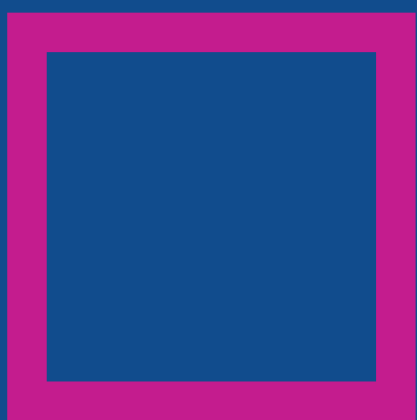
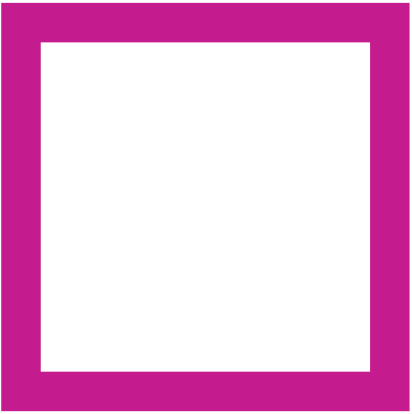
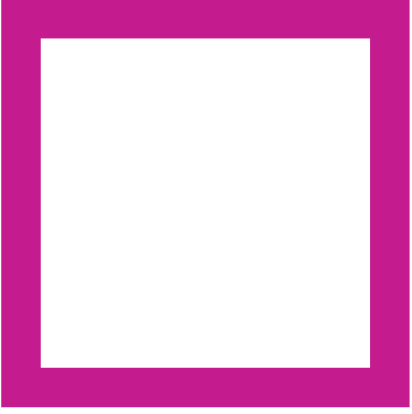


# EU FUNDS CHECKLIST TO PROMOTE INDEPENDENT LIVING AND DEINSTITUTIONALISATION





# European Expert Group on the transition from institutional to community-based care with Hope and Homes for Children



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# 1. Purpose of the checklist

*“Institutional care is a contradiction in terms”, stated Commissioner Dalli at a conference in 2020. “We want to empower people and foster independence.”*

Over 1 million EU citizens live in institutions, which segregate them from society and deny them control over their own lives.<sup>1</sup> Many more are at risk of being institutionalised as a result of lack of adequate support services.

EU funding has been instrumental in improving the lives of many of these citizens. It has contributed to the development of new family-based and community-based services. And it has contributed to the transition from institutions to family-based and community-based care for thousands of people.

There have also been instances when EU funding was directed towards institutions, contravening EU’s own policy objectives and legal obligations such as the UN Convention on the Rights of Persons with Disabilities.

The COVID-19 pandemic has presented numerous additional challenges for people in vulnerable situations, in particular those who are residing in congregated settings such as institutions. Publicly available data from 21 countries up to 26 January 2021 showed that an average of 41% of deaths linked to COVID-19 were among care home residents for elderly persons or people with disabilities.<sup>2</sup> The full consequences are still not yet known and further data collection is needed. At the same time, the need for access to family- and community-based services is even stronger than ever to minimise the risk of infections and the secondary impact of the pandemic.<sup>3</sup> EU funded measures to respond to the pandemic are integrated in the rest of the document.

This document aims to ensure many more EU citizens benefit from EU funding for inclusion; and to prevent the misuse of EU funds.

The purpose of this checklist is to ensure EU funds in the 2021-2027 programming period contribute to independent living<sup>4</sup> and inclusion in the community. More specifically, the checklist supports desk officers to check the consistency of the measures with the legal and policy frameworks in the fields of:

- Transition from institutional to family-based and community-based services for children, persons with disabilities, persons with mental health problems and elderly persons
- Development of quality family-based and community-based services
- Prevention of separation of children, including with disabilities, from their families
- Prevention of segregation and institutionalisation of children, persons with disabilities, persons with mental health problems, older people and homeless people, regardless of the residence status.

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- 1 Children and adults with disabilities (including people with mental health problems). It covers the EU and Turkey from Mansell, J., Knapp, M., Beadle-Brown, J. & Beecham, J. (2007) *Deinstitutionalisation and community living – outcomes and costs: report of a European Study*. Volume 2: Main Report. Canterbury: Tizard Centre, University of Kent.
  - 2 Martin Knapp, Eva Cyhlarova, Adelina Comas-Herrera, Klara Lorenz-Dant (May 2021) [Crystallising the Case for Deinstitutionalisation: COVID-19 and the Experiences of Persons with Disabilities](#). Care Policy and Evaluation Center, London School of Economics and Political Science.
  - 3 [COVID-19: Call to action to protect vulnerable families and children in alternative care across Europe](#) (May 2020); European Expert Group on the Transition from Institutional to Community-based care Joint Statement [COVID-19 crisis: People living in institutions must not be written off](#).
  - 4 General Comment 5 of the UNCRPD defines independent living as providing individuals with disabilities with all necessary means to enable them to exercise choice and control over their lives and make all decisions concerning their lives.

