



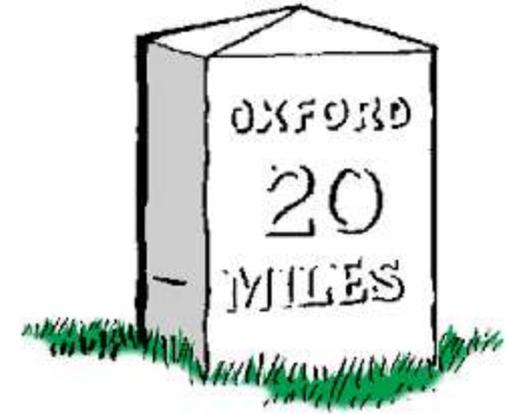
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**Introduction to Major Milestones in International
Disability Policy:
the UN Convention on the Rights of Persons with
Disabilities (UN-CRPD)**

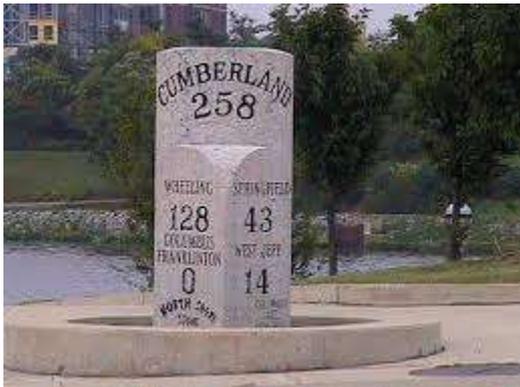
Dr. Manolis Koukourakis, UOC

DECIDE Project ESP training
Technische Universität Dresden, Germany
25 – 29 March 2019

milestone



- a significant stage or event in the development or history of something or in someone's life



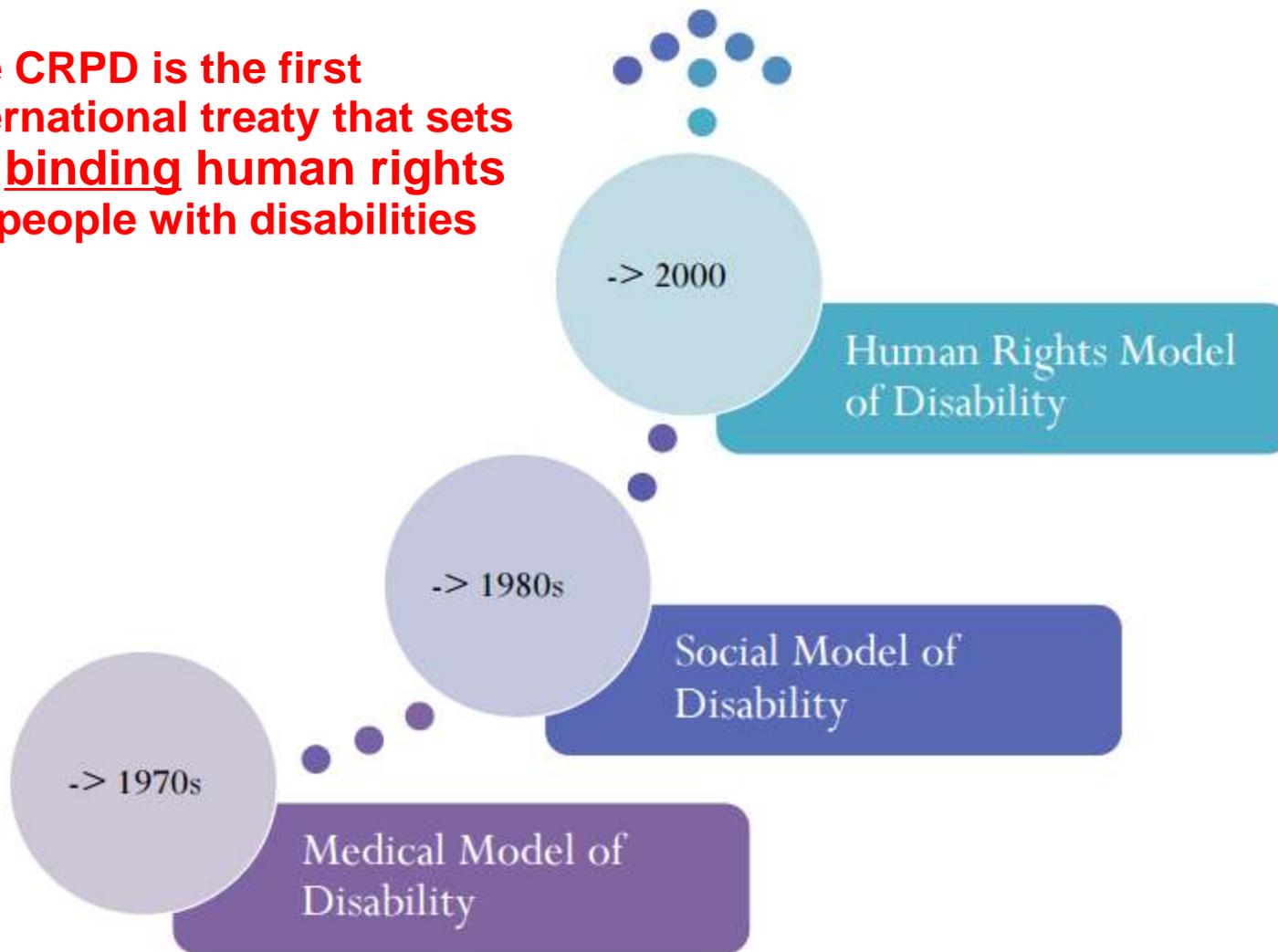


Disability **Milestones**

1948	UN - Universal Declaration of Human Rights
1990	USA - <i>Americans with Disabilities Act (ADA)</i>
1994	UN - <i>The Standard Rules on the Equalization of Opportunities for Persons with Disabilities</i>
2001	WHO - International Classification of Functioning, Disability and Health (ICF)
2006 (2008)	UN - Convention on the Rights of Persons with Disabilities
2010	<i>European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe</i>



The CRPD is the first international treaty that sets out binding human rights for people with disabilities



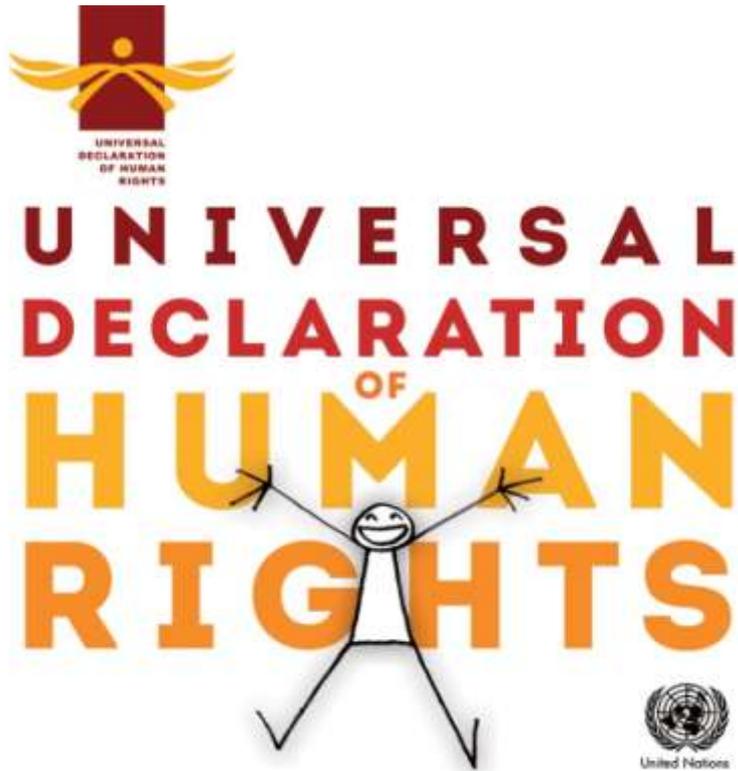
What Are Human Rights?

- Human rights are **rights inherent to all human beings**, regardless of race, sex, nationality, ethnicity, language, religion, or any other status.
- Human rights include the right to **life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education**, and many more.
- Everyone is entitled to these rights, without discrimination.

All human beings are born free and equal in dignity and rights.



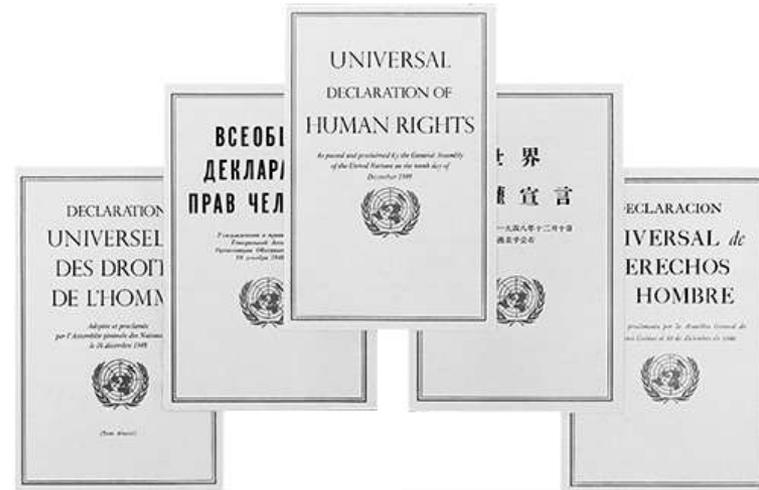
Universal Declaration of Human Rights



- The Universal Declaration of Human Rights (**UDHR**) is a milestone document in the history of human rights.
- Drafted by **representatives with different legal and cultural backgrounds from all regions of the world**, the Declaration was proclaimed by the United Nations General Assembly in Paris on **10 December 1948** ([General Assembly resolution 217 A](#)) as a **common standard of achievements for all peoples and all nations**.
- It sets out, for the first time, **fundamental human rights to be universally protected**.

