

**CDPF On-line Disability Equality Capacity Building Course Book**

**Module 2: The UN Convention on the Rights of Persons with Disabilities, the Sustainable Development Goals, and their Impact on Disabled People’s Human Rights.**

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# **i) The Language the CDPF Uses**

**Disabled People:** Why we still choose to call ourselves ‘disabled people’: In the Commonwealth Disabled People’s Forum (CDPF) we call ourselves ‘**disabled people’** because of the development of the **‘social model of disability’.** In the C19th and C20th, a disabled person’s medical condition was thought to be the root cause of their exclusion from society, an approach now referred to as the **‘medical’ or ‘individual model’** of disability. We use the **‘social model’** of disability, where the barriers of environment, attitude and organisation are what disable people with impairments and lead to prejudice and discrimination.To call ourselves ‘persons with disabilities’ is to accept that we are objects and powerless.We also view ourselves as united by a common oppression, so are proud to identify as ‘**disabled people’. When we are talking about the UN Convention on the Rights of Persons with Disabilities** we will use **‘people with disabilities’.**

# **ii) Introduction**

**Introduction to Module 2**

In Module 1 we learned how **traditional/ charity / medical model** thinking about disabled people located the failure to accord human rights in the disabled person’s impairment.

We, as disabled people, were often seen as ‘not quite human’ or not ‘normal’. In reality, we were/are up against **disablism,** sometimes known as‘ableism’which is **‘discriminatory, oppressive or abusive behaviour arising from the belief that disabled people are inferior to others**[[1]](#footnote-1)’.

“The struggle for disability rights began as part of the wider civil rights movements of the 1960s. In 1980 it ‘went global’ at the now historic Rehabilitation International Conference in Winnipeg, when people with disabilities decided to form their own association which became Disabled Peoples’ International a year later.

DPI received strong support from the United Nations which had just launched its International Year of Disabled Persons. Since then, DPI, working with other international disability organisations, has played a leading role in shaping UN policy, starting with the World Programme of Action for Disabled Persons, the Regional Decades and the Standard Rules on the Equalisation of Opportunities for Disabled Persons. The Rules were influential but lacked the force of law and international accountability now provided by the Convention”. [[2]](#footnote-2)

The Social Model and how it helps DPOs to work across impairments unites the Disability Movement. The disabled people’s movement is not as strong as it was then and has become bureaucratised. In this course we are seeking to strengthen the campaigning grass roots of our organisations to bring about lasting change. [[3]](#footnote-3)

# **iii) What are Human Rights? Universal, interrelated, indivisible**

**Human rights** are the basic rights and freedoms which belong to every person in the world, from birth until death.  They can never be taken away, although they can sometimes be restricted – for example if a person breaks the law, or in the interests of national security. These basic rights are based on shared values like dignity, fairness, equality, respect and independence.  These values are defined and protected by law and international treaties.

The Universal Declaration of Human Rights, was adopted by the UN General Assembly on 10 December 1948, was the result of the experience of the Second World War. With the end of that war, and the creation of the United Nations, the international community vowed never again to allow such atrocities to happen again. World leaders decided to complement the UN Charter with a road map to guarantee the rights of every individual everywhere. The document they considered, later to become the Universal Declaration of Human Rights, was taken up at the first session of the General Assembly in 1946. The entire text of the UDHR was composed in less than two years. At a time when the world was divided into Eastern and Western blocks, finding a common ground on the essence of the document proved to be a colossal task. Adopted with a unique atmosphere of genuine solidarity and brotherhood among men and women from all latitudes.*[[4]](#footnote-4)* The newly formed United Nations would oversee and enforce the Convention.

 **Human Rights** are:

1. **Universal**: human rights apply to every person in the world, regardless of their race, colour, sex, ethnic or social origin, religion, language, nationality, age, sexual orientation, disability, or other status. They apply equally and without discrimination to each and every person. The only requirement for having human rights is to be human.
2. **Inherent**: human rights are a natural part of who you are. The text of Article 1 of the Universal Declaration of Human Rights (UDHR) begins "All human beings are born free and equal in dignity and rights."
3. **Inalienable:** human rights automatically belong to each human being. They do not need to be given to people by their government or any other authority, nor can they be taken away. Nobody can tell you that you do not have these rights. Even if your rights are violated or you are prevented from claiming your human rights, you are still entitled to these rights[[5]](#footnote-5).

