




# **Disability Rights or a “Right” to Disable?**

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# **The United Nations Convention on the Rights of Persons with Disabilities (CRPD)**

# CRPD Basics:

- **Adoption by the United Nations General Assembly** - 13 December 2006
- **Opened for signature** - 30 March 2007
- **Entry into force** - 3 May 2008

# CRPD Basics:

- The Convention builds upon, and works in synergy with previous international texts related to persons with disabilities:
  - Standard Rules on the Equalization of Opportunities for Persons with Disabilities - 1994 (not a legally binding treaty)
  - World Programme of Action on Disabled Persons - 1982 (not a legally binding treaty)

# What For?

- A response to an overlooked development challenge: approximately 10% of the world's population are persons with disabilities (over 650 million persons). Approximately 80% of whom live in developing countries.
- A response to the fact that although pre-existing human rights conventions offer considerable potential to promote and protect the rights of persons with disabilities, this potential was not being tapped. Persons with disabilities continued to be denied their human rights and were kept on the margins of society in all parts of the world. The Convention sets out the legal obligations on States to promote and protect the rights of persons with disabilities. It does not create new rights.

# Why a CRPD?

- To promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity (Article 1)

# **Innovations:**

- The Convention marks a “paradigm shift” in attitudes and approaches to persons with disabilities.
- Persons with disabilities are not viewed as “objects” of charity, medical treatment and social protection; rather as “subjects” with rights, who are capable of claiming those rights and making decisions for their lives based on their free and informed consent as well as being active members of society.
- The Convention gives universal recognition to the dignity of persons with disabilities.

# Defining Disability:

- The Convention does not explicitly define disability
- Preamble of Convention states:
  - “Disability is an evolving concept, and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders full and effective participation in society on an equal basis with others”
- Article 1 of the Convention states:
  - “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”



# Defining Disability:

- Disability results from an interaction between a non-inclusive society and individuals:
  - People using a wheelchair might have difficulties gaining employment not because of the wheelchair *per se*, but because there are environmental barriers such as inaccessible buses or staircases which impede access.

# Terminology:

- Accepts Terms such as:
  - “persons with disabilities”
- Rejects Terms such as:
  - “handicapped”
  - “physically or mentally challenged”
  - “special needs”

# **General Principles (Article 3):**

- Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons
- Non-discrimination
- Full and effective participation and inclusion in society
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity

# **General Principles (Article 3):**

- Equality of opportunity
- Accessibility
- Equality between men and women
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities

# **General Principles** **(Participation and Inclusion):**

- Participation is important to correctly identify specific needs, and to empower the individual
- Full and effective participation and inclusion in society is recognised in the Convention as:
  - A general principle (article 3)
  - A general obligation (article 4)
  - A right (articles 29 and 30)

# General Principles (Non-Discrimination):

- Fundamental principle of international human rights law
- Includes direct and indirect discrimination
- reasonable accommodation must be made for persons with disabilities
- reasonable accommodation: “necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms”

# **General Principles**

## **(Accessibility):**

- Important as a means to empowerment and inclusion
- Both a general principle and a stand-alone article (article 9)
- Access must be ensured to:
  - Justice (article 13)
  - Living independently and being included in the community (article 19)
  - Information and communication services (article 21)
  - Education (article 24)
  - Health (article 25)
  - Habilitation and rehabilitation (article 26)
  - Work and employment (article 27) – human resource policies and practices
  - Adequate standard of living and social protection (article 28)
  - Participation in political and social life (article 29)
  - Participation in cultural life, recreation, leisure and sport (article 30)