Universal Declaration of Human Rights

- One of the most translated documents in the world:
- has been translated into hundreds of languages and dialects from Abkhaz to Zulu ([over 500 languages](#))
- the UDHR set a [world record](#) in 1999 for being the most translated document in the world.





UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

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The Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, it set out, for the first time, fundamental human rights to be universally protected.

The Declaration was adopted by the UN General Assembly in Paris on 10 December 1948 during its 183rd plenary meeting:

- Text: [resolution 217 A \(III\)](#)
- Voting information: [Meeting record](#) and [Voting record](#)

For more information about the history of the UDHR, see our [UDHR research guides and resources](#).



One of the most translated documents in the world

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Latest translations: Moba

UNIVERSAL
DECLARATION OF
HUMAN RIGHTS

*Adopted and proclaimed by the General Assembly
of the United Nations on the tenth day of
December 1948*



FINAL AUTHORIZED TEXT



Universal
Declaration
of Human
Rights



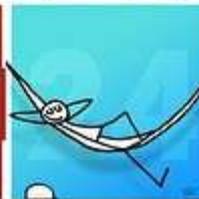
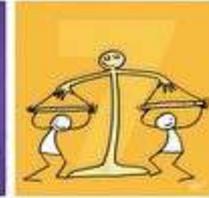
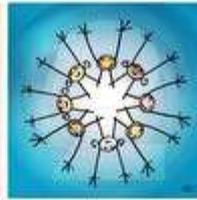
UN Universal Declaration of Human Rights

Adopted: December 10, 1948

1. We are all born free and equal
2. Everyone has rights despite differences
3. All have the right to live, and live in safety
4. No one may enslave you
5. No one may torture you
6. You have rights no matter where you travel
7. All are equal before the law
8. Human rights are protected by law
9. No one should be unfairly detained
10. All have a right to a fair trial
11. All accused are innocent until proven guilty
12. All have a right to privacy
13. All have the right to move freely
14. All may enjoy asylum from persecution
15. All have a right to nationality
16. All may marry and establish families
17. All may own property
18. All may think freely, including religion
19. All may freely express opinions
20. All may assemble peacefully
21. All may participate in governing
22. All have rights to dignity and social protections
23. All have free choices of employment
24. All have rights to rest and leisure
25. All have the right to an adequate standard of living
26. All have a right to education
27. All have rights to intellectual property
28. All have the right to a world that enables and protects rights
29. All rights have responsibilities and can only be limited when infringing on others' rights
30. No one can take away your human rights



UNIVERSAL DECLARATION OF HUMAN RIGHTS





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Human Rights

What Are Human Rights?

Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.

International Human Rights Law

[International human rights law](#) lays down the obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and

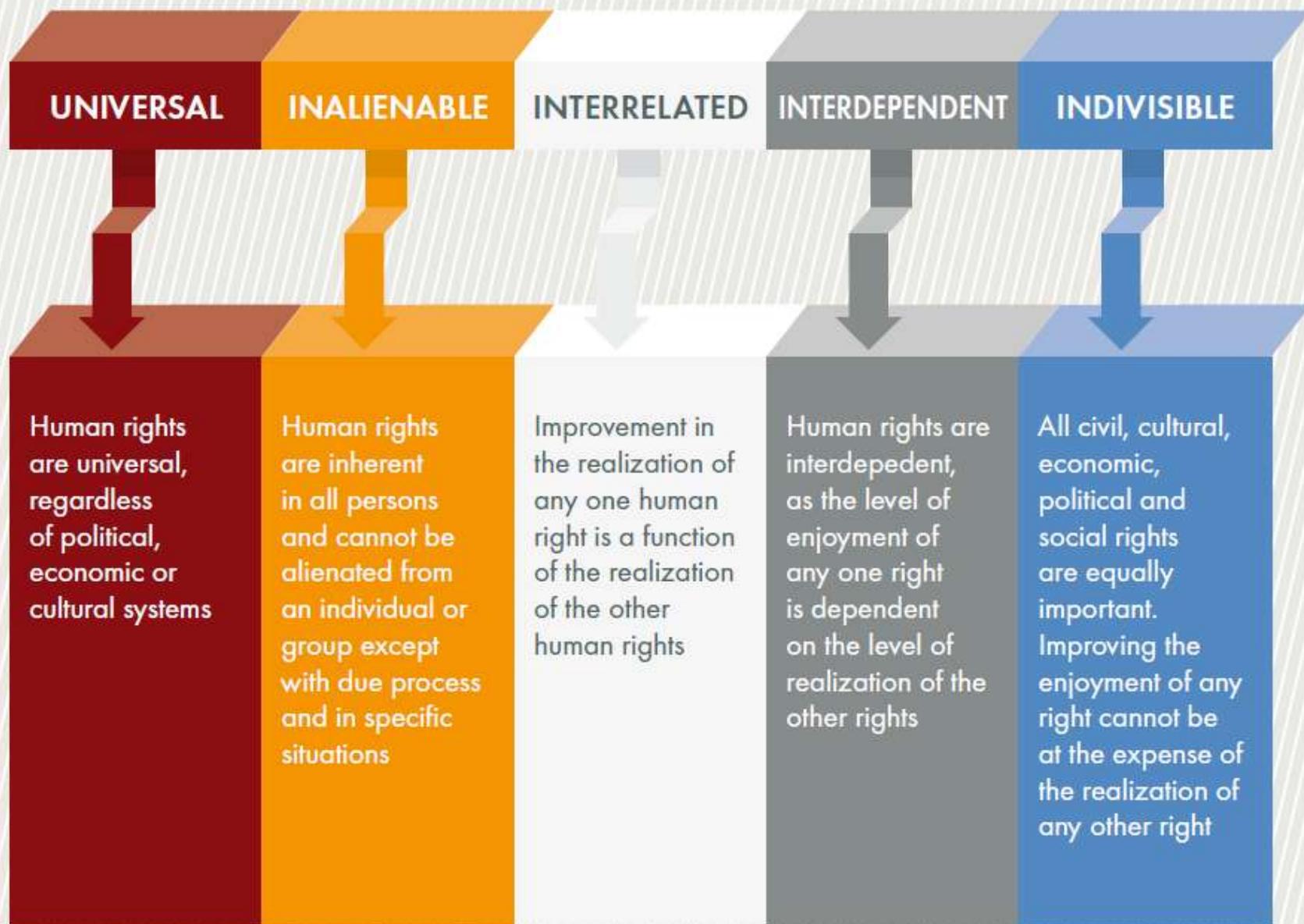


Universal Values

- The **core principles of human rights** first set out in the UDHR, such as **universality, interdependence and indivisibility, equality and non-discrimination**, and that human rights **simultaneously entail both rights and obligations** from **duty bearers** and **rights owners**, have been reiterated in numerous international human rights conventions, declarations, and resolutions.
- Today, **all United Nations member States have ratified at least one of the nine core international human rights treaties**, and 80 percent have ratified four or more, giving concrete expression to the universality of the UDHR and international human rights.

Fig. III

Human rights characteristics



How Does International Law Protect Human Rights?

- *International human rights law lays down **obligations which States are bound to respect**. By becoming parties to international treaties, States assume obligations and duties under international law **to respect, to protect and to fulfill human rights**.*
 - *The obligation to **respect** means that States must **refrain from interfering with or curtailing the enjoyment of human rights**.*
 - *The obligation to **protect** requires States to **protect individuals and groups against human rights abuses**.*
 - *The obligation to **fulfill** means that States must **take positive action to facilitate the enjoyment of basic human rights**.*

How Does International Law Protect Human Rights?

- *Through **ratification** of international human rights treaties, **Governments undertake to put into place domestic measures and legislation** compatible with their treaty obligations and duties.*
- ***The domestic legal system, therefore, provides the principal legal protection** of human rights guaranteed under international law.*
- *Where domestic legal proceedings fail to address human rights abuses, **mechanisms and procedures for individual and group complaints are available** at the regional and international levels to help ensure that international human rights standards are indeed respected, implemented, and enforced at the local level.*



CHART OF THE STATUS OF NATIONAL INSTITUTIONS

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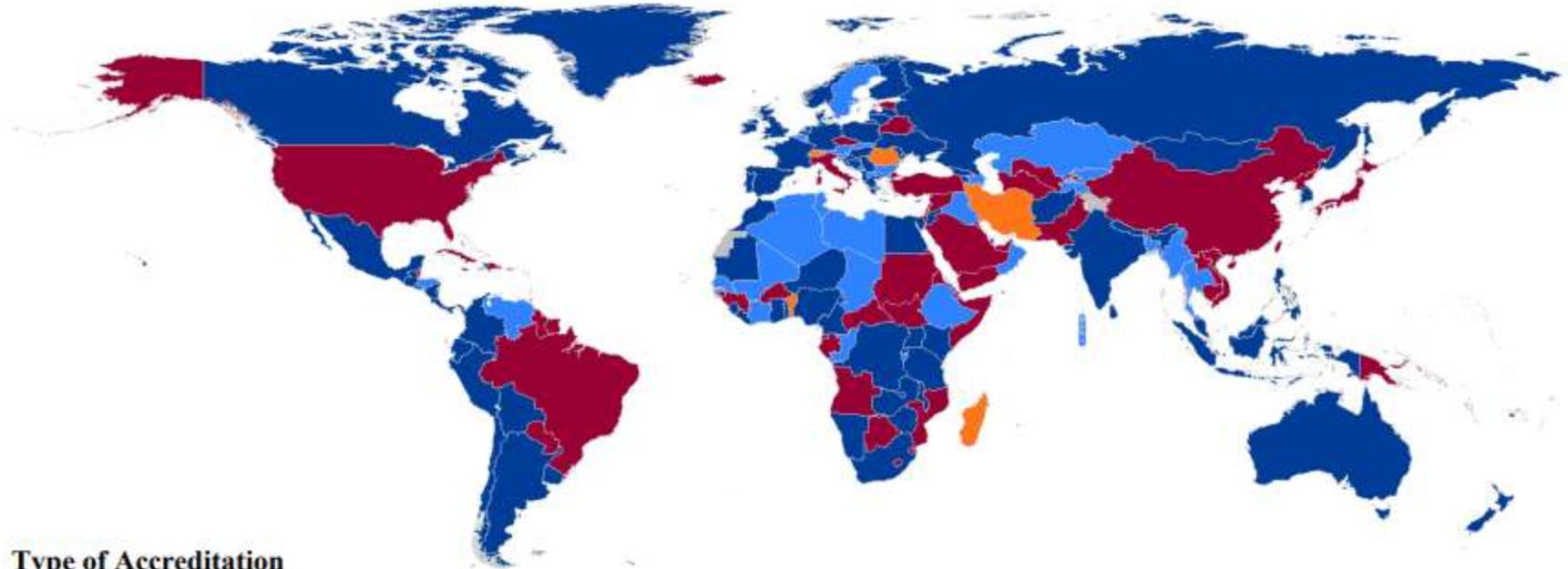
ACCREDITED BY THE GLOBAL ALLIANCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS

Accreditation status as of 26 December 2018

In accordance with the Paris Principles and the GANHRI Statute, the following classifications for accreditation are used by the GANHRI:

- A** Fully compliant with the Paris Principles;
- B** Partially compliant with the Paris Principles;
- C** Non-compliance with the Paris Principles.

