

The United Nations Convention on the Rights of Persons with Disabilities

Introduction

The UN Convention on the Rights of Persons with Disabilities (UNCRPD) was adopted in December 2006.

For Motivation and many other organisations, the UNCRPD represents a milestone in the campaign to recognise and uphold the rights of persons with disabilities internationally.

Why a convention for disabled people?

The rights enumerated in the Universal Declaration of Human Rights, in a perfect world, would be enough to protect everyone. But in practice certain groups, such as women and children have fared far worse than other groups and international conventions are in place to protect and promote the human rights of these groups.



Similarly, the 650 million people in the world living with disabilities (about 10 per cent of the world's population) lack the opportunities of the mainstream population. They encounter a myriad of physical and social obstacles, which this convention hopes to help them overcome.

How will the new convention help?

Throughout history, disabled people have been viewed as individuals who require societal protection and evoke sympathy rather than respect.

This convention is a major step toward changing the perception of disability and ensures that societies recognise that all people must be provided with the opportunities to live life to their fullest potential, whatever that may be.

By ratifying a convention, and after the treaty comes into force, a country accepts its legal obligations under the treaty and will adopt implementing legislation.

What does the convention cover?

The purpose of the convention is to promote, protect and ensure the full and equal enjoyment of all human rights by persons with disabilities. It covers a number of key areas such as accessibility, personal mobility, health, education, employment, habilitation and rehabilitation, participation in political life, and equality and non-discrimination.

The convention marks a shift in thinking about disability from a social welfare concern, to a human rights issue, which acknowledges that societal barriers and prejudices are themselves disabling.

Will it create obligations for states?

Yes. States will be obligated to introduce measures that promote the rights disabled people without discrimination. These measures include anti-discrimination legislation, eliminate laws and practices that discriminate against disabled people and consider them when adopting new policies and programmes. Other measures include making services, goods, and facilities accessible to persons with disabilities.

Who is a disabled person?

The Convention notes that disability is an evolving concept and results from the interaction between a person's impairment and obstacles such as physical barriers and prevailing attitudes that prevent their participation in society. The more obstacles there are the more disabled a person becomes.

Persons with disabilities have long-term physical, mental, intellectual, or sensory impairments such as blindness, deafness, impaired mobility, and developmental impairments.

How will the convention be monitored?

A Committee on the Rights of Persons with Disabilities will monitor its implementation. Countries that ratify the Convention will need to report regularly on their progress to the Committee. An optional protocol allows citizens in those countries that choose to ratify the protocol the possibility of launching an individual complaint to the Committee if there are no more national options left.

However, human rights conventions do not contain any enforcement mechanism to compel States to comply with the principles of the convention, and the implementation of these conventions depends on the commitment of each country.

Does the convention create new rights?

No. The convention does not create any "new rights" or "entitlements". What the convention does, however, is express existing rights in a manner that addresses the needs and situation of persons with disabilities.

What is the difference between States that have signed the convention and States that have ratified it?

A convention becomes legally binding to a particular State when that State ratifies it. Signing does not make a convention binding, but it indicates support for the principles of the convention and the country's intention to ratify it.

Those states that have signed but not ratified the Convention will be reviewing and adjusting their own laws so that they are in line with the convention. This may take time and it is important that civil society continues to put pressure on them to ratify the convention.

UNCRPD – an overview

Article 1 Purpose	The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.
Article 4 General obligations	1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.
Article 6 Women with disabilities	1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.
Article 7 Children with disabilities	1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
Article 8 Awareness-raising	1. States Parties undertake to adopt immediate, effective and appropriate measures: (a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities; (b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities...
Article 9 Accessibility	1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.
Article 20 Personal mobility	States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by: (a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost; (b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost; (c) Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities; (d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.
Article 25 Health	States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability.
Article 27 Work and employment	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.

Useful Links

United Nations Enable Website : <http://www.un.org/disabilities/>

Practical Resources

From exclusion to equality: realizing the rights of persons with disabilities.

[Manual/Handbook]

BYRNES, Andrew et al, October 2007. This handbook aims to raise awareness about the UNCRPD, disseminate information and help stakeholders understand the key elements of the UNCRPD as they put the articles into practice.

<http://www.ipu.org/PDF/publications/disabilities-e.pdf>

Teaching kit: international convention on the rights of persons with disabilities [CD-ROM Training pack Website] HANDICAP INTERNATIONAL Eds, June 2007. This

'Teaching Kit' contains all the resources required UNCRPD <http://www.handicap-international.fr/en/our-approach-to-disability/une-convention-internationale/kit-pedagogique-sur-la-convent/index.html>