Summary of the UN convention on the rights of persons with disabilities and implementation tools.

Acknoweldgement-Disabled people international

South Asia Focus group
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Introduction

Guiding Principles of the Convention

There are eight guiding principles that underlie the Convention and each one of its specific articles:

a. Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons
b. Non-discrimination
c. Full and effective participation and inclusion in society
d. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
e. Equality of opportunity
f. Accessibility
g. Equality between men and women
h. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities

The Convention on the Rights of Persons with Disabilities is an international human rights convention that establishes a committee of experts (also known as a “treaty monitoring body”) to monitor its implementation. When a country becomes a State Party to the CRPD (by signing and ratifying, or acceding to the convention), it is then legally obligated to comply with the provisions of the CRPD, subject to any reservations, understandings or declarations (RUDs) that it files when it becomes a State Party.

The pillars of Rights based approach

1.Express linkage to human rights

2.Accountability

3.Empowerment

4.Participation

What is a "convention"?

A "convention" is a legally binding agreement, in writing, between two or more countries. When they choose to join the convention, they must comply with their obligations as described in the convention. When enough countries join, the convention "enters into force" – meaning that it becomes active – and countries must act to implement their obligations under the convention.

What is a "human rights convention"?

A "human rights convention" is a convention that deals specifically with the topic of human rights. "Human rights" are the rights that everyone has just by being human.

The human rights that *everyone* is entitled to are set out in a number of different United Nations documents. The first, and perhaps the most famous of these, is the Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly in 1948.

Some highlights
Total number of Convention signatories: 117
Total number of Optional Protocol signatories: 66
Total number of Convention ratifications: 7
Total number of Optional Protocol ratifications : 3
As on 10-10-2007

- I**ndia-**Signed: 30-3-2007-Ratified: 1-10-2007
- **Sri Lanka-**Signed: 30-3-2007
- **Maldives-**Signed: 1-10-2007-Signed Protocol: 1-10-2007
- **Nepal-signed**
- **Bhutan-Signed**
- **Pakistan-signed**
- **Bangladesh-**Signed: 9-5-2007

Together with the UDHR, the International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights are known collectively as the "International Bill of Human Rights," and form the foundation of all international human rights law.

Why do we need a human rights convention specifically for persons with disabilities?

With the exception of the Convention on the Rights of the Child (Article 23), none of the core human rights conventions even mentions persons with disabilities. Although the human rights expressed in those conventions certainly apply to persons with disabilities, governments have not done a good job of ensuring that persons with disabilities fully enjoy their human rights. At the same time, governments have not done a good job of reporting to treaty monitoring bodies about how they are applying the various human rights conventions to persons with disabilities. Also, the monitoring bodies have not done a good job of asking for this information.

As a result, some people have noted that persons with disabilities have been effectively "invisible" within the UN human rights system. Other groups (such as women and children) experienced this same kind of "invisibility" in the past, and they too opted to develop thematic human rights conventions.

In addition to these problems, the human rights instruments that do address disability issues (like the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities) are not legally binding. This means that governments are not legally required to follow the recommendations of those documents, and, sadly, many have chosen not to. It has also been observed that some of the older human rights instruments that address disability issues are rather outdated in the way that they discuss persons with disabilities. This may reinforce stereotypes of persons with disabilities as being especially vulnerable, or lacking in the ability to fully participate in society.

Thus by taking a "rights based approach" various of these problems are addressed through the following mechanisms:

i. **Express linkage to human rights -** through an express linkage to human rights, the full range of civil, political, economic, social and cultural rights are linked directly to disability issues. This also allows for the discussion of disability rights using the language of human rights. For example, when discussing the educational needs of youth with disabilities, the CRPD helps us to talk about these issues not just as "needs", but also as legally enforceable rights. Also, because all human rights are interrelated and interdependent (meaning that our enjoyment of each right affects our ability to enjoy other rights), a rights-based approach would also require us to think what other rights are important to the enjoyment of the right to education.

ii. **Accountabilit**y – using a rights-based approach requires identifying who are the rights-holders (the people claiming their rights) and who are the duty-holders (the people who have the duty to protect and promote enjoyment of the rights in question, i.e. they must not violate the rights and they must take action to ensure enjoyment of the rights by the rights-holders)

iii. **Empowerment** – rights-based approaches focus on the empowerment of rights-holders. This is the opposite of a charitable approach, where the recipients of the charity are passive and have no say in what action is taken.

iv. **Participation** – rights-based approaches require the full participation of all relevant stakeholders. This requires that persons with disabilities be meaningful participants along with other stakeholders

Aim of convention

'The purpose of the present 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 to promote respect for their inherent dignity.

