

Outline of Presentation

By Andrea Broderick

Specific Substantive Obligations under the UNCRPD: Education, Health, Participation, Work and Employment, Standard of Living, Social Protection (with a Focus on Participation Issues)

This presentation will be broken down into several sections, in which various issues will be addressed in turn.

In the introductory section, I will briefly outline the negotiation process of the Convention, in which participation issues were seen as playing an integral part in the ultimate effectiveness of the Convention on the Rights of Persons with Disabilities (hereinafter the CRPD or the Convention). I will also outline the importance of participation issues in the overall scheme of the CRPD. The concept of participation is not merely relevant to the substantive articles of the CRPD. It is also listed as a general principle and, furthermore, as a general obligation of the Convention. Moreover, it is a vital component of Article 33 of the CRPD, which relates to national implementation and monitoring.

In the first substantive section, I will explore some of the cross-cutting obligations of the Convention, as they relate to participation issues. The CRPD contains several articles which must be applied by states across the substantive rights of the Convention. The primary obligations which I will focus on are Article 5 (equality and non-discrimination - in particular, the reasonable accommodation duty) and Article 9 (accessibility). The reason for choosing to focus on these articles is that they are intrinsically linked to the purpose of the Convention, which makes reference to the social construction of disability. The understanding of disability endorsed by the CRPD focuses on barriers to participation (environmental, structural, attitudinal barriers) rather than focusing on individual impairments. For this reason, the reasonable accommodation duty and accessibility requirement are closely linked to participation issues for persons with disabilities, as they require the removal of barriers to participation.

In the second section, I will examine the so-called traditional dichotomy of civil and political rights, on the one hand, and economic, social and cultural rights, on the other hand. The CRPD blurs the conventional lines between these two sets of rights and it is important to explore this issue before looking at the substantive rights of the Convention.

The third section of this presentation will focus on the specific substantive articles of the CRPD, with a particular focus on participation issues. In that regard, I will examine the rights to education, health, work and employment and the right to an adequate standard of living and social protection. The presentation will also focus on the right to participation in political and public life and the right to participation in cultural life. It is also proposed to touch on the rights to independent living and legal capacity, as they relate to participation issues. I will also look at the extent to which reasonable accommodation and accessibility are required in the implementation of the foregoing substantive rights.

Throughout the presentation as a whole, it is proposed to briefly refer to topical issues of EU law, policy and practice, where relevant. However, this presentation will focus primarily on the substantive obligations of the UNCRPD.