*A(R): This category (accreditation with reserve) was granted where insufficient documentation was submitted to confer A status; is no longer in use by the GANHRI. It is maintained only for those NHRIs which were accredited with this status before April 2008.



Type of Accreditation

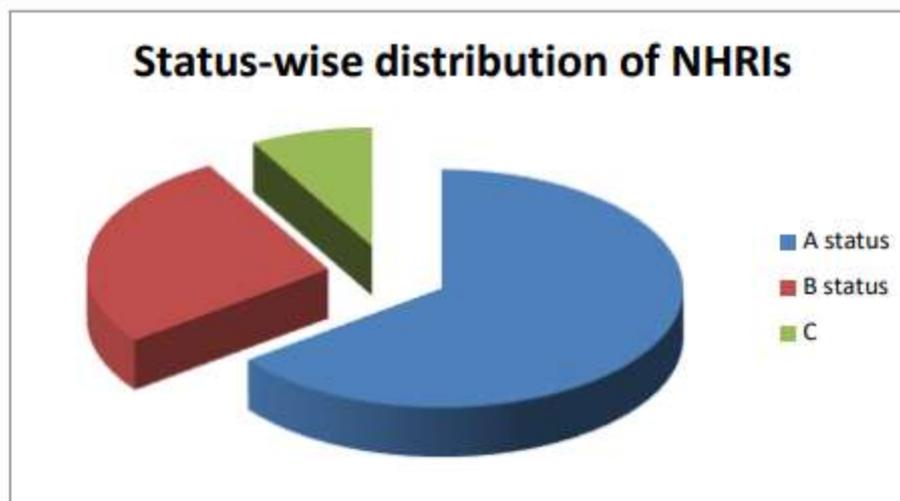
 A - Compliant with [Paris Principles](#)  B - Not fully compliant with the Paris Principles  C - No status  No application for accreditation

Definition and Metadata: <http://www.ohchr.org/Documents/Issues/HRIndicators/MetadataNHRIAccreditation.pdf>

Source : Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI), [Chart of the Status of National Institutions, December 2018](#)

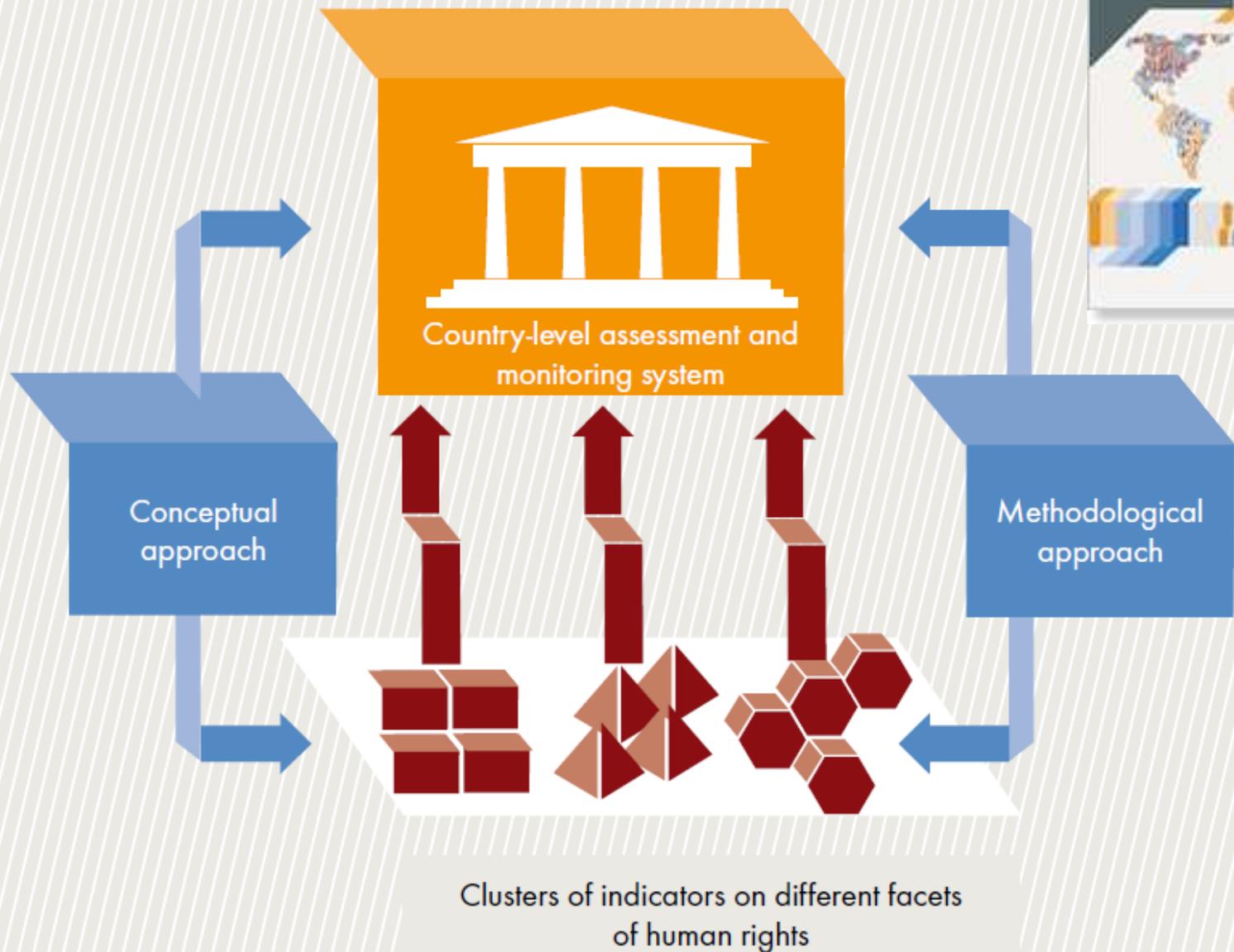
Summary

Classification	Number of reviewed institutions
A - status	79
B - status	33
C - no status	10
Total	122



	Central Asia		
1.	Kazakhstan: The Commissioner for Human Rights	B	March 2012
2.	Kyrgyzstan: The Ombudsman	B	March 2012
3.	Tajikistan: The Human Rights Ombudsman	B	March 2012

Fig. 1 Practical tools for measuring and implementing human rights



Measuring human rights to support sustainable development

six basic principles for a human rights-based approach to data collection and use:

- the **participation** of population groups, in particular the marginalized in the data collection process;
- the **disaggregation** of data to prevent discrimination based on sex, age, ethnicity, disability, sexual orientation or religion, which is prohibited by international human rights law;
- **self-identification**, without reinforcing further discrimination of these groups;
- **transparency** to guarantee the right to information;
- respecting the **privacy** of respondents and the confidentiality of their personal data; and
- **accountability** in data collection and use.



1990- THE AMERICANS WITH DISABILITIES ACT (ADA)

- a **general mandate** that **all facilities** used by the general public, whether public or private owners, must be “readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs”.
- **Failure** to meet this general requirement would be considered “**discrimination**” under the law and **building owners** could be subject to **discrimination lawsuits**.
- **alternative means of *equivalent facilitation***

The Standard Rules of the United Nations

- In 1993 the United Nations adopted a document called ***The Standard Rules on the Equalization of Opportunities for Persons with Disabilities***. The Standard Rules are **not compulsory, but they strongly encourage specific national mandates**, as they are adopted by individual states.



World Health Organization's

New Definition of Disability – ICF 2001

- The way disability is defined and understood has also changed in the last decade. Disability was once assumed as a way to characterize a particular set of largely stable limitations.
- Now the **World Health Organization (WHO)** has moved toward a new international classification system, the **International Classification of Functioning, Disability and Health (ICF 2001)**. It **emphasizes functional status over diagnoses**.
- The new system is not just about people with traditionally acknowledged disabilities diagnostically categorized but **about all people**.
- For the first time, the ICF also calls for the **elimination of distinctions, explicitly or implicitly, between health conditions that are 'mental' or 'physical.'**



**World Health
Organization**

<http://www.humancentereddesign.org/universal-design>

World Health Organization's New Definition of Disability – ICF 2001

- The new ICF focuses on analyzing the **relationship between capacity and performance**. If capacity is greater than performance then that gap should be addressed through **both removing barriers and identifying facilitators**.
- The WHO defines **disability as a contextual variable**, dynamic over time and in relation to circumstances. One is more or less disabled based on the interaction between the person and the individual, institutional and social environments. The ICF also acknowledges that the prevalence of disability corresponds to social and economic status.
- The new **WHO ICF specifically references Universal Design** as a central concept that can serve to identify facilitators that can benefit all people.
- The 2001 ICF provides a platform that supports Universal Design as an international priority for reducing the experience of disability and enhancing everyone's experience and performance.



