**DEPARTMENT OF FOREIGN AFFAIRS AND TRADE**

**Fifteenth DFAT-NGO Forum on Human Rights**

***“The United Nations Human Rights Council: Ten Years On”***

**UN Special Rapporteur on the Rights of Persons with Disabilities**

**Catalina Devandas Aguilar**

It is an honour for me to participate in this DFAT-NGO forum on human rights. I congratulate the Irish Department of Foreign Affairs and Trade for this initiative to mark the 10th anniversary of the creation of the Human Rights Council and to invite us to reflect on its achievements as well as the challenges ahead.

To begin, I would like to highlight that this year we also celebrate the 10th anniversary of the adoption of the UN Convention on Rights of Persons with Disabilities – the first legally binding instrument which protects, in a comprehensive manner, the rights of persons with disabilities. In my capacity as Special Rapporteur on the rights of persons with disabilities, I will focus my presentation on how the Council has supported the advancement of this Convention, since the Council’s successes and shortcomings in promoting and protecting the rights of persons with disabilities are inextricably linked to its role of ensuring the implementation of the Convention.

In light of the above I will address the question: *what are the Human Rights Council’s achievements in relation to the rights of persons with disabilities in its first ten years of existence?*

As the world's leading UN human rights body, the Human Rights Council is mandated to keep abreast of all human rights issues around the globe. One of its constant priorities has been to ensure the inclusion of persons with disabilities in its regular work as well as in the debates of the various mechanisms under its auspices, including the special procedures.

Since its creation in 2006, the Human Rights Council has highlighted the need of mainstreaming the rights of persons with disabilities in all areas of its work. By resolution 7/9 of March 2008, it called its Advisory Committee and other mechanisms, as well as all the human rights treaty bodies, to integrate the rights of persons with disabilities into their work. It also urged all stakeholders to give consideration to the rights of persons with disabilities at all stages of the Universal Periodic Review.

In addition, at its 10th session the Council decided to start holding annual interactive debates on the rights of persons with disabilities and requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to present thematic reports on the issue under discussion. These reports have already covered important issues such as political participation, employment, education, independent living, situations of risk and humanitarian emergencies, among others. In addition, the Council has advanced in making its work accessible to and inclusive of persons with disabilities.

More recently, by resolution 26/20 of July 2014, the Council created the Special Procedure mandate that I represent here today, a new thematic mandate-holder to promote and monitor the rights of persons with disabilities. States and other stakeholders, including UN agencies, the private sector, donors and development agencies, have been call to fully cooperate with this new mandate.

But one could ask whether all these developments have actually impacted on the lives of persons with disabilities. I believe that the answer is yes; they have indeed had a positive impact.

In fact, the rights of persons with disabilities are increasingly considered in different types of resolutions by the Council and in the UPR recommendations to States. Similarly, most special procedures and treaty bodies pay attention to the multiple and grave human rights violations faced by persons with disabilities in all parts of the world. This is a remarkable achievement compared to some 15 years ago where there were only a handful of human rights bodies paying attention to our rights. Additionally, therecommendations to States are used by disability advocacy groups to promote changes at the national level with positive results.

Importantly, the Council and my mandate are platforms to enable the disability community to interact with the “mainstream human rights experts” and to participate in very complex human rights discussions, including on issues such as legal capacity, access to justice, arbitrary detention, involuntary treatment and torture, forced sterilization and sexual and reproductive rights. Due to the revolutionary nature of the CRPD, our participation in those debates does not comes without challenges or even some natural resistance. However, the Council has open the door to let us in, and hopefully it will soon be on an equal basis with others.

Since I took up my functions at the end of 2014, I have prioritized my work in 3 key areas to advance the rights of persons with disabilities:

* Poverty reduction and inclusive development, including the implementation of the SDGS;
* The promotion of active citizenship, in particular in relation to civil and political rights, and
* The promotion of change in social perceptions about persons with disabilities, and the need to embrace human diversity.

In 2015 I have conducted two country visits to the Republic of Moldova and to Paraguay, and this year I will visit Zambia and Morocco. These visits and in my daily work present an important opportunity to provide technical assistance to States and to translate the international debates into nationally applicable initiatives. The presence of a UN Human Rights expert in the field of disability raises the profile of our cause to a level that we couldn’t have dreamt of 10 years ago.

However, the success of the Council, the special procedures and other human rights bodies in promoting human rights in law and practice is highly dependent on the commitment of States. In fact, States bear the primary responsibility to ensure the effective enjoyment of all human rights by people with disabilities. This also entails that they allocate sufficient resources to fully support the work of special procedure mandate holders and to support national implementation efforts to follow-up on their recommendations.

Finally, let me highlight some of the challenges that lay ahead:

1. TheHow to review the workload of the Council, which has become unmanageable, without jeopardizing the quality of its work?
2. How to maintain the rights of persons with disabilities in the Council’s agenda? As the work in this area is just starting, strong and committed support are required.
3. How is the Council going to influence other international processes, such as the implementation and monitoring of the SDG’s? In my view, it is essential to ensure that a States will be guided by a human rights-based approach to development in the implementation of the SDGs.
4. How to increase civil society participation in the Human Rights Council, particularly that of organizations of persons with disabilities in the UPR?

The Human Rights Council is an intergovernmental body and, as such, it is political by nature. However, the Council is demonstrably making the rights of persons with disabilities visible within the system.