**The Universal Declaration of Human Rights (UDHR)** This was adopted by the United Nations in 1948. Many other documents have since been developed to provide more specific details about human rights; however, they are all based on the fundamental human rights principles laid out in the UDHR. Below is the official abbreviated version of the UDHR, which lists the key concept of each article in the Declaration. It is not a legally binding document, but a statement of intentions. [[6]](#footnote-6)

[The Universal Declaration of Human Rights (UDHR)(Official Abbreviated Version)](https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf)

Article 1 Right to Equality

Article 2 Freedom from Discrimination

Article 3 Right to Life, Liberty, and Personal Security

Article 4 Freedom from Slavery

Article 5 Freedom from Torture and Degrading Treatment

Article 6 Right to Recognition as a Person before the Law

Article 7 Right to Equality before the Law

Article 8 Right to Remedy by Competent Tribunal

Article 9 Freedom from Arbitrary Arrest and Exile

Article 10 Right to a Fair Public Hearing

Article 11 Right to be Considered Innocent until Proven Guilty

Article 12 Freedom from Interference with Privacy, Family, Home and Correspondence

Article 13 Right to Movement in and out of the Country

Article 14 Right to Asylum in other Countries from Persecution

Article 15 Right to a Nationality and the Freedom to Change It

Article 16 Right to Marriage and Family

Article 17 Right to Own Property

Article 18 Freedom of Belief and Religion

Article 19 Freedom of Opinion and Information

Article 20 Right of Peaceful Assembly and Association

Article 21 Right to Participate in Government and in Free Elections

Article 22 Right to Social Security

Article 23 Right to Desirable Work and to Join Trade Unions

Article 24 Right to Rest and Leisure

Article 25 Right to an Adequate Standard of Living

Article 26 Right to Education

Article 27 Right to Participate in the Cultural Life of the Community

Article 28 The Right to a Social Order that Articulated this Document

Article 29 Community Duties Essential to Free and Full Development

Article 30 Freedom from State or Personal Interference in the above Rights.

***Follow Up Activity 1***

***Complete activity on Interdependence of Human Rights.*** *Illustrates how rights are indivisible, interdependent, and interrelated and the far-reaching effects when just one right is denied. There is a diagram for use, which is described in the questions, but you can explain without if necessary.*

*a. Write a human right from the UDHR in the centre of the big circle at the top of the cascade (e.g. right to education).*

*b. Ask: "If this right is denied, what are three possible effects?" Write any three effects mentioned in circles that extend with arrows from the central circle.*

*c. Take each of the three mentioned effects (e.g., inability to get a good job) and ask: "What human rights would be denied by this effect?" (e.g., right to an adequate standard of living). Write each right in a circle that extends with arrows from the effect.*

*d. Write a short description of the results.*

*i. Are you surprised by some of the effects when 1 right is denied?*

*ii. What happens when more than 1 right is denied?*

*iii. What results are most negative for disabled people?*

*e. What does this activity suggest to you about the interdependence of rights (e.g., the importance of enjoying all human rights)?*

**Diagram to show cascading effects of rights and their interrelation**



#

# **iv) The Human Rights Framework**

A convention (also known as a treaty) is a written agreement between States. It is typically drafted by a working group appointed by the UN General Assembly. Once the convention is drafted, it goes to the UN General Assembly for adoption. The next step is for countries to sign and ratify it. By signing a convention, a country is making a commitment to follow the principles in the convention and to begin the ratification process, but the convention is not legally binding on a country until it is ratified. Ratification is a process that takes place in each country, whereby the legislative body of the government takes the necessary steps to officially accept the convention as part of its national legal structure. Once a country signs and ratifies a convention, it becomes a State Party to that convention, meaning it has a legal obligation to uphold the rights the convention defines. Each convention must be ratified by a particular number of countries before it enters into force and becomes part of international law.

