

ENABLE NEWSLETTER: SPECIAL EDITION

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Welcome to the **ENABLE NEWSLETTER**, a service of the Secretariat for the Convention on the Rights of Persons with Disabilities to keep you informed about the work of the UN system on disability issues. The **ENABLE NEWSLETTER** can be read on-line at www.un.org/disabilities/default.asp?id=312.

UPDATE ON THE CONVENTION •

As of 26 March 2008 there are 17 ratifications of the Convention, meaning that only 3 more ratifications are needed for it to enter into force. The Optional Protocol has now received 11 ratifications. It will therefore enter into force at the same time as the Convention. Currently, there are 126 signatories to the Convention and 71 signatories to the Optional Protocol. For more information on the Convention, go to www.un.org/disabilities.



This Issue is Dedicated to the First Anniversary of the Opening for Signature of the Convention on the Rights of Persons with Disabilities • 30 March 2008

UN Inter-Agency Support Group for the Convention on the Rights of Persons with Disabilities Issues Joint Statement of Commitment to the Convention

More than 20 United Nations departments, agencies, programmes, and funds today pledged their support to implementing the Convention on the Rights of Persons with Disabilities. The Convention, which was opened for signature one year ago on 30 March 2007, is only three ratifications short of the 20 needed to enter into force. Thirty days after the 20th ratification is received, it will become an internationally legally binding document. It is expected that the Convention will receive the necessary ratifications in order to take effect in May.

The recently formed UN group—the Inter-Agency Support Group for the Convention—issued a Statement of Commitment vowed 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 as laid out in the Convention on the Rights of Persons with Disabilities.

“The statement demonstrates our collective commitment to promote and protect the rights of persons with disabilities through their full inclusion in the work of the United Nations system,” says Sha Zukang, UN Under-Secretary-General for Economic and Social Affairs.

Through the UN group, the United Nations system will support planning and action in countries that are party to the new Convention and in supporting measures within the UN system to ensure that persons with disabilities are included in the programmes and policies. Primarily, the group will concentrate its efforts on six main areas: policies to support the purpose and objectives of the Convention; programmes including international cooperation; capacity-building of Member States, civil society, and the United Nations system; research and access to knowledge on disabilities; accessibility; and the Committee on the Rights of Persons with Disabilities. For more information on Inter-Agency Support Group for the Convention on the Rights of Persons with Disabilities see <http://www.un.org/disabilities/default.asp?navid=41&pid=323>.

Frequently Asked Questions about the Convention

• What are the human rights of persons with disabilities?

All members of society have the same human rights - they include civil, cultural, economic, political and social rights. Examples of these rights include the following:

- equality before the law without discrimination
- right to life, liberty and security of the person
- equal recognition before the law and legal capacity
- freedom from torture
- freedom from exploitation, violence and abuse
- right to respect physical and mental integrity
- freedom of movement and nationality
- right to live in the community
- freedom of expression and opinion
- respect for privacy
- respect for home and the family
- right to education
- right to health
- right to work
- right to an adequate standard of living
- right to participate in political and public life
- right to participate in cultural life

All persons with disabilities have the right to be free from discrimination in the enjoyment of their rights. This includes the right to be free from discrimination on the basis of disability, but also on any other basis such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

• What is the Convention on the Rights of Persons with Disabilities?

The Convention on the Rights of Persons with Disabilities is an international treaty that identifies the rights of persons with disabilities as well as the obligations on States Parties to the Convention to promote, protect and ensure those rights. The Convention also establishes two implementation mechanisms: the Committee on the Rights of Persons with Disabilities, established to monitor implementation, and the Conference of States Parties, established to consider matters regarding implementation.

States negotiated the Convention with the participation of civil society organizations, national human rights institutions and inter-governmental organizations. The United Nations General Assembly adopted the Convention on 13 December 2006 and it was opened for signature on 30 March 2007. States that ratify the Convention are legally bound to respect the standards in the Convention. For other States, the Convention represents an international standard that they should endeavour to respect.

• What is the Optional Protocol to the Convention?

The Optional Protocol is also an international treaty. The Optional Protocol establishes two procedures aimed at strengthening the implementation and monitoring of the Convention. The first is an individual communications procedure allowing individuals to bring petitions to the Committee claiming breaches of their rights; the second is an inquiry procedure giving the Committee authority to undertake inquiries of grave or systematic violations of the Convention.

