

PLEASE CHECK AGAINST DELIVERY

Opening statement by Sinéad Gibney, Chief Commissioner of the Irish Human Rights and Equality Commission.

To be delivered to the Joint Committee on Disability Matters.

Thursday, 17 June 2021

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My thanks to the Chair and the members on behalf of the Irish Human Rights and Equality Commission. I'm joined today by my colleague and Commission Member Adam Harris who is also the Vice Chair of our Disability Advisory Committee.

The Irish Human Rights and Equality Commission is Ireland's independent National Human Rights Institution and National Equality Body.

We are also Ireland's Independent Monitoring Mechanism designate under Article 33 of the UN Convention on the Rights of Persons with Disabilities, and in this role we welcome the opportunity today to share our recommendations on UNCRPD implementation and ratification of the Optional Protocol.

The Commission welcomes the Government's stated commitment to develop an implementation plan to coordinate the UNCRPD in its Programme for Government, and the role of Minister O'Gorman's Department as the main co-ordination point in developing this implementation plan. However, it's important to say from the outset that we, as a Commission, are already concerned about growing delays in implementation and associated reporting.

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'Optional Protocol' is a technical term that unfortunately does a disservice to its meaning and significance, and which masks the urgent need for action for people with disabilities and our society. The Protocol is about empowering people with disabilities. It underpins effective domestic implementation of the Convention by encouraging States to realise CRPD rights, provide more local remedies and remove discriminatory laws and practices.

Similarly, 'ratification' and 'implementation' say little about the vision of a better life that the CPRD and its Optional Protocol hold, one in which people with disabilities are viewed not as objects to be cared for, but as people with rights, who 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.

During our *All Human, All Equal* disability rights public awareness campaign, one of the participants Eliona Gjecaj, stated "It hurts when people say 'Oh you're inspirational'. Because I'm just a human like everybody else".

While this Committee and others can go some way to address these out-of-date, if well-intentioned, views, it is through concerted and coordinated State leadership to embed the CRPD in law and policy that lasting change will be achieved in attitudes, behaviours and practices. The Optional Protocol is key to that.

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It introduces two procedures to strengthen the implementation of the Convention: an individual communications one and an inquiry one. In particular, the individual communication procedure offers an essential access to justice mechanism for rights holders where all available domestic remedies have been exhausted.

Last week, the Commission, prompted by our Disability Advisory Committee, wrote to Minister O’Gorman and Minister of State Rabbitte emphasising the need for the State to progress the adoption of the Optional Protocol as a matter of urgency.

Considering the State’s delays in reporting to the UN and an anticipated lengthy delay of the UN examination due to backlogs, we consider that the State’s plan to ratify the Optional Protocol after the first reporting cycle, which could take several more years, needs to be reconsidered and should be brought forward.

In this context, accountability for implementing the UNCRPD outside the international reporting process has become all the more important. Relying on the committee’s feedback and observations to guide Ireland’s implementation of the Convention is no longer an option. Disabled people have already waited too long to have their rights realised.

In line with the principles that underpin the UNCRPD, we also recommended in our letter that the Minister make an annual statement to the Dáil on Ireland’s progress in implementing the UNCRPD, commencing this year. We believe such a statement would be a hugely positive signal and a demonstrable commitment to meeting Ireland’s international obligations to people with disabilities, and would serve to promote transparency for stakeholders.

To support the Government’s implementation plan we also recommend that the State develop a framework for recognition and support of Disabled Persons Organisations and pay due regard to the statutory Public Sector Equality and Human Rights Duty.

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To close, I’ll leave you the words of Gary Allen, another *All Human, All Equal* campaign participant, to illustrate the potential that the CRPD and Optional Protocol can release: “Just because I have a disability, doesn’t mean that my limits are any less than anybody else’s.”

Thank you again

**ENDS**