In the last sixty years, several human rights conventions have been developed that elaborate on the human rights contained in the UDHR. Nine of these instruments are considered "core" human rights conventions: they cover a major human rights issue and have a treaty-monitoring body that assesses and enforces how a State meets it obligations to that treaty.

Two of these conventions are called covenants and address broad human rights issues:

* The International Covenant on Civil and Political Rights (ICCPR, adopted 1966, entered into force 1976).
* The International Covenant on Economic, Social and Cultural Rights (ICESCR, adopted 1966, entered into force 1976).

The two Covenants and the UDHR combine to create a trio of documents known as the International Bill of Rights. An additional seven UN human rights conventions address either thematic issues or particular populations.

**THE HUMAN RIGHTS FRAMEWORK**

|  |  |  |
| --- | --- | --- |
| **Instrument** | **Title** | **Entered into Force** |
| UDHR | Universal Declaration of Human Rights | 1948 |
| ICCPR | International Covenant on Civil and Political Rights | 1976 |
| ICESCR | International Covenant on Economic, Social, and Cultural Rights | 1976 |
| CERD | Convention on the Elimination of All forms of Racial Discrimination | 1966 |
| CEDAW | Convention on the Elimination of all forms of Discrimination against Women | 1979 |
| CAT | Convention against Torture and Other Cruel Inhuman or Degrading Treatment of Punishment | 1984 |
| CRC | Convention on the Rights of the Child | 1989 |
| ICPRAMW | Convention on Protection of the Rights of All Migrant Workers and Members of their Families | 1990 |
| ICAED | International Convention for the Protection of All Persons from Enforced Disappearance | 2010 |
| CRPD | Convention of the Rights of Persons with Disabilities | 2008 |

These nine core human rights conventions form an interdependent human rights framework. It is useful to be familiar with them and to know which of these conventions your country has ratified and is therefore legally obligated to enforce and implement.

**Who is responsible for human rights?**

**Governments** are the primary actors responsible for ensuring people's human rights. Governments must ensure that political and legal systems are structured to uphold human rights through laws, policies, and programs, and that they operate effectively. In some cases, international conventions and treaties are the main source of a State's legal obligations with respect to human rights. However, in many countries, national constitutions, bills of rights, and legal frameworks have been developed or amended specifically to reflect universal human rights principles and standards in international law, providing a double layer of protection and reinforcement of these principles on the national level.

Governments have a legal obligation to **respect, protect, and fulfil** human rights.

**Respecting, Protecting, and Fulfilling Human Rights**

**1. Respect**: The obligation to "respect" human rights means that States must not
interfere with the exercise and enjoyment of the rights of disabled people.
They must refrain from any action that violates human rights. They must also
eliminate laws, policies, and practices that are contrary to human rights.

**2, Protect**: The obligation to "protect" human rights means that the State is required
to protect everyone, including disabled people, against abuses by non-State
actors, such as individuals, businesses, institutions, or other private organizations.

**3. Fulfil:** The obligation to "fulfil" human rights means that States must take positive
action to ensure that everyone, including disabled people can exercise their
human rights. They must adopt laws and policies that promote human rights. They
must develop programs and take other measures to implement these rights. They
must allocate the necessary resources to enforce laws and fund programmatic
efforts.

 Although only governments have the official legal responsibility for respecting, protecting, and fulfilling human rights, under international human rights law, human rights are not their exclusive responsibilities. Human rights are far more than legal requirements. They represent a moral code of conduct designed to promote understanding, equality, tolerance, fairness, and many other features essential to just and peaceful societies. Regardless of what behaviours may or may not be legally enforceable, a variety of actors, including individuals, groups, and institutions within society, also play important roles in the promotion and implementation of human rights.

**Individuals:** Each person must know and understand their human rights in order to be able to claim them, defend them, and hold themselves, other people, their governments, and societies accountable for the actions that affect them. Because human rights are common to all people, even an effort by a single individual to assert his or her human rights represents an important initiative on behalf of every person. Likewise, actions of an individual that violate somebody else's human rights represent a threat to everyone's human rights.

