

Building on the Promise of European Structural and Investment Funds into the Future

Report on roundtable discussions in the European Parliament - 1st December 2016



Image: Participants and speakers before the start of the roundtable in the European Parliament

1. Introduction

Community Living for Europe: Structural Funds Watch is an independent initiative, which tracks how the clear commitment of the European Structural and Investment Funds (ESIF) to support community living for persons with disabilities, children and older persons is being achieved.

The European Union (EU) took a major step toward ending institutionalisation and realising the rights of millions of Europe's most marginalised and disadvantaged citizens. The decision that the ESIF should be used to enable the transition to community based and family based living for all marks historic progress. Experiences on the implementation of the regulations and Member State Operational Programmes however evidence a relatively low impact of the ESIF to support community living for all.

2. Roundtable in the European Parliament

The roundtable, hosted by Mairead McGuinness, Vice President of the European Parliament and organised in partnership with the Community Living for Europe initiative looked at good practices, issues and challenges linked to the implementation of the ESIF regulations in the transition from institutional care to community based living. It aimed to provide input on the need for improving practice under the existing regulations as well as how this underlying legislative framework might be improved in the future to underpin more effective outcomes. Senior officials from the European Commission and the EU Fundamental Rights Agency, Members of the European Parliament and of the Community Living for Europe Steering Committee as well as representatives of other European and national civil society organisations participated in the round table.

3. Key messages from the discussion

- Institutionalisation is a fundamental human rights issue experienced across all EU Member States.
- Deinstitutionalisation (DI) is about turning people and children from commodities back into rights holders.
- Return to the basics, the concept of home is central.
- The best instrument we have to tackle institutionalisation in Europe is money. Used well, the ESIF have the potential to transform the way in which governments and communities think about, act and involve all members of our society.
- There are problems with implementing the ESIF regulations, all stakeholders must reflect and learn from these issues together into the future and improve practice.

3.1 Welcome & Introduction: The Promise of the ESIF Regulations - Transforming Lives in the Community



Image from left: Professor Gerard Quinn, Michael O'Flaherty, Georgette Mulheir and Mairead McGuinness.

Chair: Georgette Mulheir, Co-Chair Community Living for Europe and CEO of Lumos

- People with disabilities, children who's parents live in poverty, marginalised communities, older people who need support to remain in the community, people with mental health difficulties, all suffer the risk of being institutionalised if we as countries do not ensure that proper care and support systems are in place in the community.
- The EU has taken a huge step forward with the 2014-2020 regulations. However, we must ensure that these regulations are implemented as they are written and intended.

Mairead McGuinness, MEP and Vice President of the European Parliament

- There is a symbol that this discussion is happening in the house of a directly elected representative Parliament of 28 EU Member States. Harness and use the power of this house.
- The issue of institutionalisation affects everyone in society; it is not about an abstract group of 'others'.

Michael O'Flaherty, Director of the EU Fundamental Rights Agency

- There is still work to be done in moving away from the normalisation of separating groups of individuals on the basis of disability, age, ethnicity or social status.
- The ESIF are an important vehicle for delivering fundamental rights and the Commission must be congratulated for introducing the mechanism of the *ex ante* conditionality on social inclusion.

Some difficulties identified by FRA:

1. Resistant social models in many Member States.
2. Attitudes of society as a barrier. The absence of a strong call for DI results in a lack of prioritisation by Governments.
3. There is a knowledge gap on the potential use of ESIF for DI. Where this knowledge does exist, the complexity of engaging with the ESIF is prohibitive.
4. There is not enough engagement of explicitly Human Rights tasked institutions at the level of Member States such as National Human Rights Institutions (NHRIs), Equality bodies and Human Rights Commissions. We need to challenge and help these bodies to become more active and engage in the use of ESIF for tackling institutionalisation.

How FRA helps:

Engaged as an active observer to the Community Living for Europe initiative.

Continues to support ESIF desk officers in the area by helping them to develop indicator frameworks to monitor DI more effectively.

An on-going FRA project in five Member States is looking at what works and what does not work in deinstitutionalisation.

