

Introduction to the Key Aspects of the UN Convention on the Rights of Persons with Disabilities

Development, Purpose, General Principles and Key Concepts

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INTRODUCTION TO THE UN CRPD

Development of
International Standards on Disability

The UNCRPD
Purpose, General Principles and Key Concepts

Concluding Remarks

Development of International Standards on Disability



Early Efforts

1971	<i>Declaration on the Rights of Mentally Retarded Persons</i>
1975	<i>Declaration on the Rights of Disabled Persons</i>

Early Efforts

1981	<i>International Year of Disabled Persons</i>
1982	<i>World Programme of Action concerning Disabled Persons</i>
1982 - 1992	<i>International Decade of Disabled Persons</i>

The 1993 Standard Rules

The UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities:

- ❖ Incorporate a **human rights** perspective
- ❖ Provide policy **guidelines**

The UNCRPD

2001

- The UN General Assembly **established an Ad Hoc Committee** to consider enacting a disability-based, human-rights treaty

2006

- The UN General Assembly **adopted the UNCRPD** together with its **Optional Protocol** by consensus

Negotiation of the UNCRPD

❖ **Quick**

❖ **Participatory**





The UNCRPD:

- ❖ Entered into force on May, 3 2008
- ❖ First **human rights treaty** that the EU has negotiated, signed and ultimately concluded

Structure

Purpose (Art. 1) and **Definitions** (Art. 2)

Articles of **cross-cutting** application (Articles 3–9)

Substantive rights (Articles 10 to 30)

System of **monitoring** and **implementation** (Articles 31 to 40)

Final Provisions (Articles 41 to 50)

The Optional Protocol

- ❖ 18 Articles

- ❖ Procedures to strengthen the implementation of the Convention:

 - ❖ **Individual communication** procedure (Art. 1 OP)

 - ❖ ***Ex officio* enquiry** (Art. 6 OP)

Purpose, General principles and Key Concepts




Purpose

- ❖ Comprehensive framework to protect and promote the rights of persons with disabilities (Art. 1 UNCRPD)
- ❖ No new 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” (Art. 1(2))



