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# **The UN Convention on the Rights of Persons with Disabilities**

## **Research Paper for Senator John Dolan**

### **Abstract**

This paper looks at the UN Convention on the Rights of Persons with Disabilities and its ratification by Ireland.

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## Executive Summary

The United Nations Convention on the Rights of Persons with Disabilities<sup>1</sup> (UNCRPD) is an international convention which aims to protect and promote the rights of people with disabilities. The Convention elaborates and clarifies existing obligations to people with disabilities. It sets out the accepted global legal standards on disability rights in a single text. The rights set out in the Convention are rights that all people have as people regardless of physical or mental status.

Ireland signed the Convention in 2007 and intends to ratify it by the end of the year. Ratification is necessary because of Ireland's dualist legal system. The Department of Justice and Equality published a road map to ratification in October 2015. It shows the legal and administrative steps that must be completed before the Government will ratify the treaty.

Following ratification, Ireland will be obliged to report to the UN Committee on the Rights of Persons with Disabilities on how the Convention is being implemented. Ireland's implementation will also be monitored by the Irish Human Rights and Equality Commission. When Ireland ratifies the Optional Protocol to the UNCRPD then individuals will be able to lodge complaints with the UN Committee on the Rights of Persons with Disabilities where their rights are being violated.

While some progress has been made on the steps outlined in the road map there are still a number of laws that need to be enacted and commenced. The most important of these are:

- *Assisted Decision-Making (Capacity) Act 2015* (needs to be commenced);
- *Sexual Offence Bill 2015* (needs to be passed by the Dáil, enacted and commenced);

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<sup>1</sup> <http://www.un.org/disabilities/convention/conventionfull.shtml>

- Mental Health Bill 2016 (needs to be introduced, passed, enacted and commenced); and
- Equality/Disability (Miscellaneous Provisions) Bill (needs to be passed, enacted and commenced).

## What is UN Convention on the Rights of Persons with Disabilities?

The UNCRPD is made up of a preamble and 50 separate articles. It reaffirms universal human rights and fundamental freedoms, and emphasises the need for persons with disabilities to be guaranteed full enjoyment of those rights without prejudice or discrimination.

The Convention does not define ‘disability’, but says that it includes ‘long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder [a person’s] full and effective participation in society on an equal basis with others.

**Table 1: Preamble and Articles of the Convention**

<b>The UN Convention on the Rights of Persons with Disabilities</b>
Preamble
Article 1 - Purpose
Article 2 - Definitions
Article 3 - General principles
Article 4 - General obligations
Article 5 - Equality and non-discrimination
Article 6 - Women with disabilities
Article 7 - Children with disabilities
Article 8 - Awareness-raising
Article 9 - Accessibility
Article 10 - Right to life
Article 11 - Situations of risk and humanitarian emergencies
Article 12 - Equal recognition before the law
Article 13 - Access to justice

Article 14 - Liberty and security of the person  
Article 15 - Freedom from torture or cruel, inhuman or degrading treatment or punishment  
Article 16 - Freedom from exploitation, violence and abuse  
Article 17 - Protecting the integrity of the person  
Article 18 - Liberty of movement and nationality  
Article 19 - Living independently and being included in the community  
Article 20 - Personal mobility  
Article 21 - Freedom of expression and opinion, and access to information  
Article 22 - Respect for privacy  
Article 23 - Respect for and the family  
Article 24 - Education  
Article 25 - Health  
Article 26 - Habilitation and rehabilitation  
Article 27 - Work and employment  
Article 28 - Adequate standard of living and social protection  
Article 29 - Participation in political and public life  
Article 30 - Participation in cultural life, recreation, leisure and sport  
Article 31 - Statistics and data collection  
Article 32 - International cooperation  
Article 33 - National implementation and monitoring  
Article 34 - Committee on the Rights of Persons with Disabilities  
Article 35 - Reports by States Parties  
Article 36 - Consideration of reports  
Article 37 - Cooperation between States Parties and the Committee  
Article 38 - Relationship of the Committee with other bodies  
Article 39 - Report of the Committee  
Article 40 - Conference of States Parties  
Article 41 - Depositary  
Article 42 - Signature  
Article 43 - Consent to be bound  
Article 44 - Regional integration organizations  
Article 45 - Entry into force  
Article 46 - Reservations  
Article 47 - Amendments  
Article 48 - Denunciation  
Article 49 - Accessible format  
Article 50 - Authentic texts

Ireland signed the Convention in 2007 but has not ratified it to date. The Government has indicated that it wants to have the Convention ratified by the end of 2016.

