

Human rights of persons with disabilities



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Persons with disabilities face discrimination and barriers that restrict them from participating in society on an equal basis with others every day. They are denied their rights to be included in the general school system, to be employed, to live independently in the community, to move freely, to vote, to participate in sport and cultural activities, to enjoy social protection, to access justice, to choose medical treatment and to enter freely into legal commitments such as buying and selling property.

A disproportionate number of persons with disabilities live in developing countries, often marginalized and in extreme poverty.

The protection guaranteed in other human rights treaties, and grounded in the Universal Declaration of Human Rights, should apply to all. Persons with disabilities have, however, remained largely 'invisible', often side-lined in the rights debate and unable to enjoy the full range of human rights.

In recent years, there has been a revolutionary change in approach, globally, to close the protection gap and ensure that persons with disabilities enjoy the same standards of equality, rights and dignity as everyone else.

The Convention on the Rights of Persons with Disabilities, which was adopted in 2006 and entered into force in 2008, signalled a 'paradigm shift' from traditional charity-oriented, medical-based approaches to disability to one based on human rights.

Former UN High Commissioner for Human Rights, Louise Arbour, said, "The celebration of diversity and the empowerment of the individual are essential human rights messages. The Convention embodies and clearly conveys these messages by envisaging a fully active role in society for person with disabilities."

The International Framework

The Convention and its Optional Protocol

The Convention on the Rights of Persons with Disabilities

(<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>) offers sufficient standards of protection for the civil, cultural, economic, political and social rights of persons with disabilities on the basis of inclusion, equality and non-discrimination. It makes clear that persons with disabilities are entitled to live independently in their communities, to make their own choices and to play an active role in society.

The Optional Protocol

(<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/OptionalProtocolRightsPersonsWithDisabilities.aspx>) on the Convention came into force at the same time as the Convention. It gives the Committee of experts additional capacities. The Committee can accept and examine complaints

(<http://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/HRTBPetitions.aspx>) filed by individuals, and where

there is evidence of grave and systemic violations of human rights, it can launch inquiries. The Convention and its Optional Protocol (<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/OptionalProtocolRightsPersonsWithDisabilities.aspx>) received immediate and wide support from the international community. Their adoption has been welcomed as evidence of a real commitment to a truly inclusive and universal human rights framework.

The Committee of Experts

The Committee on the Rights of Persons with Disabilities

(<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>) (CRPD), a group of 18 independent experts (currently, most of them persons with disabilities), oversees promotion and implementation of the Convention. The experts are nominated by individual countries and then elected by the States that have ratified (<https://treaties.un.org/Pages/Treaties.aspx?id=4>) the Convention. All States are obliged to report (http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&DocTypeID=29) regularly to the Committee on how the rights embodied in the Convention are being implemented in each of their countries. The Committee in turn, makes comments and suggestions (http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&DocTypeID=5) for further progress, based on each of the reports. Civil society organizations

(<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/NoteonCivilSocietyParticipation.aspx>) and national human rights institutions (<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/NoteonNHRIParticipation.aspx>) also contribute to the reviews.

The Committee is responsible for interpreting the Convention, and to that purpose issues General Comments (<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/GC.aspx>), which offer clarification and guidance on specific articles.

The Special Rapporteur on the Rights of Persons with Disabilities

The Human Rights Council, by its resolution 26/20 (http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/26/20) created the Special Procedure

(<http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>) of the Special Rapporteur on the rights of persons with disabilities. The Special Rapporteur has the mandate to, among others, research and gather information on violations of the rights of persons with disabilities, recommend on how to better promote and protect their rights, and to provide technical assistance to that purpose. The Special Rapporteur reports to the Human Rights Council, and cooperates with the Conference of States Parties to the Convention on the Rights of Persons with Disabilities

(<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>) and the Commission for Social Development (<http://undesadspd.org/commissionforsocialdevelopment.aspx>). Ms. Catalina Devandas Aguilar (Costa Rica)

(<http://www.ohchr.org/EN/Issues/Disability/SRDisabilities/Pages/CatalinaDevandas.aspx>) was appointed as the first Special Rapporteur on the rights of persons with disabilities in 2014.