THE SOCIAL MODEL OF DISABILITY

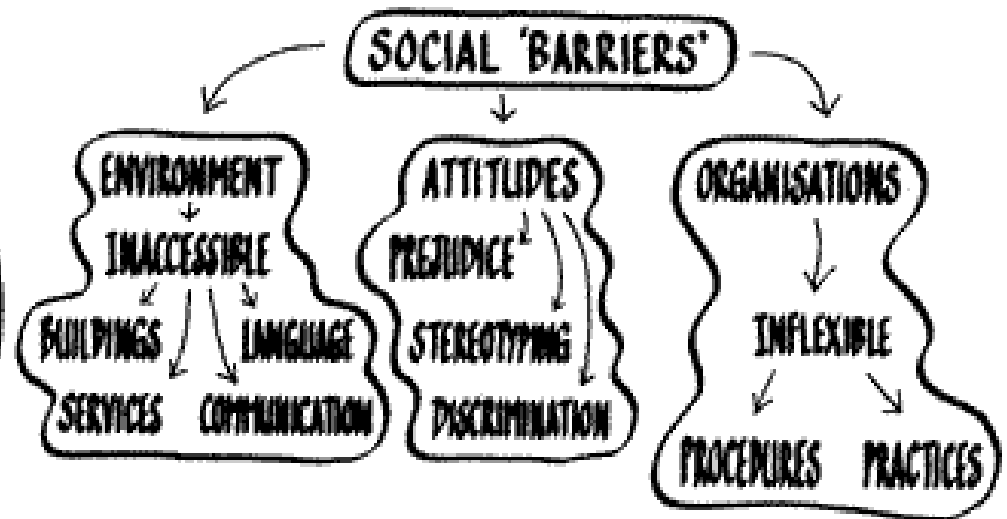
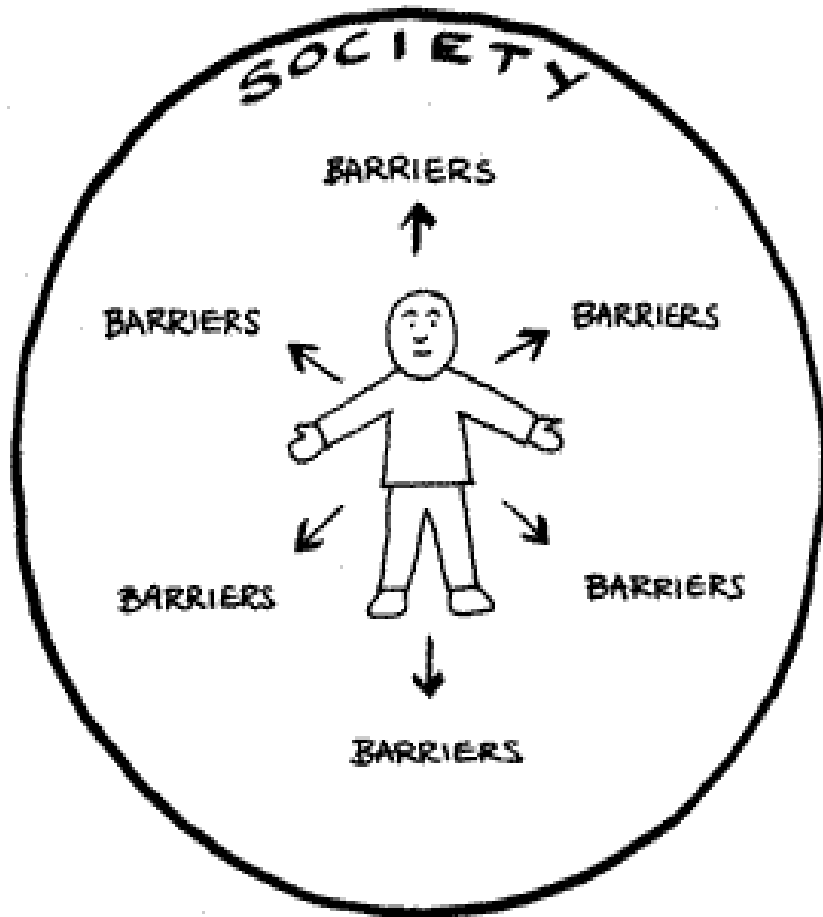
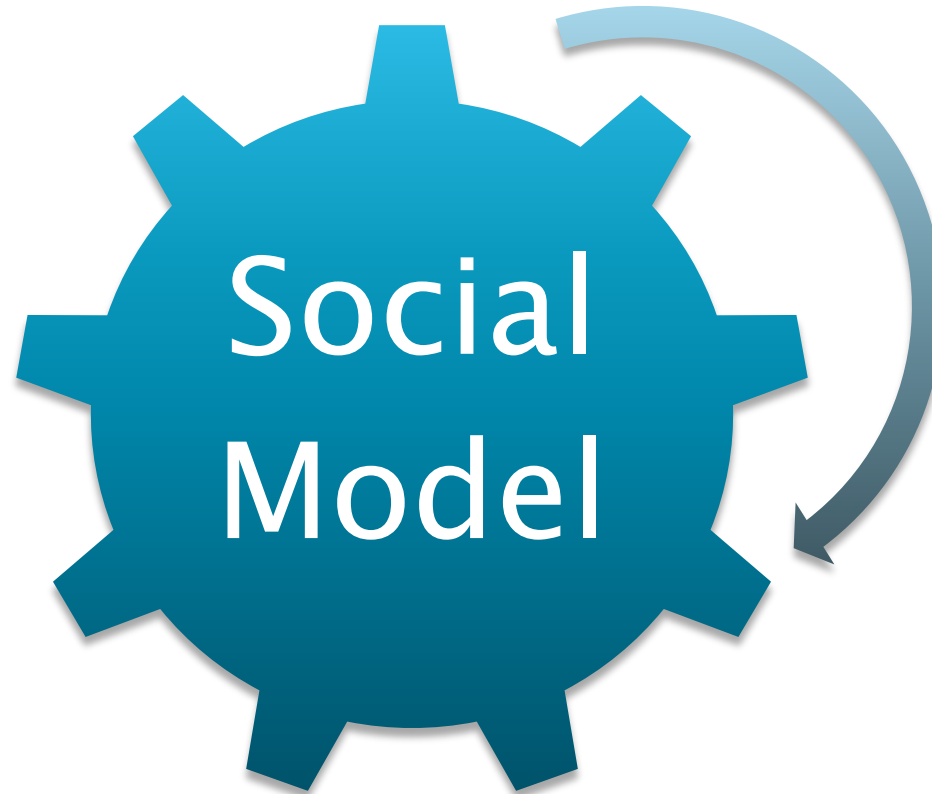


Image from: <http://ddsg.org.uk/taxi/social-model.html>

Social Model of Disability

- ❖ Focus is not on rehabilitating the individual with a disability, but on **rehabilitating society** and the **environment**

What obligations (if any)
arise from Art. 1?



