

CRPD EXPLAINED

A brief guide to the
United Nations
Convention on the
Rights of Persons
with Disabilities



**Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas**
Irish Human Rights and Equality Commission

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16–22 Green Street, Dublin 7, D07 CR20.

The Irish Human Rights and Equality Commission (IHREC) was established under statute on 1 November 2014 to protect and promote human rights and equality in Ireland, to promote a culture of respect for human rights, equality and intercultural understanding, to promote understanding and awareness of the importance of human rights and equality, and to work towards the elimination of human rights abuses and discrimination.



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THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

About this guide

This brief guide is about the United Nations Convention on the Rights of Persons with Disabilities, which has been produced by the Irish Human Rights and Equality Commission. The Convention is an agreement between different countries. It is also called the CRPD.

Countries who sign the Convention must take steps to ensure that people with disabilities enjoy their human rights. People with disabilities include those who have long-term physical, mental, intellectual or sensory impairments.

The Irish Government signed the Convention in 2007. In March 2018 they ratified the Convention. This means the Government has agreed to stick to what it says. The Convention can be used in a number of ways to help change things for people with disabilities. This guide will help to explain this.

Alongside the Convention there is a way for disabled people to make individual complaints to the UN. This is called the Optional Protocol. The Government decided not to ratify the Optional Protocol this year. The Government said that they would ratify it in 2020 when the Government makes its first report to the UN. This guide explains the individual complaints process too.

What do we mean by rights?

The CRPD says countries must not treat people differently or unfairly because of their disability. The Convention contains many rights that are already contained in other laws. It says more about what countries should do to make sure people who have disabilities enjoy the same rights as everyone else.

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These include the right to:

- life
- have the same chances at work as other people
- have the best possible health
- live in the community
- go to school, college or university
- have a family.

There is a full list of the rights later in this guide.

What the government has to do

The Government must make sure people can access and exercise the rights listed in the Convention. For example, different parts of the Government and public organisations must work together to:

- make sure people can use transport and services and get into buildings
- produce information in ways that people can use and understand
- make sure people with disabilities have an adequate standard of living or enough money to live on
- make sure people with disabilities have a choice about where they live
- ensure people with disabilities can participate in sports and culture.

Making sure that people's rights are made real

The United Nations Committee on the Rights of Persons with Disabilities checks that countries stick to the agreement they have signed up to. This is also called the CRPD Committee.

Now that the Government has ratified the Convention it will have to produce a report to the UN in 2020. After this, the Government has to write a report for the CRPD Committee every four years, and answer questions the Committee has about the rights of people with disabilities.

The Government must also ensure there is an independent organisation to monitor how the Convention is being put into practice across the country.

In Ireland, this is being done by the Irish Human Rights and Equality Commission.

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This is called the Independent Mechanism, and it monitors the Convention and writes reports on Ireland to the CRPD Committee. The Convention says that people with disabilities must be a part of this monitoring process.

Only with their expertise and experience can we get a clear picture of the lives of people with disabilities.

That is why we are setting up a committee to advise us on what needs to happen for human rights to become a reality for people with disabilities in Ireland.

People with disabilities and their organisations can also send their own reports to the CRPD Committee. The CRPD Committee looks at all the reports - from the Government, Independent Mechanism, people with disabilities and civil society organisations - and tells the Government how it can better protect the rights of disabled people

Getting involved in checking and reporting what is happening

It is often better if people with disabilities join together to write one or two shared reports, instead of lots of separate reports on the same thing.

When writing reports, it is really important to say:

- which rights you are talking about
- why you think the standards in the Convention have not been met.

The Government of Ireland should also involve disabled people and their organisations in checking they stick to the Convention, and when putting together its report to the CRPD Committee.

Using the Convention to change things

There are different ways disabled people and organisations can use the Convention to change things in Ireland.

Making sure people know what the Convention says about their rights

This includes:

- telling other disabled people about it
- reminding public organisations like schools, the police or hospitals about it.
- informing organisations which provide services to people with disabilities

People could do this through:

- talking to people
- sharing information on websites
- writing blog posts or newspaper articles
- ensuring the Convention is spoken about during meetings

Making life better for people with disabilities

If organisations know what the Convention says, they can use it to change the way they plan or make decisions. You can inform organisations this by:

- writing letters
- speaking and sharing information at public meetings
- writing reports
- talking to your local TD or Councillor
- telling local services how the things they do affect people with disabilities
- Citing the Convention in legal cases and before public bodies making decisions

And by making public bodies aware of their Public Sector Equality and Human Rights Duty

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The important thing is to:

- decide which rights in the Convention you are talking about
- show how an organisation could comply with standards in the Convention
- be clear about how they could change things.

Making a complaint if you think the rights Convention have been denied

The UN CRPD Committee can look at what is happening for groups of disabled people. It can also get involved sometimes if an individual person has been denied their rights.

