO etc. (*proposed by Mr Zelderloo*).

Follow-up actions: discussion on the potential role of Structural funds

Mr Jarab mentioned that on 16 November a meeting was organised by Katharina Mathernová, Deputy Director General of DG REGIO, and members of her team, on the implications of the Ad Hoc Expert Group's report for the use of the ERDF. The meeting was attended by Mr Jarab and Mr Ralph (Spidla Cabinet), Kiril Kiryakov (DG EMPL, Bulgarian desk for ESF), Silvio Grieco, Jan Pfeiffer, Carsten Rasmussen and Jana Trost (DG REGIO, Bulgarian desk for ERDF), Mikel Landabaso and Liesbet De Letter (REGIO D2, thematic coordination and innovation). In this context, it was suggested that the Report will be officially transmitted to DG REGIO through a **letter from Commissioner Špidla to Commissioner Samecki**.

Following one of the recommendations that the Report addresses to the Commission, Carsten Rasmussen proposed to organise a **training event for relevant country units of DG REGIO, DG EMPL and DG AGRI so as to raise awareness** of the potential of the ERDF to fund such reform (as in the Bulgarian case), but also of its potential to do actual harm if no initiative is shown. Mr Rasmussen also pointed out that there was a similar lack of awareness in DG REGIO about Roma issues. The timing of such a training event needs to be still

ascertained following consultations with the ESF Coordination. There are two options, (1) doing it while the caretaker Commission is still in office, which would enable to ensure that it takes place as foreseen; (2) planning it for one of the early months in office of the new Commission so as to get - hopefully, if possible - the new Cabinet(s) on board right away.

Then a discussion followed on stocktaking and evaluating **potential "windows of opportunity" in the (ERDF) programming of Member States**. While it is crucial to prepare well for the next programming period (post 2013), there are very probably opportunities to influence relevant Member States already during the current programming period (2007-13) because the definitions of social infrastructure are often quite vague, allowing for investment both in old-style institutions and in progressive new types of community-based services. Mr Rasmussen promised that DG REGIO could come back with more specific state-by-state analysis of windows of opportunity as well as with a more detailed breakdown of the overall Social Infrastructure budget financed by the ERDF, if requested.

Ms Bulić pointed out that it is also urgent to **remove existing obstacles to the use of Structural Funds**, particularly ERDF. A clear example is that of Hungary today - there are projects for community services for persons with disabilities, where the problem is not on the side of the Member State but on the side of DG REGIO which declares such investments not eligible because they are classified as "housing". Thus, against the principle of de-institutionalisation, the Hungarian authorities could easily continue building up anachronistic institutions (as NGOs have been pointing out in their complaints); whereas the purchase of flats/houses for disabled adults with a view to ensure community based living risks being classified as "housing", which severely restricts the funding possibilities. Mr Rasmussen assured that DG REGIO was currently looking into this problem and that a solution would be sought as soon as possible.

In this context, it was discussed the possibility to follow the recommendation (from the Report) to create **guidelines for the use of Structural Funds**. Mr Rasmussen was openly sceptical, pointing out that Member States are totally resistant to guidelines, but acknowledged that a more feasible option to positively influence Member States to use Structural Funds on deinstitutionalisation projects could be a **"good practice booklet"**. In this regard, Mr Zelderloo suggested that the knowledge of good practice could be summarised into something like a "checklist" or a "quality test", which DG REGIO's officials could use when looking at future programming. However, Mr Jarab expressed concerns that this would again be regarded as too prescriptive by Member States.

Finally, Mr Rasmussen advocated the opportunity of launching **studies on the actual situation in Member States** in order to get hard (or at least "harder") data, that will be able to influence the shaping of the cohesion policy post-2013 towards a direction allowing, in the next programming period, a more focused SF expenditure on "deinstitutionalisation-related investments".

Follow-up actions: discussion on the potential role of the Commission

Mr Jarab recalled that the first recommendation from the Report addressing the European Commission is to issue a Communication on the transition from institutional to community-based care which would incorporate the Common Basic Principles. A discussion followed on the opportunity as well as the procedural constraints related to this proposal. It was

understood that this proposal will be taken into consideration by the Commission. Then the need to have coordination between the various Commission services that can play a role in the deinstitutionalisation process was discussed. It was pointed out (Mr Grieco) that there is no need/intention of creating a new policy, but rather to focus on coordination of existing policies and instruments. In this context, Mr Jarab mentioned that one option could be to establish an **inter-service group or steering group within the Commission**, which would be led by DG EMPL and include DG REGIO, DG AGRI, DG SANCO, DG JLS, but also DG ELARG and potentially DG DEV and DG EAC, and which could then use the former members of the Ad Hoc Expert Group as outside experts, either individually or in their collective capacity. It would be broadly similar to the already established Inter-Service Group on Roma. Participants were clearly told that this was so far only a hypothesis that has still to be examined by the (suggested) leading DG (EMPL).

Mr Grieco then added that the common basic principles set by the Report are already largely incorporated in the most relevant policies managed by DG EMPL, Disability Policy and Social Protection and Social Inclusion Policy; in particular, the issue of independent living (and the promotion of quality community-based services) will be high on the agenda of the next EU Disability Strategy 2010-2020.

Follow-up actions: discussion on the potential role of the NGOs and their experts

The possibility of a "survival" of the Expert Group - independently from the Commission initiatives, but with the aim to influence them – was suggested by the Chairman (Mr Pfeiffer). It was proposed that the organisations involved - Inclusion Europe, Mental Health Europe, AGE, European Disability Forum (EDF), European Association of Service Providers for People with Disabilities (EASPD), Children's High Level Group (CHLG), European Coalition for Community Living (ECCL) and COFACE - could coalesce into a "policy cartel" (which could be called "European De-institutionalisation Coalition" or "EU Platform for Transformation of Institutional Care").

Potential use of direct EC financing

Ms Paraskevas informed about a new call - under the PROGRESS programme - dealing with "social innovations", which could have a focus on transition from institutional to community-based care. This option will be examined in DG EMPL in the following weeks.

Next meeting

It was finally agreed that there would be one more follow-up meeting on **17 December at 9.30** which would deal with the dissemination/validation strategy of the Report as well as with the possibilities for the Expert Group to keep functioning in one way or other.