

# **The Pertinence of CRPD and its Committee for Social Inclusion**

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## **The Focus of my Presentation**

The use of Independent International Panel of Experts to examine Israel's community living policies in light of the CRPD and recommend government a roadmap for reforming domestic policy.



# CONVENTION on the RIGHTS of PERSONS with DISABILITIES

## CRPD: A Paradigm Shift

The Convention marks a ‘paradigm shift’ in attitudes and approaches to persons with disabilities. Persons with disabilities are viewed as persons and not “objects of charity” or medical treatment and social protection. They are capable of claiming those rights and making decisions for their lives based on their free and informed consent as well as being active members of society.

## Rights in the Convention ( 1)

Equality before the law without discrimination (article 5)

Right to life, liberty and security of the person (articles 10 & 14)

Equal recognition before the law and legal capacity (article 12)

Freedom from torture (article 15)

Freedom from exploitation, violence and abuse (article 16)

Right to respect physical and mental integrity (article 17)

Freedom of movement and nationality (article 18)

Right to live in the community (article 19)

## Rights in the Convention (2)

Freedom of expression and opinion (article 21)

Respect for privacy (article 22)

Respect for home and the family (article 23)

Right to education (article 24)

Right to health (article 25)

Right to work (article 27)

Right to adequate standard of living (article 28)

Right to participate in political and public life (article 29)

Right to participation in cultural life (article 30)

# Core Principles

## Personalization

**Individual autonomy**

**Freedom to make one's own choices**

## Non-Discrimination

**reasonable accommodation**

## Social Inclusion

**Full and effective participation and inclusion in society**

## Mainstreaming Disability in Existing Processes

Article 4.1.(c): ‘States Parties undertake to take into account the protection and promotion of the human rights of persons with disabilities in all policies and programs’

Mainstreaming of disability issues according to the Convention in:

- Work of existing human rights treaty bodies

- Human Rights Council

- ...



# Mainstreaming Disability in Existing Processes

**(continued) Article 4.1.(c):**

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Millennium Development Goals (MDG) - national and international strategies  
Common Country Assessment (CCA)/United Nations Development Assistance  
Framework (UNDAF)

The development activities of international donors and NGOs

Sectoral and cross-sectoral policies

**Panel of Independent International Experts**

## Israel's early Steps to Apply CRPD

Panel of Independent International Experts to examine community living and recommend reform (2011).

Learn from European countries how to apply social inclusion policies in light of the CRPD (2014).

Pilot study to examine implementation of Article 12 (2014)

Carry out a seminar that examines implementation in a broader international context (2015).

Changing legal capacity and guardianship amendments (2016)

Begin monitoring processes of implementation of Article 19 (2016).

## An Expert Panel: A Core Policy Instrument

An expert panel is usually composed of independent policy specialists. The panel is mostly employed as an instrument for synthesizing information from a range of sources and drawing on a range of viewpoints in order to arrive at overall conclusions.\*

The main advantage of working with panels of experts is that they offer policy-makers diversity of ideas and innovative directions.

\* Rimmerman, A., & Soffer, M. The making of disability policy in Israel: Ad-hoc advisory experts panels. In G. Menahem & A. Zehavi (Eds.). *Policy Analysis in Israel*. University of Bristol: Policy Press. (forthcoming)

# Panel of International Experts on Integrated Community Living

## **International Experts:**

**Professor Peter Blanck (USA)**

**Professor Meindert Haveman (Nederland/Germany)**

**Professor Gerard Quinn (Ireland)**

**Professor Arie Rimmerman (Israel, Chair)**

**Final Report of an International Committee of Experts. Submitted to the Israeli Ministry of Social Affairs and Social Services  
October, 2011**

## **‘Just Being Me: My Right to be in the World (Community Living) and my Right to make my own Decisions in the World (Legal Capacity): A Global Context for the Reform Process in Israel’**