## 1.1 Target group

The checklist is addressed to desk officers of the European Commission responsible for EU funds programmes, in particular of:

- Directorate General for Regional and Urban Policy (DG REGIO)
- Directorate General for Employment, Social Affairs & Inclusion (DG EMPL)
- Directorate General for Agricultural and Regional Development (DG AGRI)
- Directorate General for Migration and Home Affairs (DG HOME)
- European Commission's Secretariat-General (SECGEN)
- Directorate-General for Economic and Financial Affairs (ECFIN)

## 1.2 Scope

The checklist covers relevant EU funds of 2021-2027 programming period<sup>5</sup>, in particular:

- European Regional Development Fund (ERDF)
- European Social Fund Plus (ESF+)
- European Agricultural and Rural Development Fund (EARDF)<sup>6</sup>
- Asylum, Migration and Integration Fund (AMIF)
- Recovery and Resilience Facility (RRF)

See annex 4.2 for an overview of relevant legal provisions for each of the EU fund.

The checklist is focused on the programming documents, namely the partnership agreements and operational programmes. It covers also the enabling conditions, taking into account that assessments of the policy frameworks are important. The implementation documents, including the calls for proposals, may be addressed at a later stage.

This checklist does not provide any policy background for independent living and inclusion in the community, and the transition from institutional to family-based and community-based services.

The EU and Member states should ensure that investments are aligned with all international standards and obligations. The checklist thus draws upon legal and policy frameworks, research and reports, in particular:

- Charter of Fundamental Rights of the European Union
- United Nations Convention on the Rights of Persons with Disabilities (UNCRPD),

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5 The checklist was first published in November 2019 based on the European Commission's proposals released in May 2018. It was updated in May 2021 based on the inter-institutional agreements.

6 Under the Commission's proposals for the future of the common agricultural policy, rural development actions will be included under the framework of national CAP strategic plans from 2023 onwards. Based on the Regulation (EU) 2020/2220, the programmes supported by the EAFRD in the 2014-2020 period have been extended until 31 December 2022 and requests for amendments shall be submitted for the transitional period. The checklist may be updated at a later date.


and [General comment No. 5 \(2017\) on living independently and being included in the community](#)

- United Nations Convention on the Rights of the Child (UNCRC), and the [Guidelines for the Alternative Care of Children](#)<sup>7</sup>
- [Common European Guidelines on the Transition from Institutional to Community-based Care \(EEG Guidelines\)](#)

For a comprehensive list of legal and policy frameworks, civil society standards, research and reports, please consult the annex.

## 1.3 Methodology

The checklist is divided into chapters with short introductions, questions and corresponding recommendations for desk officers in the programming. The questions either lead to a yes or no response, or provide a list of options.

Taking into account the lessons learnt from the 2007-2013 and 2014-2020 programming periods (such as significant investments in long-stay residential institutions<sup>8</sup> and small-scale institutions<sup>9</sup> as opposed to family-based and community-based services based on need), some of the questions, and the corresponding answers, are of critical importance. These critical questions are marked by the following sign:  These questions should be treated particularly carefully and may lead to the need to substantially reconsider some elements of the programming documents (e.g. objectives, measures, etc).

The other questions also clarify important aspects of the programming documents, but are not critical in nature.

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- 7 There is ongoing dialogue between the two relevant Treaty bodies (UN Committee on Rights of Persons with Disabilities and UN Committee on the Rights of the Child) regarding legal discrepancies. The checklist will be updated according to the interpretation of international human rights standards which will result from this dialogue.
- 8 Mental Advocacy Center (2017) "[Straight jackets and seclusion: An investigation into abuse and neglect of children and adults with disabilities in Hungary](#)" [accessed 31 January 2019]; [European Expert Group on the Transition from Institutional to Community-based care \(2020\). Report on the Transition from Institutional Care to Community-Based Services in 27 EU Member States.](#)
- 9 Structural Funds Watch (2018) "[Inclusion for all: achievements and challenges in using EU funds to support community living](#)"; European Network on Independent Living (2018) "[Briefing on the Use of EU Funds for Independent Living](#)"; Opening Doors country factsheets for [Bulgaria](#), [Estonia](#), [Hungary](#), [Poland](#)

## 2. The Checklist

### 2.1 Programming documents

#### 2.1.1 SETTING THE OBJECTIVE

The programme objectives should identify the measures that contribute to independent living and the transition from institutional to home care, family-based and community-based services. The strategic vision of how to develop a range of family-based and community-based alternatives leading to independent living, as opposed to institutional care, should be based on the needs and requirements of the people concerned, an assessment of the available services in the country and be developed jointly with service users and their representative organisations. In this way, the measures will contribute to reducing inequalities and poverty, and facilitate social inclusion.

Question	Recommendation
<p><b>Does the programme identify the following objectives that contribute to independent living:</b></p> <ul style="list-style-type: none"> <li>Transition from institutional to home care, family-based and community-based services, including the closure of institutions?</li> <li>Development of home care, family-based and community-based services?</li> <li>COVID-19 needs and challenges and corresponding actions?</li> <li>Prevention of separation of children from their families, including children with disabilities and the most marginalised like children and families facing homelessness?</li> <li>Prevention of further segregation and institutionalisation of children, persons with disabilities, persons with mental health problems, older people and homeless people?</li> </ul>	<p><i>If any of these objectives are not identified, please consult the following question.</i></p>
<p><b>Is the choice of the programme objective supported by relevant data (e.g. number of people in institutions, number of admissions per year, number of people leaving institutional care, impact of COVID-19 on people in institutions)?</b></p> <p>Yes</p> <p>No</p>	<p><i>If the programme objective is not justified, please ask the Member State to collect/include the relevant data.</i></p>



**Under each of these programme objectives, is it indicated that the measures and call for proposals will be aligned with the outcomes of the:**

Individual needs assessment, i.e. person centred planning (e.g. for individuals in institutions or at risk of institutionalisation, children, persons with disabilities, persons with mental health problems, older people, homeless people, etc)?

