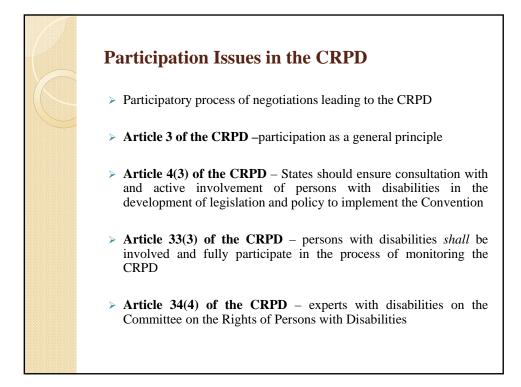
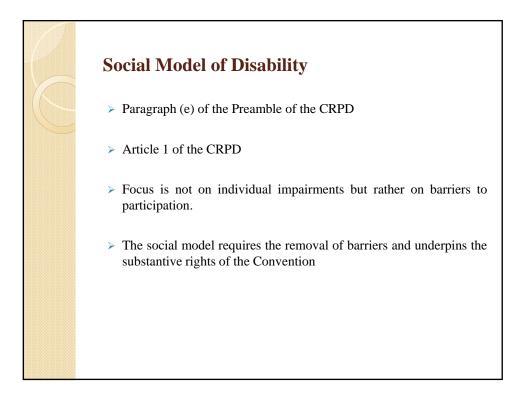
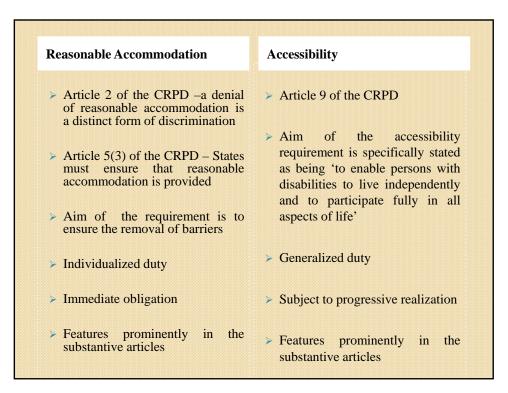


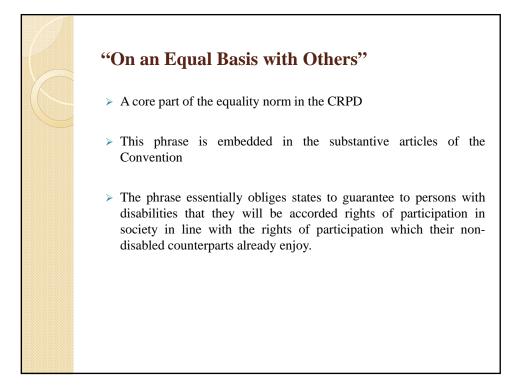


# Structure of the Presentation Importance of participation issues in the overall scheme of the UNCRPD Relevance of the Social Model of Disability and cross-cutting articles on equality/reasonable accommodation and accessibility Traditional divide between civil and political rights and economic, social and cultural rights Specific substantive rights with a focus on participation issues Passing reference to topical issues of EU law, policy and practice throughout the presentation but the focus of the presentation will be on the obligations in the CRPD