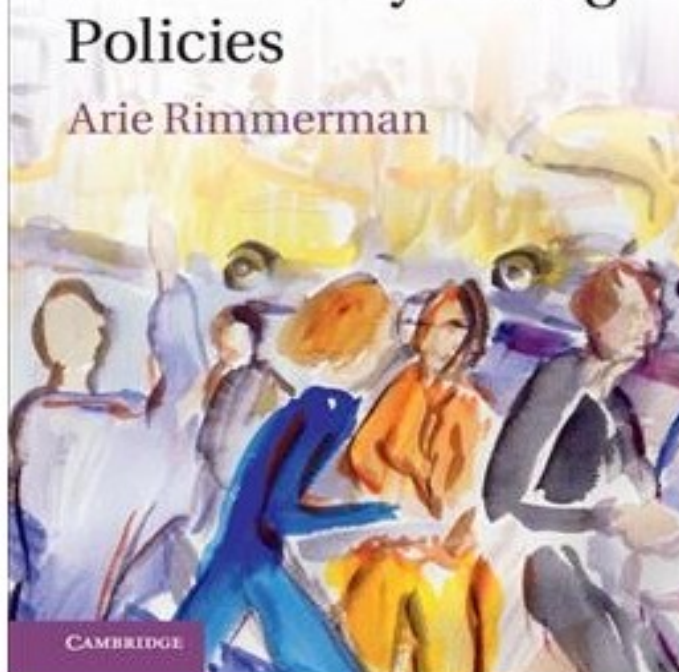
**May 4, 2015, Haifa, Israel**

This seminar aims to take stock and to situate the reform process in Israel •  
in a broader international context. The time is right given the 2011 Report of the International Committee of Experts on Community Living, the follow-up research trip to the EU by senior officials in 2014 and the emerging transition from institutional care to community living plan

Cambridge Disability Law and Policy

# Disability and Community Living Policies

Arie Rimmerman



CAMBRIDGE

## **International Panel of Experts (2011)**

The former Minister of Social Welfare and Social Affairs (MOLSA), Mr. Isaac Herzog, instructed the Division of Services for People with Intellectual Developmental Disabilities (MOLSA) to convene an international panel of experts in order to compare Israel's community-based programs to other Western countries and recommend future policy.

## **The panel based the report on Articles 12 and 19 of CRPD**

### **Article 12 - Equal recognition before the law**

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.



## **Article 19 – Living independently and being included in the community**

States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;

## Article 19 (cont.)

- b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

## People with IDD in Out-of-home Placement Facilities in Israel: 2010 Data

Type of Residence		
	N	%
Foster Care	362	3.5
Apartment	1,461	11.1
Group home	1,500	14.5
Institutional care	7,325	70.9
Total	10,333	100.0

## Panel's recommendations

- 1 Israel should build on its positive track record to date in the disability field to set itself the goal of becoming a leader in the world with respect to the right to live independently and be included in the community.
2. A change in background legislation (i.e., laws and regulations) needs to take place so that community-based housing and services become the clearly preferred and mainstream policy option.

## Recommendations

3. A change in legal capacity legislation (and a publicly announced policy of interpreting existing legislation expansively) to ensure that persons with ID are given an equal right to express their own preferences and to have others respect their choices. It is recommended that these broader law reform issues should be dealt with in depth by a separate committee or similarly open process.
4. A comprehensive and systematic ten-years transitional-program needs to be designed in order to develop community infrastructure and services. their homes.

## Recommendations

5. It is essential to map all community-based services in Israel in order to design future quality services that would be provided to all Israeli citizens with ID, no matter where they choose to live.
6. Parallel to these developments, the closing down of large residences (“institutions”) needs to take place, that is, persons who reside in such housing arrangements need to be gradually transferred to community-based residences. Here it is most important to consider the elderly population in such facilities that have been living in such housing most of their lives and consequently, view it as their homes.

## Recommendations

7. Currently, community services in Israel are “program-centered” rather than, “person-centered.” Therefore, service budgets should be individualized. That is, delivered services should be grounded in personal choice and the will and needs of the individual and family.

## Roadmap for Reform and Innovation (1)

- A. Within 10 years, all large residential facilities should be closed permanently in Israel.
- B. During this decade, all residents will be transitioned to a small community based living arrangement of their choice and with appropriate supports.
- C. Such residences, if not individual, will house no more than four.



## Roadmap (2)

D. A planning committee with subcommittees, comprised of all relevant stakeholders (for instance, people with disabilities and their families and advocates, providers, experts, members of government agencies) may meet annually to assist in the transition and its planning.

E. A Monitoring and Evaluation Team (MET) could assist the planning process and help above mentioned meetings with comprehensive and valid information.

## Implementation Status

Since 2016, about 600 persons with IDD has been transitioned from Institutions to community living. The process is monitored by members of the panel of experts.

In 2014, “Bizchut” (a disability rights organization) launched a project funded by the European Union, entitled “My life in my hands,” in an effort to apply Article 12 of the convention to domestic legislation.

The Knesset (parliament) approved on March 29, 2016 ‘Capacity and Guardianship (Amendment No. 18) Law, 5776-2016.’ It recognizes the right of every person to legal capacity and to make the decisions that affect their lives (supported decision).