

Thank you,

It's a high honour to be with you today.

Eleanor Roosevelt once said that human rights have to become real in the 'small places' where people live – in their own lives, across the kitchen table and on the factory floor.

That's the way I like to think of international treaties – nice, elegant but ultimately in need of translation.

Making the glittering generalities of the UN CRPD relevant in our common European home is a challenge for all of us.

You know better than I that the EU has ratified the UN CRPD. In fact, Article 44 of that treaty was tailor-made to enable the EU to ratify. Other regional organizations have not ratified - mainly because they lack the technical or legal capacity to do so. However, that has not stopped them from stepping up to help their Member States implement the UN CRPD. Far from it.

Regional action is still uneven but it is growing exponentially. Just look at the impressive work of the UNESCWA informing change in the Arab region. The other regional bodies look to the natural leadership of the EU for inspiration and practical ideas. What you do has repercussions far beyond your borders. Don't underestimate the power of your ideas to enable change worldwide. What you do in Brussels matters and not just in Brussels.

You are privileged to possess something other regional bodies can only dream about – the power to latch your values and ideas onto the sinews of power. You have the capacity to translate generalities into concrete actions. You have the capacity to tailor your financial instruments so as to not do any damage and to hopefully advance your citizens' rights and life chances.

So, in a way the CRPD treaty is a test – can you go beyond headline law and policy and genuinely fine-tune your financial instruments to nudge the dial in favour of your own citizens. No wonder the world looks to you.

How then should we judge you?

We started drafting the treaty as if it would be just one more variation on a common theme of equality of opportunity. We quickly grew beyond that to encompass not just a nuanced theory of 'inclusive equality' as the UN CRPD Committee puts it, but also a commitment to personhood and human flourishing.

The basic idea that you have a right to live your life your way (Article 12) and that you have a right to flourish as a person in the community (Article 19).

Interestingly, the drafters did not mention the words institution or deinstitutionalization in the headline Article – Article 19.

To me, institutions – and I include group homes here – are already prohibited by Article 5 as an obvious form of unequal treatment or discrimination. This is exactly the reasoning of the US Supreme Court in its famous 1999 decision in *Olmstead*.

No, Article 19 was meant to express a much more positive philosophy of becoming and belonging – of being a person regardless of disability.

Notice, Article 19 does not afford one a choice to live in an institution (not at public expense). The choice embraced by Article 19.1 is a choice as to *how* to live in the community and not *whether* to do so.

Notice, that Article 19.2 is essentially about the personalization of services – the transformation of the service paradigm that is needed to give reality to the rhetoric. This is where a new social contract is needed – and is eminently possible. It entails devolving budgets to the person with support. It entails maximizing the trend toward e-platforms while guarding against some of the known risks. It entails opening up the market to new kinds of innovative market entrants. It maybe even entails re-thinking the philosophy and the language of ‘service’ to make sure it is alive to the subjectivity of the individual. Don’t banish this away to the arid edges of social policy – it is a core issue directly relevant to the right to live in the community.

You might say Article 19 is aimed at something most of us take for granted – home. Many of you here have heard me talk about this before.

Home is private – a sort of material ‘scaffolding of the self.’ In it, in the small objects we accumulate and surround our ‘selves’ with, we see our ‘selves.’ There is a holding of identity in home that you will never get in an institution or even a small group home. That is why we are often struck when we enter a room in a group home or institution with no outward visible signs of the personal biographies of the persons kept there.

And home is also public. It connects us to the outside world. That’s important because we are fundamentally social animals – how we connect with others is constitutive of who we are as persons.

Zoom out just a little bit more. Its obvious that institutions cannot offer or rival home. But its equally obvious that if your home is not your home – if you still live with your parents into your 30s or later – then you are not at home in the sense meant by Article 19. No doubt, de-institutionalization is the morally urgent tip of the iceberg. But the social challenge runs broader and deeper.

I have often said that the beauty of the EU is that you have the means and the resources to stimulate innovation. This is the promise of the ESIF – EU additionality at its best. And innovation is needed as we build up a new social contract based on human flourishing for all and home.

If there are human rights deficiencies in institutions including mini-institutions that's not because of EU funding. That is the responsibility of the Member State. You should not expend scarce EU taxpayers' money fixing problems the EU taxpayer did not create. A mixed convention requires the 'utmost and sincere co-ordination' between the centre and the periphery. To me that means applying the funds like a laser beam to create innovation and serviced homes in the community.

You all know the slogan 'build back better.' I believe it implies – strongly implies – that what we built in the past was not fit for purpose. No taxpayers' monies should go into replenishing an outdated model that never served any strategic purpose and that falls egregiously short of minimum human rights obligations. It's the additionality of innovation toward community living that you need to set your eyes on resolutely.

I know there will be some who argue – well, refurbishing institutions is at least a step in the right direction, or reducing size to say 8 inhabitants is a form of 'progressive achievement.' Anyone who knows how public funding streams work knows that this line of argument just cements into place outdated models for at least 1 or more generations. How many people have to be 'progressively respected before this becomes obvious. I don't mean to be flippant but I do believe a very hard line needs to be taken against this argument. You are simply not going to generate genuine EU additionality by funding even the refurbishment of institutions. Like I say, if Member States created that problem they have to sort it out. What you can do at EU level is to focus on the innovation side of the ledger.

For my part, as UN SR I intend producing a thematic report on the transformation of services needed to breath life into Article 19 in 2022. All the building blocks are there – we just need to bring them into alignment. This is part of building a brand new social contract – one that does not literally warehouse people. In the spirit of intersectionality, I would also apply this not just to persons with disabilities but to older persons too.

The UN is currently contemplating a ten year strategy toward community living. You can and should be a key part of it.

I hope that in 10 years time we will be able to point to the Resilience & Recovery Fund as something that played a major part in building a new social contract based on becoming and belonging. I hope that the EU has the *policy imagination* to put a red line underneath all forms of institutionalization and one that helps stimulate a new kind of service sector with human rights at its bedrock. This is not only what citizens with disabilities want – its' what your taxpayers deserve. It would be EU additionality at its best.

In its new disability strategy, the EU has pronounced the goal of assisting the world achieve the rights of persons with disabilities. This is an extremely laudable goal. I greatly welcome it. That's why the eyes of the world will be upon you. Getting your funding priorities and modalities right is a test of sorts. Get it right and you will not only have done right by your own citizens but also inspired the world. Get it wrong and others will just become cynical and we don't need any more cynicism in the world. I know there is sufficient goodwill for a fresh start. You certainly have the expertise. And I wish you the best in your deliberations.