**World Health
Organization**

http://www.who.int/classifications/icf/en/

updates

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Classifications

Family of International Classifications

Family of International Classifications network

Classification of Diseases (ICD)

Classification of Functioning, Disability and Health (ICF)

Classification of Health Interventions (CHI)

Frequently asked questions

International Classification of Functioning, Disability and Health (ICF)

The International Classification of Functioning, Disability and Health, known more commonly as ICF, is a classification of health and health-related domains. As the functioning and disability of an individual occurs in a context, ICF also includes a list of environmental factors.

ICF is the WHO framework for measuring health and disability at both individual and population levels. ICF was officially endorsed by all 191 WHO Member States in the Fifty-fourth World Health Assembly on 22 May 2001 (resolution [WHA 54.21](#)) as the international standard to describe and measure health and disability.



Online Resources

[Browse ICF Online](#)

Access WHODAS 2.0

A practical instrument designed to measure general levels of health and disability based on ICF.

ADDITIONAL RESOURCES

The provision of a link from the WHO website to other sites does not indicate endorsement of those sites by WHO, and WHO accepts no responsibility for the validity or accuracy of their content.

ICD Revision

[Revision News](#)

[Steering Group](#)

[Topic Advisory Groups](#)

[External Review of the ICD-11 Revision](#)

[ICD-11 Project Plan](#)
pdf, 245kb

[New: ICD-11 Newsletter - June 2016](#)
pdf, 343kb

WHO-FIC Network Meeting 2016

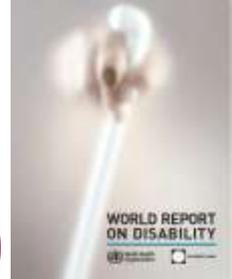
[2016 Network Meeting in Tokyo, Japan](#)

ICD-10 ONLINE

[Current Version](#)
[ICD-10 Online version](#)

World Health Organization

World Report on Disability (2011)



- About 15% of the world's population lives with some form of disability, of whom 2-4% experience significant difficulties in functioning.
- The global disability prevalence is higher than previous WHO estimates, which date from the 1970s and suggested a figure of around 10%.
- This global estimate for disability is on the rise due to **population ageing** and the **rapid spread of chronic diseases**, as well as improvements in the methodologies used to measure disability.



Home » Convention on the Rights of Persons with Disabilities (CRPD)

Convention on the Rights of Persons with Disabilities (CRPD)

Convention

- ▶ Ratifications/Accessions: 177
- ▶ Signatories*: 161

Optional Protocol

- ▶ Ratifications/Accessions: 92
- ▶ Signatories*: 92

(* Signatories include countries or regional integration organizations that have signed the Convention and its Optional Protocol)

- ▶ [10th Anniversary of the adoption of CRPD: 2006 to 2016](#)
- ▶ [Infographic on the CRPD and the COSP \(prepared October 2016: \(Word, PDF\)](#)
- ▶ [Status of Ratifications to the CRPD \(prepared May 2016\) \(JPG, PDF\) \(also available at the UN Enable Facebook page\)](#)
- ▶ [Support UNiversal ratification of the CRPD](#)
- ▶ [Full text of the Convention](#)
- ▶ [The Convention in Brief](#)
 - ▶ [Guiding Principles of the Convention](#)
 - ▶ [Entry into Force](#)
 - ▶ [Monitoring of Implementation](#)
 - ▶ [Powerpoint presentation](#)
- ▶ [Conference of States parties](#)
- ▶ [Committee on the Rights of Persons with Disabilities](#)
- ▶ [Ratifications and Signatures of the CRPD and Optional Protocol](#)
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- ▶ [Negotiation Archives](#)



THE CRPD

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[Committee on the Rights of Persons with Disabilities](#)

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[Status of Ratification Interactive Dashboard](#)

[Monitoring of Implementation](#)

[Civil Society](#)

[Convention in Brief](#)

[Timeline of Convention Events](#)

[Frequently Asked Questions on the Convention](#)

[Negotiation Archives](#)

9 core Human Rights Treaties

Acronym	Core Treaty	Date	Monitoring Body
<u>ICERD</u>	<u>International Convention on the Elimination of All Forms of Racial Discrimination</u>	21 Dec 1965	<u>CERD</u>
<u>ICCPR</u>	<u>International Covenant on Civil and Political Rights</u>	16 Dec 1966	<u>CCPR</u>
<u>ICESCR</u>	<u>International Covenant on Economic, Social and Cultural Rights</u>	16 Dec 1966	<u>CESCR</u>
<u>CEDAW</u>	<u>Convention on the Elimination of All Forms of Discrimination against Women</u>	18 Dec 1979	<u>CEDAW</u>
<u>CAT</u>	<u>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</u>	10 Dec 1984	<u>CAT</u>
<u>CRC</u>	<u>Convention on the Rights of the Child</u>	20 Nov 1989	<u>CRC</u>
<u>ICMW</u>	<u>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</u>	18 Dec 1990	<u>CMW</u>
<u>CPED</u>	<u>International Convention for the Protection of All Persons from Enforced Disappearance</u>	20 Dec 2006	<u>CED</u>
<u>CRPD</u>	<u>Convention on the Rights of Persons with Disabilities</u>	13 Dec 2006	<u>CRPD</u>

Convention on the Rights of Persons with Disabilities and its Optional Protocol

United Nations Secretariat for the Convention on the Rights
of Persons with Disabilities

www.un.org/disabilities

www.ohchr.org

<http://www.un.org/disabilities/documents/ppt/crpdbasics.ppt>

Outline

- Convention timeline
- What is the Convention?
- Paradigm shift
- Definition of disability
- General principles, articles and rights in the Convention
- International cooperation
- Accessibility of organizations and their activities
- Monitoring
- Implementation within the United Nations
- Special Rapporteur
- Conclusion

Convention Timeline

- **Adoption by the United Nations General Assembly - 13 December 2006**
- **Opened for signature - 30 March 2007**
- **Entry into force – 3 May 2008**
- **First Conference of States Parties – 31 October & 3 November 2008**
- **Second Conference of States Parties – 2 – 4 September 2009**
- **First session of the Committee on the Rights of Persons with Disabilities – 23-27 February 2008**

CRPD facts

- **The first major human rights treaty of this century**
- When it was opened for signature on 30 March 2007, there were 82 signatories to the Convention, **the highest number of signatories in history to a United Nations convention on its opening.**
- The Convention was negotiated during eight sessions of an Ad Hoc Committee of the General Assembly from 2002 to 2006, making it **the fastest negotiated human rights treaty.**

CRPD Key Issues

- Establishes international standards regarding the rights and freedoms of persons with disabilities;
- Clarifies human rights principles of inclusion, non-discrimination, accessibility and participation in the context of persons with disabilities;
- Provides an authoritative model for Governments to use in shaping national law and policies;
- Creates more effective mechanisms for monitoring the rights of persons with disabilities; and
- Prescribes national implementation and monitoring mechanisms.

Relationship to other disability texts

- The Convention builds upon, and works in synergy with previous international texts related to persons with disabilities:
 - **Standard Rules on the Equalization of Opportunities for Persons with Disabilities - 1994** (not a legally binding treaty)
 - **World Programme of Action on Disabled Persons - 1982** (not a legally binding treaty)

Why a Convention?

- A response to **an overlooked development challenge**: approximately **10% of the world's population** are persons with disabilities (over 650 million persons). Approximately **80% of whom live in developing countries**
- A response to the fact that although **pre-existing human rights conventions** offer considerable potential to promote and protect the rights of persons with disabilities, this potential was **not being tapped**. Persons with disabilities continued being denied their human rights and were kept on the margins of society in all parts of the world.
- **The Convention sets out the legal obligations on States to promote and protect the rights of persons with disabilities. It does not create new rights.**

Why a Convention?

The day to day life of **around 25 per cent of the world's population is affected by disability.**

Poverty: 80 per cent of the world's persons with disabilities live in low-income countries – the majority are poor and cannot access basic services. Only 2 per cent of children with disability in the developing world receive any education or rehabilitation.

Intellectual and psychosocial disabilities:– more than 40 per cent of countries have no policy in this regard and over 30 per cent have no mental health programme.

Why a Convention?

The day to day life of **around 25 per cent of the world's population is affected by disability.**

In employment: For example, **17 per cent of Europe's general population** and about **15 per cent of the working population** suffer from a disability or chronic illness.

People with disabilities are reported to have **twice the rate for non-participation in the labour market** as compared to persons without disabilities.

The **unemployment rate** for persons with a severe disability is about **three times the level** for persons without disabilities.

Workers with disability typically receive a **lower wage** than others and **segregation begins at an early stage** with children being placed in parallel education networks.