Infrastructure mapping (e.g. childcare, institutional care, family-based and community-based services, homeless shelters, etc)?

Human capital mapping (e.g. number and structure of workforce in institutional care, numbers and structure of workforce in family-based and community-based services, capacity of deinstitutionalisation-coordination structures, relevant networks and organisations, organisations of people with disabilities and others)

*The programming documents should make sure that the measures will be aligned with the outcomes of the individual needs assessments, infrastructure mapping and human capital mapping, including the impact of COVID-19.*

*The enabling condition on health (see point 2.2.2) includes infrastructure mapping and is therefore binding according to the regulatory requirement.*

*While not a regulatory requirement, it is recommended to also have an infrastructure map of employment, education and social infrastructure. Human capital mapping is also desirable, in particular, to understand the need for human capital investments (e.g. staff, capacity building, training, etc.) in the provision of family-based and community-based services.*

*If no information is provided on either of the three, please seek more information from the Member State.*

**Does the programme objective exclude long-stay residential institutions from the investments in public buildings (e.g. energy efficiency)?**

Yes

No

*Please ensure that the programme objective excludes long-stay residential institutions from the investments in public buildings.*

**Does the programme objective on digitalisation and e-governance exclude long-stay residential institutions from the investments?**

Yes

No

*Please ensure that the programme objective on digitalisation and e-governance excludes long-stay residential institutions from the investments*

## 2.1.2 IDENTIFICATION OF THE TARGET GROUP

The checklist covers different target groups, such as children, including children with disabilities, children in migration, unaccompanied children, care leavers, including with disabilities, persons with disabilities, persons with mental health problems, older persons and homeless people. All members of these target groups could be either institutionalised or at risk of being institutionalised, due to not having access to the necessary family-based and community-based services. Their residence status may also vary (e.g. EU citizens, people with a migrant background<sup>10</sup>). In many instances, the categorisation of target groups follows the division of services, which may lead to building parallel and segregated services. At the same time, needs should be primarily identified on the individual level.

<sup>10</sup> Following the European Commission Toolkit on the use of EU funds for the Integration of People with a migrant background, the term 'people with a migrant background' refers to: third-country nationals, applicants for and beneficiaries of international protection; stateless people; people with undetermined nationality; EU citizens with a migrant background. [https://ec.europa.eu/regional\\_policy/sources/policy/themes/social-inclusion/integration-of-migrants/toolkit-integration-of-migrants.pdf](https://ec.europa.eu/regional_policy/sources/policy/themes/social-inclusion/integration-of-migrants/toolkit-integration-of-migrants.pdf)

Question	Recommendation
<p><b>Are any of the following target groups residing in institutions or at risk of institutionalisation identified in the measures?</b></p> <ul style="list-style-type: none"> <li>Children, including children with disabilities, children in migration, unaccompanied children</li> <li>Care leavers, including with disabilities</li> <li>Persons with disabilities, persons with mental health problems</li> <li>Older people</li> <li>Homeless people</li> <li>Family members of the above persons</li> </ul>	<p><i>Please ask the Member State to provide data on the number of institutionalised people per target group and the people at risk of institutionalisation.</i></p>
<p><b>Is the selection of the target group supported by available data (e.g. number of the target groups in institutions, admissions to institutions, etc)?</b></p> <p>Yes</p> <p>No</p>	<p><i>Please ensure the data on all the target groups are included.</i></p> <p><i>If there is a mismatch between the selection of the target group and the outcomes of the data, please ask the Member State to clarify why a specific target group has been chosen.</i></p> <p><i>If there is no data available, please make sure measures for data collection (technical assistance) are also included.</i></p> <p><i>See also the EEG Guidelines.</i></p>

### 2.1.3 CONSISTENCY CHECK

In line with obligations of the UN CRPD, the UN CRC and the Charter, deinstitutionalisation and ensuring independent living should be a priority across all thematic areas of EU funds programmes. This would ensure a consistent approach in all EU funded investments, regardless of the fund-specific regulatory background. Taking into account the simultaneous programming negotiations of different EU fund- instruments in 2021<sup>11</sup>, it is important that the following basic requirements are met:

- Supported measures are aligned with the sectoral policy frameworks (in the scope of Cohesion Policy with enabling conditions);
- Mapping of infrastructure and service needs, together with the individual needs assessment;
- Prioritisation of building family-based care and community-based services and ensuring independent living in the overall deinstitutionalisation process;
- Consultation with relevant stakeholders and ensuring the outcomes of the consultation is included in the

<sup>11</sup> Member States are required to design the EU funds programmes in the course of 2021, including the ERDF, ESF+ programmes, RRP, EAFRD programmes, and AMIF programmes.

programmes;

- Continuous monitoring in the course of the implementation and revision of programme measures following the outcomes of the monitoring.