• **What other international instruments recognize the rights of persons with disabilities?**

States have adopted specific instruments to protect and promote the rights of persons with disabilities over the last decades. Important milestones include:

- The Declaration on the Rights of Disabled Persons (1995)
- The World Programme of Action concerning Disabled Persons (1981)
- The Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care (1991)
- The Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993).

Although guidelines, declarations, principles, resolutions and other documents are not legally binding, they express a moral and political commitment by States, and can be used as guidelines to enact legislation or to formulate policies concerning persons with disabilities. It is important to note that some provisions of the Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care have been criticized and the Convention on the Rights of Persons with Disabilities now supersedes these standards to the extent that there is any conflict between the two instruments.

• **In addition to the Convention on the Rights of Persons with Disabilities, what other human rights conventions are relevant?**

All human rights conventions relate to everyone, including persons with disabilities. The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights protect against discrimination on any basis. There are also human rights conventions dealing with discrimination, such as discrimination against women and specific issues or groups of people, such as children or migrant workers.

The core human rights treaties are as follows:

- The International Covenant on Economic, Social and Cultural Rights
- The International Covenant on Civil and Political Rights
- The International Convention on the Elimination of All Forms of Racial Discrimination
- The Convention Against Torture
- The Convention on the Elimination of All forms of Discrimination against Women
- The Convention on the Rights of the Child
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- The International Convention for the Protection of All Persons from Enforced Disappearance
- The Convention on the Rights of Persons with Disabilities.

All human rights conventions include a provision protecting against discrimination. However, only one of these Conventions, the Convention on the Rights of the Child, specifically recognizes the need to protect against discrimination on the grounds of disability.

Nevertheless, all Conventions are understood to refer to “disability” implicitly as a ground of discrimination. This makes it clear that persons with disabilities should not be discriminated against when these conventions are applied. Thus, the Convention on the Elimination of All Forms of Discrimination against Women, for example, applies to all women, including women with disabilities.

- **Why is it necessary to have a Convention on the Rights of Persons with Disabilities?**

The Convention is necessary in order to have a clear reaffirmation that the rights of persons with disabilities are human rights and to strengthen respect for these rights. Although existing human rights conventions offer considerable potential to promote and protect the rights of persons with disabilities, it became clear that this potential was not being tapped. Indeed, persons with disabilities continued being denied their human rights and were kept on the margins of society in all parts of the world. This continued discrimination against persons with disabilities highlighted the need to adopt a legally binding instrument which set out the legal obligations on States to promote and protect the rights of persons with disabilities.

- **Why is the Convention unique?**

The Convention is the first human rights convention of the 21st century and the first legally binding instrument with comprehensive protection of the rights of persons with disabilities. While the Convention does not establish new human rights, it does set out with much greater clarity the obligations on States to promote, protect and ensure the rights of persons with disabilities. Thus, the Convention not only clarifies that States should not discriminate against persons with disabilities, it also sets out the many steps that States must take to create an enabling environment so that persons with disabilities can enjoy real equality in society. For example, the Convention requires States to take measures to ensure accessibility of the physical environment and information and communications technology. Similarly, States have obligations in relation to raising awareness, promoting access to justice, ensuring personal mobility, and collecting disaggregated data relevant to the Convention. In this way, the Convention goes into much greater depth than other human rights treaties in setting out the steps that States should take to prohibit discrimination and achieve equality for all.

The Convention incorporates a social development perspective. The Convention recognizes the importance of international cooperation and its promotion to support national implementation efforts. An innovation in this regard concerns specific references to actions the international community could take to promote international cooperation such as:

- ensuring that international development programmes are inclusive of and accessible to persons with disabilities;
- facilitating and supporting capacity-building;
- facilitating cooperation in research and access to scientific and technical knowledge;
- providing technical and economic assistance as appropriate.

- **How is the Convention Monitored?**

Article 33 explains that States must set up national focal points within governments in order to monitor implementation of the Convention's precepts. States must also set up some sort of independent monitoring mechanisms – which usually take 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 two 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.

The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field of disability. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. The initial election shall be held no later than six months after the date of entry into force of the present Convention.

For more specific questions and answers on the Convention, go to <http://www.un.org/disabilities/default.asp?navid=23&pid=151>.