Challenge NHRIs and equality bodies to rise to their responsibilities in the area.

<http://fra.europa.eu/en>

Gerard Quinn, Co-Chair Community Living for Europe and Director of the Centre for Disability Law and Policy, NUI Galway

- The concept of home as a safe place that allows repose from society and where a person's identity can evolve in association with others should be at the centre of the transition.
- Home enables flourishing of the person, this is not possible in an institution. In the past public money was used to cement in place the exclusion of 'others', the transition to community living restores visibility of those who have been excluded.
- Marrying principle with power: the EU was challenged to match their obligations and commitment to fundamental rights with their spending and regulatory power when drafting the 2014-2020 regulations.

Main messages from the introductory session:

- Clear message of political will from the European Parliament for the transition to community living.
- Clear framing of institutionalisation as a fundamental human rights issue.
- We must move as a society away from the normalisation of institutional care.
- The concept of home must be at the centre of all efforts in the transition.
- There are problems in implementation and these must inform efforts to refine the regulations in the future to bring about better outcomes.
- Change is possible through the use of ESIF, the commitment of civil society, Member State Governments and EU institutions.

3.2 Session 1: The Regulations in practice

Speakers shared their experiences of and observations on the implementation of the ESIF Regulations.

Marie-Anne Paraskevas, Senior Policy Officer, DG Employment, Social Affairs and Inclusion

Key message: We must avoid parallel systems and work for an intersectional approach toward DI and the inclusion of all groups in the transition to community living.

- Institutionalisation is an intersectional issue that affects many groups in society including refugees, persons in prison, the homeless, children deprived of parental care, people with disabilities and older persons.
- In the context of DI strategies and plans, greater attention is needed to groups who experience significant stigma in society namely persons with mental health difficulties and intellectual disabilities.
- Stigma starts early and from birth, there is a need for greater awareness raising and the tackling of negative societal attitudes toward disability, age, ethnic minorities and social status.



Marie-Anne highlighted the example of Greece where there is no strategy on deinstitutionalisation and where persons with intellectual disabilities and mental health difficulties are shut away and restrained in psychiatric and other institutions in violation of their rights. Marie-Anne advised that ESIF have already been used in Greece to hire medical staff required for the mental health reform before having a strategy on deinstitutionalisation in place.

Andor Urmos, Policy Analyst, DG Regional and Urban Policy

Key message: Cooperation between the Commission and NGOs needs to continue and we should find ways to cooperate even better. NGOs have played a crucial role in alerting the Commission to issues in implementation, in particular the Calls for Proposals.

Challenges and issues:

- DI strategies are isolated from structural reform efforts in health and social care.

We need to do more on Structural Reforms, even with the introduction of the *ex ante* conditionalities the same questions remain on how to bring about structural reforms in health and social care for the inclusion of different groups in society.

- There are real difficulties in the practical implementation of the ESIF Operational Programmes.

Highlighted the important role of the European Expert Group in making the Commission aware of issues in implementing the Operational Programmes especially related to Calls for Proposals for projects. Upon becoming aware of these issues the Commission engage with Member States to discuss these concerns related primarily to the use of the European Regional Development Fund (ERDF) for building.

- Needs assessments and data collection

Andor gave an example of the selection criteria of a Call for Proposal concerning children who were identified as not being able to be included in DI activities, such as foster care placement. It is unclear as to how the needs are assessed and it has become clear that decisions are being made without taking into consideration the needs of the target groups.

- Small Group Homes

Ines Bulic from the European Network on Independent Living presented examples of small group homes to the ERDF desk officers in order to demonstrate that reducing the size of a building does not constitute a transition from institutional care to community based living as institutional characteristic remain. The Commission advised there is a need for further discussion on the issue of small group homes and that more evidence should be provided on how we can move away from this approach that has been adopted in many Member State deinstitutionalisation plans.

Concrete steps forward by the Commission:

- Continue training of European Commission policy and geographic desk officers working with the European Social Fund (ESF) and the ERDF on DI as well as seminars on DI at Member State level.

