

Human Rights of Persons with Disabilities in International and EU Law

**Workshop of the EUI Human Rights Working Group
and the Academy of European Law**

EUI Villa la Fonte, Friday April 27, 2012

Via delle Fontanelle 10, I-50014 San Domenico di Fiesole, Tel. [+39] 055 4685 805

Background: The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), in force since 2008, is novel in many ways. It adopts a new model considering persons with disabilities as full subjects of the law with clearly defined human rights, thus substituting the previous medical paradigm, as well as the social development model and the model based on non-discrimination principles. It incorporates elements of such understandings yet moves beyond them in the creation of a more comprehensive and integral framework. Because the treaty views disability as a result of the interaction between an inaccessible environment and a person, rather than an inherent attribute of an individual, it considers persons with disabilities as right holders capable of exercising such rights in an independent manner on the basis of equal citizenship. Also, the UNCRPD is, so far, the first and only core international human rights treaty to which the European Union (EU) is a party, and the first human rights treaty which the European Community, as it then was, was involved in negotiating and signing,¹ alongside its Member States. From its very conception and negotiation, it adopted an "experimentalist character", prioritizing actors such as Non-Governmental Organizations and National Human Right Institutions, and also envisioning them as necessary and helpful partners in the implementation of the Convention. This opens a space for timely and innovative discussions to which the EUI wishes to contribute constructively.

Concept: This workshop seeks to provide a discursive environment between experts and the EUI research and faculty community on the standards, aspirations and implementation of the UNCRPD. It also aims at exploring its role within domestic legislations and jurisdictions, from developed to developing countries, as well as the challenges it poses for different actors in International Law, in particular, the EU, and ultimately, its relevance and potentials for the persons with disabilities throughout the world. Speakers are asked to reflect on these issues in their presentations, which should last for no more than 20 minutes, and to make available in advance, one brief document that will complement their presentation.

Suggested readings: Arnardóttir, Oddný Mjöll and Gerard Quinn (eds.), *The UN Convention on the Rights of Persons with Disabilities: European and Scandinavian perspectives*, International Studies in Human Rights, Martinus Nijhoff Publishers/Brill Academic, 2009.

Courtis, Christian, "The right to life and the right to health of children with disabilities before courts: some Latin American examples", in: Clements, L. and Read, J. (eds), *Disabled people and the right to life: the protection and violation of disabled people's most basic human rights*, London: Routledge, 2008.

De Búrca, Gráinne, "The EU in the negotiation of the UN Disability Convention", *European Law Review*, Vol. 35, No. 2, 2010; Fordham Law Research Paper: Electronic copy available at: <http://ssrn.com/abstract=1525611>

Kumpuvuori, Jukka and Martin Scheinin (eds.), *United Nations Convention on the Rights of Persons with Disabilities: multidisciplinary perspectives*, The Center for Human Rights of Persons with Disabilities in Finland (VIKE), Publications Series of VIKE No.5, 2010.

Waddington, Lisa, "The European Union and the United Nations Convention on the Rights of Persons with Disabilities: A Story of Exclusive and Shared Competences", 18 MJ 4, 2011.

To register please reply by email to: Dorothy.Estrada-Tanck@eui.eu

¹ The European Community signed the UNCRPD on March 7, 2007 declaring that "the United Nations Convention on the Rights of Persons with Disabilities shall apply, with regard to the competence of the European Community, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty, in particular Article 299 thereof". It presented its instrument of formal confirmation on December 23, 2010.

PROGRAMME

09:00 - 09:15 Welcome: Professor Marise Cremona, Head of the EUI Law Department and Co-Director of the Academy of European Law

09:15-09:30 Summary of event by the Human Rights Working Group and introductions: Dorothy Estrada-Tanck, EUI Researcher and Member of the EUI HRWG

09:30 - 11:15 Overview of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

Chair: Dorothy Estrada-Tanck, EUI Researcher and Member of the HRWG

- *History of the negotiation of the UNCRPD, model and legal principles adopted:* Martin Scheinin, Professor of Public International Law, EUI
- *The heart of the UNCRPD; equality and non-discrimination:* Jukka Kumpuvuori, Abo Akademi University
- *Mainstreaming the UNCRPD: realizing rights of persons with disabilities through core UN bodies:* Juan José Gómez Camacho, Mexican Ambassador to International Organizations in Geneva

11:15 - 11:30 Coffee Break

11:30 – 13:30 Implementation and monitoring compliance of the UNCRPD

Chair: Danai Angeli, EUI Researcher and Member of the HRWG

- *Impact of the Convention's equality approach on the substantial rights of the UNCRPD:* Masa Anisic, EUI Researcher
- *Immediate obligations and progressive realization in the UNCRPD:* Christian Curtis, Office of the UN High Commissioner for Human Rights
- *Challenges and levels of compliance of the UNCRPD:* Theresia Degener, Member of the UN Committee on the Rights of Persons with Disabilities

13:30 – 14:30 Lunch (for invited speakers and professors)

14:30 - 16:30 The EU and the UNCRPD

Chair: Masa Anisic, EUI Researcher and Member of the HRWG

- *The EU and its role in the UNCRPD:* Delia Ferri, Honorary Fellow, Doctor in Research of Italian and European Constitutional Law at the University of Verona
- *Implementing the social model of disability:* Philippe Reyniers, EUI Researcher
- *Disability and the constitutionalization of discrimination rights in the EU:* Claire Kilpatrick, Professor of International and European Labour and Social Law, EUI

16:30- 16:45 Coffee break

16:45 – 18:30 The UNCRPD, relevant groups, organizations and partners

Chair: Alice Margaria, EUI Researcher and Member of the HRWG

- *Legal principles of the UNCRPD applicable to all actors:* Danai Angeli, EUI Researcher and Member of the Human Rights Working Group
- *The UNCRPD and the role of organisations of persons with disabilities:* Stefan Tromel, Executive Director of International Disability Alliance
- *Advocacy tools for equal realization of rights of all persons with disabilities:* Andrea Dabizzi, Organization for Security and Cooperation in Europe

18:30 – 18:45 Roundtable and Closing Comments

20:00 Dinner (for invited speakers and professors) Venue to be announced