



# The United Nations Convention on the Rights of Persons with Disabilities

## **Dawn of a New Era?**

Gábor Petri

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# Overview

Human Rights Treaties

Development

Definition on Disability

Substantial Articles

Implementation

# 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

# The birth of a new treaty

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

# Participation of Organisations of Disabled People (DPOs)

- Ad Hoc Session in 2002 – then subsequent sessions till 2006
- International Disability Caucus – the network of international and national DPOs



# Purpose of the CRPD

- „The CRPD aims to promote, protect and ensure the full and equal enjoyment of all human rights by persons with disabilities.” (Art 1 of the CRPD)
- A number of key areas:
  - accessibility,
  - participation in political life,
  - personal mobility,
  - education,
  - employment,
  - health,
  - habilitation and rehabilitation,
  - equality and non-discrimination.
- The CRPD does not create new rights – but defines previously existing human rights in the disability context.

# Definition on Disability in the Convention

- ... the CRPD does not provide with a definition... however:

*„disability is an evolving concept which results from the interaction between people with different functional abilities and societal obstacles, such as physical barriers and attitudes.”*  
(Preamble)

# Disability in the CRPD

- Medical vs. Social model: society is the main contributory factor in disabling a person. Systemic barriers, stigma etc.

*„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)*



# The Structure of the CRPD

- Articles 1-9: 'cross-cutting' Articles:
  - Purpose and general principles,
  - General obligations,
  - Equality and non-discrimination,
  - Women with disabilities
  - Children with disabilities
  - Awareness raising,
  - Accessibility...

# The Structure of the CRPD

- Articles 10-30: 'substantive' Articles:
  - Legal Capacity,
  - Access to Justice,
  - Freedom from Torture
  - Employment
  - Education,
  - Health,
  - Political Participation

# The Structure of the CRPD

- Articles 31-50 – implementation and monitoring:
  - data collection and statistics,
  - international cooperation,
  - role of the CRPD Committee,
  - national implementation and monitoring
  - Reports by States Parties
  - The CRPD Committee...

# But how this all will be realised?

- Implementation:
  - Art 33. – a real innovation
  - Involvement of DPOs in the monitoring and implementation
  - „Nothing about us without us”
  - Independent monitoring is required
  - Regular reports

# Civil vs. Social rights?

Civil and political OR social and economic rights? ...

*“Not enough just to open the door. Many disabled people require the material support to pass through it” Prof. Gerard Quinn*

CRPD inquiry into the UK's austerity politics imposed against people with disabilities? („leaked information in 2014”)



# Reasonable accommodation

Reasonable accommodation means:

*„necessary and appropriate modification or adjustment not imposing a disproportionate or undue burden (...) to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms” (Article 2)*

# What the CRPD can offer to people living with MS...?

- Reasonable accommodation (at workplaces)
- Non-discrimination as a horizontal principle in all policies
- Strong implementation and monitoring
- Mandatory involvement of organisations of people with disabilities – including those of people with MS
- Alliance with the disability movement – stronger lobby
- Regular reviews of States Parties



# Useful links

UN Enable:

<http://www.un.org/disabilities/>

- European Disability Forum: [www.edf-feph.org](http://www.edf-feph.org)
- International Disability Alliance: <http://www.internationaldisabilityalliance.org/en>



Gábor Petri

[petri.gabor@gmail.com](mailto:petri.gabor@gmail.com)