'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.' (**Article 1)**

Principles of the Convention

1. The general principles of the present Convention are:

'(*a*) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; (*b*) Non-discrimination; (*c*) Full and effective participation and inclusion in society; (*d*) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; (*e*) Equality of opportunity; (*f*) Accessibility; (*g*) Equality between men and women; (*h*) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.' (**Article 3)**

2. Equality and non-discrimination

‘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.’

‘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)

3. Women with disabilities

‘States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.’ (article 6)

4. Children with disabilities

‘States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.’ (article 7)

Obligations

1. General Obligations

‘States 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.'

‘With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and…within the framework of international cooperation, with a view to achieving progressively the full realization of these rights…’

‘In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.’

‘Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State.’ (**Article 4**)

‘States Parties undertake to adopt immediate, effective and appropriate measures:

‘(*a*) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities; (*b*) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life; (*c*) To promote awareness of the capabilities and contributions of persons with disabilities.’ (**Article 8**)

3. human rights and fundamental freedoms

‘States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.’ (Article 10)

‘States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.’ (Article 11)

‘States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law’ (Article 12)

‘States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.’ (Article 13)

‘States Parties shall ensure that persons with disabilities, on an equal basis with others:

‘(*a*) Enjoy the right to liberty and security of person;

‘(*b*) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.’ (Article 14)

‘No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.’ (Article 15)

‘States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.’ (Article 16)

‘Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.’ (Article 17)

‘States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others.’ (Article 18)

‘States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention…’ (Article 21)

‘No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.’ (Article 22)

‘States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:

‘(*a*) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected…’

‘(*b*) To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs…’ (Article 29)

4. Economic, social and cultural obligations

‘To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, Including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.’ (Article 9)

‘States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community’ (Article 19)

‘States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities’ (Article 20)

‘States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others’ (Article 23)

‘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' (Article 24)

'States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation.' (article 25)

'States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, StatesParties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services' (Article 26)

'States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment' (article 27)

'States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.' (article 28)

'States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life' (Article 30)

5. Implementation and Monitoring Measures

‘States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention.’ (Article 31)

‘States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities.’ (Article 32)

‘States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination

mechanism within government to facilitate related action in different sectors and at different levels.' (**Article 33**)

Monitoring of the Implementation of the Convention-The role of civil societies

Article 33 explains that States must set up national focal points governments in order to monitor implementation of the Convention's precepts. States must also set up some sort of independent monitoring mechanisms – which usually takes the form of an independent national human rights institution. **The full participation of civil society, in particular persons with disabilities and their representative organizations is essential in the national monitoring and implementation process.** International monitoring is achieved via the Committee on the Rights of Persons with Disabilities and the Conference of States Parties.

- **The Conference of States Parties** will be made up of signatories to the Convention, and will have the authority to consider any matter with regard to implementation of the Convention. The first meeting of the Conference of States Parties will be convened by the Secretary-General no later than six months after the entry into force of the Convention. The subsequent meetings shall be convened by the Secretary-General biennially or upon the decision of the Conference of States Parties. The Conference will elect members of The Committee on the Rights of Persons with Disabilities.

- **The Committee on the Rights of Persons with Disabilities** will have an eventual membership of 18 experts, who will serve for four year terms in their individual capacities rather than as government representatives. (The term of six of the first Committee members will expire after 2 years). States Parties will provide reports to the Committee every two years after the Convention has entered into force. The reports will provide a comprehensive explanation on the progress made towards implementation of the Convention.

'There shall be established a Committee on the Rights of Persons with Disabilities…which shall carry out the functions hereinafter provided.

'The Committee shall consist, at the time of entry into force of the present Convention, of twelve experts.

‘The members of the Committee shall be elected by States Parties’ (**Article 34**)

‘Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.’ (**Article 35**)

‘Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.’ (**Article 36**)

‘Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.’ (**Article 37**)

‘In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:

‘(*a*) The specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

‘(*b*) The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.’ (**Article 38**)

‘The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities, and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.’ (**Article 39**)

‘The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.’ (**Article 40**)

*I have not included articles 41 to 50, more to do with formalities, signatures and operational matters etc. I have also not included article 2 as it is for technical terms.