- Under the ESF the Commission have created Transnational Cooperation networks that bring together Member state representatives, NGOs and Commission departments from DG employment and DG Regional. One of these networks on Inclusion has its next meeting in January that will include a training day on DI. This provides an opportunity to raise awareness on DI, in particular with Managing Authorities of countries not yet involved in the Transnational Cooperation networks.
- In 2017 under the Estonian Presidency of the Council of the EU there will be a conference on deinstitutionalisation that the Commission is supporting.
- Funding from the Commission is also being made available to the EEG for promoting discussion and awareness on DI.

Jana Hainsworth, Director of the Opening Doors for Europe’s Children campaign.

Challenges and issues:

1. Implementation of the *ex ante* conditionality on social inclusion and understanding what the transition to community and family like living requires.
 - Commitments on paper to deinstitutionalisation are not being implemented in reality.
 - Complementary use of the ERDF and ESF. There is a focus on infrastructure, namely reducing the size of the building and the number of persons placed in that building, to the neglect of developing community and family based support services and training of staff.

Jana shared several examples from anecdotal evidence:

In [Hungary](#), there is a ban on placing children under 12 in institutional care,¹ however this is only partially implemented. The main issue in Hungary is the growing number of newborns separation from their families due to poverty and the legal possibility to place children with disabilities and sibling groups into institutions, as it is hard to find foster families for them. Group homes are understaffed, neither the children nor staff have sufficient support services and they often live in isolation.

In [Poland](#), DI is on the agenda as a political priority. Funds are planned to be spent generally for the capacity building of family foster carers or professional foster care families, but the aim of such funds is not to develop community based services strengthening biological families. Funds are being spent on small group homes (14 children) without adequate training of staff. Staff and children are moved from a large institution to a smaller institution where institutional characteristics remain.

In [Estonia](#), the focus of DI in alternative care for children is on reducing the size of the building and number of children. The former limit proposed - of 6 children to one unit was increased to 8 children due to a lack of resources. In reality, the limit of 8 children to one unit does not guarantee that units are separated from each other, divided among the community. For example, one institution is divided into 4 units with 8 children in each, they are located in one building, having common facilities for management and performing most daily activities together. The result is 32 children in one house, staff members are labeled ‘the mother’ and institutional characteristics

¹ Act XXXI of 1997

remain.



[Romania](#) has set a clear goal to end institutionalisation by 2022. However, in 2015 in one county, three institutions were approved for funding with the aim of refurbishment prior to the launch of the ESIF Call for Proposal.

2. Partnership Principle

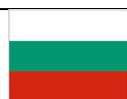
It is particularly important that partnership is in the ESIF Regulations however there is uncertainty and misunderstanding as to what this obligation requires and how to involve civil society in a meaningful and active way.

"The partnership principle is about building capacity and bringing the expertise of municipalities, civil society and government together to find solutions".

- Alienation of relevant civil society by some Governments in the planning, implementation and monitoring.
- Limited involvement of some favoured civil society organisations.
- Lack of capacity of relevant civil society to participate in planning, implementation and monitoring.

Moving forward:

- Recognition of the varied capacity and levels of understand of civil society and the need to build the capacity of many different types of organisations to advocate for their own aims but also to push for deinstitutionalisation together with other organisations.



This is where the National Network for Children in [Bulgaria](#) had success in that they were able to bring together child and family organisations in one unified voice and work together with the government for deinstitutionalisation of children.

3. Institutionalisation is a horizontal issue across all Member States

There is a misconception that institutionalisation is an issue only for Eastern and Central European Countries. The ESIF, particularly the European Social Fund in Western European countries is only used for employment despite evidence of the lack of community and family based support services across all Member States.

Moving forward:

In the next programming period we need to start talking about the shift that is needed across the Member States in the use of ESIF for structural reforms in health, education and social welfare.

Opening Doors for Europe's Children

A pan-European campaign to support national efforts to develop child protection systems that strengthen families and ensure high-quality family and community-based alternative care for children, by leveraging EU funding and policy and building capacity in civil society. In its second phase, the campaign brings on board new national and international partners and expands from 12 to 15 participating countries.