TIMELINE OF EVENTS •

- **30 March 2007:** the Convention and Optional Protocol opened for signature at UN Headquarters in New York. States or regional integration organizations may now sign the Convention and Optional Protocol at any time at UN Headquarters in New York. Signature creates an obligation, in the period between signature and ratification or consent to be bound, to refrain in good faith from acts that would defeat the object and purpose of the treaty.
- **13 December 2006:** the UN General Assembly adopted by consensus the Convention on the Rights of Persons with Disabilities and its Optional Protocol.
- **December 2006:** the resumed eighth session of the Ad Hoc Committee adopted the final draft of the Convention and its Optional Protocol with the technical amendments suggested by the drafting committee.
- **September – November 2006:** Liechtenstein convened the drafting group which undertook a technical review to ensure uniformity of terminology throughout the text and to harmonize the versions in the six official languages of the UN.
- **August 2006:** the eighth session of the Ad Hoc Committee finalized negotiations on the draft Convention and a separate Optional Protocol and adopted the texts ad interim subject to a technical review being undertaken by a drafting committee consisting of State representatives.
- **May – August 2006:** Mexico led informal consultations on international monitoring.
- **January 2006:** the seventh session of the Ad Hoc Committee completed a first reading of the Chairperson's text.
- **August 2005:** the sixth session of the Ad Hoc Committee completed the second reading of the draft text. The Chairperson prepared a revised text, reflecting debate at the third, fourth and fifth sessions for presentation at the seventh session of the Committee.

- **January – February 2005:** the fifth session of the Ad Hoc Committee held informal consultations on specific draft articles. Civil society organizations, national human rights institutions and inter-governmental organizations were allowed to attend the informal consultations although only States had a right to intervene.
- **August – September 2004:** fourth session of the Ad Hoc Committee. The Committee completed the first reading of the draft text and started the second reading. The participation of civil society organizations and national human rights institutions in the sessions of the Committee was confirmed although the right to intervene was limited.
- **May – June 2004:** third session of the Ad Hoc Committee. The Committee conducted a first reading of the working group draft. The Ad Hoc Committee discussed whether it should meet in closed session in the future or in the presence of civil society organizations and national human rights institutions.
- **January 2004:** the working group met and produced a working draft of the convention text, taking into account the numerous draft texts submitted by States and others.
- **August 2003:** second session of the Ad Hoc Committee which established a working group to prepare a draft text. Twenty-seven governmental representatives designated by regional groups, twelve representatives from NGOs and one representative of National Human Rights Institutions comprised the working group.
- **August 2002:** first session of the Ad Hoc Committee meets and sets out procedures for participation of civil society.
- **December 2001:** Mexican proposal in the General Assembly to establish an Ad Hoc Committee to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities.

UPCOMING EVENTS •

30 March 2008: The first anniversary of the opening for signature of the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

2 April 2008: The General Assembly adopted a resolution last year, designating 2 April as World Autism Awareness Day, to be observed every year beginning in 2008. Member States, as well as UN and other organizations, are invited to raise awareness of autism and to observe the Day in an appropriate manner.

12 May 2008: Celebration of the Entry into Force of the Convention and its Optional Protocol: The Convention on the Rights of Persons with Disabilities has quickly garnered wide support from Member States since opening for signature on 30 March 2007. The Convention will enter into force 30 days after the deposit of the 20th ratification. As of 26 March 2008, there are 17 ratifications. Entry into force is expected in May 2008. Member States, civil society and the UN system are invited to celebrate this momentous occasion in the UN General Assembly Hall on 12 May 2008.

19-22 May 2008: The United Nations Economic Commission for Africa (UNECA) and Leonard Cheshire Disability are organizing a conference on the Convention in Addis Ababa, Ethiopia. To register for the conference, go to <http://www.lcint.org/?lid=3032>.

CONTACT INFORMATION • www.un.org/disabilities

The ENABLE NEWSLETTER is a free service of the Secretariat for the Convention on the Rights of Persons with Disabilities, of the Division for Social Policy and Development, within the Department of Economic and Social Affairs (DESA) at the United Nations Secretariat in New York.

The Convention on the Rights of Persons with Disabilities and its Optional Protocol are serviced by a joint Secretariat, consisting of staff of both the United Nations Department of Economic and Social Affairs (DESA), in New York, and the Office of the High Commissioner for Human Rights (OHCHR) in Geneva. Currently working in the Secretariat are Patricia David, Vanessa Edwards, Akiko Ito, Sayre Nyce, Renzo Ramella, Thomas Schindlmayr, Nicola Shepherd, Ann Syauta, Joop Theunissen, Simon Walker, and Adriana Zarraluqui.

Mailing address: Secretariat for the Convention on the Rights of Persons with Disabilities, 2 UN Plaza, DC2-1328, New York, NY 10017.

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