

# **Background and Context**

## **IMNI Disability Forum**

**Maximising the involvement of people with disabilities in the realisation of the UNCRPD in Northern Ireland.**

**Final**

**1 July 2020**

# 1 Overview

- 1.1 The Equality Commission (ECNI) and the NI Human Rights Commission (NIHRC) have a specific role in promoting, protecting and monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) in Northern Ireland. Jointly working as the Independent Mechanism in Northern (IMNI) they undertake this role as part of the UK-wide Independent Mechanism (UKIM).
- 1.2 Reflecting the good practice set out within the UNCRPD Committee's General Comment No 7 and discussions with disabled people and their representative organisations, IMNI has established an IMNI Disability Forum.
- 1.3 The IMNI Disability Forum aims to provide a dedicated space to ensure disabled people and their representative organisations are at the core of IMNI's work in promoting, protecting and monitoring the implementation of the UNCRPD in Northern Ireland. It builds on the previous engagement and involvement of disabled people and their representative organisations in IMNI's UNCRPD-related work.
- 1.4 This document sets out the background and context regarding the involvement of disabled people in monitoring and implementing the UNCRPD, including that relevant to the establishment of the IMNI Disability Forum. A Terms of Reference for the IMNI Forum is contained in a separate document. Both this document and the Terms of Reference can be provided in alternative formats including braille, easy read, sign language and audio.
- 1.5 The IMNI Disability Forum is not a replacement for the direct involvement of disabled people in the work of Government to implement the UNCRPD and the rights contained within this Convention a reality across Northern Ireland. We continue to call for the creation of a regional disability forum by the Department for Communities (DfC), as was committed to in the 2016 Programme for Government.
- 1.6 We also call on Government to ensure the sufficient funding of Disabled Persons Organisations and disabled people, to enable

their full and effective involvement in the work of Government, including to implement the UNCRPD.

## **2 Involvement of Disabled People in Monitoring and Implementing the UNCRPD**

- 2.1 The UNCRPD, Article 33, requires States Parties to establish an independent mechanism to promote, protect and monitor implementation of the Convention.
- 2.2 The UK Government has appointed the NIHRC, ECNI, Equality and Human Rights Commission, Scottish Human Rights Commission as the UK-wide independent mechanism (UKIM).<sup>1</sup> Given the Northern Ireland-specific elements of a number of issues, ECNI and NIHRC also operate as the Northern Ireland-specific independent mechanism (IMNI).
- 2.3 Specific obligations are set out within the UNCRPD requiring involvement of disabled people and their representative organisations to ensure the UNCRPD is effectively implemented and monitored.

### ***Involvement in the work of Government***

- 2.4 Article 4(3) of UNCRPD requires that:

*“In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.”*
- 2.5 It requires the direct involvement of disabled people in the work of Government to implement the UNCRPD and the rights contained within this Convention a reality across Northern Ireland. In the

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<sup>1</sup> [Article 33.2](#) of the CRPD sets out “States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.”

current political structures, in Northern Ireland, this obligation rests with the Department for Communities (DfC).

### DfC Central Regional Disability Forum

- 2.6 The involvement of people with disabilities could be facilitated by the creation of a Central Regional Disability Forum, as provided for in the 2016 Programme for Government.
- 2.7 The creation of a DfC's 'Central Regional Disability Forum' should provide a mechanism at the heart of Government for disabled people and their representative organisations to be involved directly in the design, delivery and review of key Government actions with a view to better informing and improving the work of Government to advance and mainstream key disability issues, and to implement the UNCRPD in Northern Ireland.
- 2.8 To ensure disabled people's full and effective involvement in the DfC's Central Regional Disability Forum, we also call on Government to ensure sufficient funding to guarantee the effective participation of Disabled Persons Organisations and disabled people.

### ***Involvement in monitoring the implementation of the UNCRPD***

- 2.9 Article 33(3) of UNCRPD states that:
- “Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.”*
- 2.10 IMNI has continued to work with, and closely involve, people with disabilities, DPOs and representative organisations in the delivery of its UNCRPD monitoring remit, and more generally.
- 2.11 UNCRPD General Comment No. 7 (2018), (Para 38, Section D) elaborates that “States parties should ensure that independent monitoring frameworks allow for, facilitate and ensure the active involvement of organizations of persons with disabilities in such frameworks and processes, through formal mechanisms...”

### IMNI Disability Forum

- 2.12 To further enhance the effective involvement of disabled people IMNI has established the IMNI Disability Forum, aligned to the intent of General Comment No 7.

- 2.13 The IMNI Disability Forum will advise and assist IMNI to deliver its Article 33 independent monitoring role. The Forum will also inform wider engagement to support and challenge Government to give effect to the UNCRPD in Northern Ireland.
- 2.14 Taking account of the views of a range of stakeholders and available resources, the IMNI Disability Forum has been established on an invitation-based, non-remunerated model, which would cover reasonable expenses associated with general travel and reasonable adjustments.
- 2.15 The Forum will comprise approximately 10 members, each for a three-year term, with a limit of two consecutive terms. Membership will principally be drawn from Disabled People led Organisations and disability related NGOs who represent persons with disabilities and who have complementary expertise and experience. Membership from individual persons with a disability, or carers, can also be facilitated.
- 2.16 Full details are set out in the Terms of Reference.

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