



# **ENIL Manifesto for the European Parliament elections in May 2019**

European Network on Independent Living  
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## Introduction

The European Union gives people a right to explore. By travelling, studying, working and living in different countries, individuals can access the benefits of a globalized world within the framework of the European Union (EU).

Yet, at the moment, many EU citizens are still unable to fully access the opportunities offered by the EU. Thousands of disabled people still live in institutions, segregated and excluded from the rest of society.<sup>1</sup> Disabled people are more likely to live in poverty and less likely to be employed in the open labour market. Disabled people also have fewer opportunities to access inclusive mainstream education.<sup>2</sup> This goes against European values and undermines the right to Independent Living.

The year 2019 will be full of opportunities for the European Union. The [proclamation of the European Pillar of Social Rights](#) (Social Pillar) on 17 November 2017 and the ratification of [the UN Convention on the Rights of Persons with Disabilities](#) (UN CRPD) by the EU and all its Member States have provided the EU with great tools to go beyond economic recovery, austerity and cuts. It is time to give the EU a human face again.

European citizens want to live a full and independent life, whatever their background or differences may be. With this manifesto, ENIL would like to highlight some crucial points where the European Parliament can exercise its role as a leader on human rights and social inclusion to put people back at the forefront of EU policy.

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<sup>1</sup> See FRA country studies on the right to independent living of persons with disabilities, at <http://fra.europa.eu/en/project/2014/rights-persons-disabilities-right-independent-living/country-data>

<sup>2</sup> See the Eurostat data on this topic, at [http://ec.europa.eu/eurostat/statistics-explained/index.php?title=Disability\\_statistics](http://ec.europa.eu/eurostat/statistics-explained/index.php?title=Disability_statistics)

## 4 Key Demands:

### 1. Freedom of movement for all

Freedom of movement of goods, people, services and capital is a basic EU principle enshrined in the [Treaty on the Functioning of the European Union \(TFEU\)](#).<sup>3</sup> The freedom to travel around the EU is an opportunity for people to feel European. Seeing and experiencing different cultures and ways of life fosters a diverse and inclusive society.

Today, businesses in the EU already make use of the possibilities offered by the right to free movement. Private citizens, on the other hand, often cannot fully enjoy their right to live, work or study in another EU Member State. The reason for this is simple: **there is no European social framework to support the right to free movement.**

Principles 12, 14 and 20 of the Social Pillar state that everyone has a right to, respectively, social protection, an adequate income and access to essential services, including transport.<sup>4</sup> Yet, in practice, many European citizens cannot access these rights while traveling or living in another Member State. This prevents people from discovering the possibilities of European Citizenship and perusing opportunities to work or study across the EU. **This is especially true for disabled EU citizens.**<sup>5</sup>

Article 153, paragraph 4 of the Treaty limits EU's competence in the social field. Paragraph 2 of the same article, however, allows the Parliament and Council to promote good practices to enhance social inclusion and remove administrative barriers.<sup>6</sup>

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<sup>3</sup> Art 45-66 TFEU

<sup>4</sup> See the Social Pillar principles, at [https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights/european-pillar-social-rights-20-principles\\_en](https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights/european-pillar-social-rights-20-principles_en)

<sup>5</sup> See the Report of the European Day Of Persons With Disabilities 2015, at <http://ec.europa.eu/social/BlobServlet?docId=15129&langId=en> and the 2016 Report on intra- EU Labour Mobility, at <http://ec.europa.eu/social/BlobServlet?docId=17165&langId=en>

<sup>6</sup> See Art.153 TFEU, at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12008E153>

To ensure that all disabled people in the EU have the right to free movement, ENIL calls on the future Members of the European Parliament (MEPs) to:

- Use the [General Comments](#) of the CRPD Committee and the experience of the Independent Living movement to **adopt clear European definitions of key Independent Living concepts**. This will facilitate a common understanding of and recognition of disability (rights) and Independent Living across Europe.
- Work with the Member States toward a revision of article 153 of the TFEU to give the EU the **tools to contribute to a progressive, effective and consistent social policy**.
- Improve the **coordination of support services** between countries and **set up contact points** in all Member States to inform (disabled) EU citizens about social rights and support services across Europe.
- Ensure that mainstream accessible **public transport becomes an enforceable right** for all EU citizens.<sup>7</sup>
- Make sure that European **transnational programs** like Erasmus+ and the Solidarity Corps **are fully accessible and inclusive to all EU citizens**, whatever their support needs are.

