



# The UN Convention on Rights of Persons with Disabilities

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## Foreword

by

Professor Emeritus Ron McCallum AO

Chair

United Nations Committee on the Rights of Persons with Disabilities

The purpose of this booklet is to explain, especially to athletes competing at the London 2012 Paralympic Games and their coaches, families, supporters and friends, the reach and scope of the United Nations Convention on the Rights of Persons with Disabilities.

Paralympic athletes, through their living experiences of being persons with disabilities, have overcome huge hurdles to participate in these 2012 Paralympic Games. You are torch bearers for us all, and it is my hope that you will be torch bearers for this Convention.

The Convention upholds and safeguards the inherent dignity of all persons with disabilities. It protects the human rights and fundamental freedoms of all persons with disabilities and is binding upon those countries which have ratified it.

It is one of the ten United Nations Human Rights Conventions. Each of these conventions has an elected committee, which is known as a treaty body, whose primary function is to monitor the implementation of its convention.

As the Chair of this Convention's treaty body, I am aware what a difference the Convention is already making in the lives of we persons with disabilities. The fulfilment of human rights and fundamental freedoms is essential for the attainment of full human dignity by all persons with disabilities, and I urge you to take the time to examine their breadth and scope by reading through this booklet and the Convention.

It is my hope that every nation will ratify the Convention and, by doing so, agree to be bound by it. If your country has not yet ratified the Convention, please urge your government to do so as soon as possible.

May I take this opportunity to congratulate the athletes of the 2012 London Paralympics. You are examples, not solely to we persons with disabilities, but to all persons of good will in our world.

Professor Emeritus Ron McCallum AO

Sydney, Australia

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## **The Purpose of the Convention**

### ***What is the purpose of the United Nations Convention on the Rights of Persons with Disabilities?***

Article 1 of the Convention sets out its purpose, which 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.”

The Convention is a human rights treaty designed to protect the human rights and inherent dignity of persons with disabilities. It is needed because so many of us around the world are unable to fully enjoy all of the human rights which most able-bodied persons take for granted.

The Convention came into force on 3 May 2008, and already 112 nations have ratified it, which means they have agreed to be bound by its provisions.

## **The Convention and Disabilities**

### ***What persons are covered by the Convention?***

The Convention protects all persons with disabilities, who are defined in Article 1 as including " ... 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."

This broad definition adopts what is known as the social model of disability. It recognises that disability is an evolving concept, and that we are often prevented from exercising all of our human rights and fundamental freedoms by barriers of attitude and environment which have been placed in our way. In other words, the Convention seeks to alter social attitudes by ensuring that governments, individuals and organisations recognise that we have the same human rights and fundamental freedoms as all other persons.

Article 8 of the Convention takes the social model further by obliging countries to adopt measures to raise awareness of the rights of persons with disabilities to combat "stereotypes, harmful practices and prejudices."



## Persons with Disabilities in our World

### *How many persons in our world are persons with disabilities?*

According to the 2011 *World Report on Disability* by the World Health Organisation and the World Bank, about 15% of the world's population will experience a disability at some time in their lives. This means that approximately one billion persons around the world are already, or will become, persons with disabilities. In other words, we are one billion strong.

The *World Report on Disability* also estimates that 3.8% of the world's population, around 195 million persons, have significant disabilities.

Most persons with disabilities live in developing nations, and are among the poorest persons in the world. In other words, there is a connection between disability and poverty.

Therefore, by protecting persons with disabilities, the Convention plays a role in protecting some of the most vulnerable people in the world by ensuring their economic, social and political rights.

## The Principles of the Convention

### *What principles underpin the Convention?*

Article 3 sets out the eight principles of the Convention. Briefly, these principles are:

- Respect for inherent dignity and individual autonomy;
- Non-discrimination;
- Full and effective participation and inclusion in society;
- Respect for difference;
- Equality of opportunity;
- Accessibility;
- Equality between men and women; and
- Respect for the evolving capacities of children.

The principles require governments, individuals and organisations to treat all persons with disabilities with respect for their inherent dignity, and to ensure that their disabilities do not restrict their full participation in society.



## The Convention and Discrimination

### *What does the Convention say about discrimination against persons with disabilities?*

The Convention requires countries to prohibit discrimination against persons with disabilities. This type of discrimination is defined in Article 2 as " ... any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

It is important to recognise that discrimination against persons with disabilities can occur where persons are treated equally. This is because, by not taking into account a person's disability, equal treatment with others may have the effect of impairing or nullifying that person's enjoyment of a human right.

To promote equality and eliminate discrimination countries are required to take steps to ensure the provision of "reasonable accommodation" which is defined in Article 2 as, " ... 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."