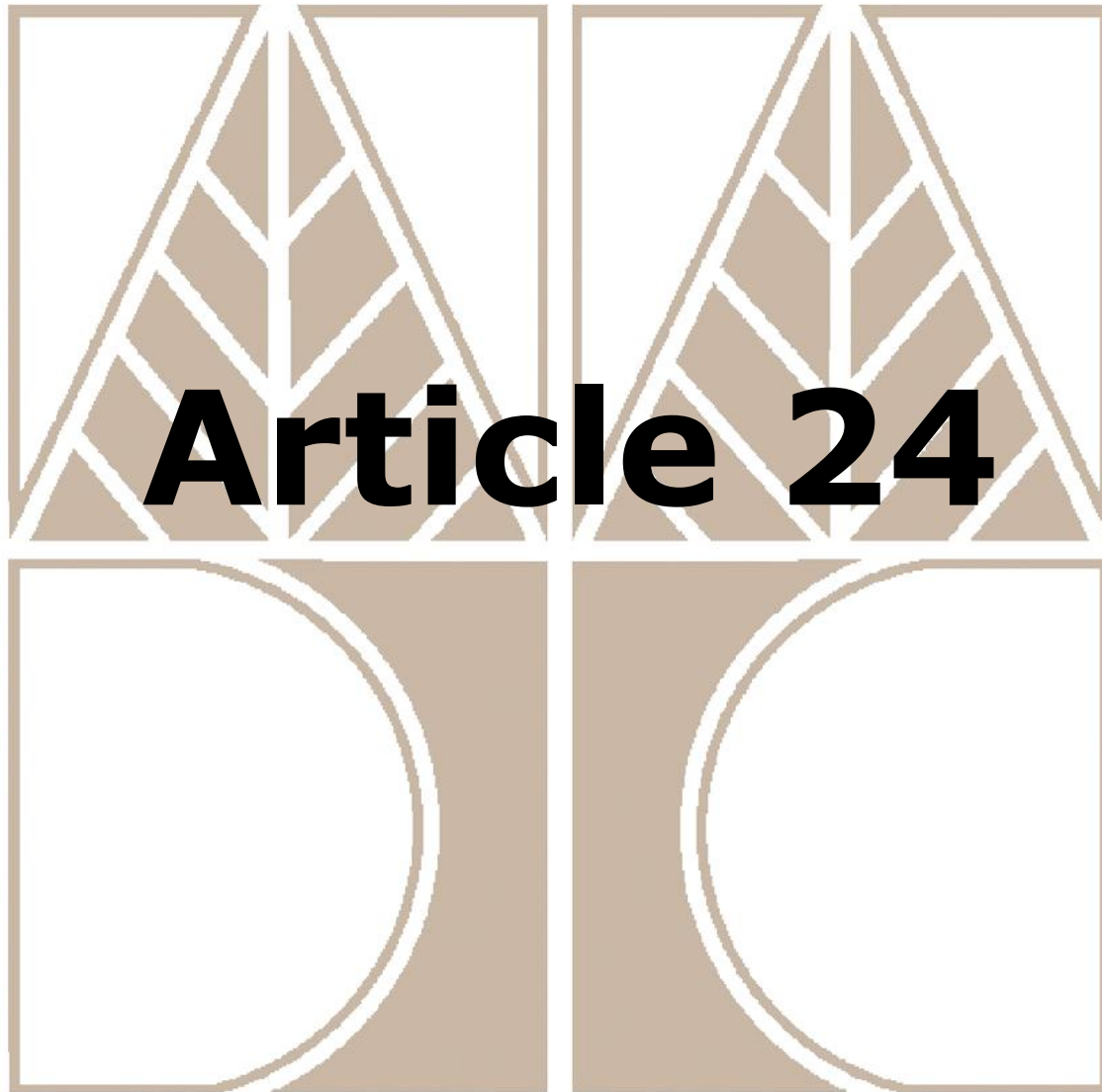
# Convention Rights:

- Equality before the law without discrimination (article 5)
- Right to life, liberty and security of the person (articles 10 & 14)
- Equal recognition before the law and legal capacity (article 12)
- Freedom from torture (article 15)
- Freedom from exploitation, violence and abuse (article 16)
- Right to respect physical and mental integrity (article 17)
- Freedom of movement and nationality (article 18)
- Right to live in the community



# Convention Rights:

- Freedom of expression and opinion (article 21)
- Respect for privacy (article 22)
- Respect for home and the family (article 23)
- Right to education (article 24)
- Right to health (article 25)
- Right to work (article 27)
- Right to adequate standard of living (article 28)
- Right to participate in political and public life (article 29)
- Right to participation in cultural life (article 30)



# Article 24

# **Education:**

- 1) States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

# Education:

- a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity
- b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential
- c) Enabling persons with disabilities to participate effectively in a free society

# Education:

2) In realizing this right, States Parties shall ensure that:

# Education:

- a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability
- b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live
- c) Reasonable accommodation of the individual's requirements is provided

# **Education:**

- d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education
- e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion

## **Education:**

3) States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:



# Education:

- a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring
- b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community
- c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development

# **Education:**

- 4) In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities

# **Education:**

5) States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities

# Educational Institutes &

## Accessibility:

- A thorough analysis of every aspect of an organisation is necessary to ensure accessibility and inclusion. Just a few examples:
  - Are our human resource policies and practices accessible?
    - Do we have policies ensuring that the student recruitment process is accessible to persons with different disabilities?
    - Do we have policies and resources which ensure that provision of reasonable accommodation, allows to persons with disabilities to get educated in our organisation?
  - Are our information and communication systems accessible?
    - Is our website accessible?
    - Is sign language interpretation available?
    - Are documents available in Braille?
  - Are our physical facilities accessible?
    - Are our buildings, office spaces, facilities accessible?

# Conclusions:

- The challenge of implementing the CRPD is here
- Need for training, capacity building, awareness raising, good practices collection and validation, and knowledge management
- Need for implementation of CRPD principles in the internal operations of organisations
- Need to include persons with disabilities in all stages of implementation, and build relationships with the organisations of persons with disabilities to do so



**All** activities must include the participation of persons with disabilities:

**“Nothing About Us Without Us”**



Thank You For Your  
Attention!

Q & A