

23 July 2009

**RE: Capacity Legislation and Ratification on the Disability Convention**

Dear Deputy,

I am writing to you to express my concern at the delay in publication of the proposed capacity legislation and the related failure of the Government to ratify the Convention on the Rights of Persons with Disabilities.

The Convention on the Rights of Persons with Disabilities is the most recent human rights treaty. It does not create any new rights that Ireland is not yet already committed to in international law. Rather its purpose is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, including those with mental health problems.

The Government has stated that it will not ratify the Convention on the Rights of Persons with Disabilities until it has put new capacity legislation in place. The Department of Justice, Equality and Law Reform published a draft of the legislation in September 2008 and the Bill was due to be published in early 2009. This still has not happened. The Government's latest legislative programme has once again seen publication of the Bill put on the long finger.

The Government can no longer use this excuse to prevent persons with disability, including those with mental health problems, from accessing the increased protection of their rights that the Convention provides.

The Government must act now by publishing and enacting capacity legislation and immediately following this by ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol in order to display its commitment to equality and human rights for all people in Ireland.

I call on you personally to act on the issues raised in this letter and would appreciate a response to this representation,

Yours sincerely,