Question	Recommendation
<p><b>Are the measures across thematic areas providing the conditions for independent living and/or do not perpetuate institutional treatment, segregation or social exclusion?</b></p> <p>Yes</p> <p>No</p>	<p><i>All measures regardless of the thematic area should contribute to independent living and should not perpetrate institutional treatment, segregation or social exclusion.</i></p> <p><i>For instance, energy efficiency measures might be targeting long-stay residential institutions because they fall under public buildings.</i></p> <p><i>Please make sure that the measures across thematic areas are consistent with providing the conditions for independent living, including in response to the COVID-19 challenges.</i></p>
<p><b>Are the objectives and measures supporting independent living and deinstitutionalisation across EU funds programmes (ERDF, ESF+, EAFRD, AMID, RRF) consistent?</b></p> <p>Yes</p> <p>No</p>	<p><i>Regulatory provisions of Cohesion policy, RRF, EAFRD and AMIF might be different. At the same time, the requirements of the UN CRPD, UN CRC and Charter apply to all funds.</i></p> <p><i>If the answer is no, please review the basic requirements described above with the goal to ensure a harmonised approach across all EU funds programmes.</i></p>

#### 2.1.4 DEVELOPING A RANGE OF SERVICES IN THE COMMUNITY

The development of family-based and community-based services should be done with a view to ensuring the conditions for independent living and be based on individual needs (e.g. person centred planning).

The list of services and measures below is not exhaustive but includes a broad range of family-based and community-based services, including services for the prevention of institutionalisation, prevention of family separation, family support and housing services and infrastructure.

These services should be made available for all target groups, regardless of the residence status. The services below may serve both the transition from institutional to family-based and community-based services, and the prevention of institutionalisation of children, persons with disabilities, persons with mental health problems, older people and homeless people.

Question	Recommendation
<p><b>Are the following home care, family-based and community-based services, and infrastructure developments, included in the measures?</b></p> <p>Support for enhancing life skills and autonomy, such as self-advocacy, peer support, circles of support, in particular for people leaving institutions</p> <p>Home care services (e.g. services below, as well as social workers, nurses, etc)</p> <p>Personal assistance</p> <p>Day care, including activity and leisure centres in inclusive, community settings</p> <p>Technical aids and assistive technologies (e.g. wheelchairs, social alarms, hearing and visual aids, communication aids etc.)</p> <p>Supported living, accessible housing, housing adaptations, etc.</p> <p>Non-segregated social housing within the community (e.g. housing first programme for homeless people), affordable housing for extremely marginalised groups</p> <p>Community-based reception facilities (e.g. people with a migrant background)</p> <p>Accessibility of services and built environment, for instance accessible public transport, public buildings, etc.</p> <p>Inclusive and non-segregated education-related measures, for instance, inclusive schools, early childhood education and care, etc.</p> <p>Availability of, and arrangements for, children to attend mainstream day-care, kindergartens or schools</p> <p>Out-of-school care and after-school activities, including for children with additional support needs</p> <p>Employment-related measures, vocational and skills training, apprenticeships</p> <p>Support for kinship carer/parent, support for foster carer/parent</p> <p>Strengthening of foster care/parents networks</p> <p>Strengthening the adoption framework</p>	<p><i>This is a non-exhaustive list of services.</i></p> <p><i>The programming documents may not include all of these measures.</i></p> <p><i>Please ask Member States to refer to as many of these as possible, to ensure there is a broad range of services.</i></p> <p><i>Please also check the consistency with the enabling conditions of the UNCRPD and social inclusion and poverty reduction.</i></p> <p><i>Programming documents may differentiate services based on target group needs.</i></p> <p><i>For more information on target group specific services, please check Chapters 4 and 5 of the EEG Guidelines.</i></p> <p><i>There may be some overlaps between family-based and community-based services, and the prevention of family separation services, including family support.</i></p>

Services that support reintegration of children into their families of origin

Crisis intervention and emergency services

Social work, including counselling and advice services, including case work and appropriate referrals

Respite care services of a non-institutional character

Mental health and addiction support

**▶ Are the following prevention of family separation services, including family support, included in the measures?**

Family planning

Pre-natal care

Counseling desks in hospitals, support in maternity wards (e.g. rooming-in)

Mother and baby units

Parent and child foster care placements

Respite care services of a non-institutional character

Emergency reception units

Early childhood and care services

Supported living, accessible housing, housing adaptations, etc.

Non-segregated social housing within the community (e.g. housing first programme for homeless people), affordable housing for extremely marginalised groups

**▶ Are the following training initiatives included in the measures?**

Training to support life skills and autonomy for people leaving institutions

Training to support life skills and autonomy for people at risk of institutionalisation

Training for personal assistants and other staff engaged in delivering community-based services

Trainings for family members and informal carers

Retraining institutional care staff to work in the new community-based service

Trainings on inclusive education for school professionals

Trainings on the Rights of Persons with Disabilities for workers of the social/care, health, education and other sectors, as well as for persons with disabilities and their family members

### 2.1.5 UNWELCOME MEASURES

Some measures are detrimental to the transformation of the system and the transition from institutional to family-based and community-based services. These measures should be avoided. Not only do they risk going against the legal obligations of the EU and Member States,<sup>12</sup> they cause unnecessary harm for the individuals concerned.

Question	Recommendation
<p><b>Are the following - unwelcomed – measures included?</b></p> <p>Investments in institutions, regardless of the size, which perpetrate institutional treatment. This may include investments for the refurbishing, building, renovating, extending of institutions or improving energy efficiency of the care settings, etc. It may also include services, such as day-care centres or living units built within or on the grounds of existing institutions</p> <p>Investments in facilities that segregate persons with disabilities in violation of Article 19 CRPD</p> <p>Housing, reception centres, homeless shelters, built in segregation/isolation from the community (for example, on the outskirts of towns or in sparsely populated areas)</p> <p>Investing in mainstream services which are not accessible (such as building schools not accessible to children with disabilities)</p> <p>Congregated social housing (aimed at, for example, only people with disabilities, refugees etc.)</p> <p>Training and capacity building of staff working in institutions without a plan for transition from institutional to family-based and community-based services</p>	<p><i>Please ensure that these measures are not supported by EU funds.</i></p>

### 2.1.6 GUIDING PRINCIPLES

Guiding principles should be part of the EU funds programming documents to identify the main approaches and rules. They should also help to reinforce the synergies among the EU funded measures and avoid inconsistencies.