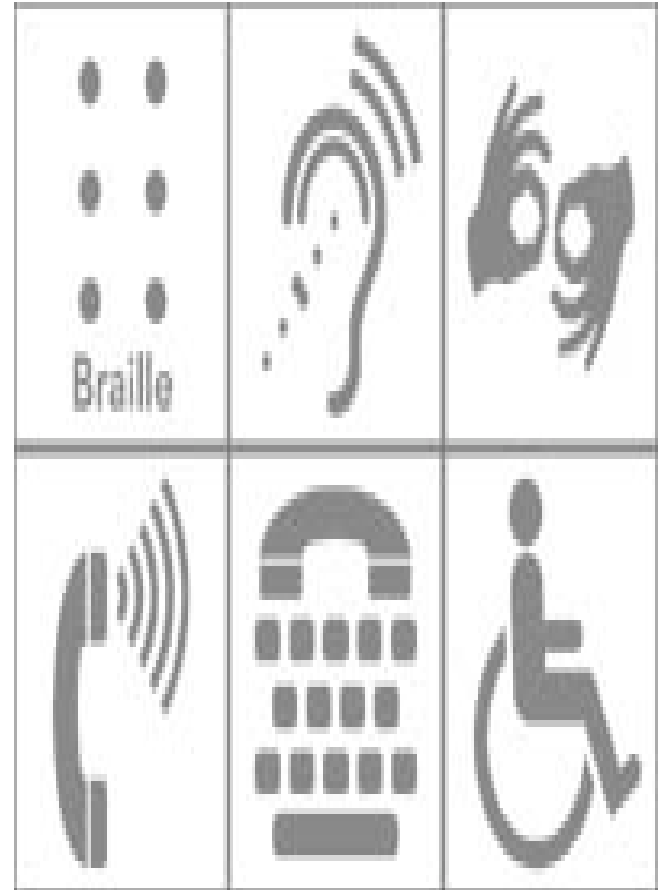
Definitions

“Discrimination on the basis of disability” means any **distinction, exclusion or restriction on the basis of disability** [...] and includes **all forms** of discrimination, including **denial of reasonable accommodation**

Definitions

❖ Reasonable Accommodation

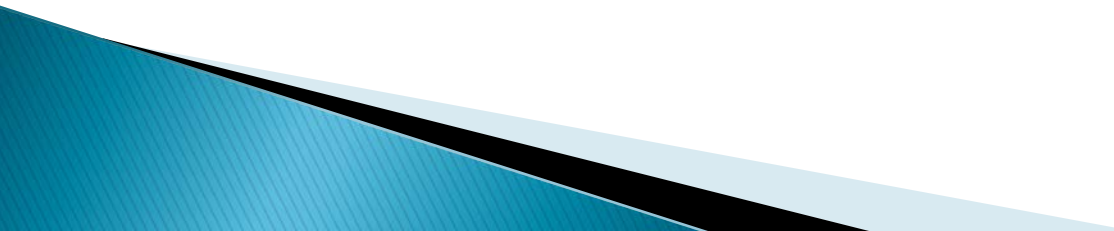
❖ Universal Design



General Obligations

- Art. 4 UNCRPD *inter alia* requires Parties: to **adopt** legislative, administrative and other measures; to **abolish** or **amend** existing discriminatory laws, regulations and practices; to **refrain** from practice inconsistent with the UNCRPD; to **ensure that public authorities and institutions act in conformity with the UNCRPD**

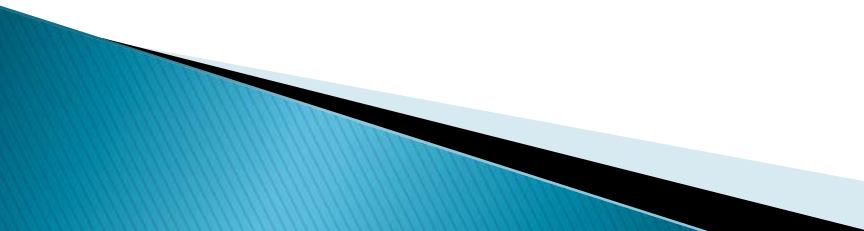
General Principles

- ❖ Respect for inherent dignity, individual autonomy
 - ❖ Non-discrimination
 - ❖ Participation and inclusion in society
 - ❖ Respect for difference
 - ❖ Equality of opportunity
 - ❖ Accessibility
 - ❖ Equality between men and women
 - ❖ Respect for children with disabilities
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Unpacking the General Principles...