**Groups:** Social and cultural behaviour has a profound effect on the ability of people to enjoy their human rights. The collective actions of groups - from families to entire societies - play a role in human rights. For instance, if parents decide that only male children will be allowed to go to school, they are effectively preventing their female children from claiming their human right to an education. If broad cultural values result in persons from racial minorities experiencing discrimination when they seek housing or public services, society itself is contributing to the violation of the human right to an adequate standard of living. On the positive side, groups that speak out against human rights violations and work to change harmful attitudes, policies or laws can be very effective advocates for human rights.

**The Private Sector:** Members of society interact with the private sector every day, especially in countries with free- market economies. Private sector actors include people and entities of every kind: employers, providers of goods and services, entertainers, and builders of houses, banks and even government buildings. People depend on the private sector for many things. While private sector actors are often required to adhere to certain laws and standards that uphold human rights, it is impossible for governments to oversee every aspect of how the private sector operates. Businesses, organizations, and other private sector players must make their own commitment to ensuring that their practices do not violate people's human rights but, in fact, support and promote them.

***Follow Up Activity 2***

*a) Why do you think the Human Rights Framework is important to disabled people? b) Having also read Section iii) answer How has the UNCRPD improved the human rights position for disabled people?*

# **v) History of the UN Convention on the Rights of Persons with Disabilities**

The Convention was adopted by the UN General Assembly on 13 December 2006 and became open for signature by UN member states on 30 March 2007. Social, economic and cultural rights covered by the Convention, are subject to the **‘progressive realisation’** clause (4.2), which states that a country will adopt these rights

… to the maximum of its available resources and where needed, within the framework of international co-operation, with a view to achieving progressively the full realisation of these rights.

However, states must plan and develop their capacity in line with the Convention from the moment of adoption. This means examining current legislation, ­practices and procedures to ensure the continuing progress to develop development inclusion.

**Adoption of the Convention**

During the 1990s, disability was introduced and analysed as a human rights issue by the UN Committee on Economic, Social and Cultural Rights. The result was published in 1994, in the Committee’s General Comment No. 5. The final breakthrough came when the UN Commission on Human Rights, actively supported by the UN High Commissioner for Human Rights, Mary Robinson, identified and recognised disability as a human rights concern in a series of resolutions adopted in 1998, 2000 and 2002. As a logical consequence of this development, in 2001 the UN General Assembly accepted a proposal by the Government of Mexico for the elaboration of a UN Convention on the Rights of Persons with Disabilities.

The adoption of the Convention followed a unique and rapid process through the meetings of an Ad Hoc committee charged with developing it. The committee held eight meetings over a five-year period. This was faster than any previous ­Convention.

‘Nothing about us without us’ became the watchword of the Convention-­making process. This is the slogan of Disabled Peoples’ International. Many disabled people were involved in the deliberations, both as delegates from their state governments and from disabled people’s organisations (DPOs). They were involved in the making of the Convention in a number of ways:

• State delegations were encouraged to include disabled people in their national ­delegations – this led to roughly one-quarter of state delegates being disabled people by the time of the last meeting of the Ad Hoc Committee

• DPOs and non-governmental organisations (NGOs) were able to register their ­delegates to the Ad Hoc Committee, and they could observe informal sessions and speak in formal sessions

• The UN made available 25 bursaries for disabled people from countries of the South to take part in the Convention-making process

• The 8 international disabled people’s organisations which have permanent ­consultative status and make up the International Disability Alliance (IDA) were expanded to form the International Disability Caucus (IDC). The IDC ­comprises nearly 100 disability organisations and had a significant impact on the shape and wording of the Convention. The Chair, Don MacKay, took ­comments from the IDC first, whenever the floor was opened to civil society organisations. The IDC’s daily bulletins imparted disabled people’s views and a substantial portion of the Convention reflected this thinking.

Between meetings of the Ad Hoc Committee many DPOs carried out consultations with disabled people in their countries to ensure that their views were incorporated into the Convention.