How to Make the Convention a Success

After the Convention negotiations have finished and the final text of the Convention is adopted by the United Nations, there are two things that need to follow for the Convention to be successful:

- Two steps from a final draft Convention to becoming International Law:

Step 1 - Signing and Ratification: Countries need to *sign and ratify* the Convention. When they do this the country is then called a “States Party” to the Convention. (We’ll discuss in more detail what “ratification” is in a moment.)

If a country has chosen not to become a States Party to the Convention, the country is not legally required to comply with the obligations set out in the Convention. With that in mind, we want as many countries as possible to become States Parties, so that persons with disabilities in as many countries as possible can benefit from the provisions of the disability Convention!

Step 2 - “Entering into force” - making sure enough countries “sign on”. It is worth noting though that even a country that becomes a States Party will not be required to comply with the detailed provisions of the Convention *unless* the Convention has entered into force. Typically, a human rights convention will specify that a certain number of countries must become

States Parties before the convention is activated. This 'activation' is known in international law as "entering into force."

When a convention enters into force, all States Parties must comply with the legal obligations of the convention. We do not yet know how many countries will need to become States Parties for the disability Convention to enter into force, but a typical number used in other human rights conventions is 20 countries. This we should see as a minimum, and keep in mind that ideally we want every UN Member State to become a Party to the Convention.

- A new International Law - what now?

Once we have enough States Parties to the Convention and the Convention has entered into force, then the next step is to *implement* the Convention. Implementation involves States Parties taking whatever actions they need to in order to comply with their legal obligations under the Convention. For some countries implementation will require a lot of work, while in other countries they will need to do less work.

In all countries, though, successful implementation will take time and require close collaboration between the government and the disability community. Successful implementation will also require careful *monitoring*, both at the national and international level. It is this monitoring that will enable us to see how States Parties have progressed in implementing the Convention, and whether any States Parties are violating the human rights of persons with disabilities as set out in the Convention.

How to Implement the Convention Successfully

Implementing a UN convention is a complicated and potentially overwhelming thing to attempt! There is so much that can be done that in many cases, NGOs tend to focus only on monitoring and the work of the treaty body; but in fact, that is only a small part of what implementation can and should be all about. This section will offer a framework for the development of an implementation program – something that we like to call *"the ABCs of Implementation."*

Adopt a Rights-based Vision

Build a Constituency for Change
Count your successes and setbacks

Adopt a Rights-based Vision

Step 1 – Environmental scan

Review the convention and at the same time, think of the work that your organization does, or would like to do, in the future.

Step 2 – Match the environment to your own agenda

Think a little more about what your organization is doing, or would like to do. Connect that to the article that is most closely related to that work. In order to do this, it is useful to undertake a SWOT analysis of your organization. SWOT Analysis is an effective way of looking at your environment and identifying the Strengths and Weaknesses, and of examining the Opportunities and Threats your organization will face. In the context of implementation of the new Convention, SWOT Analysis can also help focus your activities in areas where your group is strong, and where the greatest opportunities lie. SWOT will also help you determine areas of weakness that you may either fix or work around in your efforts to implement and monitor the Convention in your country.

How to use SWOT:

To carry out a SWOT analysis, write down answers to the following questions. Where appropriate feel free to modify questions:

Strengths:

- What are your advantages?
- What do you do well?
- What do other people see as your strengths?

Consider this from your organization's point of view and from the point of view of the people you deal with. Don't be modest - be realistic. If you are having any difficulty with this, try writing down a list of your group's characteristics. Some of these will hopefully be strengths!

Weaknesses:

- What could you improve?
- What do you do badly?
- What should you avoid?

Again, consider this from an internal and external basis - do other people seem to perceive weaknesses that you do not see? It is best to be realistic now, and face any unpleasant truths as soon as possible.

Keep in mind that many useful opportunities will come with the advent of the new Convention. At this point, it will be helpful to try and anticipate as many of these as possible.

Opportunities:

- What are the good opportunities facing you?
- What are the interesting trends you are aware of?

This sort of analysis will be illuminating - both in terms of pointing out what needs to be done, and in putting problems into perspective.

Threats:

- What obstacles do you face?
- Does your group have all the required skills for the job?

Step 3 – Develop a vision of full implementation of this right

Now that you have connected your work to a specific article in the CRPD, we suggest that you go to the treaty itself and carefully review the article to see just what it says the right involves and how it should be realized.

