

MDG 8 – DEVELOP A GLOBAL PARTNERSHIP FOR DEVELOPMENT

TASKS FOR THE WORLD – THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES – A BRIEF GUIDE

A better deal for disabled people across the globe – that is the aim of the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

Ratified by 83 countries – including the UK – the document came into force in May 2008. Although the Convention does not set out any new rights for disabled people, it has helped identify how existing rights treaties apply in a disability context.

It's more of an implementation document – setting out how existing rights should be put into practice for the benefit of disabled people. It is also far more detailed than any other existing treaties.

'The Convention is intended as a human rights instrument with an explicit, social development dimension,' says UNESCO, *'it is both a human rights treaty and a development tool'* (Mainstreaming disability in the development agenda, UNESCO 2008).

Overall, it provides a framework for policy analysis and implementation. It is also a tool for Disabled People's Organisations (DPOs) and Non-Governmental Organisations (NGOs) in advocating for disabled people's rights.

All countries that have ratified will need to make sure their domestic legislation meets the international

standards set out in the Convention. In many developing countries that may well involve the adoption of disability and anti-discrimination policies for the first time.

The UNCRPD also breaks new ground by being the first international rights treaty to explicitly include articles on international co-operation. There are now clear obligations for international aid programmes to adopt principles of equality and non-discrimination – and for ensuring all interventions are accessible to disabled people.

Accessibility now needs to be considered by all programmes. This may well involve the development of new strategies to ensure disability is mainstreamed throughout programmes and projects – and that disability-specific work is carried out to redress some of the systemic disadvantage experienced by disabled people.

The UN Convention says ratifying countries should:

- **carry out policies, laws and administrative measures to secure the rights recognised in the Convention** and abolish regulations, customs and practices that constitute discrimination (article 4);

- **recognise that all persons are equal before the law**, to prohibit discrimination on the basis of disability and guarantee equal legal protection (article 5);
- **combat stereotypes and prejudices** and promote awareness of the capabilities of disabled people (article 8);
- **guarantee that disabled people enjoy their inherent right to life** on an equal basis with others (article 10), ensure the equal rights and advancement of disabled women and girls (article 6) and protect disabled children (article 7);
- **identify and eliminate obstacles and barriers** and ensure disabled people can access their environment, transportation, public facilities and services, and information and communications technologies (article 9);
- **ensure the protection and safety of disabled people** in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters (article 11);
- **ensure the equal right to own and inherit property**, control financial affairs and have equal access to bank loans, credit and mortgages (article 12). They are to ensure access to justice on an equal basis with others (article 13), and make sure disabled people enjoy the right to liberty and security and are not deprived of their liberty unlawfully or arbitrarily (article 14);
- **protect the physical and mental integrity of disabled people**, just as for everyone else (article 17), guarantee freedom from torture and from cruel, inhuman or degrading treatment or punishment, and prohibit medical or scientific experiments without the consent of the person concerned (article 15);
- **guarantee freedom from exploitation, violence and abuse**. In case of abuse, states shall promote the recovery, rehabilitation and reintegration of the victim and investigate the abuse (article 16);
- **allow disabled people to live independently**, be included in the community, choose where and with whom to live and have access to in-home, residential and community support services (article 19). Personal mobility and independence are to be fostered by facilitating affordable personal mobility, training in mobility skills and access to mobility aids, devices, assistive technologies and live assistance (article 20);
- **ensure that disabled children have equal rights**, shall not be separated from their parents against their will, except when the authorities determine that this is in the child's best interests, and in no case shall be separated from their parents on the basis of a disability of either the child or the parents (article 23);
- **promote access to information** by providing information intended for the general public in accessible formats and technologies, by facilitating the use of Braille, sign language and other forms of communication and by encouraging the media and Internet providers to make online information available in accessible formats (article 21);
- **ensure disabled people are not subjected to arbitrary or illegal interference with their privacy**, family, home, correspondence or communication. The privacy of their personal, health and rehabilitation information is to be protected like that of others (article 22);

- **eliminate discrimination relating to marriage, family and personal relations.** Disabled people shall have the equal opportunity to experience parenthood, to marry and to found a family, to decide on the number and spacing of children, to have access to reproductive and family planning education and means, and to enjoy equal rights and responsibilities regarding guardianship, wardship, trusteeship and adoption of children (article 23);
- **ensure equal access to primary and secondary education, vocational training, adult education and lifelong learning.** Pupils with support needs are to receive support measures, and pupils who are blind, deaf and deaf-blind are to receive their education in the most appropriate modes of communication from teachers who are fluent in sign language and Braille. Education of disabled people must foster their participation in society, their sense of dignity and self worth and the development of their personality, abilities and creativity (article 24);
- **ensure disabled people have the right to the highest attainable standard of health without discrimination on the basis of disability.** They are to receive the same range, quality and standard of free or affordable health services as provided for other persons, receive those health services needed because of their disabilities, and not to be discriminated against in the provision of health insurance (article 25);
- **enable disabled people to attain maximum independence and ability,** by providing comprehensive habilitation and rehabilitation services in the areas of health, employment and education (article 26);
- **remember disabled people have equal rights to work and gain a living,** and prohibit discrimination in job-related matters, promote self-employment, entrepreneurship and starting one's own business, employ disabled people in the public sector, promote their employment in the private sector, and ensure they are provided with reasonable accommodation at work (article 27);
- **recognise the right to an adequate standard of living and social protection;** this includes public housing, services and assistance for disability-related needs, as well as assistance with disability-related expenses in case of poverty (article 28);
- ensure equal participation in political and public life, including the right to vote, to stand for elections and to hold office (article 29);
- **promote participation in cultural life, recreation, leisure and sport** by ensuring provision of television programmes, films, theatre and cultural material in accessible formats, by making theatres, museums, cinemas and libraries accessible, and by guaranteeing disabled people have the opportunity to develop and utilise their creative potential not only for their own benefit, but also for the enrichment of society. Countries are to ensure their participation in mainstream and disability-specific sports (article 30);
- **provide assistance to developing countries as they put the Convention into practice, ensuring international co-operation is inclusive of and accessible to disabled people;** and facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices (article 32);
- **ensure implementation and monitoring of the Convention,** by designating a focal point in the government and creating a national mechanism to promote and monitor implementation (article 33).

A Committee on the Rights of Persons with Disabilities, made up of independent experts, will receive periodic reports from States parties on progress made in implementing the Convention (articles 34 to 39).

An 18-article Optional Protocol on Communications allows individuals and groups to petition that Committee once all national recourse procedures have been exhausted.

For more information on the UNCRPD and a full text version of the treaty, go to UN Enable website at www.un.org/disabilities