Ratification of the UNCPRD Convention means that governments formally accept the obligations contained in the UNCPRD. An effect of ratification is that the Government has to take the principles set out in UNCPRD into account when developing new policies and programmes.

#### **What is ratification of a treaty?**

Ireland has a **dualist** legal system as established in Article 29 of Bunreacht na hÉireann.<sup>2</sup> This means that international treaties that are signed and ratified by Ireland do not automatically become part of the domestic law of the State. These treaties or conventions must be domestically incorporated, either by an Act (or Acts) of the Oireachtas, or an amendment to the Constitution in order to be enforceable and binding at the domestic level. In **monist** legal systems an international convention will take effect directly once ratified.

Finian McGrath, Minister of State with responsibility for Disabilities, stated<sup>3</sup> in the Seanad that:

‘When we ratify the Convention by the end of this year, we will be making a solemn commitment to the international community that our body of domestic legislation is fully in line with the convention and fully meets the standards required under the Convention.’

Ireland will also ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities<sup>4</sup> which will allow individual complaints against Ireland to be made to the Committee on the Rights of Persons with Disabilities (CRPD).<sup>5</sup>

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<sup>2</sup> <http://www.irishstatutebook.ie/eli/cons/en/html#part7>

<sup>3</sup> <https://www.kildarestreet.com/sendebates/?id=2016-06-22a.15&m=1393>

<sup>4</sup> <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/OptionalProtocolRightsPersonsWithDisabilities.aspx>

<sup>5</sup> <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>

## What is the roadmap towards ratification?

In October 2015 the Department of Justice and Equality published a road map<sup>6</sup> setting out actions to be taken prior to ratification. The Department of Justice stated that:

‘Before the State can ratify the Convention on the Rights of Persons with Disabilities, enactment of new legislation and amendment of existing legislation is required to ensure obligations will be met upon entry into force for Ireland.

This Roadmap sets out the legislative measures needed to meet those requirements, along with declarations and reservations to be entered by Ireland on ratification’.

Table 2 below is a condensed and updated version which shows actions taken to date and the actions which still need to be taken in order to cover all the issues set out in the road map.

**Table 2: Roadmap, action needed and action taken**

<b>Roadmap, action needed and action taken</b>
<p><b>Article 3 – General principles</b></p> <p>Article 3.a) Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;</p> <p>Actions needed:</p> <ul style="list-style-type: none"> <li>• Amendment of <i>Companies Act 2014</i> to remove reference to ‘unsound mind’ through Companies (Accounting) Bill 2016</li> <li>• Commence <i>Assisted Decision-Making (Capacity) Act 2015</i></li> </ul>
<p><b>Article 5 - Equality and non-discrimination</b></p> <p>Article 5.3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.</p> <p>Actions needed:</p>

<sup>6</sup><http://www.justice.ie/en/JELR/Roadmap%20to%20Ratification%20of%20CRPD.pdf/Files/Roadmap%20to%20Ratification%20of%20CRPD.pdf>

- Amendments will be made in the *Equality/Disability (Miscellaneous Provisions) Bill* for enactment in 2016.

### **Article 12 - Equal recognition before the law**

Article 12 1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.

Action needed:

- Commence *Assisted Decision-Making (Capacity) Act 2015*

Article 12 2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life

Action needed:

- Commence *Assisted Decision-Making (Capacity) Act 2015*
- Amend section 4 of the *Criminal Law (Insanity) Act 2006* in the Equality/Disability Miscellaneous Provisions Bill

Article 12.3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.

Action needed:

- Commence *Assisted Decision-Making (Capacity) Act 2015*

Article 12. 4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

Action needed:

- Commence *Assisted Decision-Making (Capacity) Act 2015*

Article 12.5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

Action needed:

- Commence *Assisted Decision-Making (Capacity) Act 2015*

### **Article 13 – Access to Justice**

Article 13. 1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

Actions needed:

- Amend Schedule 1, Part 1 of *Juries Act 1976* to provide for presumption of capacity and change definitions (will be part Disability/Equality Miscellaneous Bill 2016)
- Commence *Assisted Decision-Making (Capacity) Act 2015*

#### **Article 14 - Liberty and security of the person**

Article 14.1. States Parties shall ensure that persons with disabilities, on an equal basis with others:

- a) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.

Actions needed:

- Commence *Assisted Decision-Making (Capacity) Act 2015*
- Amend *Mental Health Act 2001* through a Mental Health Bill 2016
- Enact and commence Equality/Disability (Miscellaneous Provisions) Bill

#### **Article 15 - Freedom from torture or cruel, inhuman or degrading treatment or punishment**

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.

