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978-1-107-01171-7 - From Rhetoric to Action: Implementing the UN Convention on the Rights of Persons with Disabilities

Eilionóir Flynn

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FROM RHETORIC TO ACTION

This book contains a global comparative study of implementation and monitoring mechanisms for national disability strategies. Conducted at international, regional, and comparative country levels, this study highlights critical success factors in implementing disability strategies or action plans worldwide. It explores emerging synergies between what is required to implement principles of international law contained in the Convention on the Rights of Persons with Disabilities and what is possible to achieve through national policy and systems development. A number of critical success factors for implementing and monitoring strategies are identified, including leadership from government and civil society, participation of disabled people in implementation and monitoring, transparency and accountability in reporting on progress, independent monitoring and external review, and the ability to measure progress with indicators of disability equality.

Dr. Eilionóir Flynn is a Senior Research Fellow at the Centre for Disability Law and Policy, National University of Ireland, Galway. Her research interests in the field of disability law include assisted and supported decision making, rights-enforcement mechanisms, and access to justice. At NUI Galway, she has taught across a range of disciplines at undergraduate and postgraduate levels, including courses on comparative disability law; social and public policy; judicial activism; and advocacy, activism, and the public interest.

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Disability Law and Policy Series

The *Disability Law and Policy* series examines these topics in interdisciplinary and comparative terms. The books in the series reflect the diversity of definitions, causes, and consequences of discrimination against persons with disabilities, while illuminating fundamental themes that unite countries in their pursuit of human rights laws and policies to improve the social and economic status of persons with disabilities. The series contains historical, contemporary, and comparative scholarship crucial to identifying individual, organizational, cultural, attitudinal, and legal themes necessary for the advancement of disability law and policy.

The book topics covered in the series also are reflective of the new moral and political commitment by countries throughout the world towards equal opportunity for persons with disabilities in such areas as employment, housing, transportation, rehabilitation, and individual human rights. The series will thus play a significant role in informing policy makers, researchers, and citizens of issues central to disability rights and disability anti-discrimination policies. The series grounds the future of disability law and policy as a vehicle for ensuring that those living with disabilities participate as equal citizens of the world.

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FROM RHETORIC TO ACTION

Implementing the UN Convention on the Rights of Persons with Disabilities

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Foreword

On 3 May 2008, the United Nations Convention on the Rights of Persons with Disabilities (CRPD) came into force. This is the first United Nations Convention to take effect in the twenty-first century, and it marks a milestone for persons with disabilities throughout the world. It exhorts all nations and persons to “promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity” (Article 1, CRPD).

While this is an enormous step forward, the question is how nations should live up to their CRPD obligations. In other words, what proactive steps should be taken to ensure that nations go beyond formal equality measures to guarantee that persons with disabilities are able to fully exercise their CRPD rights and be treated with “inherent dignity?” In my judgement, one of the best steps that countries can take is to develop and implement a national disability strategy.

This superb volume by Dr. Eilionóir Flynn entitled *From Rhetoric to Action: Implementing the UN Convention on the Rights of Persons with Disabilities* is a roadmap for the immediate future. This book is centred upon the recent comprehensive disability strategy that was unveiled in Ireland. Through comparing this disability strategy with similar programmes in other countries, Dr. Eilionóir Flynn shows how a successful national disability strategy must harness

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both appropriate legislative measures and sufficient funding to enable the plan to be implemented. In my view, no matter how well-intentioned policy makers may be, without adequate funding such programmes will remain aspirational. What is needed are measures and sufficient financial resources to ensure that persons with disabilities have access to transport, accommodation, education, adequate health care, and, most importantly, employment. Through a comparative analysis, this monograph charts a way forward to turn disability strategies into workable programmes.

As Chair of the United Nations Committee on the Rights of Persons with Disabilities, whose primary function is to monitor the CRPD, I wholeheartedly recommend this book to government policy makers, non-governmental organisations, carers, and persons with disabilities. Finally, given the splendid beginning of the Republic of Ireland with its national disability strategy, it is my hope that Ireland will build upon this measure and speedily ratify the CRPD and its Optional Protocol.

