

UNCRPD

A short guide by
Mental Health Reform



Mental Health Reform
Promoting Improved Mental Health Services

MISSION OF THE UNCRPD

To ensure the **inclusion** of disabled people into society and to **eliminate discrimination** against persons with disabilities so that they enjoy **full equality** under the law.



What is the UNCRPD?

The UN Convention on the Rights of Persons with Disabilities (UNCRPD) is a United Nations document that sets out a series of rights and principles. Governments (States) must take steps to ensure that people can access and exercise the rights listed in the Convention. The UNCRPD is intended as a human rights instrument to ensure the inclusion of disabled people into society. Its aim is to eliminate discrimination against persons with disabilities so that they enjoy full equality under the law.

The purpose of the Convention is set out in **article 1**

.. 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.

Ireland adopted the UNCRPD in 2018. This means that Ireland has made a commitment to protect and promote the rights of disabled people.

Ireland must also report and be monitored on how well it is implementing the Convention.

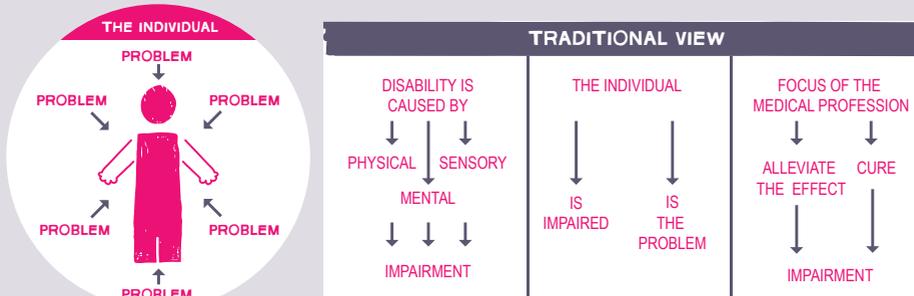


Disability and the UNCRPD

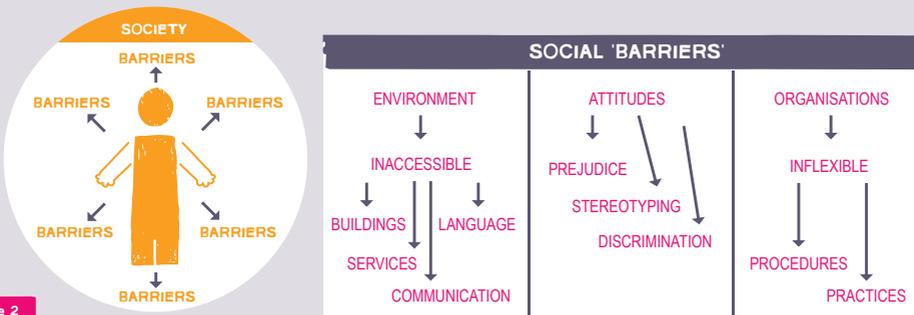
The UNCRPD states that disability is “an evolving concept” and reflects a social model of disability. It defines persons with disabilities as those “who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”. The main concept behind the Convention is the move away from a charity or a medical approach to disability, to a social/human rights approach.

The social/human rights approach is that impairments and chronic health difficulties often pose real difficulties, but they are not the main problems.

THE MEDICAL MODEL OF DISABILITY



THE SOCIAL MODEL OF DISABILITY



Mental Health and the UNCRPD

People who have long-term mental health difficulties have rights under the UNCRPD. The term used by the United Nations to describe people living with severe or enduring mental health difficulties is “**psychosocial disabilities**”.

This is not about a diagnosis; it is about the interaction between someone with a mental health difficulty and their social environment. Psychosocial disability refers to the functional impact or barriers that those living with mental illness experience everyday. For example, under the Convention people living with psychosocial disability should not be discriminated against based on their mental health experiences.



Rights under the UNCRPD

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Article 5



Equality and non-discrimination

All persons are equal before the law and have the right to be protected from discrimination on the basis of disability.

Article 6



Women with disabilities

Women and girls with disabilities have the right to enjoy full and equal human rights and fundamental freedoms.

Article 7



Children with disabilities

Children with disabilities have the right to enjoy all human rights and fundamental freedoms on an equal basis with other children.

Article 8



Awareness-raising

States must commit to increasing understanding of disability rights and combatting stereotypes through public awareness campaigns.

Article 9**Accessibility**

States must ensure that people with disabilities can live independently and participate fully in all aspects of life. This includes access to buildings, roads, transport, schools, housing, hospitals, workplaces as well as accessing information and technology.

Article 10**Right to life**

The right to life for every human being to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

Article 11**Situations of risk and humanitarian emergencies**

All necessary measures to be taken to ensure the safety and protection of persons with disabilities in times of risk, conflict, emergency or natural disaster.

Article 12**Equal recognition before the law**

States must recognise that persons with disabilities enjoy legal capacity on an equal basis with others. This includes an equal right for persons with disabilities to own or inherit property and to control their own financial affairs.

Article 13**Access to justice**

Persons with disabilities have a right to access to justice on an equal basis with others. States must provide training and appropriate accommodations in all legal proceedings.