Actions needed:

- Action required on administration of ECT. Done through the commencement of, the *Mental Health (Amendment) Act 2015*

#### **Article 23 - Respect for home and the family**

Article 23.1 States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others

Action needed:

- The Sexual Offences Bill 2015 amends Article 5 of the *Criminal Law (Sexual*

*Offences) Act 1993*. The Bill has passed in the Seanad but not the Dáil to date.

### **Article 27 - Work and employment**

Article 27.1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

- a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
- b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;

Action planned:

- Ireland will put forward reservations to this article following legal advice

### **Article 29 - Participation in political and public life**

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

- a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected

Action needed:

- Amend *Juries Act 1976* to provide for presumption of capacity and change definitions. This will be done in the Equality/Disability (Miscellaneous Provisions) Bill
- Amend/repeal Section 41(i) of the *Electoral Act 1992* (in the Equality/Disability (Miscellaneous Provisions) Bill)
- Amend Section 42 of the *Electoral Act 1992* in the Equality/Disability (Miscellaneous Provisions) Bill)

b) Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

i. Participation in nongovernmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

ii. Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

Action needed:

- Amendment to section 188.4 (a) and (c) of the *Companies Act 2014* (reference to “unsound mind”) for presumption of capacity and change definitions. This will be done in the Companies Accounting Bill 2016.

### **Article 33 - National implementation and monitoring**

Article 33 1. States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or resignation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.

Action needed:

- Administrative arrangements already in place.

Article 33.2. 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.

Action needed:

- The Irish Human Rights and Equality Commission will be designated as the monitoring body in the Equality/Disability Miscellaneous Provisions Bill

Article 33.3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

Action needed:

- Government says that any legislative change needed will be in the Equality/Disability Miscellaneous Provisions Bill

## What will ratification mean?

### Reporting and examination

As well as a commitment to promote and protect the rights of the people with disabilities, ratification has a number of practical effects which will make Ireland more accountable for its treatment of people with disabilities. Ratification means that Ireland's progress in relation to disability rights will be examined periodically. Ireland will have to submit a report to the Committee on the Rights of Persons with Disabilities (CRPD). The CRPD is the body of independent experts which monitors implementation of the Convention by the States Parties.

All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially within two years of ratifying the Convention and thereafter every four years. The Committee examines each report and can make suggestions and general recommendations on the report which will be sent to the State Party concerned. It is expected that the State Party will act on the recommendations.

For example, Ireland's human rights record was examined by the UN Human Rights Council in May 2016.<sup>7</sup> Ireland was obliged to show how it had dealt with previous recommendations and what measures were being taken to progress human rights.

### Shadow reports

Rights organisations will often write a shadow report on Ireland's progress<sup>8</sup> which is presented to the relevant treaty monitoring body. NGOs, charities and advocacy groups will work together to set out how they see rights being implemented, promoted and fulfilled. Shadow reports may also set out a list of questions for the Government to answer and these may be taken on board by the treaty monitoring organisation.

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<sup>7</sup> See Ireland's official report [http://www.upr.ie/Website/UPR/uprweb.nsf/page/DOJL-A97JFV1512120-en/\\$file/National%20Report%20IE%20Cycle%202.pdf](http://www.upr.ie/Website/UPR/uprweb.nsf/page/DOJL-A97JFV1512120-en/$file/National%20Report%20IE%20Cycle%202.pdf)

<sup>8</sup> See the shadow report for the UPR [http://www.rightsnow.ie/assets/12/CA112F0B-5003-4355-994FBDD31DBB567F\\_document/DOC\\_1.pdf](http://www.rightsnow.ie/assets/12/CA112F0B-5003-4355-994FBDD31DBB567F_document/DOC_1.pdf) or the FLAC/IPRT shadow report to the ICCPR <http://www.flac.ie/publications/iccpr-shadow-report/>

## **Monitoring**

Article 33.2 of the Convention states that countries must establish a framework to promote, protect and monitor implementation of the Convention. The General Scheme of the Equality/Disability Miscellaneous Provisions Bill provides that the Irish Human Rights and Equality Commission (IHREC) will be designated as the independent monitoring body for the Convention. It has commissioned research on how Article 33 can best be implemented.<sup>9</sup>

Article 33.3 of the Convention states that civil society, in particular persons with disabilities and their representative organizations, must be involved and participate fully in the monitoring process. This means that people living with disabilities will have the chance to monitor how the Convention is being implemented in Ireland.

