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

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* Welcome the report commissioned by the Irish Human Rights and Equality Commission, and conducted by the Centre for Disability Law and Policy, NUI Galway, on the establishment of a national independent monitoring framework in Ireland for the implementation of the CRPD.
* I commend the work of the Irish Human Rights and Equality Commission to support and encourage the process of ratification of the CRPD in Ireland. Thinking ahead about how the national monitoring mechanisms, foreseen in article 33 para 2 of the CRPD, could work is of great value to guarantee and rapidly advance with the treaty’s implementation.

**Bringing the CRPD home**

* The objective of human rights monitoring is to foster "change": change in national agendas, national policies and national budgets, in order to transform peoples' lives.
* Specifically, the implementation of the CRPD it is about transforming communities and social relationships to achieve the full and effective participation of persons with disabilities. This means translating the provisions of the CRPD into concrete actions that aim at ensuring the full enjoyment of human rights and fundamental freedoms by all persons with disabilities on an equal basis with others.
* As simple and straightforward as this may appear, in reality it is a ground-breaking approach, which challenges centuries of exclusion, discrimination and marginalization. It challenges strong cultural perceptions and social attitudes, some of which are so deeply rooted into our minds that we will have a hard time in identifying the need for change. Understanding the CRPD and its standards and translating them into real change is not an easy task. As national and international communities, we need to seriously engage in a process of re-thinking and challenging the way in which things have been done traditionally.
* As Gerard Quinn once said, we need to resist "the temptation of elegance" or the easy assumption that the human rights discourse will automatically translate into practice. One of the reasons why UN human rights treaties feel so alien to the world's population is because we fail to translate those legal instruments into something meaningful to peoples’ day-to-day lives.
* Paraphrasing the Legal Realists, international human rights treaties must be evaluated against their effectiveness in promoting human values, and the continued validity and desirability of these values. We cannot understand the CRPD without looking into the mechanisms of organized control and monitoring in place.
* Indeed, a unique feature of the CRPD is its national implementation and monitoring framework. Art. 33 of the CRPD - one of the most innovative articles in the treaty - requires States Parties to designate one or more Government focal points, and to consider the establishment of a coordination mechanism to advance and facilitate the implementation of the treaty at all levels.
* As the IHREC report highlights, the existence of focal points ensures that the rights of persons with disabilities are included and mainstreamed in the Government's agenda, and that the implementation process is centralized. Similarly, the existence of a coordination mechanism facilitates disability-related actions in different sectors and at different levels of governance, especially in States with more than one focal point or with a decentralized system of government.
* States may consider strengthening existing national disability agencies, so that they can serve as focal points or coordination mechanisms for the implementation of the CRPD, and thus provide a permanent space for the participation of persons with disabilities. For that purpose, appropriate resources and proper competence and authority to coordinate policy across the Government are indispensable.

* Article 33 also imposes monitoring obligations on States Parties. They are required to establish a framework, including one or more independent mechanisms, to monitor the implementation of the Convention. Importantly, article 33 does not provide that National Human Rights Institutions (NHRIs) must be appointed as the independent monitoring mechanism, but refers to the Paris Principles, which guide the creation and independence of such institutions.
* Therefore, unless a State has the ambition and the capacity to establish a new independent body, it is expected that existing NHRIs will play a crucial role in the CRPD national monitoring framework (either as a single body mechanism, or as part of a multi-body mechanism joining efforts with other institutions and civil society organizations). "A status" NHRIs seem to be best suited to become champions of the rights of persons with disabilities.

**Ensuring the participation of persons with disabilities**

* The innovative architecture of article 33 cannot be complete or successful unless States enable the involvement and the full participation by persons with disabilities and their representative organizations. This requirement does not only concern the monitoring process, but each provision within article 33.
* Participation is a core human rights principle firmly rooted in international law, which allows individuals to play a central role in their own development, as well as in that of their communities. People have a right to participate in decisions that affect their lives, including those concerning their rights.
* Effective and meaningful participation of persons with disabilities is at the core of the CRPD. This could have not happened without the unprecedented involvement of civil society, particularly persons with disabilities and their representative organizations, in the processes of drafting and negotiating the Convention. I believe it is fair to say that although we used the motto ‘Nothing about us without us’ during the negotiation process, at the end we transformed it into “nothing without us”… because this is what the CRPD says in a nutshell… persons with disabilities have to be present and participate in all matters affecting them, not only in those about them.
* The importance that the Convention gives to the full and effective participation of all persons with disabilities represents a profound paradigm shift in international human rights law: persons with disabilities are no longer seen as “objects” to be cared for but rather as “subjects” enjoying human rights and fundamental freedoms on an equal basis with others. We have to have “choice and control” of our lives. As we know, before the adoption of the CRPD, international human rights law was rarely used to advance the rights of persons with disabilities.
* Against this background, the active and informed participation of persons with disabilities in the implementation and monitoring of the CRPD is not only consistent with the treaty, but it is also a requisite of a human rights-based approach. It ensures active citizenship, good governance and social accountability.
* In this regard, the establishment of any national framework for the implementation and monitoring of the CRPD must include persons with disabilities through their representative organizations. These frameworks must operate in a transparent manner and persons with disabilities must be allowed to define the criteria of representativeness in accordance with their own procedures.
* As I mentioned in my last report to the UN Human Rights Council, it is important to distinguish between organizations “of” persons with disabilities (i.e. those led, composed of and controlled by persons with disabilities), and organizations “for” persons with disabilities (usually non-profit organizations that provide services to persons with disabilities and often also advocate on their behalf). In their pursuit of genuine participation by persons with disabilities in decision-making processes, States need to ensure that the will and preferences of persons with disabilities themselves are given priority.
* Therefore, States should actively consult and engage with non-governmental representative organizations of persons with disabilities, created with the sole purpose of collectively acting, expressing, promoting, pursuing and/or defending a field of common interest. Lead and controlled by persons with disabilities, these organizations should also be recognized by the sector that they aim to represent.
* The autonomy and independence of the monitoring mechanisms and of representative organizations must be also ensured in order to enable their effectiveness. The IHREC report offers multiple examples of successful collaboration between NHRIs and civil society in monitoring the implementation of the CRPD.

**Closing**

* I am pleased to acknowledge that Ireland is committed to a roadmap for the ratification of the CRPD. Today, 163 States have ratified or acceded the CRPD, and made it an international commitment to respect, protect and fulfil all human rights and fundamental freedoms of all persons with disabilities. The CRPD is becoming one of the most ratified human rights instruments.
* Ireland should continue its commitment to the rights to persons with disabilities by ensuring a participatory monitoring framework that sets a solid foundation for change. It is critical that this process of deliberation of the monitoring framework involves civil society.
* The CRPD provides a robust framework for guaranteeing the participation of representative organizations of persons with disabilities, and their active involvement and participation in its implementation and monitoring. Supporting the active participation of persons with disabilities in all decision-making process affecting their lives, including the monitoring of the implementation of the CRPD, must be seen as an opportunity to enhance good and effective governance and to foster agency and empowerment among persons with disabilities.

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