Article 14



Liberty and security of the person

Persons with disabilities have a right to liberty and security on an equal basis with others.

Article 15



Freedom from torture or cruel, inhuman, or degrading treatment or punishment

That no-one shall be subjected to torture, or to cruel, inhuman or degrading treatment or punishment.

Article 15



Freedom from exploitation, violence and abuse

Persons with disabilities shall be protected from all forms of exploitation, violence and abuse. This includes providing information on how to avoid, recognise and report instances of exploitation, violence and abuse. All programmes designed to serve persons with disabilities must be monitored by an independent authority.

Article 17



Protecting the integrity of the person

Persons with disabilities have a right to respect for his or her physical and mental integrity on an equal basis with others.

Article 18



Liberty of movement and nationality

The right to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others.

Article 19**Living independently and being included in the community**

Persons with disabilities have the right to equal choices to others, to live in and to enjoy full participation in the community. This includes the opportunity to choose their place of residence, where and with whom they live, and with community services that are responsive and supportive to their needs.

Article 20**Personal mobility**

States must ensure personal mobility with the greatest possible independence for persons with disabilities, at affordable cost and in the manner and time of their choice.

Article 21**Freedom of expression and opinion, and access to information**

Persons with disabilities have a right to freedom of expression and opinion. This includes providing information in accessible formats and the freedom to look for, receive and send information and ideas on equal basis with others.

Article 22**Respect for privacy**

The right to the protection of the law against arbitrary or unlawful interference with his or her privacy, family or communication.

Article 23



Respect for home and the family

Persons with disabilities have a right to marry and to found a family. They have a right to decide freely and responsibly on the number and spacing of their children. States must take effective measures to eliminate discrimination against persons with disabilities in all areas relating to marriage, family, parenthood and relationships.

Article 24



Education

People cannot be excluded from education on the basis of disability and have a right to an inclusive, quality, free primary and secondary education on an equal basis. States must ensure an inclusive education system at all levels and lifelong learning. General tertiary, vocational training, adult education and lifelong learning must be accessible and without discrimination. Persons with disabilities have a right to supports to facilitate their education.

Article 25 Health

People have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States must provide persons with disabilities with the same range, quality, and standard of free or affordable health care and programmes as provided to other persons. Health services should be provided as close as possible to people's own communities. Health professionals are to provide the same quality of care to persons with disabilities as to others. Discrimination against persons with disabilities in the provision of health and life insurance is prohibited.

Article 26 Habilitation and rehabilitation

Persons with disabilities have a right to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. States shall provide comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services

Monitoring Ireland's compliance with the UNCRPD

The Convention explicitly provides for national monitoring bodies. In Ireland the Governmental body with responsibilities for disability rights is The Department of Children, Equality, Disability, Integration and Youth. Due to the cross-cutting nature of disability rights, the UNCRPD coordinates different Government departments to facilitate action.

Every four years the state must report on how rights are being protected and the actions they have taken to comply with the UNCRPD. Disabled persons organisations and representative organisations, such as Mental Health Reform, submit their own views on Ireland's progress as part of this process. The State's report is sent to the Committee on the Rights of Persons with Disabilities (CRPD) for an independent review. The CRPD then make suggestions and general recommendations on the report as it may consider appropriate. This may include highlighting areas where Ireland needs to improve.

Ireland's initial state review to the CRPD is due in 2021. As a result, the Department of Children, Equality, Disability, Integration and Youth established the Disability Participation Consultation Network (DPCN) in January 2021.



Mental Health Reform and the Disability Participation and Consultation Network (DPCN)

Mental Health Reform is a funded member of the newly established Disability Participation and Consultation Network (DPCN). The DPCN was established to ensure that through Disabled Persons Organisations and representative organisations, disabled people work with statutory bodies to co-create policies, practices, and monitoring mechanisms in relation to disability policy and law. Inclusion Ireland is leading the development of the Network, in partnership with AsIAM, the Coalition of Disabled Person's Organisations, Disability Federation Ireland, and Mental Health Reform.

A first task for the DPCN was to carry out consultations on the Initial State Report under the UNCRPD. At the consultations, people highlighted issues and areas for improvement in the report.

MHR also made their own submission to the state following consultations with people with psychosocial disabilities.

**GET
INVOLVED**

MHR are providing ongoing training and information on the UNCRPD. You can find resources, submissions and webinars on our website at mentalhealthreform.ie

We are also interested in hearing from people with experience of mental health difficulties who want to participate in our consultations and advocacy work. For more information, please contact us at info@mentalhealthreform.ie or call 01 874 9468.



About Mental Health Reform



Mental Health Reform (MHR) is Ireland's leading national coalition on mental health.

Our vision is of an Ireland where everyone can access the support they need in their community, to achieve their best possible mental health.



In line with this vision, we drive the progressive reform of mental health services and supports, through coordination and policy development, research and innovation, accountability and collective advocacy.

With over 77 member organisations and thousands of individual supporters, MHR provides a unified voice to Government, its agencies, the Oireachtas and the general public on mental health issues.



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Children, Equality, Disability, Integration and Youth



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