Build a Constituency for Change

Step 1 – Identify the objectives you will need to meet to realize your vision

How this evolves will depend on many different factors. Information from the environmental scan and SWOT Analysis will be key to planning this wisely. However, despite the variance from issue to issue, or from country to country, it is always the case that the pursuit of a large goal or what we called above, a “rights-based vision,” will involve a series of steps along the way. For example, if your

organization were to identify education as its priority, then you would need to look at the factors involved in ensuring equal access to education, including everything from teacher training to accessible buildings and information, and many, many other things as well. These are what we mean by objectives to meet your goal.

Step 2 – Identify activities that will help move your agenda forward

Implementing a UN treaty is a complicated and potentially overwhelming thing to attempt! There is so much that can be done that in many cases, NGOs tend to focus only on monitoring and the work of the treaty body, but in fact that is only a small part of what implementation can and should be all about. We hope that by now it is becoming clear that, while very important, treaty body work and things like shadow reporting are only a part of how civil society can implement the CRPD.

If all NGOs were to do was report on instances where education, as an example, did not measure up to their "rights based vision," this would be important to note. However, it does not begin to take advantage of all the opportunities presented by the new Convention for activities, such as the development of resources to improve the quality of education for governments and administrators, or training and the development of resource materials to enhance the quality of education for students with disabilities.

It is these later measures, like the provision of training or resources that can be most effective in moving society closer to the goal of inclusive and accessible education. It is also through these sorts of activities that we can really begin to address the invisibility issue, which is often at the core of many barriers faced by people with disabilities.

Step 3 – Identify collaborators from the larger community

The CRPD offers a wonderful opportunity to begin to reach out to groups beyond those with whom DPOs traditionally work. Through the whole convention development process, DPI and many other

DPOs have begun to develop linkages with other human rights and equity seeking organizations. Equally, our connections to governments have expanded into areas where we had not been able to establish much useful contact in previous efforts.

Once you have identified the areas that are important to your organization's agenda, and decided on the types of activities you wish to undertake to achieve your goal or your "rights-based vision," you should think carefully about whom in the community is also a stakeholder on this issue in question. From there you will need to determine who among this group are likely to be your allies, and with this list in hand, you should begin to approach others with your ideas and see if they are open to collaboration. As noted above, the Convention development process was full of this type of activity, and in many cases the results were very positive.

Perhaps the single best example of this is the collaboration with governments themselves! Those of us involved in advocacy work are familiar with the often adversarial relations between civil society and governments, but the development of the CRPD was an exception to this and should serve as an example as we move forward to the implementation stage.

Count your Successes and Setbacks

Finally, with the ABC's of implementation we come to the point of evaluation. Its essential to have a clear sense of what has worked and what has not. Only with evaluation will your organization be able to learn from its mistakes and emulate its successes. Evaluation and self-analysis is the key to organizational growth and improvement.

These principles reflect the core values of effective evaluation work. The guiding principles consider the fundamental expectations of both evaluators, and the evaluation processes.

Independence – the evaluator's judgments are not influenced by pressure or conflict of interest. Evaluation team members must not have been engaged in the activities to be evaluated.

Impartiality – the personal preferences of the evaluator do not affect the evaluation. Evaluations must give a balanced presentation of strengths and weaknesses.

Objectivity – the evaluation rests on verifiable findings of fact. Judgments must be clearly separated from factual statements.

Transparency – features, issues and decisions significant to the evaluation are identified and explained clearly.

Feasibility – the appropriate methodology and resources required by the evaluation are available.

Propriety – the evaluation does not harm individuals.

Cost-efficiency – the evaluation is done at least cost.

Accuracy – the data do not contain errors of significance to the evaluation.

Fairness – evaluations give a balanced presentation of strengths, weaknesses and different views.

Credibility – the evaluation is conducted in such a way that the results are believed.

Usefulness – the evaluative process and the information it produces are utilized by users and stakeholders.

Frequently Asked Questions regarding the Convention on the Rights of Persons with Disabilities

- What is an international convention?
- Why do we need a convention for persons with disabilities? Don't they have the same rights as everyone else?
- What about existing legislation? Is it not working?
- How will the new Convention help persons with disabilities?
- How was the content of the Convention decided upon?
- How was the Convention negotiated?
- How accessible was the negotiation process?
- When will the new Convention take effect?
- What does the Convention cover?
- Does this Convention create new rights?
- Will this Convention create obligations for states?
- What are the obligations of States who have signed the Convention?
- Does it make economic sense for countries to adopt the Convention?
- What will it cost to implement?
- How will this Convention be monitored at the international level?
- What Is disability and who are persons with disabilities?
- What rights are addressed in the Convention?
- Isn't it expensive to make buildings accessible?
- What is society missing out on?