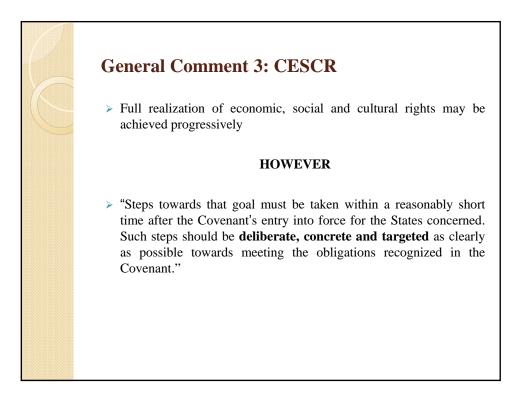


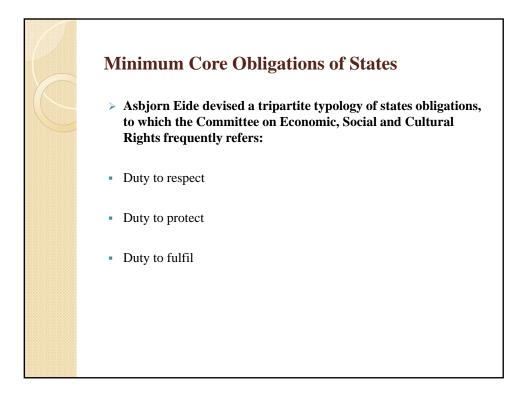


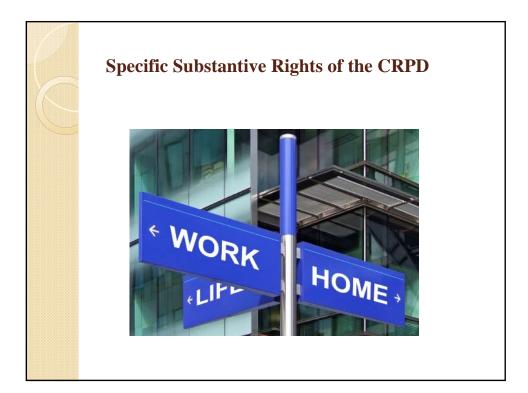


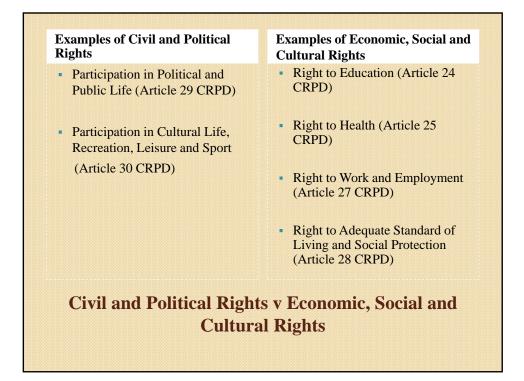


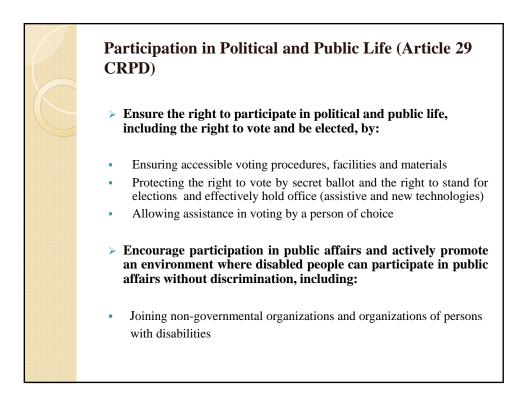
Civil and Political Rights	Economic, Social and Cultural Rights
These rights are traditionally viewed as rights that protect an individual from unwarranted state infringement	These rights are deemed to be "positive" rights which are subject to the concept of progressive realization.
<ul> <li>They are often described as "negative" state obligations</li> <li>They are associated with minimal cost implications and are,</li> </ul>	They are deemed to require state action and are often associated with having significant cost implications.
therefore, deemed capable of immediate enforcement	Article 4(2) of the CRPD: progressive realization
Civil and Political Rights v Economic, Social and	
Cultural Rights	



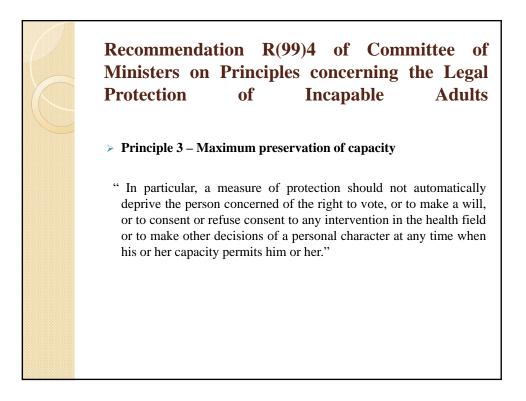








## Participation in Political and Public Life (continued) Right to vote linked to the right to legal capacity (Article 12 CRPD): "States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life" "States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity. CRPD, Article 12(3)" Recent Report: European Union Agency for Fundamental Rights, *The Right to Political Participation of Persons with Mental Health Problems and Persons with Intellectual Disabilities* (October 2010) 15/16 Recent Case: Alajos Kiss v Hungary



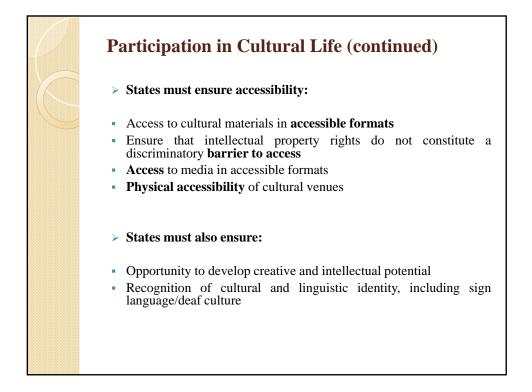
### **Obligation to take Positive Measures to Ensure Participation in Public Affairs**

- Human Rights Committee, General Comment 25 on Article 25: Participation in Public Affairs and the Right to Vote.
- Committee of Ministers of the Council of Europe, Recommendation CM/Rec(2011)14:
- "The governments of member states should facilitate the development of the proper support services providing the needed assistance and conduct other positive actions likely to encourage women and men with disabilities, as well as children and young people with disabilities, to participate in political and public life as citizens holding equal political rights and obligations"
- "Member states should [.....] should take appropriate capacitybuilding and financial measures with a view to making sure that organisations of persons with disabilities (DPOs) have the capacity to fully participate and contribute to the conduct of public."

