**The Implementation of CRPD Article 19 by the European Union**

**Statement for the regional consultation on the 25th of May**

As a Party to the CRPD, the EU has put in place a number of measures to implement Article 19. Given the way policy competence is shared between the EU and its 27 Member States, the EU does not have a remit to prohibit the construction of institutions for persons with disabilities. Instead, it has focused its energy on furthering the process of de-institutionalisation through the distribution of EU funding. The Regulations guiding the use of funding are clear about the fact that EU money should not go towards building or renovating institutions, but should rather go towards the “transition from institutional to family- and community-based care”.

However, concerns have been raised about the EU’s ability to implement and monitor these rules. Cases have been reported of countries using the funds to renovate existing institutions or to build entirely new care settings which, while sometimes small in scale, remain segregated from the community and do not give persons with disabilities any agency over how they live their lives. A number of legal proceedings and calls to halt funding in certain Member States have been led by civil society. The ability of the European Commission to monitor the quality of investments and their adherence to the CRPD appears limited and over-dependent on the capacity of local NGOs to alert them to the issue before funding has already been allocated.

To help minimise the misuse of EU funds for DI and community-based services, the Commission has proposed a flagship initiative in its new Disability Rights Strategy 2021-2030, to present guidelines on de-institutionalisation and independent living to the Member States. The success of this will rely on how strictly the guidelines follow the wording of Article 19 and General Comment 5, how clearly they define key concepts and how well they listen to persons with disabilities and their representative organisations when creating the guidelines.

The biggest concern for many at the moment comes from the way Member States are choosing to use a new funding mechanism called the Recovery and Resilience Facility, which is a fund of 560 billion euros to help Member States make reforms and recover from the COVID-19 pandemic. This spending is not governed by the same rules as other EU funds, and therefore regrettably does not prohibit investment in institutions. National Plans for some Member States have already led us to believe we might see the money used to strengthen, rather that transition away from institutional care in the EU.

We therefore recommend that the CRPD Committee:

1. Assesses the way money COVID-relief money has been used for investing in institutions and take this into account in the reviews of individual EU Member States;
2. Address the support and funding the EU gives to local and national NGOs to enable them to monitor whether EU funds are used in line with the CRPD;
3. Argue that the EU should shape its planned guidelines on de-institutionalisation and independent living around a strict interpretation of Article 9 and General Comment 5.