<http://www.openingdoors.eu/>

Natasa Kokic, Coordinator of the EU Funds for Our Rights Campaign, European Network on Independent Living.

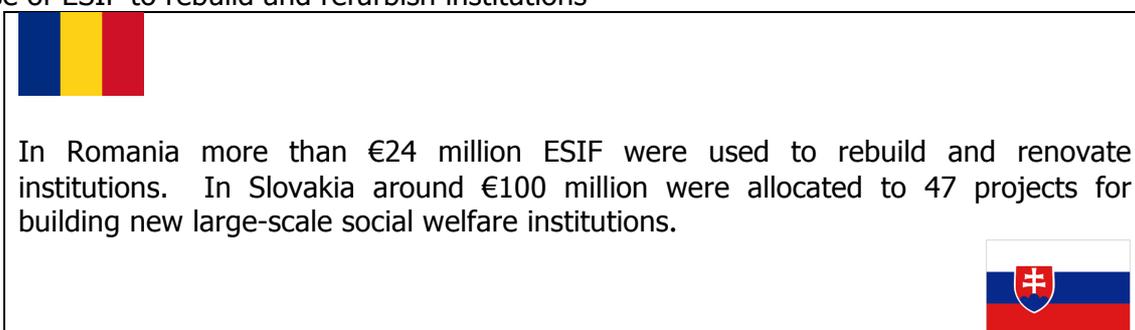
Lessons learned from the previous programming period (2007-2013):

- Small group homes are not a solution



In Bulgaria, small group homes of 12 children were funded. In Hungary, small group homes for 25 adults with disabilities were funded. In operation and effect small group homes are smaller institutions that demonstrate a lack of direction on how to use the ESIF to organised independent and family based living.

- Use of ESIF to rebuild and refurbish institutions



In Romania more than €24 million ESIF were used to rebuild and renovate institutions. In Slovakia around €100 million were allocated to 47 projects for building new large-scale social welfare institutions.

Challenges and issues in the current programming period:

1. Implementation of the *ex ante* conditionalities
 - There is a lack of strategies on DI at the national level that correspond to the vision and intent of the ESIF regulations and International and EU law and policy on independent living.
2. Partnership Principle
 - A lack of involvement and participation of people with disabilities and civil society, including those in institutional settings from the very beginning of the ESIF process and particularly in the preparation of ESIF Operational Programmes and strategies on DI.
 - Quality of participation is lacking, ESIF regulation requirements on partnership are viewed as a formality by national governments.

EU Funds for Our Rights Campaign
European Network on Independent Living campaign on Structural Funds. The aim of the Campaign is to encourage the European Commission and the EU Member States to improve the monitoring and complaints system, in order to ensure that Structural Funds are used to support the rights of people with disabilities, rather than restrict them. The Campaign is supported by the Open Society Foundations - Mental Health Initiative.

<https://www.facebook.com/EUFundsforOurRights/>

3.3 Session 2: Looking to the Future

This session provided an opportunity to reflect on the experiences shared in Session 1, to exchange ideas for improving future implementation and to inform discussions about the content of the new regulations. Some key messages from each of the speakers are as follows.

Johan Ten Geuzendam, Adviser for equality and citizenship, DG Justice

- We need better social infrastructure for older persons based on a needs assessment, including also innovative housing solutions, like co-housing or other residential home solutions that should not immediately be equated with institutions.
- More staff trained in person centred care and the human rights based approach to ensure the right to community living and social connectedness of older persons.
- Be aware of the risks of the private market filling the need for supported living for older persons, if there are insufficient publicly funded services. Private market services may be affordable only to the richer part of the population.

Jamie Bolling, Co-Chair European Expert Group on Transition from Institutional to Community-based Care

Improving implementation:

- We should provide solutions and best practice examples to governments on DI and ensure coordination at the European level of organisations working on and monitoring the ESIF.

Looking to the future:

- The current regulations are broad therefore the next round of regulations may benefit from being more specific by including concrete criteria for a test as to whether planned investments are in line with DI and independent living.
- To have a monitoring body that is directly funded by the ESIF so that civil society and NGOs are able to monitor the implementation of projects.
- Discuss and address the issue of sustainability.