<sup>12</sup> In particular Article 19 UNCRPD and General comment No. 5 (2017), and the Guidelines for the Alternative Care of Children.

Question	Recommendation
<p><b>Are the following guiding principles set out for the selection of operations:</b></p> <ul style="list-style-type: none"> <li>Operations exclude investments that lead to segregation or social exclusion</li> <li>Operations ensure conditions to live independently and be included in the community</li> <li>Operations ensure accessibility</li> <li>Synergetic/integrated use of funds (ERDF, ESF+, EAFRD, AMIF, RRF)</li> <li>Protection of privacy and personal data</li> </ul>	<p><i>If any of these guiding principles are not included, please ask Member States to include them.</i></p>

### 2.1.7 INDICATORS

Output and result indicators can help to monitor and evaluate the results of the operations supported by the EU funds. This should improve the quality of life of the targeted individuals, which can be evaluated by outcome indicators.

This section is focused on output and result indicators in order to assess the measures. These indicators should be aligned with the programme objectives.

Question	Recommendation
<p><b>Do the indicators refer to the:</b></p> <ul style="list-style-type: none"> <li>Number of people using the newly-developed home care and community-based services</li> <li>Number of newly-developed home care and community-based services</li> <li>Number of institutions closed down</li> <li>Number of persons (e.g. children, persons with disabilities, persons with mental health problems, older people, homeless people) who moved out of the institutions to live independently in the community</li> <li>Number of children reintegrated with their families</li> <li>Number of children placed in family-based care</li> <li>Number of newly-developed housing options that support community living</li> <li>Number of sheltered homeless people moved into permanent (supported) housing</li> <li>Capacity of new or modernised social housing</li> <li>Capacity of new or modernised social care facilities (other than housing)</li> </ul>	<p><i>This is not an exhaustive list of possible indicators.</i></p> <p><i>Depending on the programme objective and the measures, please ask the Member State to consider including these types of indicators.</i></p> <p><i>If relevant, consider disaggregating the indicator by target group.</i></p>

## 2.2 Enabling conditions

There are a number of horizontal and thematic enabling conditions that will support the effective and efficient implementation of the funds for developing, and ensuring access to, family-based and community-based services. Following the regulatory frameworks, the applicability of the enabling conditions differs across the EU funds:

	Horizontal	Thematic
<b>ERDF, ESF+</b>	Yes	Yes
<b>AMIF</b>	Yes	No
<b>EAFRD</b>	No	No
<b>RRF</b>	No	No

### 2.2.1 HORIZONTAL ENABLING CONDITIONS

Effective implementation and application of the [United Nations Convention on the Rights of Persons with Disabilities](#) (UNCRPD) and the [EU Charter of Fundamental Rights of the European Union](#) (Charter) will facilitate the implementation of the thematic enabling conditions. Furthermore using EU funding in a consistent way and in accordance with both the UNCRPD and the Charter will reduce the risks of: loss of resources, reduced effectiveness of the interventions, and financial corrections due to non-compliance with applicable Union law.

#### EFFECTIVE APPLICATION AND IMPLEMENTATION OF THE EU CHARTER OF FUNDAMENTAL RIGHTS

Question	Recommendation
<p><b>Has a mechanism been established to verify that operations supported by the EU funds comply with the Charter?</b></p> <p>Yes</p> <p>No</p>	<p><i>Please make sure that a plan has been elaborated by the Member State.</i></p>



**Does the mechanism:**

Provide a list of criteria as a basis to assess compliance of the operations

Apply at all levels of the implementation of the ESI Funds (managing authorities, intermediate bodies, etc)

Indicate the steps taken to facilitate the involvement of national equality bodies

Indicate the steps taken to facilitate the involvement of civil society organisations (CSOs) and disabled persons organisations (DPOs) representing different user groups

Include deadlines and/or any other milestones regarding the way the operations supported by EU funds are verified

Envisage clear technical guidance documents on the applicability of the Charter, in particular focusing on the right to live independently for people with disabilities (Article 26 Charter) and older persons (Article 25 Charter), the need to act in the best interest of the child in all actions relating to children (Article 24 Charter)

Include a monitoring mechanism for ongoing (independent) assessment of compliance of investments with the Charter, including to respond to complaints

Reporting arrangements to the monitoring committee regarding cases of non-compliance of operations supported by the Funds and complaints regarding the Charter

*Please ensure that the mechanism covers all these points.*

## IMPLEMENTATION AND APPLICATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (UNCRPD) IN ACCORDANCE WITH COUNCIL DECISION 2010/48/EC

**Question****Recommendation**

**Has a national framework been elaborated to support the implementation of the UNCRPD?**

Yes  
No

*Please make sure that a national framework has been elaborated by the member state.*