For example, someone who is totally blind may use computer-based adaptive technology with synthetic speech to read material on a computer. Appropriate reasonable accommodation by an employer would be to assist that person to obtain this technology so they can perform the job. Another example of reasonable accommodation would be enabling wheelchair access to a workplace.

Article 5 of the Convention allows countries to establish specific measures and programs to accelerate or achieve de facto equality of persons with disabilities. In other words, measures and programs designed to give us the same level of equality as other persons are permitted under the Convention and are not considered to be discrimination. This measure is important because it enables governments to assist persons with disabilities to lead fulfilled lives in the community.



## **The Convention and the Special Needs of Women and Children**

### ***What does the Convention say about the special needs of women and children?***

Article 6 of the Convention recognises that women and girls are subject to multiple forms of discrimination, and it requires countries to take measures to ensure that women and girls obtain and enjoy all of the same human rights and fundamental freedoms as all other persons.

Article 7 of the Convention obliges countries to take measures to ensure that children with disabilities fully enjoy all human rights and fundamental freedoms on an equal basis with other children.

The Convention also obliges countries to take steps to ensure that children " ... have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realise that right."

## **The Convention and Accessibility**

### ***What does the Convention say about accessibility?***

Persons with disabilities often lack access to buildings, to transport and to information. If we can't access transport, for example, we will find it impossible to go to school and to obtain employment. Accessibility is one of the central themes of the Convention, and is dealt with in some detail because of its importance.

Article 9 of the Convention requires countries to adopt 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." Put briefly, as well as requiring countries to take measures to ensure access, they are also obliged to adopt appropriate standards and guidelines relating to building, to transportation and to the provision of information in accessible formats.



## **The Convention and Cultural Rights**

### ***What does the Convention say about cultural rights?***

Cultural activities are central to the lives of all persons, and the Convention guarantees appropriate access to cultural places, materials and programs.

Paragraph 1 of Article 30 guarantees us the right to take part in cultural life on an equal basis with others. Countries are obliged to take appropriate measures to ensure we have access to cultural materials like libraries, to places of culture and entertainment like art galleries and concert halls, and to television programs. This type of access can be assured through the use of audio description, captioning and sign language.

## **The Convention, Recreation, Leisure and Sport**

### ***What does the Convention say about recreation, leisure and sport?***

Participation in sport has proven to be one of the key ways in which persons with disabilities can demonstrate their place in the world. As we see at these London 2012 Paralympic Games, disabilities do not hold back or restrict athletes.

It is essential to grant access to sporting, recreational and leisure facilities and activities for all persons with disabilities. Paragraph 5 of Article 30 obliges countries to take appropriate measures to " ... encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels" and " ... ensure that persons with disabilities have an opportunity to organise, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources."

This also covers access to recreational and tourist facilities, which is important because we persons with disabilities can be great travellers who wish to discover the wonders of our world for ourselves.

## **The Convention and Human Rights and Fundamental Freedoms**

### ***What human rights and fundamental freedoms are guaranteed by the convention?***

The Convention guarantees us all of the same human rights and fundamental freedoms which most persons take for granted. Articles 10 to 29 of the Convention list these in some detail, ranging across the full spectrum of civil, political, social and economic rights and freedoms. These rights and freedoms are set out in the Convention and must be read in conjunction with



the eight principles of the Convention and with its provisions prohibiting discrimination.

The rights and freedoms are:

- The right to life;
- Equal recognition before the law;
- Full legal capacity including the right to own and inherit property and access to credit;
- Full access to justice, including access to the courts and to legal process;
- Liberty and security of the person;
- Freedom from torture or from cruel or degrading treatment or punishment, including medical experimentation;
- Freedom from exploitation, violence or abuse;
- The right to personal integrity;
- The right to liberty of movement, including the right to possess a nationality
- The right of all children to be registered at birth and to have a name;
- The right to live in the community and to live independently;
- Personal mobility including access to appropriate mobility aids and technology;
- Freedom of expression and opinion;
- The right to personal privacy;
- Respect for the home and for the family;
- The right to marry and to found a family;
- The equal right of children with disabilities to have a family life;
- The right to education and to obtain inclusive education with others in the community;
- The right to the enjoyment of the highest attainable standard of health without discrimination;
- The provision of habilitation and rehabilitation services;
- The right to work on an equal basis with others, including equal remuneration for work of equal value;
- The right to an adequate standard of living; and
- The right to participate in political and public life, including the right to vote.

The fulfilment of these rights and freedoms is essential for the attainment of full human dignity by all persons with disabilities.





**Paralympic.org**

**International Paralympic Committee**

Adenauerallee 212-214

53113 Bonn, Germany

Tel. +49 228 2097-200

Fax +49 228 2097-209

**[info@paralympic.org](mailto:info@paralympic.org)**

**[www.paralympic.org](http://www.paralympic.org)**

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