

The Long and Winding Road to Equality and Inclusion for Persons with Disabilities : The United Nations Convention on the Rights of Persons with Disabilities

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VALORISATION ADDENDUM

This book emerged from a unique collaborative research project entitled the DREAM (Disability Rights Expanding Accessible Markets) network. DREAM was a training network for early stage researchers and it was funded by the Marie Curie FP7 project of the European Commission. The primary objective of the DREAM project was to develop professionally and educate the next generation of disability policy researchers and entrepreneurs to assist the EU and its Member States in their efforts to implement the CRPD at the national and EU levels. The DREAM network (within which this research was born) had both a human rights and an economic impetus. It was premised on the insight that respecting the rights of persons with disabilities is not only a good objective, in and of itself, but that this helps to create economic opportunities for over 60 million European citizens with disabilities and that it also expands markets for European business. Thus, it is evident that the research undertaken for this book was not intended to result in mere words on paper, but to move outside a theoretical framework in order to enable legal and policy makers to identify areas for legal and policy reform on the ground.

This book is an academic piece of research, which is directed primarily at scholars in the arena of international human rights law. However, it also has direct relevance to other groups in society. Most notably, it is an important piece of work for the very group whose rights it examines – persons with disabilities. The research conducted for this book seeks, among other things, to clarify and analyse the newly emerging rights at the level of international human rights law as they pertain to disabled people. In that regard, persons with disabilities and their representative organisations can potentially use this research to educate themselves on their entitlements and to campaign for those entitlements. In particular, the research carried out in chapter eight of this book, related to the rights of persons with disabilities in the Council of Europe legal and policy mechanisms, and especially the research on disability rights in the European Court of Human Rights, might be of interest to advocacy networks and organisations of persons with disabilities that have as their objective the furtherance of disability litigation.

This research undoubtedly also has relevance to legal and policy makers at the EU and national levels. This book contains the first comprehensive legal interpretation of Article 5 of the CRPD (the equality provision) and related articles. To that end, this research illuminates the various legal and policy avenues which have been opened up since the entry into force of the CRPD, in terms of advocacy and implementation of disability rights. The legal and policy recommendations that are developed in chapter nine of this book can be of potential use to law and policy makers at the

national and EU levels in the adoption of action plans, strategies and legislation and in furthering the debate surrounding the rights of persons with disabilities. The analysis of disability rights in the Council of Europe also has relevance for the institutions in the Council itself. In that regard, the recommendations in chapter eight of this book can go some way towards bringing the policy and legal mechanisms of the Council of Europe more in line with the CRPD.

The research outcomes emerging from this book, and especially the framework of reasonableness review devised in chapter five, are also of particular relevance to the CRPD Committee (the Committee responsible for overseeing compliance with the Convention in the various States Parties to the Convention). The Committee might be inclined to take some aspects of my proposed reasonableness review framework into account in its work on the rights of persons with disabilities. In chapters six and seven of this book, I demonstrated how the reasonableness review framework might work in practice with respect to two substantive rights and obligations in the Convention (namely, the accessibility obligation and the right to education). That analysis might serve to aid the Committee in its general comments and concluding observations to the various States Parties to the CRPD.

In addition to contributing to the work of the above-mentioned groups and institutions, the research results emerging from this research project can also be of interest to the European Commission, which initiated the DREAM project in the first instance. The European Commission has established various high-profile projects on disability rights, particularly with regard to ensuring the implementation of the CRPD at the EU level, as well as throughout the 28 Member States. In light of the fundamental importance of the equality norm to the implementation of all the other rights and obligations in the CRPD at the EU level, this research will be of particular interest to the Commission in its analysis of the equality framework in the EU (when compared with the CRPD).

The DREAM project had as one of its aims to take the knowledge gained through doctoral research outside of its theoretical box in order to disseminate it to a wider audience and to contribute to the broader debate on disability rights. As part of the DREAM network, and as an integral part of my Ph.D. research, I had the opportunity to gain invaluable work experience with a leading European civil society organisation, the European Disability Forum (EDF), in Brussels. Throughout my time there, I gained valuable knowledge regarding the means by which disability rights advocacy can be strengthened and the various channels which can be used to achieve that objective, something which I plan to use in the dissemination of my own work. Working with EDF greatly enriched my research in numerous ways. In the first instance, I was exposed to the daily challenges of those who are fighting for the human rights of persons with disabilities. The internship enabled me to see first-hand the various policy and bureaucratic challenges that are part and parcel of the fight for change and the ways in which these challenges can be averted and overcome. By virtue of my presence at EDF, I believe that the organisation also benefited from a unique insight into the interpretation of the equality and non-discrimination norms in

the CRPD, through discussions about the various ways in which litigation strategies and advocacy can be strengthened for the benefit of persons with disabilities.

By virtue of my work with the various partner institutes in the DREAM project, and through the many interactions I have had with the European Commission (both in the DREAM project, as Rapporteur for the annual disability Work Forum at the EU level and in writing reports for the Commission on disability rights), I have gained a platform for my own research, which I plan to utilise into the future. To date, my research has been publicised through the DREAM weblog, through academic publications in leading international journals and through many conferences that took place within the framework of the DREAM project. Copies of this book will be distributed to relevant NGO's. The results emerging from my research project can potentially be transformed into litigation strategies by those campaigning for the rights of persons with disabilities. In addition, they can be transformed into proposals for law reform at the level of States Parties to the Convention. It is envisaged that there may also be some opportunity for me to engage in the review process of the draft general comments of the CRPD Committee on issues related to non-discrimination/equality. In that regard, I have already contributed (with other researchers) to one draft comment on accessibility obligations under the CRPD. The close network of researchers that I have liaised with right throughout my research project will no doubt present future opportunities for collaboration on disability issues, including dissemination of my research results. In addition, the training activities provided in the DREAM network events also exposed me to leading agents of change in the disability field. This enabled me to observe disability policy entrepreneurship in action. Each event brought together different generations of policy entrepreneurs and scholars, which enabled me to situate my own work within that scholarship, to identify the gaps and to highlight areas in which to move forward in the process of change.

The aim of this research as a whole was to provide a platform to translate the general rights and obligations of the CRPD into practical strategies to achieve substantive reform and change that can reach into the everyday lives of persons with disabilities. I believe that the research results emerging from this book can contribute to doing just that.