**Does the above national framework include<sup>13</sup>:**

Objectives with measurable goals  
 Data collection  
 Monitoring mechanism  
 Mechanism for ongoing involvement of persons with disabilities and their representative organisations  
 Budget  
 Summary of outcomes of the individual need assessment which lays out the necessary services, actions to be developed  
 Reporting arrangements to the monitoring committee regarding cases of non-compliance of operations supported by the Funds and complaints regarding the Charter

*Please ensure that the national framework covers all these points.*

**Does the national framework cover in particular the following rights enshrined in the UNCRPD:**

Equality and prohibition of all discrimination on the basis of disability (Article 5)  
 Children with disabilities (Article 7)  
 Accessibility (Article 9)  
 Equal recognition before the law (Article 12)  
 Living independently and being included in the community (Article 19)  
 Respect for the home and family (Article 23)  
 Education (Article 24)  
 Health (Article 25)  
 Work and employment (Article 27)  
 Adequate standard of living and social protection, including older persons (article 28)

*Please ensure that the national framework covers all these points.*

## 2.2.2 THEMATIC ENABLING CONDITIONS

### NATIONAL STRATEGIC POLICY FRAMEWORK FOR SOCIAL INCLUSION AND POVERTY REDUCTION

Question	Recommendation
<p><b>Has a national strategic policy framework for social inclusion and poverty reduction been elaborated?</b></p> <p>Yes</p> <p>No</p>	<p><i>Please make sure that a national strategic policy framework for social inclusion and poverty reduction has been elaborated by the Member State.</i></p>

<sup>13</sup> The form of the national framework might be a policy document, strategy, action plan, etc.

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**Is the policy framework based on an evidence-based diagnosis of poverty and social exclusion including:**

Child poverty  
 Homelessness  
 Spatial and educational segregation  
 Limited access to essential/basic public services and infrastructure  
 The specific needs of people vulnerable to exclusion, and/or discrimination (e.g. on the basis of race, ethnicity, religion or residence status)  
 The number of institutionalised children, persons with disabilities, older people, including new admissions into institutions  
 Summary of outcomes of the individual needs assessment which lays out the necessary services, actions to be developed

*Please ensure these elements are included in the national strategic policy framework for social inclusion and poverty reduction.*

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**Does the policy framework identify the gaps and investment needs?**

Yes  
 No

*Please ensure these elements are included in the national strategic policy framework for social inclusion and poverty reduction.*

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**Following the gap analysis in the areas mentioned above, are the following EU-funded measures identified?**

Prevent and combat social exclusion and segregation in all fields, including through providing adequate income support, ensuring equal access to education and inclusive labour markets and to quality services in the community, including housing  
 Support the shift from institutional to family- and community-based care, including the closure of long-stay residential institutions and the prevention of institutionalisation  
 Enable access to mainstream sustainable services in the community (education and training, employment, housing, health, transport, leisure activities) to everyone, regardless the nature of their impairment, their residence status

*Please ensure these elements are included in the national strategic policy framework for social inclusion and poverty reduction.*

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**Does the national strategic policy framework for social inclusion and poverty reduction include arrangements, including funding, to ensure that its design, implementation, monitoring and review is conducted in close cooperation with social partners and relevant civil society organisations?**

Yes

No

*Please ensure these elements are included in the national strategic policy framework for social inclusion and poverty reduction.*

## STRATEGIC POLICY FRAMEWORK FOR HEALTH AND LONG-TERM CARE

Question	Recommendation
<p><b>Is there a national or regional strategic policy framework for health and long-term care in place that maps out the health and long-term care needs, including in terms of medical staff needed?</b></p> <p>Yes</p> <p>No</p>	<p><i>Please make sure that the strategic policy framework for health has been elaborated by the Member State.</i></p>
<p><b>Are the identified measures sustainable and coordinated?</b></p> <p>Yes</p> <p>No</p>	<p><i>Please ensure that the measures are sustainable and coordinated.</i></p>
<p><b>Does the policy framework identify the gaps and investment needs?</b></p> <p>Yes</p> <p>No</p>	<p><i>Please make sure that the strategic policy framework for health covers these points.</i></p>

**Following the gap analysis in the areas mentioned above, are the following EU-funded measures identified?**

Measures to ensure the efficiency, sustainability, accessibility and affordability of health and long-term care services, mental health services, including specific focus on individuals excluded from the health and long-term care systems

Measures to promote community- and family-based services through deinstitutionalisation, including prevention, early intervention, and primary care, home-care and community-based services

Measures to facilitate the closure of long-stay psychiatric institutions and the prevention of institutionalisation, ensuring that community-based alternatives are in place to support people leaving institution

## 2.3 Consultation process

It is crucial that all the concerned actors are duly engaged in the preparation and implementation of the programming documents.

Question	Recommendation
<p><b>Were there bodies representing civil society and bodies responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, children, families, the homeless, older people, gender equality and non-discrimination consulted on the programming documents?</b></p> <p>Yes</p> <p>No</p>	<p><i>If the partnership principle was not fully, or inadequately, respected, please ask the Member State to consult the relevant bodies.</i></p>
<p><b>Were the relevant bodies listed above informed about how their inputs were taken on board in the consultation of the programming documents?</b></p> <p>Yes</p> <p>No</p>	<p><i>If the feedback mechanism is not established, please ask the Member State to design and implement it.</i></p>

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**Were there complaints about the lack of representativeness of the bodies consulted in the consultation of the programming documents?**

*Please ask the Member State what system is in place for dealing with complaints, and whether it is independent of the Managing Authority.*

Yes

No

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## 3. Annex

### 3.1 Being included in the community versus being segregated in an institution

For more children-specific examples, please see p.48 of the EEG Guidelines.