Dignity and Autonomy

- ❖ Art. 12 (Equal recognition before the law)
 - ❖ Art. 23 (Respect for family and home)
 - ❖ Art. 18 (Liberty of movement and nationality)
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Living independently

- Art. 19 recognises the right of persons with disabilities to **live independently** and be included in the community



Equality and Non-Discrimination

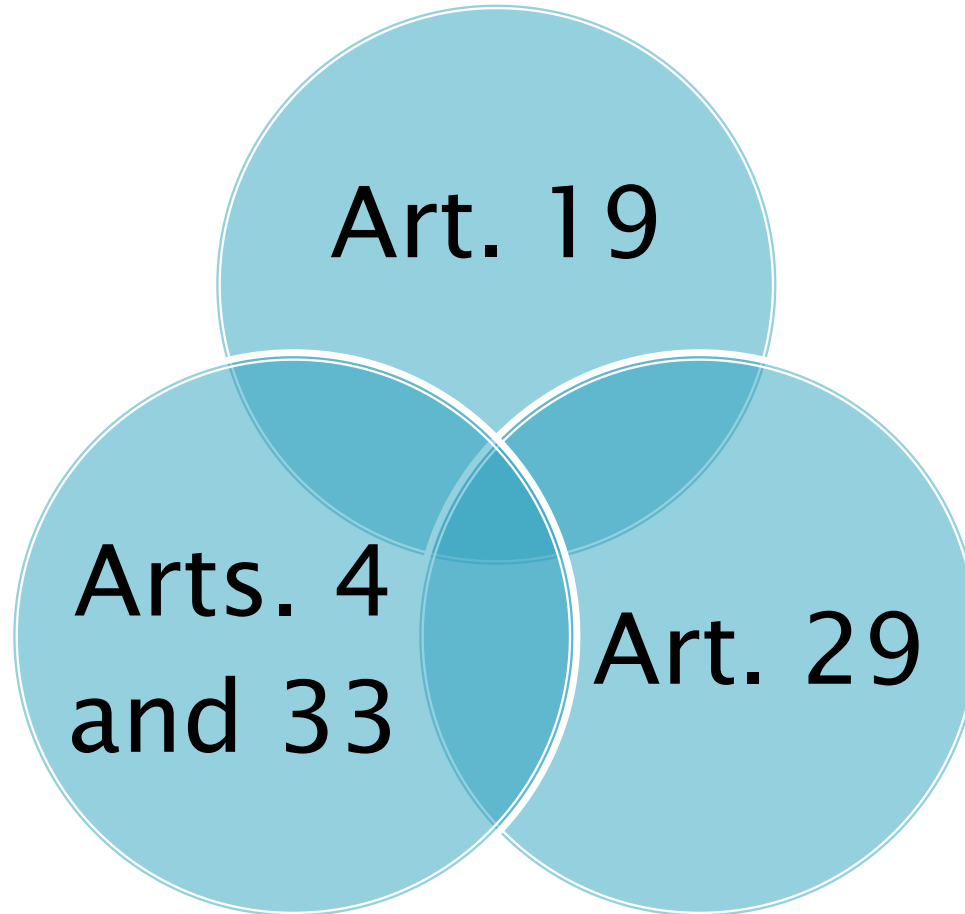
Non-discrimination

Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity

Equality of opportunity

Equality between men and women

Participation and Inclusion in Society



Accessibility

“Accessibility” means that persons with disabilities can **access, on an equal basis with others**, to **physical environments**, to **transportation**, to **information and communication**, including information and communication technologies and systems, and to other **facilities and services** open or provided to the public, both in urban and in rural areas (Art. 9)

Related Concepts

UNIVERSAL DESIGN

REASONABLE ACCOMODATION

ACCESSIBILITY

USABILITY

AVAILABILITY

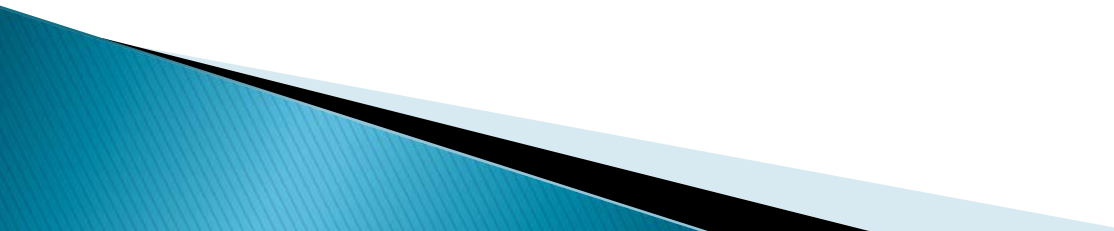
Accessibility

Accessibility rights in the UNCRPD serve the function of facilitating access in public and private spheres

Concluding Remarks



Challenges

- ❖ Novelty
 - ❖ Status in the national legal order
 - ❖ EU Mixed Agreement
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Practical Approaches



- ❖ **Benchmarks**
against which
national law must be
assessed
- ❖ **Consistent
interpretation**

**THANK YOU
FOR YOUR ATTENTION**

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