Ioannis Dimitrakopoulos, Head of Equality and Citizens' Rights Department, EU Fundamental Rights Agency

Important to take stock of progress made and assess whether achievements that have been made are at risk.

Reflections on session 1:

- The ESIF is largely a top down process therefore reflecting on the need for structural reforms there is a need to build trust between the local, regional and national governments in the Member States and with the EU institutions in order to support ownership and political will for these reforms.
- There is a lack of administrative capacity in the Member States to manage the ESIF properly. The establishment of the Structural Reform Support Programme² is and will be critically important to support structural reforms.

Looking to the future, work has to become SMART:

- **Specific:** more concrete reference to desired outcomes that should be built into European Commission Guidance on the use of ESIF for DI.
- **Measurable:** there should be monitoring and systemic collection of data at all levels on implementation and progress toward DI.
- **Agreed upon:** trust and partnership at National and EU levels to improve cooperation and coordination of all actors that bring about change. The ESIF Monitoring Committees are important here and do not work for several reasons firstly there are too many members (in some cases 100-200 members) to coordinate effectively and secondly the information received is too complex to be able to understand.
- **Realistic:** need to set out transparent boundary conditions as to what can be done and achieved through the ESIF, what are the limits, the priorities and engaging the Monitoring Committees.

² Regulation of the European Parliament and of the Council on the establishment of the Structural Reform Support Programme for the period 2017 to 2020 and amending Regulations (EU) No 1303/2013 and (EU) No 1305/2013. ([COM\(2015\) 701 final](#) 2015/0263 (COD)).

- **Timely:** Operational Programmes should include a simple and easy to understand roadmap for DI with specific milestones for each year and that are based on identified needs.

Luk Zelderloo, Secretary General, European Association of Service Providers for Persons with Disabilities

Information to take into account when looking to the future:

- The Commission and Parliament have started to discuss the next round of regulations. It is important that organisations and the European Expert Group join this debate with a coordinated message.
- While the need for funding in Europe is increasing, there is a push to decrease the EU budget in the future that will impact Cohesion policy and the ESIF.
- The ESIF will become further integrated into the European Semester that is typically an economic process therefore pushing the issue of DI and structural reforms in health and social services will become more difficult.
- 17% of money from the current programming period has been allocated therefore there is still a large amount of money with huge potential.

Risks and Opportunities:

- The Commission created a High Level Group on Simplification³ that has many positive aspects in reducing the administrative burden and easing access to the ESIF however, a possible negative effect of this process of simplification is the rise of Simplified Cost Options (SCOs). In EASPD experience, SCOs make participation of smaller organisations much more difficult.
- The European Fund for Strategic Investments (Juncker Investment Plan) is to mobilize over €330 billion investment that is to be triggered by using public and private funding, including €30 billion public EU money. The EIB has different accountability rules in that they do not recognise or accept the *ex ante* conditionality on social inclusion as applicable to EFSI investment in social infrastructure. This is a problem. EFSI has already been used to build institutions.

Looking to the future:

- Private sector investment must follow human rights and equality standards.
- Developing discourse and narratives:
 - DI and the development of inclusive communities are relevant and a priority within macroeconomic thinking.
 - 'Back to basics'. It is about peoples' lives and peoples right to live independently in the community and in their family.
 - Positive language. What is needed and what should be funded to achieve community and family living.
- Identify game changers including Legal Capacity, accessibility and mechanisms to re-route public funding such as personalised budgets.
- Keeping all groups actively involved in and at the table on the issue of ESIF and DI.

Luk shared the example of Poland on the issue of sustainability of ESIF funded services:



In Poland, ESIF is used to fund new systems however there is no communication or action taken on the old system. A parallel system is created where the new services funded by ESIF run alongside old institutions. When ESIF funding ends, there is no guarantee that these services will be able to continue.

³ http://ec.europa.eu/regional_policy/en/policy/how/improving-investment/high-level-group-simplification/

Dani Koleva, Policy Director, National Network for Children Bulgaria

Reflections on session 1:

- Get back to the basics, what is DI about, how do we measure achievements and what do we want the ESIF to support.