	Inclusion in the community	Institution
<b>Control over person's life</b>	<p>The person decides based on personal preferences.</p> <p>Enough services on offer to be able to choose from, including personal assistance.</p> <p>Funding that goes to the person, rather than to service provider.</p> <p>Support in making the decision.</p> <p>Peer support for empowerment and to facilitate decision making.</p>	<p><i>Person cannot choose where and with whom they will live.</i></p> <p><i>Person's life subjected to service requirements and/or to routine/regime.</i></p> <p><i>Staff decides about what, when will a user do a certain thing.</i></p> <p><i>"Choice" limited to deciding between a limited number of options on offer.</i></p> <p><i>Not supported to make decisions, including not having access to support and living arrangements of one's choice, or to change these.</i></p> <p><i>Support is limited to basic needs, does not enable active participation.</i></p>
<b>Location</b>	<p>A person lives in regular housing, such as in an apartment block or a house.</p> <p>Housing is separated from support, allowing the person to move without losing their support package.</p> <p>A person travels to work, school, etc. and they do not have everything in the same place.</p>	<p><i>Housing and daily activities in same location.</i></p> <p><i>Housing located in an area segregated from the rest of society (by distance, by wall) and/or located in a hospital-like building.</i></p>
<b>Style of service</b>	<p>Individualised in terms of focus on individual personal needs and preferences.</p> <p>Of different intensity, ranging from 24 hours per day, to several hours per week, depending on each individuals needs and requirements.</p> <p>Focused on establishing and maintaining person's social roles (employment, family, friends, etc.).</p> <p>Utilising mainstream services.</p>	<p><i>Group-based provision of service (same type of activity at same time regardless of person's needs or preferences).</i></p> <p><i>Focused on medically-defined needs.</i></p> <p><i>Substituting mainstream services with segregated alternatives within the institution.</i></p>

## 3.2 Overview of relevant legal provision by fund

Fund	Legal provisions
CPR	<p>Article 4 Policy objectives</p> <ul style="list-style-type: none"> <li>- Policy Objective 1: a more competitive and smarter Europe by promoting innovative and smart economic transformation and regional ICT connectivity</li> <li>- Policy Objective 2: a greener, low-carbon transitioning towards a net zero carbon economy and resilient Europe by promoting clean and fair energy transition, green and blue investment, the circular economy, climate change mitigation and adaptation, risk prevention and management, and sustainable urban mobility;</li> <li>- Policy Objective 3: a more connected Europe by enhancing mobility;</li> <li>- Policy Objective 4: A more social and inclusive Europe implementing the European Pillar of Social Rights;</li> <li>- Policy Objective 5: a Europe closer to citizens by fostering the sustainable and integrated development of all types of territories and local initiatives.</li> </ul> <p>Article 6 Partnership and multi-level governance</p> <p>1. (...) each Member State shall organise and implement a comprehensive partnership in accordance with its institutional and legal framework and taking into account the specificities of the Funds. That partnership shall include at least the following partners: (...)</p> <p>(c) relevant bodies representing civil society, such as environmental partners, non-governmental organisations, and bodies responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination.</p> <p>Article 6a Horizontal principles</p> <ol style="list-style-type: none"> <li>1. Member States and the Commission shall ensure respect for fundamental rights and compliance with the Charter of Fundamental Rights of the European Union in the implementation of the Funds.</li> <li>2. Member States and the Commission shall ensure that equality between men and women, gender mainstreaming (...).</li> <li>3. Member States and the Commission shall take appropriate steps to prevent any discrimination based on gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation (...). In particular, accessibility for persons with disabilities shall be taken into account (...).</li> </ol>



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<b>ERDF</b>	<p>Article 2 Specific objectives for the ERDF and the Cohesion Fund</p> <p>(d) a more social and inclusive Europe implementing the European Pillar of Social Rights ('PO 4') by:</p> <p>(i) enhancing the effectiveness and inclusiveness of labour markets and access to quality employment through developing social infrastructure and promoting social economy;</p> <p>(ii) improving equal access to inclusive and quality services in education, training and lifelong learning through developing accessible infrastructure, including by fostering resilience for distance and on-line education and training;</p> <p>(iii) promoting the socioeconomic inclusion of marginalised communities, low income households and disadvantaged groups including people with special needs, through integrated actions including housing and social services;</p> <p>(iii) bis promoting the socio-economic integration of third country nationals, including migrants through integrated actions, including housing and social services;</p> <p>(iv) ensuring equal access to health care and fostering resilience of health systems, including primary care, and promoting the transition from institutional to family- and community-based care;</p>
<hr/>	
<b>ESF+</b>	<p>Article 4 Specific objectives</p> <p>(v) promoting equal access to and completion of, quality and inclusive education and training, in particular for disadvantaged groups, from early childhood education and care through general and vocational education and training, and to tertiary level, as well as adult education and learning, including facilitating learning mobility for all and accessibility for persons with disabilities;</p> <p>(vii) fostering active inclusion with a view to promoting equal opportunities, non-discrimination and active participation, and improving employability, in particular for disadvantaged groups; (ix) enhancing the equal and timely access to quality, sustainable and affordable services, including services that promote the access to housing and person-centred care including healthcare ; modernising social protection systems, including promoting access to social protection, with a particular focus on children and disadvantaged groups; improving accessibility including for persons with disabilities, effectiveness and resilience of healthcare systems and long-term care services;</p> <p>(x) promoting social integration of people at risk of poverty or social exclusion, including the most deprived and children;</p>
<hr/>	
<b>AMIF</b>	<p>Article 3, Specific objectives:</p> <p>(a) to strengthen and develop all aspects of the Common European Asylum System, including its external dimension;</p> <p>(b) to strengthen and develop legal migration to the Member States in accordance with their economic and social needs, and to promote and contribute to the effective integration and social inclusion of third-country nationals;</p>

