



Disability and human rights

The protection guaranteed in 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 sidelined in the rights debate and unable to enjoy the full range of human rights.

Human Rights provide legal guarantees of protection. They apply to every individual globally regardless of their race, sex, ethnic or social origin, religion, language, nationality, age, disability or any other status. They are a natural part of what a human being is. They cannot be taken away or given up.

However, persons with disabilities face discrimination and barriers that restrict them from participating in society on an equal basis with others every day. They are often 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.

In 2006, the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) was adopted after a process of development that involved persons with disabilities and other stakeholders from all regions of the world. The UN CRPD is recognised as the most important international document relating to people with disabilities. It represented a catalyst in that it created a shift from looking at persons with disabilities as objects of charity, to seeing them as people who had equal rights in all areas of life.

The UN CRPD offers 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.

Article 1 of the UN CRPD describes its purpose as follows:

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.

The general principles of the UN CRPD are outlined in Article 3. The principles are listed as:

- 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.

Articles of the UN CRPD

The UN CRPD has 50 articles covering a broad range of areas and you are encouraged to read the UN CRPD in full. Articles include:

- Article 6 – Women with disabilities
- Article 7 – Children with disabilities
- Article 8 – Awareness-raising
- Article 9 – Accessibility
- Article 11 – Situations of risk and humanitarian emergencies
- Article 16 – Freedom from exploitation, violence and abuse
- Article 17 – Protecting the integrity of the person
- Article 18 – Liberty of movement and nationality
- Article 19 – Living independently and being included in the community
- Article 20 – Personal mobility
- Article 21 – Freedom of expression and opinion, and access to information
- Article 24 – Education
- Article 25 – Health
- Article 26 – Habilitation and rehabilitation
- Article 27 – Work and employment
- Article 28 – Adequate standard of living and social protection
- Article 29 – Participation in political and public life
- Article 30 – Participation in cultural life, recreation, leisure and sport
- Article 31 – Statistics and data collection
- Article 33 – National implementation and monitoring

A Rights Based Approach

The UN CRPD highlights that people are disabled by different barriers in society, rather than by their impairment or difference, because society is not organised to consider their needs. Such barriers might be physical, or they can be caused by people's attitudes or rules. The impact of a person's impairment is acknowledged, but disability is recognised as being created by society's failure to accommodate persons with disabilities.

When we look at disability from the perspective of the UN CRPD – which puts the responsibility of disability onto society rather than with the individual person, we look at people with disabilities as people who have rights – rather than as people who are problems or who don't 'fit'.

This change in perspective marks a major shift, and helps us to look at all aspects of life from the perspective of promoting disability inclusive development – advocating for, and finding solutions to the inclusion of people with **all** types of disabilities in **all** aspects of life. This is a human rights-based approach.

Governments as duty bearers have the primary and legal responsibility for making sure that the human rights of **all** its citizens are promoted and protected.

A human rights-based approach to disability seeks to ensure that every person has an equal right to freedom, dignity, non-discrimination and protection from abuse of those rights, as well as access to their economic, cultural and social rights.

Realizing human rights for persons with disabilities

The Convention on the Rights of Persons with Disabilities (UN CRPD) was the first human rights treaty of this millennium. The Convention has served as the major catalyst in the shift from viewing persons with disabilities as objects of charity, medical treatment and social protection towards viewing them as full and equal members of society, with human rights. It is a comprehensive convention covering a broad range of areas.

The UN CRPD offers 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 Convention's **Optional Protocol** gives the Committee of Experts additional capacities. The Committee can receive and review complaints filed by individuals, and where there is evidence of grave and systemic violations of human rights, it can launch inquiries. The adoption of the Convention and Optional Protocol is seen as evidence of a real commitment to an inclusive and universal human rights framework.