Purpose of Convention (Article 1)

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

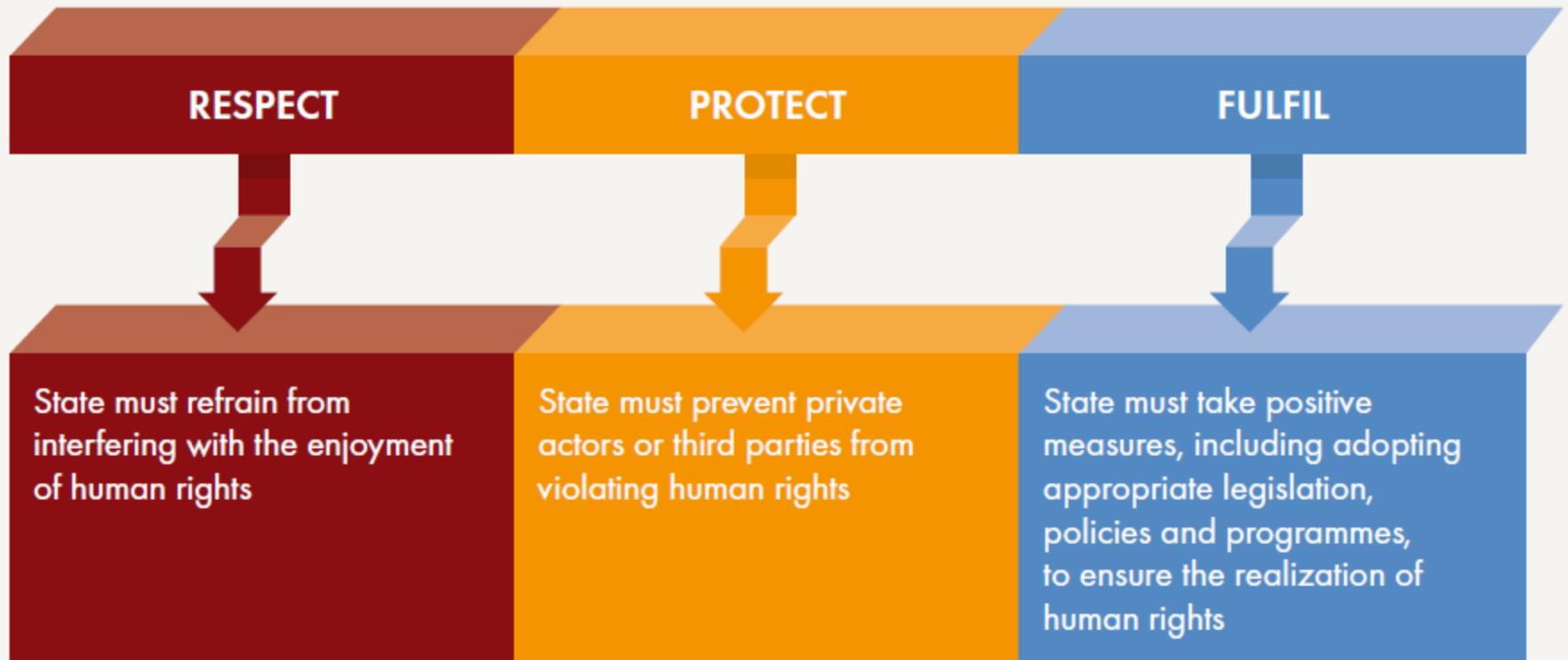


Promote, protect and ensure

- 1) Article 4 sets out a **long list of obligations on States Parties**. Further, each provision in the CRPD sets out the **various actions** that States Parties must take to promote and protect each specific right.

- 2) Human rights experts and, increasingly States, are relying on the typology of human rights obligations to **respect, protect and fulfil**:
 - **Respect** – the State must refrain from taking certain acts that would violate human rights
 - **Protect** – the State must ensure that third parties respect human rights (eg the private sector)
 - **Fulfil** – the State must take a range of legislative, financial, political, social, budgetary, educational and other measures to improve enjoyment of human rights.

Box 2 Scope of State human rights obligations



Promote, protect and ensure

- 3) Under the Convention, the obligations in article 4 can be grouped accordingly:
 - **Respect** – States Parties must: refrain from engaging in any act or practice that is inconsistent with the Convention; modify or abolish existing discriminatory laws, customs and practices; closely consult with and actively involve persons with disabilities in the development and implementation of legislation and policies to implement the Convention.
 - **Protect** – States Parties must take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
 - **Fulfil**– Many of the specific obligations on States fall within this category. For example, States must adopt legislative, administrative, policy, programmatic and other measures to implement the rights of persons with disabilities; undertake or promote research and development into relevant goods and services, provide accessible information to persons with disabilities on relevant technology and other assistance, services and facilities; promote training of professionals and staff working with persons with disabilities.

What is unique about the Convention?

- *Both* a development and a human rights instrument
- A policy instrument which is cross-disability and cross-sectoral
- Legally binding

What is unique about the Convention?

- The Convention is intended as a **human rights instrument with an explicit, social development dimension**.
- It adopts a **broad categorization of persons with disabilities** and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms.
- It **clarifies and qualifies how all categories of rights apply to persons with disabilities** and
- identifies **areas where adaptations have to be made** for persons with disabilities to effectively exercise their rights and **areas where their rights have been violated**, and where protection of rights must be reinforced.

A Paradigm Shift

- The Convention marks a **‘paradigm shift’ in attitudes and approaches** to persons with disabilities.
- Persons with disabilities are not viewed as "objects" of charity, medical treatment and social protection; rather as "subjects" with rights, who are capable of claiming those rights and making decisions for their lives based on their free and informed consent as well as being active members of society.
- The Convention gives universal recognition to the dignity of persons with disabilities.

A Paradigm Shift

Move from an approach where persons with disabilities were considered objects of charity, social protection and medical treatment to subjects of human rights, able to make decisions about life and the future and claim rights on their own behalf

- persons with disabilities no longer an **object to be fixed through medical treatment** but a subject of rights with choices as to how he or she wants to live and what treatments, if any, he or she wishes to use
- persons with disabilities no longer **objects of charity of social welfare** – a burden on society – but active members of society with something to contribute to society
- persons with disabilities **should have avenues to defend rights** (complaints mechanisms, rights advocacy etc) and to change society so that society becomes more abling.

What is Disability?

- The Convention does *not* explicitly define disability
- Preamble of Convention states:
 - 'Disability is an **evolving** concept, results from the **interaction** between **persons** with impairments and **attitudinal** and **environmental barriers** that hinders full and effective participation in society on an equal basis with others'
- Article 1 of the Convention states:
 - 'Persons with disabilities **include** those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others'.

What is Disability?

- 1) Relevant issues:
 - This is **not a strict definition** – eg it is placed in the article on “purpose” rather than under article 2 on “definitions”.
 - It is **non-exhaustive** – therefore persons with disabilities “**include**” – it is a bare minimum
 - This means that national legislation could include a wider definition eg:
 - Including short-term conditions
 - Including specific reference to psychosocial disabilities etc
- 2) **The focus of the Convention is on “discrimination” in any case**
- –therefore a mother without disabilities that suffers discrimination on the basis of her child with disabilities (eg dismissal from work because the employer assumes the mother will take time off to care for her child) will be protected under the Convention.

What is Disability?

- *Disability results from an **interaction** between a non-inclusive society and individuals:*
 - Person using a wheelchair might have difficulties gaining employment not because of the wheelchair, but because there are environmental barriers such as inaccessible buses or staircases which impede access
 - Person with extreme near-sightedness who does not have access to corrective lenses may not be able to perform daily tasks. This same person with prescription eyeglasses would be able to perform all tasks without problems.

Convention Terminology

- YES:
 - ‘persons with disabilities’

- NO:
 - ‘handicapped’
 - ‘physically or mentally challenged’

- Note: Preferences for terminology among persons with disabilities and among geographic regions may vary. **The individual wishes of persons with disabilities should be respected as much as possible.**

Eight General Principles (Article 3)

- Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons
- Non-discrimination
- Full and effective participation and inclusion in society
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
- Equality of opportunity
- Accessibility
- Equality between men and women
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities

General Principles:

Participation and Inclusion

- Participation is important to correctly identify specific needs, and to empower the individual
- Full and effective participation and inclusion in society is recognized in the Convention as:
 - A general **principle** (article 3)
 - A general **obligation** (article 4)
 - A **right** (articles 29 and 30)

General Principles:

Participation and Inclusion

- 1) Participation and inclusion are included under the **general principles** (article 3)
- 2) Participation and inclusion are also included under **several provisions**:
 - The right to take part in the **conduct of public affairs** (article 29)
 - The right to take part in **cultural life** (article 30)
 - Inclusion is referred to in **several articles**, eg right to **education** (article 24), right to **live in the community** (article 19), **habilitation and rehabilitation** (article 26).

General Principles:

Participation and Inclusion

- 3) **Participation and inclusion are crucial elements in adopting rights-based approaches to development.** Participation and inclusion are **not only ends in themselves**, they are important to the process of **decision-making** as it concerns development or any other planning. Through participation and inclusion:
 - The **needs** and concerns of persons with disabilities **become clearer**
 - Persons with disabilities have the opportunity to **raise issues and hold decision-makers accountable**
 - Through inclusion, persons with disabilities become **more visible** and persons without disabilities have the **opportunity to learn and change** from the experience of persons with disabilities – and vice-versa.

General Principles:

Non-discrimination

- Fundamental principle of international human rights law
- Includes **direct** and **indirect** discrimination
- ***reasonable accommodation*** must be made for persons with disabilities
- ***reasonable accommodation***: ‘necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms’

General Principles:

Non-discrimination

- 1) **The principle of non-discrimination is probably the fundamental principal of human rights law and the focus of several other human rights treaties** (CERD - International Convention on the Elimination of All Forms of Racial Discrimination; CEDAW-Convention on the Elimination of All Forms of Discrimination Against Women).
- 2) The focus of the Convention is essentially the **protection against discrimination** – in this way, the Convention does not include any new rights but identifies the specific actions that States must take to protect against discrimination on the basis of disability.
- 3) Human rights law protects against:
 - **Direct** discrimination – Human rights law protects against discrimination in law (for example, in legislation) or in fact (for example, refusal to admit a child with disability into a school on the basis of the disability).
 - **Indirect** discrimination – Human rights law protects against measures that appear not to make any distinctions but in reality, when applied to two people in different circumstances (eg a person with disabilities and a person without disabilities), discrimination occurs.

“reasonable accommodation”

- 4) The CRPD requires States to ensure “reasonable accommodation” of the rights of persons with disabilities – so long as it is not an undue or unreasonable burden or cost, accommodations must be made to ensure that PWD may enjoy their rights on an equal basis with others.
- Take for example, someone who receives a physical disability during a term of employment – the employer cannot terminate her employment but rather must ensure ramp access, assistive technologies and so on, in order to accommodate her continuing employment. If the accommodations are particularly expensive in light of the situation of the employer (eg it is a small business, the business is on the sixth floor of a building without a lift), the accommodation will not be necessary ie the lack of accommodation will not be discriminatory.

