

**Implementing UN Convention on the Rights of
Persons with Disabilities- Practice of CRPD
Committee
Dr Damjan Tatic**

- In December 2006 the UN General Assembly unanimously adopted Convention on the Rights of the Persons with Disabilities and the Optional Protocol to it.
- Both treaties entered in force in May 2008.
- The Convention has been ratified or acceded to by 180 state parties.

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- It is the first global human rights treaty adopted under the auspices of the United Nations that has been ratified by a regional international organisation, the European Union.
- The Optional Protocol to the Convention on the Rights of the Persons with Disabilities has been ratified or acceded to by 96 state parties.

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- The purpose of the Convention is to „promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and foster respect for their inherent dignity“ (article 1).

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- The Convention on the Rights of the Persons with Disabilities reaffirms their
- right to life,
- protection in various situations of risk,
- equal recognition before the law (including full legal capacity),
- access to justice,

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- liberty,
- freedom from torture and other degrading and inhumane treatment and punishment,
- protection from violence, abuse and exploitation,
- personal integrity,
- liberty of movement,

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- nationality,
- freedom of expression and opinion,
- privacy,
- marriage and family life,
- education,
- employment,
- health care,

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- social protection and adequate standard of living,
- participation in political life and conduct of public affairs,
- participation in culture, sports and leisure activities.
- It prescribes for the measures which state parties have to undertake in order to enable persons with disabilities to enjoy the above-mentioned rights effectively.

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- *Articles 4 on general obligations of state parties to the Convention and 5 on equality and non-discrimination constitute the core of Convention on Rights of Persons with Disabilities.*
- Convention prescribes that state parties “undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability”

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- Convention prescribes for mainstreaming of disability issues into general policies.
- It stresses the significance of training of professionals and staff working with persons with disabilities on the rights of those persons.
- Persons with disabilities have to be consulted through their representative organizations in development of policies and legislation necessary for implementation of the Convention

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- Civic and political rights of persons with disabilities have to be implemented immediately, while social, economic and cultural rights will be implemented progressively and gradually, with the maximal use of the available resources
- Convention especially stresses the need for development, promotion, research and application of universal design, as a powerful tool to ensure accessibility of all newly designed and produced goods, objects, infrastructure, ICT systems.

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- States Parties recognize that “all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law” (article 5, clause 1).
- States Parties shall “prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds” (article 5, clause 2).

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- The Convention guarantees effective protection from any form of discrimination, including *denial of reasonable accomodation*, to all persons with disabilities.
- The Convention also addresses multiple, intersectional discrimination. Such a discrimination occurs when an individual belonging to different marginalised groups is being discriminated on different grounds that may interact.

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- Convention specifically addresses situation of women with disabilities and children with disabilities explicitly, as well as disability- specific issues of
- accessibility,
- personal mobility,
- support services and
- habilitation and rehabilitation.

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- *Articles 34 to 39 prescribe for setting up and functioning of Committee on the Rights of Persons with Disabilities.*
- State parties shall elect independent experts to the Committee, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities.
- *State parties should submit periodic reports on implementation of the Convention to the Committee for the review.*

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- Optional Protocol to the Convention provides for a possibility of submission of complaints to the Committee on the Rights of Persons with Disabilities in cases of violation of provisions of the Convention, once all national legal remedies had been exhausted.
- Committee can also investigate serious violations of the Convention in a particular state party. Still, aforementioned state has to make explicit consent to investigation, as well as lodging of complaints against it.

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- The Committee on the Rights of Persons with Disabilities has reviewed 89 initial state party reports on implementation of the Convention, and issued recommendations and concluding observations to those states. In 2017 the Committee commenced reviewing second periodic reports under simplified reporting procedure, sending questions under list of issues to 23 state parties. Spain was first State to have its' second periodic report reviewed.

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- Thank you kindly for
your time and
attention!