There are rules about how you get the UN CRPD committee involved in situations like this. You have to show that you have tried every other way of sorting the situation out.

This could include:

- talking to the person or organisation you think should change things
- complaining to the organisation if you think they are not doing what they should
- contacting an organisation that checks the relevant services, like the Ombudsman, or the Health Information and Quality Authority (HIQA)
- talking or writing to your local councillor, TD or disability group
- going to court if there is a law about the problem.

Going to court can be expensive. You should get advice first. For information or guidance on equality, discrimination or human rights issues, please contact the Commission's Your Rights service.

Complaints

IHREC Your Rights service:

Call us on 01 858 3000 or Lo call 1 890 245545

E-mail us on YourRights@ihrec.ie

Or you can write to us at:

Your Rights
Irish Human Rights and Equality Commission
16-22 Green St.
Dublin 7

Our office hours are Monday – Friday: 9 am–1 pm and 2 pm–5 pm

The website is: www.ihrec.ie

When Ireland ratifies the Option Protocol, if you have tried everything else, you can complain to the CRPD Committee. You can find out more about how to do this by contacting the UN CRPD Committee:

E-mail the UN CRPD Committee: crpd@ohchr.org

Website:

<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>

Contact them by post at :

CRPD secretariat

UNOG-OHCHR

CH1211

Geneva 10

Switzerland

The Articles of the Convention

Article 5. Equality and non-discrimination

This is about all people being treated equally and protected from discrimination. This includes ensuring that reasonable accommodations are made when they are needed.

Article 6. Women with disabilities

This is about women with disabilities being treated equally.

Article 7. Children with disabilities

This is about children with disabilities being treated equally.

Article 8. Awareness-raising

This is about making everyone aware that people with disabilities have the same rights as everyone else.

Article 9. Accessibility

This is about making sure that people with disabilities have better access to things in all areas of life, such as housing, transport and information.

Article 10. Right to life

This is about people with disabilities having a right to life on an equal basis as everyone else.

Article 11. Situations of risk and humanitarian emergencies

This is about ensuring that people with disabilities are properly protected when there are risky situations, such as flooding.

Article 12. Equal recognition before the law

This is about being treated equally by the law.

Article 13. Access to justice

This is about ensuring people with disabilities can get justice.

Article 14. Liberty and security of the person

This is about making sure people with disabilities are free and safe, the same as everyone else. For example, not being deprived of their freedom just because they have a disability.

Article 15. Freedom from torture or cruel, inhuman or degrading treatment or punishment

This is about ensuring people with disabilities are not tortured or treated cruelly.

The Articles of the Convention

Article 18. Liberty of movement and nationality

This is about making sure that people with disabilities have a nationality and can get relevant documents such as a passport, and are able to move between countries and live in different countries in the same way that other people can.

Article 19. Living independently and being included in the community

This is about ensuring people with disabilities can live in and be part of their community, and have the same choices as everyone else about where they live and who they live with. This includes making sure that the right services are available in the community to make this possible.

Article 20. Personal mobility

This is about ensuring that people with disabilities can move around and be as independent as possible. This could include providing mobility aids.

Article 21. Freedom of expression and opinion, and access to information

This is about ensuring that people with disabilities can express their opinions and ideas, and access information in various alternative or accessible formats. This includes accepting, facilitating and promoting the use of sign language.

Article 22. Respect for privacy

This is about respecting and protecting privacy. For example, respecting privacy within family life, or in correspondence such as letters.

Article 23. Respect for home and the family

This is about making sure that people with disabilities have equal rights to marriage, a family and personal relationships.

Article 24. Education

This is about ensuring that children with disabilities can have a high quality education that helps them to reach their potential, in the same way as all other children.

The Articles of the Convention

Article 25. Health

This is about making sure people with disabilities can access high quality health services and are treated the same way as everyone else in healthcare services.

Article 26. Habilitation and rehabilitation

This is about ensuring that people with disabilities can live the most independent and healthy life possible, and providing support in health, work, education and social services to help make this happen.

Article 27. Work and employment

This is about making sure that people with disabilities have the same chances to work as everyone else, and the same rights within work. This includes taking steps to help disabled people get and keep a job, such as making reasonable accommodations.

Article 28. Adequate standard of living and social protection

This is about ensuring that people with disabilities have a decent standard of living, including food, clothing and housing, and can get help to avoid poverty and improve their standard of living on an equal basis with others.

Article 29. Participation in political and public life

This is about making sure people with disabilities can get involved with politics, including being able to vote, and having the opportunity to stand for elections.

Article 30. Participation in cultural life, recreation, leisure and sport

This is about ensuring that people with disabilities have equal opportunities to take part in activities such as sports and visiting museums and other places of interest. It also includes having an equal right to identity in relation to language and culture, including sign languages.



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