What is an international convention?

An international convention or treaty is an agreement between different countries that is legally binding to the contracting States. Existing international conventions cover different areas, including trade, science, crime, disarmament, transport, and human rights. A convention becomes legally binding to a particular State when that State ratifies it. Signing does not make a convention binding, but it indicates support for the principles of the convention and the country's intention to ratify it. As contracting States are legally bound to adhere to the principles included in the convention, a monitoring body is often set up to assess State parties' progress in implementing the convention by considering reports periodically submitted by States. Human rights conventions do not contain any enforcement mechanism to compel States to comply with the principles of the convention or with the recommendations of the monitoring body, and the implementation of these conventions depends on the commitment of each country.

Why do we need a convention for persons with disabilities? Don't they have the same rights as everyone else?

The rights enumerated in the Universal Declaration of Human Rights, in a perfect world, would be enough to protect everyone. But in practice certain groups, such as women, children and refugees have fared far worse than other groups and international conventions are in place to protect and promote the human rights of these groups.

Similarly, the 650 million people in the world living with disabilities—about 10 per cent of the world's population—lack the opportunities of the mainstream population. They encounter a myriad of physical and social obstacles that:

- Prevent them from receiving an education;
- Prevent them from getting jobs, even when they are well qualified;
- Prevent them from accessing information;
- Prevent them from obtaining proper health care;
- Prevent them from getting around;
- Prevent them from “fitting in” and being accepted.

What about existing legislation? Is it not working?

While some countries have enacted comprehensive legislation in this regard, many have not. Because of discriminatory practices, persons with disabilities tend to live in the shadows and margins of society, and as a result their rights are overlooked. A universal, legally binding standard is needed to ensure that the rights of persons with disabilities are guaranteed everywhere.

There have been prior efforts to promote disability legislation. In 1993 the UN adopted the Standard Rules on the Equalization of Opportunities for Disabled Persons that have provided policy guidelines on promoting the same opportunities to persons with disabilities that others enjoy. and these have served as model legislation for a number of countries. The Rules, however, are not a legally binding instrument, and disability advocates note that there are no enforceable obligations without a convention.

How will the new Convention help persons with disabilities?

Throughout history, persons with disabilities have been viewed as individuals who require societal protection and evoke sympathy rather than respect. This convention is a major step toward changing the perception of disability and ensures that societies recognize that all people must be provided with the opportunities to live life to their fullest potential, whatever that may be.

By ratifying a convention, and after the treaty comes into force, a country accepts its legal obligations under the treaty and will adopt implementing legislation.

Other human rights treaties, such as conventions on the rights of children and women, have had a major effect in addressing rights violations.

How was the content of the Convention decided upon?

The negotiations of the Convention embodied the principle 'nothing about us, without us'. The Convention was drafted by the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (Ad Hoc Committee), which is a committee of the United

Nations General Assembly. Its membership is open to all United Nations Member States and observers. During its first session, the Ad Hoc Committee decided that representatives from non-governmental organizations (NGOs) accredited to the Ad Hoc Committee could also participate in meetings and make statements in accordance with United Nations practice. Since then, the General Assembly has repeatedly urged that efforts be made to actively involve disability organizations in the work of the Ad Hoc Committee. Throughout the process organizations of persons with disabilities and other NGOs have been very active in providing comments and information from a disability perspective.

Since its establishment, the Ad Hoc Committee held eighth sessions. At its first two sessions, in 2002 and 2003, the Committee considered the possibility of drafting an international instrument on the rights of persons with disabilities, and discussed the type of instrument and possible elements to be included. At its second session, the Ad Hoc Committee established a working group to prepare a draft text of a convention. The Working Group, composed of government and NGO representatives, met in January 2004 and drafted a text for negotiation. At its third, fourth, fifth, sixth, seventh and eighth sessions the Ad Hoc Committee continued its negotiations. The Convention text was finalized by the Ad Hoc Committee on 26 August 2006.

A drafting group tasked with ensuring uniformity of terminology throughout the text of the draft convention and harmonizing the versions in the official languages of the United Nations reviewed the text from September to November 2006.