*With regard to specific policy actions, ENIL calls on the MEPs to:*

- Expand the pilot project of the [EU Disability Card](#) **beyond culture and sport**.
- Build on the Commission [Proposal for a Council Recommendation on access to social protection](#), to expand its scope and **enable all EU citizens to access (social) support services across the EU**. This is in line with a [recommendation of the UN CRPD Committee](#).<sup>8</sup>
- Use [the European Accessibility Act \(EAA\)](#) as a basis to adopt a **strong European framework for an accessible and inclusive (built) environment** with fully accessible services, including transport, communication and financial services.

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<sup>7</sup> One of the initiatives in this area that could be expanded is [Eurokey](#).

<sup>8</sup> See §48-49 of the UN CRPD Concluding observations on the initial report of the European Union, at <https://daccess-ods.un.org/TMP/6056394.57702637.html>

## 2. End institutional care. Move towards community-based support services and Personal Assistance

Access to social support and mainstream services (see Demand 1), are only one aspect of moving towards a more social Europe. Accessibility of services should be accompanied by a shift away from the traditional model of care based on institutional and residential care, towards a human rights and Independent Living based system. This means that **Community-Based Services (CBS) and access to Personal Assistance (PA) must be made available across the EU.**<sup>9</sup>

Being able to live your life according to your own choices is essential for participation and social inclusion. Therefore, all disabled people should be in control of the support they receive. Giving people the opportunity to tailor the support they receive to their needs gives them independence and the autonomy necessary to actively participate in all aspects of society.

In line with Article 19 of the UN CRPD (the right to live independently and be included in the community), the **EU should facilitate the shift towards a system of support that enables and empowers people to take control over their life** and to live it according to their own choices and requirements.<sup>10</sup>

**Personal Assistance**, paid for by direct payments/personal budgets controlled by the person is a perfect tool to give people control over their own life. This is in line with both the UN CRPD and Article 26 of the EU Charter of Fundamental Rights. Additionally, Personal Assistance makes economic sense, because it allows people to get exactly the right support for their needs. This reduces costs and reliance on other services, such as health care.

The 2014 **Multiannual Financial Framework (MFF)** has played a vital role in putting deinstitutionalisation and the transition to Community-Based Services (CBS) and access to Personal Assistance (PA) on the agenda. However, despite good intentions, EU Funds have

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<sup>9</sup> For more information on the concepts of CBS and PA, see <http://enil.eu/independent-living/definitions/>

<sup>10</sup> For more information on Article 19 of the UN CRPD, see General Comment No 5 by the CRPD Committee [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/5&Lang=en)

not been used in compliance with Article 19 of the UN CRPD. Many disabled people in the EU are being moved from large into small institutions, without adequate support to live independently or without being involved in decisions concerning their lives.<sup>11</sup>

With this in mind, ENIL calls on the future MEPs to:

- Ensure that not a single European citizen is forced into **residential or institutional care** because of the lack of Community-based Services (CBS).
- Adopt a strong position to make clear that the **general availability of (mainstream) CBS** is essential for deinstitutionalisation. This goes far beyond the closure of institutions.
- Use the **European Structural and Investment Funds** (ESIF) for genuine deinstitutionalisation and independent living, as set out in the [General Comment No. 5](#) of the CRPD Committee.
- **Monitor the use of funds** to ensure that no public or private funds in the EU are spent on building, maintaining and/or renovating institutions of any type.
- Take a **leading role in the process**, by promoting the transition to CBS and Personal Assistance (PA) in all EU policy tools and initiatives.

*With regard to specific policy actions, ENIL calls on the MEPs to:*

- Use [the European Semester](#) to monitor and ensure that austerity does not damage social protection.
- Include the availability and quality of CBS and PA as an indicator in the [EU Social Scoreboard](#).
- Ensure that the [Commission proposal on Transparent and predictable working conditions](#) and [Working Time Directive](#) recognise the importance of the transition towards CBS and PA. This includes working with Member States to make sure that the national social security systems provide sufficient funding to allow PA users to comply with EU regulations.