General Principles:

Accessibility

- Important as a means to **empowerment** and **inclusion**
- Both a **general principle** and a **stand-alone article** (article 9)
- Access must be ensured to:
 - Justice (article 13)
 - Living independently and being included in the community (article 19)
 - Information and communication services (article 21)
 - Education (article 24)
 - Health (article 25)
 - Habilitation and rehabilitation (article 26)
 - Work and employment (article 27) - human resource policies and practices
 - Adequate standard of living and social protection (article 28)
 - Participation in political and social life (article 29)
 - Participation in cultural life, recreation, leisure and sport (article 30)

General Principles: Accessibility

- 1) Accessibility is essential to enable persons with disabilities to live independently and participate fully in life – it is therefore an end in itself as well as a means to enjoy other rights.
- 2) Accessibility is relevant to a wide range of issues:
 - **Physical accessibility** – buildings, transport, etc. – a ramp might make the world of difference – access to schools, access to courts, access to hospitals, access to the workplace are essential to the enjoyment of human rights
 - **Information and communication accessibility** – e-accessibility is very important given the importance of the internet to access information, but also accessibility to documentation (Braille) or to aural information (sign language)
- 3) Thinking of accessibility in the design of buildings, web-sites etc might not incur added cost, yet re-fitting can be expensive.

Convention Structure

Preamble

1. Purpose

2. Definitions

3. General principles

4. General obligations

5. Equality and non-discrimination

6. Women with disabilities

7. Children with disabilities

8. Awareness-raising

9. Accessibility

10. Right to life

11. Situations of risk and humanitarian emergencies

12. Equal recognition before the law

13. Access to justice

14. Liberty and security of the person

15. Freedom from torture or cruel, inhuman or degrading treatment or punishment

16. Freedom from exploitation, violence and abuse

17. Protecting the integrity of the person

18. Liberty of movement and nationality

19. Living independently and being included in the community

Convention Structure

- 20. Personal mobility
 - 21. Freedom of expression and opinion, and access to information
 - 22. Respect for privacy
 - 23. Respect for home and the family
 - 24. Education
 - 25. Health
 - 26. Habilitation and rehabilitation
 - 27. Work and employment
 - 28. Adequate standard of living and social protection
 - 29. Participation in political and public life
 - 30. Participation in cultural life, recreation, leisure and sport
 - 31. Statistics and data collection
 - 32. International cooperation
 - 33. National implementation and monitoring
 - 34 to 40. International monitoring mechanism
 - 41 to 50. Final clauses
- Optional protocol

Rights in the Convention

- Equality before the law without discrimination (article 5)
- Right to life, liberty and security of the person (articles 10 & 14)
- Equal recognition before the law and legal capacity (article 12)
- Freedom from torture (article 15)
- Freedom from exploitation, violence and abuse (article 16)
- Right to respect physical and mental integrity (article 17)
- Freedom of movement and nationality (article 18)
- Right to live in the community (article 19)
- Freedom of expression and opinion (article 21)
- Respect for privacy (article 22)
- Respect for home and the family (article 23)
- Right to education (article 24)
- Right to health (article 25)
- Right to work (article 27)
- Right to adequate standard of living (article 28)
- Right to participate in political and public life (article 29)
- Right to participation in cultural life (article 30)

International Cooperation

(Article 32)

- International cooperation, including international development programmes should be inclusive of, and accessible to, persons with disabilities
- Focus is on mainstreaming disability into all development activities, though disability specific measures may be necessary to 'accelerate or achieve de facto equality of persons with disabilities'. (Article 5)
- Millennium Development Goals will not be achieved if persons with disabilities are not included

-
- 1) **holistic approach: non-discrimination, human rights and social development.**
 - 2) **CRPD relates to social development in three principal ways:**
 - There is a need for more social development programming that relates specifically to strengthening the rights of persons with disabilities – eg community based rehabilitation programmes.
 - There is a need to mainstream the rights of persons with disabilities into general social development programmes – eg ensuring that a water and sanitation programme not only builds sanitation facilities but also makes them accessible for persons with disabilities.
 - Similarly, there is a need to ensure that disability and development is mainstreamed into human rights programming – eg a monitoring mission of the conditions of prisons should automatically include consideration of the situation of prisoners with disability and whether reasonable accommodation is provided to ensure their rights.

Protecting and Promoting Human Rights with Limited Resources

- International human rights law recognizes the limitations on resources
- Limitations on resources is not an excuse to delay implementation
- Limited resources have to be prioritized according to reasonable and objective criteria and funding must be proportional
- Strategies for effective use of limited resources:
 - Target low-cost programmes
 - Target people in the most marginalized situations
 - Be non-discriminatory
 - Draw on international cooperation
 - Include persons with disabilities in all stages

Mainstreaming Disability in Existing Processes

- Article 4.1.(c): ‘States Parties undertake to take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes’
- Mainstreaming of disability issues according to the Convention in:
 - Work of existing human rights treaty bodies
 - Human Rights Council
 - Millennium Development Goals (MDG) - national and international strategies
 - Common Country Assessment (CCA)/United Nations Development Assistance Framework (UNDAF)
 - Poverty Reduction Strategy Papers (PRSP)
 - The development activities of international donors and NGOs
 - Census data
 - Sectoral and cross-sectoral policies
 - Programmes and policies for women (article 6) and children (article 7)
 - and others...

No-gap Policy

- No entity can achieve the goal of equality for persons with disabilities on its own.
- An interconnected network of actors is required to reach this goal.
- Example: In order for a person with disabilities using a wheelchair to access decent work, the person needs to be able:
 - to physically move in and out of his or her home
 - to access the public space and transportation
 - to access the work facilities (both the built environment and its information and communications systems)
- Different entities need to ensure that their respective spheres of responsibility provide the necessary opportunities and access to persons with disabilities, on an equal basis with others.
- If any one element of the network fails in this obligation, persons are not able to reap the benefit from the other elements.

How accessible are the activities of my organization?

- Every aspect of an organization's activities must be analyzed to ensure accessibility and inclusion. A few examples:
 - Do we require our partners/grantees to have policies and practices in place to ensure inclusion of persons with disabilities?
 - Do we collect data on the number of persons with disabilities which benefit from our development activities?
 - Do we design our development projects and programmes to ensure that persons with disabilities can participate and benefit?
 - And many others...

How accessible is my organization?

- A thorough analysis of every aspect of an organization must be necessary to ensure accessibility and inclusion. Just a few examples:
 - **Are our human resource policies and practices accessible?**
 - Do we have policies ensuring that the recruitment process is accessible to persons with different disabilities?
 - Do we have policies and resources which ensure that provision of *reasonable accommodation*, allowing persons with disabilities to work in our organization?
 - **Are our information and communication systems accessible?**
 - Is our website accessible?
 - Is sign language interpretation available?
 - Are documents available in Braille?
 - **Are our physical facilities accessible?**
 - Are our buildings, office spaces, facilities accessible?

Convention Bodies

■ **Conference of States Parties**

- meets in order to consider any matter with regard to the implementation of the Convention (biennially or upon decision by the Conference)

■ **Committee on the Rights of Persons with Disabilities**

- a body of independent experts serving in their personal capacity
- tasked with reviewing States' implementation of the Convention.
- initially comprises 12 independent experts; rises to 18 members after an additional 60 ratifications or accessions to the Convention.

Optional Protocol

- Creates additional functions for the Committee on the Rights of Persons with Disabilities:
 - **Individual communications:** Committee considers communications from individuals or group of individuals claiming to be victims of a violation of the provisions of the Convention by a State Party of the party to the Protocol
 - **Inquiries:** Committee member may conduct an inquiry on a State Party, following information received indicating grave or systemic violations of the Convention by State Party

Optional Protocol

- 1) The Optional Protocol is a **separate instrument requiring separate signature and ratification.**
- 2) States Parties to the Optional Protocol recognize the authority of the Committee on the Rights of Persons with Disabilities to receive individual complaints alleging violations of any of the provisions of the CRPD. This is known as a quasi-judicial procedure – it is **not a court, nor is the decision legally-binding, however it is adversarial and there is a publicly available decision.**

Optional Protocol

- 1) States Parties to the Optional Protocol may further accept the authority of the Committee to undertake investigations – including country visits – in the case of reliable information of grave and systematic violations of human rights.
 - 2) It is important to note that a State Party to the Optional Protocol must accept the individual complaint procedure, but may opt-out of the inquiry procedure.
 - 3) It is worth noting that both these additional procedures can, as a result of experience in relation to other human rights treaties, be very effective in considering the protection of rights of specific individuals.
-

Monitoring the CRPD

International Monitoring

- CRPD Committee
- State Party Conference

National Monitoring

- State Focal Point(s)
- Coordination Mechanism
- Independent Monitoring Mechanism (National Human Rights Institutes (NHRI))



National Monitoring and Implementation

- National Human Rights Institutions (NHRIs) play important role
- National focal points & coordination mechanisms within governments
 - Multi-sectoral involvement of all government ministries
 - Outreach to other national stakeholders (civil society organizations, academic/scientific institutions, private sector)

Implementation within United Nations: Inter-agency Support Group

- United Nations Inter-Agency Support Group for the Convention on the Rights of Persons with Disabilities (IASG) established.
- First meeting was held in December 2007
- Through the IASG, the United Nations will support the States parties, based within a framework of coordinated planning and action.
- The IASG will ensure that the programmes and policies of the United Nations are inclusive of persons with disabilities, and will work to strengthen recognition of and respect for the principles of the Convention on the Rights of Persons with Disabilities.
- Membership of the IASG: United Nations departments, regional commissions, agencies, funds and programmes whose work is relevant to the Convention.