The United Nations General Assembly adopted the text of the Convention on the Rights of Persons with Disabilities and its option protocol on 13 December 2006.

How was the Convention negotiated?

The General Assembly established an Ad Hoc Committee in 2001 to negotiate a Convention. The first meeting was in August 2002, and drafting of the text began in May 2004. In August 2006, the Committee reached agreement on the text. Delegates to the Ad Hoc Committee represented NGOs, Governments, national human rights institutes and international organizations. It was the first time that NGOs had actively participated in the formulation of a human rights instrument.

How accessible was the negotiation process?

The methods to ensure accessibility during the negotiation process increased in sophistication over time. Methods progressed from diskettes and documents in Braille, to email and website facilitated communication. A website was created to be accessible to conformance level A according to the standards set by the Web Content Accessibility Guidelines version 1.0 (WCAG 1.0). Among other features, this level of accessibility allowed users of assistive technology such as screen readers to access the website effectively, and allowed for the resizing of text for those who needed to view enlarged text. Working documents of negotiation of Convention text were posted to the website as

soon as they were discussed during a session of the Ad Hoc Committee, an innovative practice for United Nations convention negotiations. The website thus provided instant worldwide access to the rapidly changing progress of the discussions, giving the opportunity for groups around the world to feed into the process in a timely manner and on precise issues. In addition, the conference room at United Nations headquarters in New York where negotiations were held was made WiFi-accessible mid-way through the negotiation process. The WiFi allowed persons in the room to electronically access and read the documents being discussed using assistive devices as necessary. All Ad Hoc Committee meetings were held in a wheel-chair accessible conference room, and neck loops were provided upon request for persons with hearing impairments.

When will the new Convention take effect?

The Convention will take effect or 'enter into force' 30 days after the twenty countries have ratified it.

What does the Convention cover?

The purpose of the convention is to promote, protect and ensure the full and equal enjoyment of all human rights by persons with disabilities. It covers a number of key areas such as accessibility, personal mobility, health, education, employment, habilitation and rehabilitation, participation in political life, and equality and non-discrimination. The convention marks a shift in thinking about disability from a social welfare concern, to a human rights issue, which acknowledges that societal barriers and prejudices are themselves disabling.

Does this Convention create new rights?

No. The convention does not create any “new rights” or “entitlements”. What the convention does, however, is express existing rights in a manner that addresses the needs and situation of persons with disabilities.

Will this Convention create obligations for states?

Yes. States will be obligated to introduce measures that promote the human rights of persons with disabilities without discrimination. These measures would include anti-discrimination legislation, eliminate laws and practices that discriminate against persons with disabilities, and consider persons with disabilities when adopting new policies and programmes. Other measures include making services, goods, and facilities accessible to persons with disabilities.

What are the obligations of States who have signed the Convention?

States Parties to the Convention are committing to:

- Respect the rights of persons with disabilities

- Protect the rights of persons with disabilities
- Fulfil the rights of persons with disabilities

Does it make economic sense for countries to adopt the Convention?

Yes. Besides the obvious problem of putting a price tag on the basic human rights for a significant segment of the population, it turns out that it is actually good economics to ensure that disabled persons are able to live up to their potential. When there are no obstacles in their way, disabled persons are employees, entrepreneurs, consumers and taxpayers, along with everybody else.

What will it cost to implement?

The convention calls for the "progressive realization" of most of its provisions, in line with the resources of individual countries. Some steps will require money and for countries where resources are scarce, it is hoped that international assistance—which has neglected the needs of persons with disabilities—will help.

Making changes in line with the Convention benefits not only persons with disabilities, but other people as well. Elevators and ramps, for example, provide more options for everyone. Design changes to that are needed to accommodate the Convention will, over time, generate new ideas and innovations that will improve life for all people, not only persons with disabilities.

How will this Convention be monitored at the international level?

Once the Convention enters into force, a Committee on the Rights of Persons with Disabilities will monitor its implementation. Countries that ratify the Convention will need to report regularly on their progress to the Committee. An optional protocol allows citizens in those countries that choose to ratify the protocol the possibility of launching an individual complaint to the Committee if there are no more national options left.

What as disability and who are persons with disabilities?