## **Complaints under the Optional Protocol**

The Government has stated that it plans to ratify the Optional Protocol<sup>10</sup> to the UNCRPD. This means that people will be able to make complaints to the Committee on the Rights of Persons with Disabilities (CRPD) where their rights under the UNCRPD are not being implemented. This is an important tool for people with disabilities and groups advocating on their behalf.

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<sup>9</sup> <http://www.ihrec.ie/publications/list/establishing-a-monitoring-framework-in-ireland-for-1/>

<sup>10</sup> <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/OptionalProtocolRightsPersonsWithDisabilities.aspx>

## What are the next steps?

### **Commencement of *Assisted Decision-Making (Capacity) Act 2015***

Since the publication of the Roadmap to Ratification, the *Assisted Decision-Making (Capacity) Act 2015* has been enacted, though it has not yet been commenced.<sup>11</sup> On June 28<sup>th</sup> 2016 the Minister for Justice and Equality gave the following answer about the commencement of the *Assisted Decision Making (Capacity) Act 2015*.<sup>12</sup>

She stated that:

‘The *Assisted Decision-Making (Capacity) Act 2015* was signed into law by the President on 30 December 2015 but has not yet been commenced. It was indicated during the debates on the Bill in the Oireachtas that commencement of the Act is planned for the latter half of 2016 and this remains the position. Deputies will appreciate that careful planning and groundwork, and not just funding, has to be put in to ensure that the commencement of the Act is correctly, appropriately and effectively handled. My officials are working carefully on this at present in consultation with the Department of Health and the Mental Health Commission.

A Steering Group on the Implementation of the Decision Support Service is now in place to oversee the establishment and commissioning of the Decision Support Service within the Mental Health Commission, including overseeing the recruitment of the Director of the Service and matters relating to the resourcing of the Service. The Steering Group comprises senior officials from the Department of Justice and Equality, the Department of Health and the Mental Health Commission and a key early deliverable for this group will be the transfer of personnel to the Mental Health Commission to further the startup project.

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<sup>11</sup> [http://www.irishstatutebook.ie/eli/isbc/2015\\_64.html](http://www.irishstatutebook.ie/eli/isbc/2015_64.html)

<sup>12</sup> <http://www.justice.ie/en/JELR/Pages/PQ-28-06-2016-49>

The commencement of Part 8 of the Act, which provides a legislative framework for advance healthcare directives, is a matter for the Minister for Health.’

### Outstanding legislative changes needed

The General Scheme of the Equality/Disability (Miscellaneous Provisions) Bill 2016<sup>13</sup> was published on 28<sup>th</sup> July 2016. The Joint Committee on Justice and Equality will examine the General Scheme in September 2016.

**Table 3: Summary of General Scheme of the Equality/Disability (Miscellaneous Provisions) Bill 2016**

Summary of General Scheme of the Equality/Disability (Miscellaneous Provisions) Bill 2016		
<b>Head 1</b>	Reasonable accommodation amendment to section 4 of the <i>Equal Status Act 2000</i>	<p>Amendment to section 4 of the <i>Equal Status Act 2000</i>. There are two different standards of reasonable accommodation in equality legislation.</p> <p>The standard in the Equal Status Acts is that the cost should not exceed a nominal cost to the provider of the service in question. The standard in the Employment Equality Acts is a higher one. An employer is obliged to take appropriate measures to accommodate a person who has a disability unless the measure would impose a disproportionate burden on the employer. This higher standard is set out in the EU Employment Equality Directive (Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation), which as EU law, takes precedence over the Constitution as</p>

<sup>13</sup> [http://www.justice.ie/en/JELR/General-Scheme-of-the-Equality-Disability-\(Miscellaneous-Provisions\)-Bill.pdf/Files/General-Scheme-of-the-Equality-Disability-\(Miscellaneous-Provisions\)-Bill.pdf](http://www.justice.ie/en/JELR/General-Scheme-of-the-Equality-Disability-(Miscellaneous-Provisions)-Bill.pdf/Files/General-Scheme-of-the-Equality-Disability-(Miscellaneous-Provisions)-Bill.pdf)

