

Thank you Chair.

My name is Gerard Quinn and I am the incoming UN Special Rapporteur on the Rights of Persons with disabilities.

Part of the role involves constructive interaction with Government and indeed with Parliaments and other key institutions.

I see this as by far the most important part of the work which is another reason I am so happy to be here today.

In preparation for today I was reminded of the famous publication of the **Inter Parliamentary Union** some years ago on the role of national parliaments in monitoring the implementation of the UN CRPD.

You are among the first Parliaments in the world to do so and are to be highly commended. I believe Iceland will follow soon. It would be nice, in time, to see your committee engage with others around the world to share your experience and know-how in the service of our peoples.

And I also note a recent Consultative Report of the **Law Reform Commission** on the implementation of treaties in Irish Law. In its report, the **Law Reform Commission** highlighted the growing role of the Oireachtas not merely in the ratification process, but also in the domestic monitoring process. Your work further helps advance that useful trend and you are to be commended for it.

Chair, at the end of the day, a treaty is just a collection of words - a collection of majestic generalities. They have to be translated into concrete lines of action. There is a world of difference between 'the law in the books' and 'the law in action.' And they have to reach the small places where people live in their own lives: as students, as workers, as carers, as family members. That's where you come in – you are the bridge between the high aspirations of international law and Irish life in Kinvara and Fairview.

In the time available I want to just focus on three aspects of the UN CRPD.

First I will just say something about its **core foundation: personhood and equality.**

Second, I will just say something about how to **characterise the many rights it contains.**

Third I will just say something about a core distinction within the treaty on **'obligations of immediate effect' and obligations of 'progressive realisation.'** This may sound very esoteric, but believe me, it will become an essential feature of your work.

So first of all, the core of the treaty. We all thought when drafting the treaty that it would be another equal opportunities tract – like the Americans with Disabilities Act, or the British Disability Discrimination Act. And it is.

But something really interesting happened. Civil society began insisting – why is it that we are treated unequally in the first place – lets deal with the underlying cause and not just the symptoms?

That's why the **personhood** provisions of the treaty are front and centre. To use a bit of jargon, they go to the very object and purpose of the treaty. We have made a lot of headway in Ireland on the two key personhood rights – the right to autonomy and legal capacity (Art 12) and the right to independent living (Art 19). For sure, there is more to be done. But the key here to remember is that the reason these rights are so important and central is that they carry the key message of the treaty – persons with disabilities are not 'objects' to be managed, they are 'subjects' with rights like everyone else.

How then to characterise the rights in the treaty? You start with the personhood rights and then build outwards. The drafters did not want to create new rights – instead they wanted to find ways to ensure the *equal effective exercise* of all existing rights by and for persons with disabilities. **That is why the concept of equality is core** (Article 5).

This is not equality in a narrow or legalistic sense.

This is a concept of equality that takes account of accumulated disadvantages. It seeks to correct for those disadvantages and to build a more inclusive future.

The treaty takes this broad conception of equality and applies it to all the usual rights – education, employment, health, the right to life.

And it innovates by emphasising multiple disadvantages or discrimination based on gender and disability.

Lastly, you need in your work to be aware of a key distinction in international law – and this treaty is no exception. All obligations associated with civil and political rights are to be immediately achieved. For example, there is no excuse not to provide the right to a fair trial.

On the other hand, obligations associated with economic and social rights are to be 'progressively realised' over time with appropriate resources etc. Now this is important since many of the more important obligations in the treaty are of this character – programmatic in character. Most of the rights in the treaty blend the two sets of obligations.

However, just because some rights are of a programmatic character does not rob them of importance. States are expected to use the maximum of available resources. States are expected to be mindful of the impact of retrogressive steps. Retrogressive steps should never intrude on the inner core of a right. What really matters is the forward *dynamic of*

change – measurable progress over defined timelines with dedicated resources and in active consultation with persons with disabilities themselves.

Measuring this progress – judging whether enough progress is being made, at the right pace and in the right direction – that’s the essence of your job in Parliament. You are best placed to do that.

One last point. Most people focus on the substantive rights in the treaty – education, employment, independent living etc. And rightly so.

But the **process innovations** in the treaty are really key – and certainly key to your future work. What’s the point of international law ‘out there’ unless it is owned internally by States? Unlike most similar treaties the UN CRPD envisions a domestic architecture of change involving **Power** (Governments, Parliaments) with **Voice** (in civil society) and **Ideas** (providers of innovative ideas for change). It’s this *co-production* of change that really counts in the long run.

Parliamentary committees like yours have a really key role to play in bringing abstract ideals home and giving them reality in people’s lives. Our Republic was founded on the ideal of equal rights and equal opportunities for all our citizens. I like to think of the treaty as a spur to deepen our national conversation about what equality means for our people with disabilities. It is a sub-set of a bigger question about the role of equality in our Republic. Next year is the 25th anniversary of the **Report of the Commission on the Status of Persons with Disabilities: A Strategy for Equality** – a landmark report. I can think of no better follow-through than the formation of this Committee.

Let me end by saying that your work becomes even more important as the world recovers from Covid.

The World Bank has recently emphasised the need for a ‘resilient and inclusive recovery.’ It is as if the terms of entry and participation in our society and economy are changing before our very eyes. This gives us a fresh opportunity to re-think arrangements, to seek genuine innovation and to set standards and not merely follow them.

For these and more reasons I greatly welcome the establishment of your committee and wish it every success in its work.

Thank you..../