

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

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OVERVIEW

- Development
- Purpose
- General Principles
- General Obligations
- Significance

DEVELOPMENT

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 Elimination of Discrimination Against Women, 1979
- 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

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, CESCR, 1994

Arguments for elaborating the CRPD

- Visibility
- Specificity and implementation guidance
- Clarity and catalyst
- Data generation

Momentum

- Beijing Declaration on the Rights of Persons with Disabilities in the New Century 2000

G Quinn and T Degener (eds) Human Rights and Disability - the current use and future potential of United Nations Human Rights Instruments in the Context of Disability (Geneva: UN, 2002)

Resolution to establish an Ad Hoc Committee to consider proposals for a Convention, December 2001

Ad Hoc Committee, 8th Session, August 2006 - text agreed

Emergence

13 December 2006 – adopted by General Assembly

31 March 2007 – opened for signature

3 May 2008 – entry into force

Role of Disabled People's Organisations

Ad Hoc Committee, 1st Session, August 2002

Ad Hoc Committee, subsequent sessions

International Disability Caucus

Structure

Preamble

Articles 1-9 – cross-cutting

Articles 10-30 Substantive

Articles 31-50 Implementation and monitoring

Optional Protocol

PURPOSE

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.

GENERAL PRINCIPLES

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

GENERAL OBLIGATIONS

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

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- Kayess, R and French, P 'Out of Darkness into Light: Introducing the Convention on the Rights of Persons with Disabilities' [2008] Human Rights Law Review 1
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