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**EAFRD  
(\*European  
Commission  
Proposal 2018)**

Article 5 General objectives

Support from the EAGF and EAFRD shall aim to further improve the sustainable development of farming, food and rural areas and shall contribute to achieving the following general objectives:

(c) to strengthen the socio-economic fabric of rural areas.

Article 6 Specific objectives

(h) promote employment, growth, social inclusion and local development in rural areas, including bio-economy and sustainable forestry.

Article 9 General principles

Member States shall design the interventions of their CAP Strategic Plans in accordance with the Charter of Fundamental Rights of the European Union and the general principles of Union law.

Article 94 Procedural requirements

3. Each Member State shall organise a partnership with the competent regional and local authorities. The partnership shall include at least the following partners:

(b) economic and social partners;

(c) relevant bodies representing civil society and where relevant bodies responsible for promoting social inclusion, fundamental rights, gender equality and non-discrimination.

**RRF**

Article 3, Six pillars:

(a) green transition;

(b) digital transformation;

(c) smart, sustainable and inclusive growth, including economic cohesion, jobs, productivity, competitiveness, research, development and innovation, and a well-functioning internal market with strong SMEs;

(d) social and territorial cohesion;

(e) health, and economic, social and institutional resilience, with the aim of, inter alia, increasing crisis preparedness and crisis response capacity; and

(f) policies for the next generation, children and the youth, such as education and skills.

### 3.3 Legal and policy frameworks

- United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and [General comment No. 5 \(2017\) on living independently and being included in the community](#)
- United Nations Convention on the Rights of the Child (UNCRC), and the [Guidelines for the Alternative Care of Children](#)
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions, Union of Equality: [Strategy for the Rights of Persons with Disabilities 2021-2030](#)
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions: [EU Strategy on the Rights of the Child](#)

- [Proposal for a Council Recommendation establishing the European Child Guarantee](#)
- [The European Pillar of Social Rights Action Plan](#) and the [European Pillar of Social Rights](#)
- [Council Recommendation establishing a European Child Guarantee](#)

### 3.4 Civil society standards

- European Expert Group on the Transition from Institutional to Community based care (2012) [Common European Guidelines on the Transition from Institutional to Community-based Care](#)
- European Expert Group on the Transition from Institutional to Community based care (2014) [Toolkit on the Use of European Union Funds for the Transition from Institutional to Community-based Care](#)

### 3.5 Reports

- Academic Network of European Disability Experts (ANED) [The right to live independently and to be included in the community in the European States: ANED synthesis report](#)
- Cantwell, N.; Davidson, J.; Elsley, S.; Milligan, I.; Quinn, N. (2012). [Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children'](#). UK: Centre for Excellence for Looked After Children in Scotland
- Council of Europe Commissioner for Human Rights, (2012) Issue Paper [The right of people with disabilities to live independently and be included in the community.](#)
- Community Living for Europe: Structural Funds Watch (2017) [Opening up communities, closing down institutions: Harnessing the European Structural and Investment Funds](#)
- Community Living for Europe: Structural Funds Watch (2018) [Inclusion for all: Achievements and challenges in using EU funds to support community living.](#)
- European Network on Independent Living (2014) [Myth Buster](#)
- European Network on Independent Living (2017) [ESI Funds and the Transition from Institutional to Community-based Care – Towards a More Effective Monitoring and Complaints System](#)
- European Network on Independent Living (2018). [Briefing on the Use of EU Funds for Independent Living.](#)
- European Union Agency for Fundamental Rights (2017) [Country studies](#) for the project on the right to independent living of persons with disabilities: Summary overview of types and characteristics of institutions and community-based services for persons with disabilities available across the EU
- European Union Agency for Fundamental Rights (2017) [From institutions to community living - Part I: commitments and structures](#)
- European Union Agency for Fundamental Rights (2017)

[From institutions to community living - Part II: funding and budgeting](#)

- European Union Agency for Fundamental Rights (2017)  
[From institutions to community living - Part III: outcomes for persons with disabilities](#)
- European Union Agency for Fundamental Rights (2018)  
[From institutions to community living for persons with disabilities: perspectives from the ground](#)
- Housing First Europe Guide:  
<https://housingfirsteurope.eu/guide/>
- Inclusion Europe, 2018.  
[Life after violence](#)
- Lumos, 2019,  
[Guidance note for the implementation of enabling condition 4.3 in draft Cohesion Policy Regulations](#)
- Mental Health Europe, 2017.  
[Mapping and Understanding Exclusion in Europe.](#)
- Opening Doors for Europe's Children  
<https://www.openingdoors.eu/>
- Quinn, G. et al, 2018.  
[Legal Memo re. Segregation and segregated facilities as a prima facie form of discrimination.](#)
- United Nations Human Rights Office of the High Commissioner (2012)  
[Getting a life: Living Independently and Being Included in the Community](#)