National context of Bulgaria:



The reform started in 2000 and the first years were marked with creating the legal framework, capacity building, first pilot projects and services development. However, new services were isolated and run in parallel with the old institutional system.

In 2010 Bulgaria undertook a massive reform with the approval of the national strategy 'Vision for Deinstitutionalisation of Children' and a 5-year plan for its implementation supported by approximately €100 million ESIF. As a result of the reform: reduction of the number of children in institutional care, a significant increase in community-based services & many children were prevented, reintegrated or placed with extended family.

While this reform looks good on paper, there are major concerns as to the quality of the reform, the high risk of re-institutionalisation through small group homes and the sustainability of new services.

Looking to the future:

- Not only the existence and implementation of the *ex ante* conditionalities but the content and goals of these strategies on social inclusion and DI.
- Structural reforms: the use of the ESIF for real support to families, reforms of social welfare systems, poverty reduction and transfers.
- Partnership: in Bulgaria the National Network for Children sits on the ESIF Monitoring Committees. To be meaningful, participation must be throughout the whole programming cycle, not only at the end on the Monitoring Committees.

Increasing the effectiveness of ESIF Monitoring Committees:



In Bulgaria, a number of sub-committees of the ESIF Monitoring Committee have been created for specific topics. A group come together to discuss concrete operations on their topic that allow detailed examination of projects, discussion and understanding between the stakeholders involved, for example Roma and marginalised groups, social inclusion.

- Workforce: Training and support of staff at a broader level in order to ensure they are able to take meaningful decisions and support the implementation and vision of DI.
- Lets focus on management and implementation rather than absorption.

4. Concluding Remarks

Mairead McGuinness, MEP and Vice President of the European Parliament

- Acknowledgment of MEP Olga Sehnalova, MEP Jana Zitnanska and MEP Deirdre Clune.
- All good wishes from this house of the European Parliament, we will ensure and insist that today's message gets out to other members and we will work very hard with you.
- We have to invest in people.

Chair: Georgette Mulheir, Co-Chair Community Living for Europe and CEO of Lumos

Key words in summary:

- Investment in People
- Rights
- Vision
- Visibility
- Voices
- Real partnership
- Money

Core messages and wrap up from the Chair

- We all agree on the rights of all people to live in the community and in a family, to be included and to have the same opportunities as everyone else in Europe.
- When people are removed from their family, their community and are placed in institutions, they stop being rights holders and become commodities. Questions that are asked in the wake of closing an institution are rarely about the rights of the people but rather - what happens to the jobs and what happens to the building.
- Deinstitutionalisation is about turning people and children from commodities back into rights holders.
- People are kept in institutions for their euro value. We cannot keep people in institutions simply to keep jobs going.
- We know that predatory networks are run out of institutions for profit and to access the most vulnerable and the most voiceless for exploitation.
- The best instrument we have to tackle institutionalisation in Europe is money. Used well, the ESIF have the potential to transform the way in which governments and communities think about, act and involve all members of our society.
- If we can get the money right, we are on the way to ensuring the rights of every citizen on our continent.

Keep fighting.

Steering Committee Members:

Lumos: <https://wearelumos.org/>

Centre for Disability Law & Policy, NUI Galway:

http://www.nuigalway.ie/research/centre_disability_law_policy/

European Disability Forum: <http://www.edf-feph.org/>

European Foundation Centre: <http://www.efc.be/>

Age-Platform Europe: <http://www.age-platform.eu/>

European Expert Group on the Transition from Institutional to Community-based Care:

<https://deinstitutionalisation.com/>

Contact:

Alexandra Hillen-Moore

Initiative Coordinator

W: <https://communitylivingforeurope.org/>

T: +353 (0) 91 494270

E: communitylivingforeurope@nuigalway.ie

[Twitter @CleSfw](#)

[Facebook](#)

[YouTube](#)

A video recording of the roundtable can be found on the Community Living for Europe [YouTube channel](#).

Speakers acknowledged and remembered those champions of the Independent Living movement no longer with us including Martin Naughton and Peter Lambreghts.