	<p>interpreted in the Article 26 referral above.</p> <p>This higher standard of disproportionate cost is the standard required under the UN CRPD.</p>
<p><b>Head 2</b> National mechanisms</p>	<p>Provide for designation of ‘mechanisms’ to form a national monitoring and implementation framework as required under Article 33 of the United Nations Convention on the Rights of Persons with Disabilities as follows:</p> <p>Designated focal point and coordination mechanism:</p> <p>The Department of Justice and Equality shall function as the designated focal point within government for matters relating to the implementation of the Convention.</p> <p>The focal point shall coordinate implementation of the Convention across Government Departments, with assistance and advice from the National Disability Authority.</p> <p>Promotion, protection and monitoring framework:</p> <p>Amend the <i>Irish Human Rights and Equality Commission Act 2014</i> (section 10(2)) to provide that it is a function of the Irish Human Rights and Equality Commission to act as the independent mechanism to promote, protect and monitor implementation of the Convention.</p> <p>Amend the IHREC Act also at section 18, to provide that, without prejudice to the generality of this section, the Commission shall appoint an advisory committee, the members of which shall all have lived experience of disability, to support it in the above role.</p> <p>Provide for the National Disability Authority to assist and cooperate with the</p>

		Commission by provision of data analysis and policy advice (amendment needed to National Disability Authority Act 1999, section 8 (Functions of Authority).
<b>Head 3</b>	Deprivation of liberty	To provide legislative clarity with regard to who has statutory responsibility for a decision that a patient in a nursing home or similar residential care facility should not leave for health and safety reasons. The text of the this Head is not available yet
<b>Head 4</b>	Amendment of <i>Electoral Acts</i>	Provide for the replacement of the prohibition in sections 41(i) and (42) of the Electoral Act 1992 on persons “of unsound mind” being elected to, or continuing to serve in the Dáil.
<b>Head 5</b>	Amendment of <i>Juries Act 1976</i>	Removes the following: A person who suffers or has suffered from mental illness or mental disability and on account of that condition either—  (a) is resident in a hospital or other similar institution, or  (b) regularly attends for treatment by a medical practitioner
<b>Head 6</b>	Amendment of section 4 of <i>Criminal Law (Insanity) Act 2006</i>	The Head proposes to provide that “indictable offence which is being or is to be tried summarily” in section 4(3)(a) of the 2006 Act includes an indictable offence that would, but for the issue of fitness to be tried having arisen, be tried summarily. This follows uncertainty in a number of court cases
<b>Head 7</b>	Miscellaneous statute law amendments	Replacing archaic language to reflect changes in Capacity Act
Other heads		
<b>Head 8</b>	Amendment of subsection 46 (3) of the <i>Disability Act 2005</i> .	The subsection concerned provides that Part 5 of the Act (which refers to quotas for public sector employment of people with disabilities) does not apply to the Defence Forces, the Garda Síochána or prison officers of a prisonIt is highly

		undesirable in policy terms that a group of civil servants that were formerly covered by the Disability Act should have been removed inadvertently from its scope, but that is what happened.
<b>Head 9</b>	Amend the <i>National Disability Authority Act 2005</i> to provide that its staff be civil servants of the State by inserting new text in section 27	Currently staff of the NDA are not Civil servants of the State
<b>Head 10</b>	Amendment of <i>Equal Status Acts 2000-2015</i>	Provide for the broadening of the definition of the existing ground of 'gender' to incorporate incorporates transgender and intersex as categories.
<b>Head 11</b>	Amendment of <i>Employment Equality Acts 1998 – 2015</i>	Provide for the broadening of the definition of the existing ground of 'gender' to incorporate incorporates transgender and intersex as categories.
<b>Head 12</b>	Amendment to section 72(2) of the <i>Employment Equality Act</i> (as amended by the <i>Equality Act 2004</i> ) to encompass potential employees (as well as employees, as at present), and potential employers, vocational training bodies, professional bodies and trade unions (as well as employers, as at present).	Requested by the Workplace Relations Commission
<b>Head 13</b>	Amendment of the <i>Taxes Consolidation Act 1997</i>	Reflects language in Assisted Decision-Making (Capacity) Act 2015.
<b>Head 14</b>	Amendment of the <i>Irish Human Rights and Equality Commission Act 2014</i>	To allow IHREC to appear as amicus curiae at the Court of Appeal (currently can in SC and HC)

The General Scheme as published does not give the wording for Heads 3 and 4 and it does not set out the text for the reservations and declarations that the Government intend to make to the Convention.

The roadmap identifies a Mental Health Bill 2016 which must also be enacted before the Convention can be ratified. Other miscellaneous changes must also be made for example through the Companies (Accounting) Bill 2016.<sup>14</sup>

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<sup>14</sup> <https://www.oireachtas.ie/documents/bills28/bills/2016/7916/b7916d-memo.pdf>