The term persons with disabilities is used to apply to *all* persons with disabilities *including* those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various attitudinal and environmental barriers, hinders their full and effective participation in society on an equal basis with others. However, this minimum list of persons who may claim protection under the Convention does not exhaust the categories of the disabilities which fall within the it nor intend to undermine or stand in the way of wider definition of disabilities under national law (such as persons with short-term disabilities). It is also important to note that a person with disabilities may be regarded as a person with a disability in one society or setting, but not in another, depending on the role that the person is assumed to take in his or her community. The perception and reality of disability also depend on the technologies, assistance and services available, as well as on cultural considerations.

In most parts of the world there are deep and persistent negative stereotypes and prejudices against persons with certain conditions and differences. These attitudes themselves also shape who is considered to be a person with a disability in each society as well as have contributed to a negative image of persons with disabilities. The language used to refer to persons with disabilities has played a significant role in the persistence of negative stereotypes. Clearly, terms such as “crippled” or “mentally retarded” are derogative. Other terms such as “wheelchair-bound” or “disabled persons” emphasize the disability before the person.

The drafters of this Convention were clear that disability should be seen as the result of the interaction between a person and his or her environment. Disability is not something that resides in the individual as the result of some impairment. This convention recognizes that disability is an evolving concept and that legislation may adapt to reflect positive changes within society.

Disability Resides in the Society **not** in the Person

- A person in a wheelchair might have difficulties being gainfully employed not because of her condition but because there are environmental barriers such as inaccessible buses or staircases in the workplace which obstruct his or her access.
- A child with an intellectual disability might have difficulties going to school due to the attitudes of teachers, school boards and possibly parents who are unable to adapt to students with different learning capacities.
- In a society where corrective lenses are available for someone with extreme myopia (nearsightedness), this person would **not** be considered to have a disability, however someone **with the same condition** in a society where corrective lenses were not available would be considered to have a disability, especially if the level of vision prevented the person from performing tasks expected of this person such as shepherding, sewing, or farming.

What rights are addressed in the Convention?

The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights by persons with disabilities. The articles of the Convention recognize all rights, civil, cultural, economic, political, and social. The United Nations promotes the notion that these rights cannot be separated, and thus the Convention addresses them as integrated aspects of the entire spectrum of individuals' rights. These rights identify action-oriented policy interventions for States to adopt in order to actively bring legislative and judicial systems in line with the Convention.

Specific rights covered in the Convention include:

- Equal protection before the law
- Liberty and security of the person
- Freedom from torture
- Protection of the integrity of the person

- Liberty of movement and nationality
- Freedom of expression
- Respect for privacy
- Right to participation in public life
- Freedom from exploitation
- Respect for home and the family
- Right to live in the community
- Right to education
- Right to life
- Right to health
- Habilitation and rehabilitation
- Right to work
- Right to an adequate standard of living
- Right to participate in cultural life

Isn't it expensive to make buildings accessible?

Over time, new construction should incorporate designs that take into account the needs of persons with disabilities. In studies, the World Bank found that the cost of building in these features at the time of construction is minimal. It has been shown that making buildings accessible adds less than one percent to construction costs.

What is society missing out on?

A larger talent pool. Persons with disabilities can contribute a wide array of expertise, skills and talents. While persons with disabilities face higher unemployment rates than the rest of the population in virtually every country, studies show that the job performance of persons with disabilities is as good, if not better, than the general population. High retention rates and less absenteeism have more than offset fears that it is too costly to accommodate the needs of persons with disabilities in the workplace. Furthermore, fears that hiring persons with disabilities add significant costs to employers are overblown. A 2003 survey in the United States found that almost three-quarters of employers reported that employees with disabilities did not require any special accommodation.

Disability and the UN System

Secretariat for the Convention on the Rights of Persons with Disabilities

- Secretariat for the Convention on the Rights of Persons with Disabilities
- Office of the High Commissioner for Human Rights [OHCHR]

Disability and Development

- Asian and Pacific Decade for Disabled Persons, 2003-2012 [ESCAP]
- Secretariat of the African Decade of Persons with Disabilities, 1999-2009 [SADPD]
- World Bank

Disability and Education

- UNESCO

Disability and the World of Work

- International Labour Organization [ILO]

Disability and Health

- Disability and rehabilitation [WHO]
- Mental Health in Primary Care [WHO]
- Prevention of blindness and deafness [WHO]

Persons with Disabilities in Rural Areas

- Food and Agricultural Organization [FAO]

Disability Definition and Statistics

- Disability Statistics
  - United Nations Statistics Division
  - ESCAP Statistics Division
- International Classification of Functioning, Disability and Health [ICF]