Professor Ron McCallum AO

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Abbreviations

ADDP	African Decade Disability Programme
AGM	Annual General Meeting
AHRC	Australian Human Rights Commission
ANC	African National Congress
ANED	Academic Network of European Disability experts
AODA	Accessibility for Ontarians with Disabilities Act
APSC	Australian Public Service Commission
ARI	African Rehabilitation Institute
AU	African Union
BC	British Columbia
BMF	Biwako Millennium Framework For Action Towards An Inclusive Barrier Free and Rights Based Society For Persons with Disabilities in Asia and the Pacific
CAHPAH	European Co-ordination Forum for the Council of Europe Disability Action Plan 2006–2015
CCD	Council of Canadians with Disabilities
CDS	Commonwealth Disability Strategy
CEO	Chief Executive Officer
CIB	Citizens Information Board (Ireland)
CNOD	National Confederation of Disabled Persons (Portugal)
CNRIPD	National Council for the Integration and Rehabilitation of People with Disabilities (Portugal)
CRPD	The United Nations Convention on the Rights of Persons with Disabilities
CSO	Central Statistics Office (Ireland)
CSTDA	Commonwealth State/Territory Disability Agreement
DAP	Disability Action Plan (European Union)

Abbreviations

DCF	Disability Consultative Forum (Ireland)
DFI	Disability Federation of Ireland
DG	Directorate-General
DHS	Department of Human Services (Victoria)
DIG	Disability Investment Group (Australia)
DLCG	Disability Legislation Consultation Group (Ireland)
DOEHLG	Department of Environment, Heritage and Local Government
DPA	Disabled Persons Assembly (New Zealand)
DPOs	Disabled Persons' Organisations
DSCs	Decade Steering Committees (Africa)
DSD	Disability Services Division (Victoria)
DSG	Disability Stakeholders Group (Ireland)
DSS	Disability Support Service (Ireland)
DWP	Department of Work and Pensions (United Kingdom)
ECHR	European Convention on Human Rights
EHRC	Equality and Human Rights Commission (United Kingdom)
EPSEN	Education for Persons with Special Needs Act (Ireland)
EU	European Union
EU-SILC	European Union Statistics on Income and Living Conditions
FAHCSIA	Department of Housing, Families, Community Services and Indigenous Affairs (Australia)
FÁS	Foras Áiseanna Saothair (Ireland)
GIA	Interdepartmental Working Group (Portugal)
HLG	EU Disability High Level Group
HREOC	Human Rights and Equality Commission (Australia)
HSE	Health Service Executive (Ireland)
HSO	Swedish Disability Federation
ICF	International Classification of Functioning, Disability and Health
ICT	Information and Communications Technology
INDS	Integrated National Disability Strategy (South Africa)
INR	National Institute for Rehabilitation (Portugal)
MHI	Mental Health Ireland
MTSS	Ministry of Labor and Social Solidarity (Portugal)
NAMHI	National Association of Mental Handicap Ireland

Abbreviations

NAPinclusion	National Action Plan for Social Inclusion (Ireland)
NCDA	National Council for Disability Affairs (The Philippines)
NDA	National Disability Authority (Ireland)
NDP	National Development Plan (Bolivia)
NDS	National Disability Survey (Ireland)
NDS	National Disability Strategy (Australia or Ireland)
NDSSMG	The National Disability Strategy Stakeholders Monitoring Group (Ireland)
NFPBA	Not for Profit Business Association (Ireland)
NFVB	National Federation of Voluntary Bodies (Ireland)
NGOs	Non-Governmental Organisations
NIDD	National Intellectual Disability Database (Ireland)
NPSA	National Parents and Sibling Alliance (Ireland)
NPSSD	National Physical and Sensory Database (Ireland)
NRB	National Rehabilitation Board (Ireland)
NSSB	National Social Services Board (Ireland)
NZAID	New Zealand Government’s overseas aid programme
OAS	Organisation of American States
ODI	Office for Disability Issues (United Kingdom)
OMC	Open Method of Coordination
OMCYA	Office of the Minister for Children and Youth Affairs (Ireland)
OSDP	Office on the Status of Disabled Persons (South Africa)
PAIPDI	Plan of Action for the Integration of Persons with Disabilities 2006–2009 (Portugal)
PNIEO	National Plan for Equality and Equalisation of Opportunities for People with Disabilities (Bolivia)
PNPA	National Action Plan for Promotion of Accessibility 2007–2015 (Portugal)
PPR	Participation and Practice of Rights Project (Northern Ireland)
PRSP	Poverty Reduction Strategy Paper (Bolivia)
PTAC	Public Transport Accessibility Committee (Ireland)
PwDI	People with Disabilities Ireland
QNHS	Quarterly National Household Survey (Ireland)
RICAP	Regional Inter-Agency Committee for Asia and the Pacific
SADA	South African Disability Alliance

Abbreviations

SEDISCAP	Technical Secretariat for the American Decade for the Rights and Dignity of Persons with Disabilities in the Americas
SENADIS	National Secretariat for Persons with Disabilities in Panama
SLAN	Survey of Lifestyle, Attitudes and Nutrition (Ireland)
SOGD	Senior Officials Group on Disability (Ireland)
TILDA	National Longitudinal Study on Ageing (Ireland)
UDAPE	Social and Economic Policy Analysis Unit (Bolivia)
UN	United Nations
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
VALID	Victorian Advocacy League for Individuals with Disability
VDAC	Victorian Disability Advisory Council
Vic	Victoria
WPA	World Programme of Action on Disability