

## **A Convention on the Rights of Persons with Disabilities**

**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.

When will the new convention take effect?

The General Assembly is expected to adopt the Convention in December 2006. After the treaty is formally adopted, it will be open for signature and ratification by the Member States. The Convention enters into force once twenty countries ratify it.

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.

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.

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.

Who is a disabled person?

The Convention notes that disability is an evolving concept and results from the interaction between a person's impairment and obstacles such as physical barriers and prevailing attitudes that prevent their participation in society. The more obstacles there are the more disabled a person becomes. Persons with disabilities have long-term physical, mental, intellectual, or sensory impairments such as blindness, deafness, impaired mobility, and developmental impairments. Some people may have more than one form of disability and many, if not most people, will acquire a disability at some time in their life due to physical injury, disease or aging.

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.

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.

**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.

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