Introduction to the UN Convention on the Rights of Persons with Disabilities:

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OVERVIEW

Development
Purpose
General Principles
General Obligations
Significance
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DEVELOPMENT
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Other UN human rights treaties

- International Covenant on Economic, Social and Cultural Rights, 1966
- International Covenant on Civil and Political Rights, 1966
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984
- Convention on the Elimination of Racial Discrimination, 1965
- Convention on the Rights of the Child, 1989
- Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990
- Convention for the Protection of all Persons from Enforced Disappearance, 2006
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Pre-CRPD UN Disability Activity

- Declaration on the Rights of Mentally Retarded Persons 1971
- Declaration on the Rights of Disabled Persons 1975
- World Programme of Action 1982
- UN Decade 1982-1992
- Principles on the Protection of Persons with Mental Illness
- Standard Rules 1993
- General Comment No 5, CESC, 1994
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Arguments for elaborating the CRPD

- Visibility
- Specificity and implementation guidance
- Clarity and catalyst
- Data generation
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Momentum
- Beijing Declaration on the Rights of Persons with Disabilities in the New Century 2000
Resolution to establish an Ad Hoc Committee to consider proposals for a Convention, December 2001
Ad Hoc Committee, 8th Session, August 2006 - text agreed

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Emergence
13 December 2006 – adopted by General Assembly
31 March 2007 – opened for signature
3 May 2008 – entry into force

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Role of Disabled People’s Organisations
Ad Hoc Committee, 1st Session, August 2002
Ad Hoc Committee, subsequent sessions
International Disability Caucus

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Structure
Preamble
Articles 1-9 – cross-cutting
Articles 10-30 Substantive
Articles 31-50 Implementation and monitoring
Optional Protocol

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PURPOSE
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Article 1
Promote, protect and ensure
Full and equal enjoyment of human rights
Persons with disabilities

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.

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GENERAL PRINCIPLES
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Article 3

Respect for the dignity, autonomy and independence of individuals
Respect for difference and human diversity (including multidimensionality)
Non-discrimination and equality of opportunity
Accessibility
Full participation and inclusion in society

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GENERAL OBLIGATIONS
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Article 4(1)

Legislative, administrative and other measures
Mainstreaming
RefRAINING from inconsistent measures
Eliminating disability discrimination
Undertaking or promoting research and development of universally designed goods, services, equipment and facilities
Undertaking or promoting research and development of new technologies
Providing accessible information about aids, technologies and services
Promoting training of professionals

Article 4(2)

Progressive realisation – economic, social and cultural rights
Immediately applicable – civil and political rights

Article 4(3)

Closely consult and actively involve

SIGNIFICANCE

Innovations

Re articulation of rights and obligations
Re national implementation and monitoring – Article 33

Impact

On disabled people?
On non-disabled people?
On human rights law?

References

Quinn, G and L Waddington (eds) European Yearbook of Disability Law (Intersentia, 2009 and also 2010 and 2011)