The United Nations Convention on the Rights of Persons with Disabilities

Dawn of a New Era?

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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
- International Disability Alliance: http://www.internationaldisabilityalliance.org/en
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