The right to independent living for persons with disabilities

The right to live independently and be included in the community is guaranteed by Article 19 of the [Convention on the Rights of Persons with Disabilities](http://www.un.org/disabilities/convention/conventionfull.shtml) (CRPD) and protected under EU law, in particular through the prohibition of discrimination on the grounds of disability (Article 21 of the Charter of Fundamental Rights of the EU) and the principle of integration of persons with disabilities (Article 26 of the Charter of Fundamental Rights of the EU).

The right to live independently and be included in the community is integral to the realisation of many of the other rights enshrined in the CRPD, such as equality and non-discrimination, autonomy and liberty, legal capacity and freedom of movement. The centrality of the right to independent living to the effective implementation of the CRPD has been underlined by the priority assigned to this issue by the European Union and its Member States.

**Objective:** The objective of the project is to provide evidence-based assistance and expertise to EU institutions and Member States when they take measures or formulate courses of action within their respective sphere of competence to fulfil the right of persons with disabilities to live independently and to be included in the community as set out in Article 19 of the CRPD. The project aims to develop and populate human rights indicators to enable the assessment of measures to promote the transition from institutional to community-based care.

**Research methodology**: The project will be divided into three stages, each providing focused legal and policy analysis on the situation with regard to the transition from institutional to community-based care across the EU:

* Developing a **typology of institutions** in the EU and **developing indicators** on the right to independent living (Article 19 of the CRPD) – specifically addresses the objective of developing fundamental rights indicators to form the basis for an informed discussion on how to combat discrimination and inequality in the EU.
* Research on legal and policy measures at the EU and national levels to promote independent living – will help to **identify gaps in legislation and policies** in this area, as well as identifying and promoting ‘good practices’ concerning deinstitutionalisation processes. This data collection will also help to populate the structure and process indicators identified in the first stage of the project.
* Fieldwork research/case studies in a small number of localities to **understand the drivers of and barriers to deinstitutionalisation** at the local level – will and provide the EU institutions and Member States with comparable knowledge about what works and what does not work with regard to making the transition from institutional to community-based care at the local level. In this way, the project will highlight gaps in the implementation of laws and policies on deinstitutionalisation and identify good practices. The data collected will also populate the process and outcome indicators on Article 19 of the CRPD.

**Expected outputs**:

* Human rights indicators on independent living of persons with disabilities
* Reports and other publications targeting key stakeholders e.g. EU institutions, national governments, local authorities etc.

**Key stakeholders/beneficiaries:**

EU institutions, Member States, Council of Europe, CRPD monitoring frameworks, local and regional authorities, civil society and disabled persons organisations, service providers, persons with disabilities.

**Background:**

The transition to community-based living and care is closely related to the achievement of EU policy goals in the area of disability. The European Disability Strategy 2010-2020 covers issues of independent living and deinstitutionalisation extensively, and commits the Commission to supporting national activities to: “achieve the transition from institutional to community-based care, including use of Structural Funds”. FRA is specifically “requested to contribute to [the implementation of the strategy], within the framework of its mandate, by data collection, research and analysis”.

Following the adoption of the structural funds regulation for the period 2014-2020, deinstitutionalisation is closely linked to the distribution of EU funds, particularly the ESF and ERDF. The new regulation requires that a number of ‘ex ante conditionalities’, related to legal and policy instruments and measures, be met before EU Member States can apply for funding. Prior to allocating funds, the European Commission must assess that a number of criteria attached to each conditionality have been fulfilled. One of the criteria under the objective of promoting social inclusion, combating poverty and any discrimination, is that proposals include “measures for the shift from institutional to community based care”. Linked to this requirement, many of the partnership and cooperation agreements governing spending of the structural funds which are currently being drawn up between the Commission and Member States specifically include the issue of deinstitutionalisation.