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<sup>11</sup> See the 2018 ENIL Briefing on the Use of EU Funds for Independent Living, at [http://enil.eu/wp-content/uploads/2018/04/EU-Funds-Briefing\\_web0903.pdf](http://enil.eu/wp-content/uploads/2018/04/EU-Funds-Briefing_web0903.pdf)

### 3. Involve European Citizens to improve the transparency and effectiveness of EU Funds

The European Structural and Investment Funds (ESI Funds) are one of the most important tools the EU has to reduce inequality between regions and to promote social inclusion. Yet, **many European citizens are not aware of the existence or possibilities of these Funds**. This makes it more likely they will be misused, by supporting projects that go against common European values.

Fully involving (disabled) Europeans in the funding process - from programming, through implementation, to monitoring will **improve the effectiveness, transparency and legitimacy of the EU**.

Full involvement should go beyond consultation. European citizens, including disabled people, should get an equal seat at the table. This includes physical access, but also getting the support and time you need to acquire the knowledge necessary to participate on an equal basis with policy makers or social partners. People who contribute to the discussion should also receive (financial) compensation for their time. This will ensure that decisions about European funding are co-produced by policy makers, civil society and EU citizens. This will greatly improve the transparency and legitimacy of EU projects.<sup>12</sup>

In order to ensure that EU funds are used efficiently, ENIL calls on the future MEPs to:

- Make sure that the support services funded by ESI Funds start from the **needs of individuals, not the interests of service providers or the authorities**.
- Improve the **monitoring and complaints systems** for ESI Funds, to prevent misuse.

*With regard to specific policy actions, ENIL calls on the MEPs to:*

- Ensure that the **[European Code of Conduct on Partnership](#)** is fully implemented. This should include using co-production to fully involve (disabled) citizens in the set-up, monitoring and evaluation of projects.

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<sup>12</sup> For more information on co-production, see: '[Co-production – enhancing the role of citizens in governance and service delivery](#)'

#### 4. Mainstream disability across all policy areas

As outlined above, inclusion is not only about access to social services; it concerns all areas of life. It includes **access to health care, education and employment, public transport, housing, culture, sports and leisure, and other areas.**

Inclusion also goes beyond disability and is not limited to any particular target group. All children need support to fully participate in school. All employees need breaks during the day and flexible working arrangements from time to time.

With this in mind, ENIL calls on the future MEPs to:

- Make sure that the **universal nature of inclusion** is recognised and mainstreamed across all policy fields.
- **Connect policy areas** to make sure that challenges like the transition from residential and institutional care to Community-Based Services are backed up by decisions across policy fields.
- Respect the **UN CRPD in all external actions** of the European Union. This includes promoting the transition to Community-Based Support in all partner countries, including by only funding projects fully in line with the UN CRPD.

*With regard to specific policy actions, ENIL calls on the MEPs to:*

- Adopt a strong **European Disability Strategy 2020-2030**, guided by the UN CRPD.
- **Launch the first EU-wide awareness-raising campaign** to highlight the importance of mainstreaming disability across all policy areas.
- Implement in full the [recommendations of the Committee on the Rights of Persons with Disabilities](#) from 2015.
- Move the **units for disability rights and social inclusion** from DG Employment to DG Justice. Inclusion is not about being in employment, it is about respect for human rights.



## About ENIL

[The European Network on Independent Living \(ENIL\)](#) is a Europe-wide grass-roots network of disabled people, with members throughout Europe. Our mission is to be a strong voice of disabled people and advocate for everyone's right to Independent Living.

Independent Living means that (disabled) people should have the same level of choice, control and freedom, no matter what their support needs are. This does not mean that people need to do everything by themselves. All (disabled) people depend on and interact with other people in day-to-day life.

**It does mean that all people should have the right to choose how, where and with whom to live.** Any support a disabled person receives to realize this right should be controlled by the person and respect their individual choice and needs.

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