



**Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas**

Irish Human Rights and Equality Commission

Ireland and the United Nations Convention on the Rights of Persons with Disabilities: Establishing a Monitoring Framework

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Irish Human Rights and Equality Commission

About the Commission

- Ireland's national human rights institution (NHRI) – accredited 'A' status by the United Nations International Coordinating Committee (now the Global Alliance of NHRIs)
- Ireland's national equality body under EU directives
- IHREC is an independent statutory agency, directly accountable to Oireachtas
- Commission of 15 human rights and equality experts, appointed by the President following an open competition
- 4 teams: Policy and Engagement, Research, Legal and Corporate Services
- Derives functions and legal powers from Irish Human Rights and Equality Commission Act 2014, commenced 1 November 2014

What is the UNCRPD?

- Adopted in UN's Headquarters in March 2007
- “Clarifies the obligations and legal duties of States to respect and ensure the full and equal enjoyment of human rights by persons with disabilities”
- No new rights, but ground-breaking in its influence on understanding of traditional human rights concepts
- Enshrines social model of disability
- Enshrines principle that persons with disabilities are primary stakeholders and equal partners in state decisions on disability

Article 33: Key Elements

- A 'focal point' located within government
- Where necessary a 'coordination mechanism' within government
- A 'framework' to promote, protect and monitor implementation that contains an 'independent mechanism'
- A high level of participation by civil society and in particular, by persons with disabilities



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**Establishing a
Monitoring Framework
in Ireland for the United
Nations Convention on
the Rights of Persons
with Disabilities**

The Centre for Disability
Law and Policy
School of Law & Institute
for Lifecourse and Society
NUI Galway



CENTRE for DISABILITY
LAW & POLICY



The IHREC/ NUI Galway Research

- Considering the best model for an Irish framework under Article 33
- Multiple approaches acceptable to the UN Committee on the Rights of Persons with Disabilities
- Comparative view of strengths and shortcomings of the Article 33 frameworks in six other countries: Germany, the UK, Spain, Sweden, Malta and New Zealand
- The role of DPOs in the Irish context – a conceptual challenge

The IHREC/ NUI Galway Research cont'd

- Some key considerations on foot of comparative review:
 - The placement of the government's 'focal point' in a non-medical and non-welfare focussed department.
 - Importance of inclusion of an independent 'Paris Principles' compliant national human rights institution in the 'monitoring framework'
 - The need for adequate resources to enable body to carry out new functions
 - The full participation of persons with disabilities through formal engagement mechanism and a permanent role for civil society within the mechanism. Malta and New Zealand examples of particular use.

The IHREC/ NUI Galway Research cont'd

- Research Conclusion:
 - Designation of IHREC as independent element within monitoring framework alongside independently appointed Advisory Committee of persons with disabilities “ensuring broad representation of across the diversity of the disability community in Ireland”
 - First steps for this: extensive, State-led, participatory process to elicit views of people with disabilities is required (in line with Art 33.3 CRPD and Art 4.3 CRPD)

Equality/Disability Misc Provisions Bill 2016

- Designed to legislate for a range of matters to bring state in line with CRPD standards
- On Article 33, it provides for:
 - Dept Justice and Equality as the Focal Point and Coordination Mechanism
 - Allows for role by National Disability Authority in assisting and advising
 - Expansion of current functions of IHREC to act as independent mechanism.
 - Mandate for the IHREC to appoint an advisory committee of members with lived experience of disability
 - Role for NDA in providing data and policy advice
- IHREC observations on these proposals to be published this week

Next steps?

By end 2016?

- Finalisation of legislation
- Ratification

Article 27: The Convention and Employment

- Enshrines “the **right of persons with disabilities to work**, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities”
- Obliges states to take concrete measures to achieve this, including through:
 - Prohibition of discrimination in **all matters concerning all form of employment**
 - Ensuring equal access to **labour and trade union rights**

Thank you

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