

Economic, social and cultural rights

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Varieties of rights

- Civil and political rights,
 - traditional *civil liberties*
 - Familiar from ECHR
 - Absolute and immediate
- Economic, social and cultural rights
 - Positive obligations to provide
 - International Covenant on Economic, Social and Cultural Rights
 - Progressive realisation
- Questions of justiciability

CRPD Article 19

States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Article 19 rights?

- General comment
 - a) right to choose where and with whom to live = civil and political
 - b) right to individual support services = economic, social and cultural
 - c) equal right to services = economic, social and cultural
- Implications
 - a) cuts to the heart of the coercion debate. Deinstitutionalisation.
 - b) and c) as social rights confront a different dilemma.
 - Minimum core obligations.
 - Can be identified and specified
 - Do not need to be directly enforceable by the individual