Special Rapporteur on Disability

- Role of the **Special Rapporteur on Disability**
 - **Monitor** the implementation of the Standard Rules for the Equalization of Opportunities of Persons with Disabilities
 - **Advocate** the equalization of opportunities for, the full enjoyment of all human rights by, and the well-being of persons with disabilities in all respects
 - **Create awareness** of the Convention on the Rights of Persons with Disabilities, including for its wider signature and ratification by Member States
 - **Act as a catalyst** to promote international and technical cooperation on disability issues, including by identifying strategic areas for the exchange and sharing of expertise, best practices, knowledge, information and relevant technologies in order to enhance the capacity-building of Member States
 - **Collaborate**, in the fulfillment of the above tasks, with all relevant stakeholders, including organizations of persons with disabilities
- Special Rapporteur **reports yearly** to the Commission for Social Development.

Monitoring and Implementation

All activities must include the participation of persons with disabilities:

‘Nothing about us without us’

Conclusion

- The challenge of implementing the Convention is now!
- Need for training, capacity building, awareness raising, good practices collection and validation, knowledge management
- Need to mainstream disability in all development activities
- Need for implementation of Convention principles in the internal operations of organizations
- Need to include persons with disabilities in all stages of implementation, and build capacity of organizations of persons with disabilities to do so

CRPD Training Guide – PDF (OHCHR, 2014)

www.ohchr.org/Documents/Publications/CRPD_TrainingGuide_PTS19_EN%20Accessible.pdf

THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Training Guide

No. 19

Professional Training Series

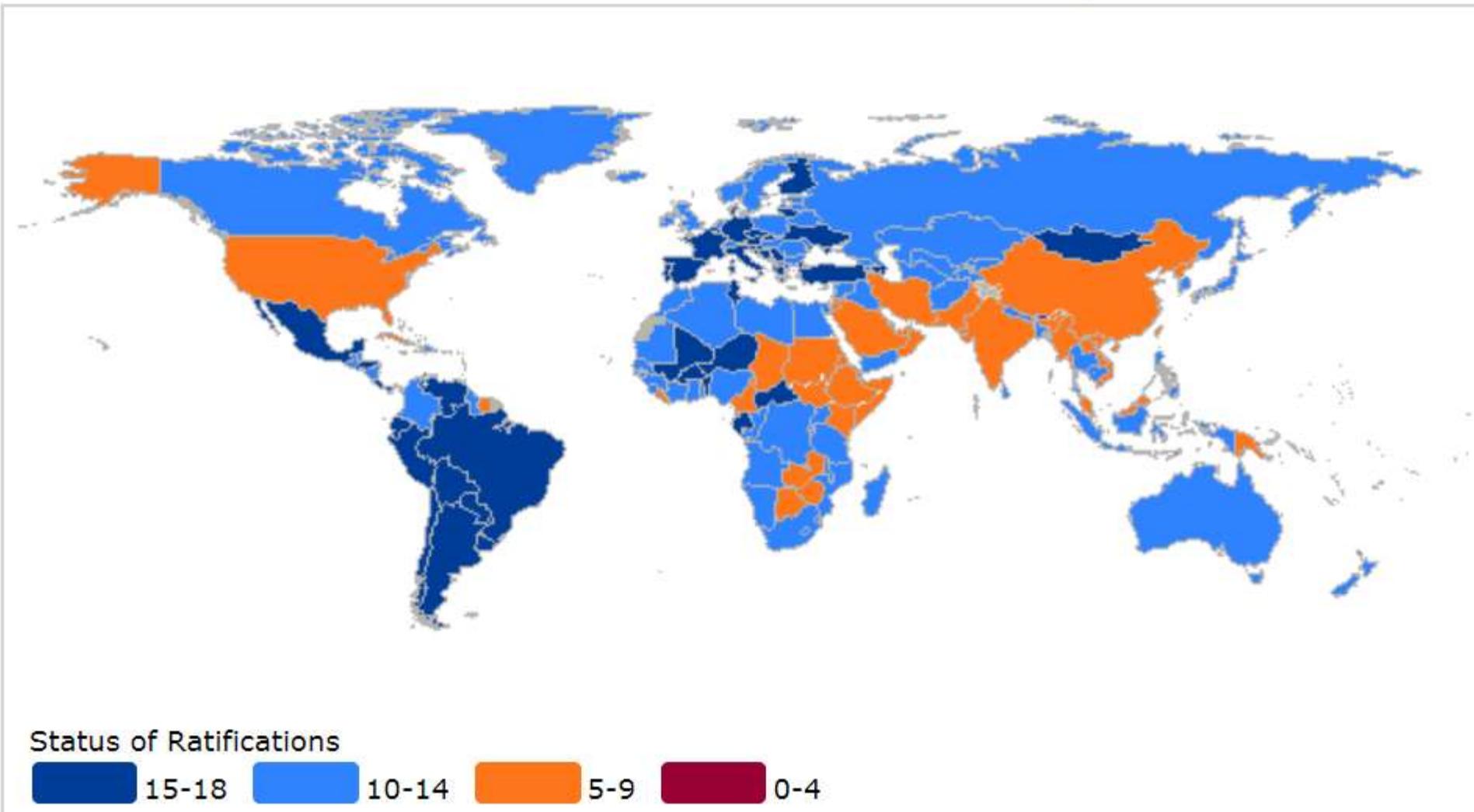


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STATUS OF RATIFICATION INTERACTIVE DASHBOARD

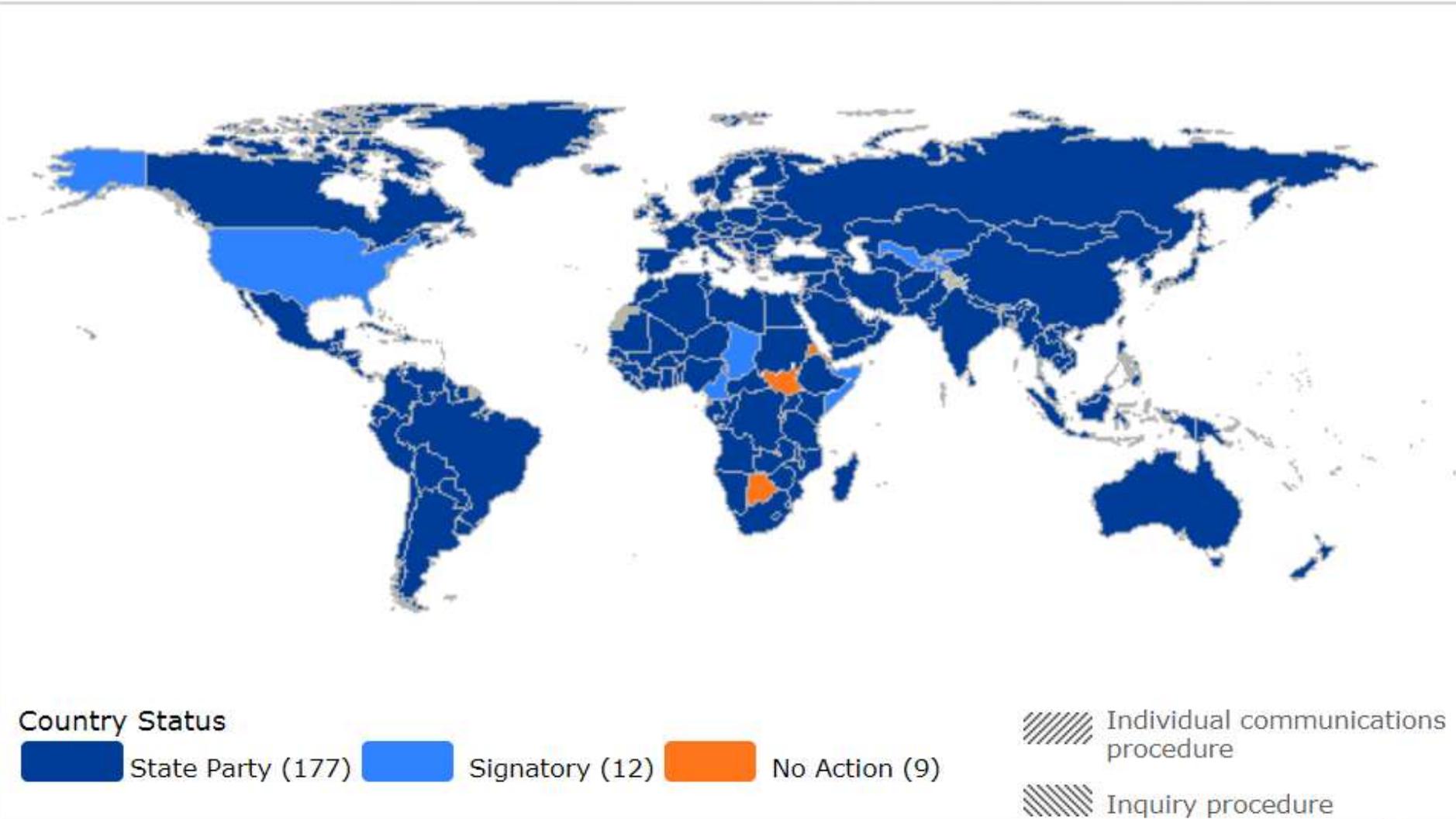
<http://indicators.ohchr.org/>

Ratification of 18 International Human Rights Treaties

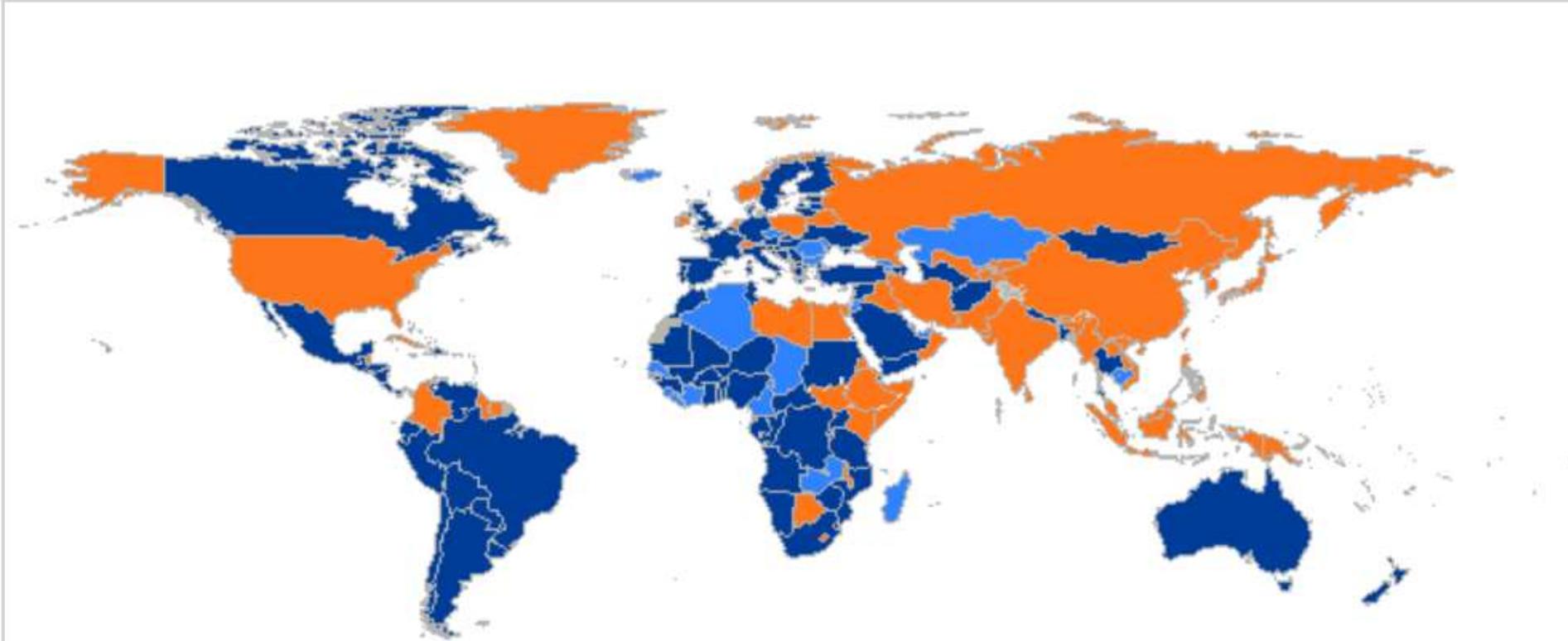


Convention on the Rights of Persons with Disabilities

Convention on the Rights of Persons with Disabilities



Optional Protocol to the Convention on the Rights of Persons with Disabilities



Country Status

- State Party (93)
- Signatory (28)
- No Action (77)

CRPD and Optional Protocol Signatures and Ratifications

Not Signed
 Signed Convention
 Signed Convention & Protocol
 Ratified Convention
 Ratified Convention & Protocol

As of 10 September 2017



November 2017

-  160 signatories to the Convention
-  92 signatories to the Optional Protocol
-  175 ratifications/accessions to the Convention
-  92 ratifications/accessions to both the Convention and the Optional Protocol

Note:

Signatories include countries or regional integration organizations that have signed the Convention and its Optional Protocol, some of which may now also have ratified.

The European Union, a regional integration organization, is a State party to the Convention.

The Cook Islands and the State of Palestine, non-member States of the United Nations, are State parties to the Convention.

Signature - Ratification

- (a) **Signature** of the Convention is an act by which a State or regional integration organization **expresses its interest** in the treaty **and its intention** to become a party. **States and organizations are not bound by their signature**. However, they must refrain from acts that would defeat the object and purpose of the Convention, according to the Vienna Convention on the Law of Treaties (art. 18);
- (b) **Ratification** consists of the deposit, through a formal letter, of the instrument of ratification with the Secretary-General of the United Nations as the depositary of the Convention, in accordance with article 41.
- Some States have a one-step process to express their consent to be bound, namely **accession**. It consists of the deposit of an instrument of accession with the depositary and has the same legal effect as ratification; however, unlike ratification, it is not preceded by signature.

Ratification

- Once a country **ratifies** this means that the country is **legally bound to implement** the core 33 articles and must **report on their progress** in writing to the United Nations on a **periodic basis**.

Reservations, understandings and declarations

- **Greece**

“The provisions of Article 27 paragraph 1 of the Convention on the Rights of Persons with Disabilities **shall not apply** with respect to employment and occupation **in the armed and security forces in so far as it relates to a difference of treatment on grounds of disability concerning the service thereto**, as provided in Article 8 paragraph 4 of the Law 3304/2005 for the implementation of the principle of equal treatment, adopted pursuant to Articles 3 paragraph 4 and 4 of the Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.”

- **Ireland**

"Ireland accepts the provisions of the Convention, subject to the understanding that **none of its obligations relating to equal treatment in employment and occupation shall apply to the admission into or service in any of the Defence Forces, An Garda Síochána (Ireland's National Police Service), the Prison Service, the Fire Brigade, the Irish Coastguard and the Ambulance Service.**"

Human Rights Instrument : (Date into force)	Ratification Status	Declaration
Inhuman or Degrading Treatment or Punishment :1987	Kazakhstan	
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment :2006	Signature: 2007, Ratification/Accession: 2008	✓
Convention on the Rights of the Child :1990	Signature: 1994, Ratification/Accession: 1994	
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict :2002	Signature: 2000, Ratification/Accession: 2003	✓
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography :2002	Signature: 2000, Ratification/Accession: 2001	
Optional Protocol to the Convention on the Rights of the Child on a communications procedure :2014	Signature: NA, Ratification/Accession: NA	
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families :2003	Signature: NA, Ratification/Accession: NA	
International Convention for the Protection of all Persons from Enforced Disappearance :2010	Signature: NA, Ratification/Accession: 2009	
Convention on the Rights of Persons with Disabilities :2008	Signature: 2008, Ratification/Accession: 2015	
Optional Protocol to the Convention on the Rights of Persons with Disabilities :2008	Signature: 2008, Ratification/Accession: NA	

Human Rights Instrument : (Date into force)	Ratification Status	Declaration
Inhuman or Degrading Treatment or Punishment :1987	Uzbekistan	
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment :2006	Signature: NA, Ratification/Accession: NA	
Convention on the Rights of the Child :1990	Signature: NA, Ratification/Accession: 1994	
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict :2002	Signature: NA, Ratification/Accession: 2008	✓
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography :2002	Signature: NA, Ratification/Accession: 2008	
Optional Protocol to the Convention on the Rights of the Child on a communications procedure :2014	Signature: NA, Ratification/Accession: NA	
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families :2003	Signature: NA, Ratification/Accession: NA	
International Convention for the Protection of all Persons from Enforced Disappearance :2010	Signature: NA, Ratification/Accession: NA	
Convention on the Rights of Persons with Disabilities :2008	Signature: 2009, Ratification/Accession: NA	
Optional Protocol to the Convention on the Rights of Persons with Disabilities :2008	Signature: NA, Ratification/Accession: NA	

Human Rights Instrument : (Date into force)	Ratification Status	Declaration
Inhuman or Degrading Treatment or Punishment :1987	Tajikistan	
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment :2006	Signature: NA, Ratification/Accession: NA	
Convention on the Rights of the Child :1990	Signature: NA, Ratification/Accession: 1993	
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict :2002	Signature: NA, Ratification/Accession: 2002	✓
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography :2002	Signature: NA, Ratification/Accession: 2002	
Optional Protocol to the Convention on the Rights of the Child on a communications procedure :2014	Signature: NA, Ratification/Accession: NA	
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families :2003	Signature: 2000, Ratification/Accession: 2002	
International Convention for the Protection of all Persons from Enforced Disappearance :2010	Signature: NA, Ratification/Accession: NA	
Convention on the Rights of Persons with Disabilities :2008	Signature: 2018, Ratification/Accession: NA	
Optional Protocol to the Convention on the Rights of Persons with Disabilities :2008	Signature: NA, Ratification/Accession: NA	

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Convention on the Rights of Persons with Disabilities (CRPD)

Convention

- ▶ [Ratifications/Accessions: 177](#)
- ▶ [Signatories*: 161](#)

Optional Protocol

- ▶ [Ratifications/Accessions: 92](#)
- ▶ [Signatories*: 92](#)

(* Signatories include countries or regional integration organizations that have signed the Convention and its Optional Protocol)

- ▶ [10th Anniversary of the adoption of CRPD: 2006 to 2016](#)
- ▶ [Infographic on the CRPD and the COSP \(prepared October 2016: \(Word, PDF\)](#)
- ▶ [Status of Ratifications to the CRPD \(prepared May 2016\) \(JPG, PDF\) \(also available at the UN Enable Facebook page\)](#)
- ▶ [Support UNiversal ratification of the CRPD](#)
- ▶ [Full text of the Convention](#)
- ▶ [The Convention in Brief](#)
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Sustainable Development Goals and the CRPD

- According to the 2011 *World Report on Disability* by the World Health Organisation/World Bank, there are an estimated **1 billion persons with disabilities worldwide**. The same report states that **1 in 5 of the world's poorest people have disabilities**. **Disability is both a cause and consequence of poverty**, yet international policy-makers and stakeholders have not historically recognised or prioritised this issue within international development efforts.
- After three years of intense intergovernmental negotiations United Nations Member States adopted the **2030 Agenda for Sustainable Development in September 2015**. The 2030 Agenda has **17 goals for sustainable development** and 169 targets. There are **11 explicit references to persons with disabilities in the 2030 Agenda**, and disaggregation of data by disability is a core principle.
- The 2030 Agenda and the Sustainable Development Goals (SDGs) will influence the direction of global and national policies relating to sustainable development for the next 15 years. If the 2030 Agenda is going to be successful all of the UN Member States - **193 countries** - **must include persons with disabilities** in their national plans for implementation and monitoring.