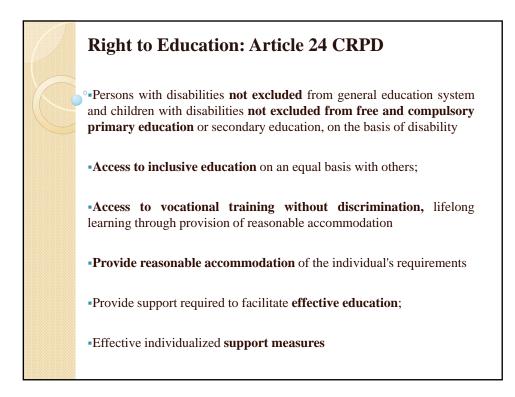
### Participation in Cultural Life, Recreation, Leisure and Sport: Article 30 CRPD

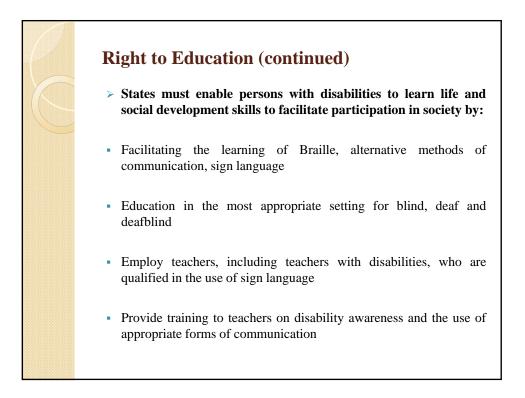
- > Central focus of this right is on the elimination of barriers to communication and other barriers to participation
- CESCR, General Comment 5, Persons with Disabilities, Paragraph 36 :

"The right to full participation in cultural and recreational life for persons with disabilities [...] requires that communication barriers be eliminated to the greatest extent possible. Useful measures in this regard might include "the use of talking books, papers written in simple language and with clear format and colours for persons with mental disability, [and] adapted television and theatre for deaf persons."

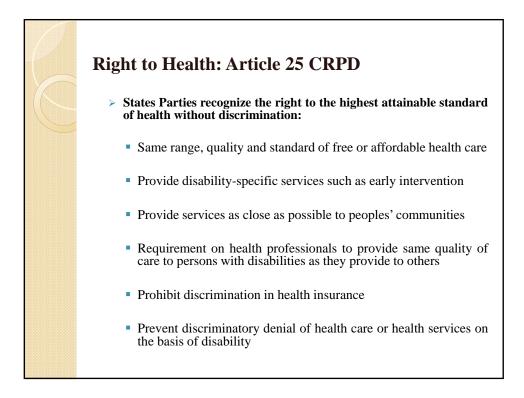






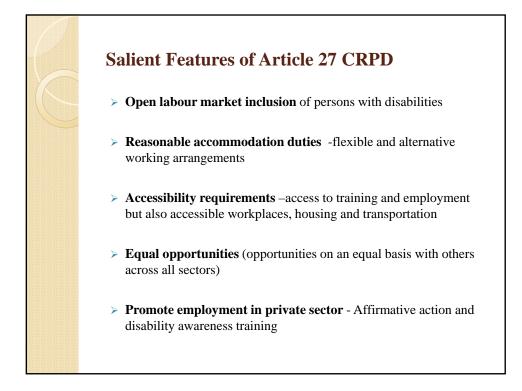


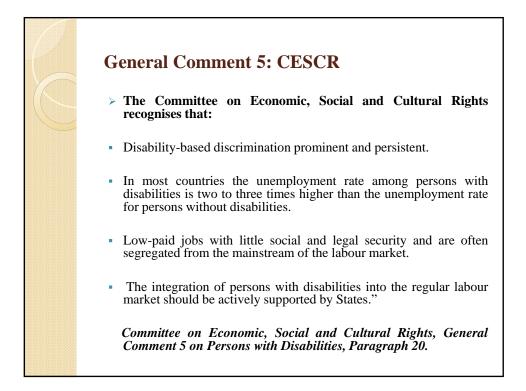






P	Right to Work and Employment: Article 27 CRPD	
	Right to work on an equal basis with others, work freely chosen in an open, inclusive accessible environment	
	<b>Role of the State in protecting this right:</b>	
	Prohibit discrimination	
	<ul> <li>Ensure equal pay, protection from harassment, redress for grievances</li> </ul>	
	<ul> <li>Protect labour and trade union rights</li> </ul>	
	<ul> <li>Provide opportunities for training and career development</li> </ul>	
	Ensure provision of reasonable accommodation	
	<ul> <li>Provide assistance obtaining and maintaining employment</li> </ul>	
	• Equal opportunities across sectors (private, public, self- employment) and promotion of employment of disabled people in private sector	
	Promote open market labour force participation	





## **Right to an Adequate Standard of Living and Social Protection: Article 28 CRPD**

- > Right to an adequate standard of living includes:
  - Food
  - Clothing
  - Housing
  - Continuous improvement of living conditions
- > Right to social protection includes:
  - Access to appropriate and affordable services, devices and other assistance for disability related needs
  - Access to social protection programmes and poverty reduction programmes
  - Access to persons with disabilities living in poverty to assistance from the State with disability-related expenses
  - Access to public housing programmes and retirement benefits

"If we are to achieve a richer culture, we must weave one in which each diverse human gift will find a fitting place"

~ Margaret Mead ~

