UN Convention on the Rights of Persons with Disabilities

Dr. Eilionóir Flynn Centre for Disability Law and Policy

Overview

- + Introduction to the UN Convention
- + Importance of the UN Convention for Ireland
- + Implications of ratification on Ireland's legislative and policy framework
- + Implications of UN Human Rights Council recommendations in UPR for Ireland

Introduction to the Convention

- + Restates all existing civil, political, economic, social and cultural rights as apply to people with disabilities
- + Greatest level of civil society involvement
- + Creative restatement of rights and unique features e.g. domestic monitoring, data and statistics
- + First UN human rights convention to which the EU is a State Party



Importance for Ireland

- + Prominent role in drafting process and one of first countries to sign
- Opportunity to review existing law and policy as well as monitoring processes
- + Broad-ranging scope of Convention highlights all of the aspects to be addressed in domestic law and policy
- + EU's ratification will have significant knock-on impact for Ireland

Two big questions

+ Legal Capacity



- + Recognising the validity of people's choices
- + Structures and supports to exercise capacity

+ Independent Living



Choice of where and with whom to live

Services and supports to enable independence

Implications on Legislative and Policy Framework

- Mental Capacity Bill
- + Review of Mental Health Act
- Congregated Settings Report
- + DOHC Review of Disability Policy report and consultation



What does the Convention require?



- + Focus on supports rather than on deficits
- Joined up thinking between policy initiatives
- + Active involvement of people with disabilities
- Independent national monitoring

National Disability Strategy Stakeholders Monitoring Group Jointly chaired by the Chairs of the Senior Officials Group and the Disability Stakeholders Group. Meets twice a year.

Disability Stakeholders Group (chaired by Dr. Angela Kerins)* meets every two months

> National Federation of Voluntary Bodies

People with Disabilities Ireland

Inclusion Ireland

Irish Mental Health Coalition

Not for Profit Business Association

Disability Federation of Ireland

Senior Officials Group on Disability (chaired by Department of An Taoiseach) meets at least twice a year Social Partners and Others (do not meet separately)

Department of An Taoiseach

Disability Policy Division, Department of Community, Equality and Gaeltacht Affairs** – secretariat of group

Department of the Environment, Heritage and Local Government ^

Department of Enterprise, Trade and Innovation *** ^

Department of Education and Skills****

Department of Health and Children ^ (represented by the Office of the Minister of State for Disability and Mental Health)

Department of Communications, Energy and Natural Resources ^

Department of Social Protection***** ^

Department of Transport ^

Department of Finance

Irish Business and Employers Confederation

Irish Congress of Trade Unions

National Disability Authority

Implications of HRC Recommendations

- + Ireland's opening statement:
- Work proceeding on Mental Capacity Bill
- Housing Strategy launched
- Minister Lynch reviewing arrangements for monitoring NDS

- + Calls to ratify Convention from 11 countries
- Take steps to prevent discrimination
- + Ensure access to education, employment, housing, transport, cultural life, public places and services

Conclusions

- + Option 1: rush through Mental Capacity Bill similar to 2008 Scheme in order to enable ratification
- + Option 2: set out timetable for key reform demands (supported decision-making, individual budgets, move from congregated settings) which will be joined up, and make a real difference in people's lives
- Ratify once key building blocks are in place otherwise, ratification will be meaningless