Overall, 116 countries sent delegations to the Ad Hoc Committee and more than 800 NGOs and DPOs were registered. All states parties have a duty under the Convention to continue involving disabled people and their representative organisations in how they will implement and monitor it (Articles 4.3 & 33). The International Disability Alliance grew out of the Caucus and now leads on representing more that 1 million disabled people at the United Nations.[[7]](#footnote-7)

# **vi) The UNCRPD and Disabled Peoples Organisations**

**Standards required of states parties**

UNCRPD also requires states parties to establish a number of ­standards to ensure the full and effective realisation by disabled people the rights. These standards should, inter alia, cover:

• The development of human personality and potential

• A sense of dignity and self-worth of the human being

• Respect for human rights, fundamental freedom and human diversity

• Full and effective participation in a free society

• The development by persons with disabilities of their talents and creativity

• The provision of peer support

• The provision of reasonable accommodation to meet an individual’s requirements, i.e. the provision of individually tailored services, such as individualised educational plans, and the support necessary to facilitate inclusion.

**Convention principles** The Convention is based on a number of fundamental principles which can be used for purposes of monitoring or accountability. These include:

* **Respect for inherent dignity**
* **Individual autonomy, including the freedom to make one’s own choices, and independence of persons**

Inherent dignity refers to the worth of every person. When the dignity of ‘persons with disabilities’ is respected, their experiences and opinions are valued and are formed without fear of physical, psychological or emotional harm. Individual autonomy means to be in charge of one’s own life and to have the freedom to make one’s own choices. Respect for individual autonomy means that ‘persons with disabilities’ have, on an equal basis with others, reasonable life choices, are subject to minimum interference with their private lives and can make their own decisions, with adequate support if required.

* **Non-discrimination**

This is a fundamental principle of all human rights treaties and the basis of the Convention on the Rights of Persons with Disabilities. It essentially prohibits discrimination against anyone on the basis of disability, given that discrimination prevents people enjoying their rights on an equal basis with others. However, today, non-discrimination is understood as a much broader principle which encompasses not only prohibiting discriminatory acts but also taking steps to protect against potential future discrimination, hidden discrimination and promoting equality.

* **Full and active participation and inclusion in society**

The concepts of full and effective participation and of inclusion mean that society, both in its public and in its private dimensions, is organized so as to enable all people to take part fully. They mean that society and relevant actors value ‘persons with disabilities’ and recognize them as equal participants—for example, in processes related to decisions that affect their lives or in the freedom to run for public office. Participation goes beyond consultation and includes meaningful involvement in activities and decision-making processes, the possibility to voice opinions, to influence and to complain when participation is denied. Inclusion requires an accessible, barrier-free physical and social environment. It is a two-way process that promotes the acceptance of ‘persons with disabilities’ and their participation and encourages society to open up and be accessible.

* **Respect for difference and acceptance of ‘persons with disabilities’ as part of human diversity and humanity**

This involves accepting others in a context of mutual understanding. Despite some visible and apparent differences between people, all have the same rights and dignity. In relation to disability, it involves accepting ‘persons with disabilities’ for who they are, rather than pitying them or seeing them as a problem that needs to be fixed.

* **Equality of opportunity**

This is closely linked with non-discrimination. It refers to a situation where society and the environment are made available to all, including ‘persons with disabilities’. Equality of opportunity does not always mean that the exact same opportunities are made available to all, as treating everyone the same might result in inequalities. Rather it recognizes difference between people and ensures that, despite this difference, everyone has the same opportunity to enjoy rights

* **Accessibility**

Making this (and equality) a reality means dismantling the barriers that hinder the effective enjoyment of human rights by ‘persons with disabilities’. Accessibility enables ‘persons with disabilities’ to live independently and to participate fully in all aspects of life. Accessibility is important in all areas of life, but in particular in the physical environment, such as buildings, roads, housing, transport, information, communications, and other facilities and services open to or provided to the public. This is the first Human Rights Treaty to elevate accessibility into a principle.

* **Equality between men and women**

This principle indicates that the same rights should be expressly recognized for men and women on an equal footing, and suitable measures should be taken to ensure that women have the opportunity to exercise their rights. Despite the overlap with the principle of non-discrimination, the reiteration of equality between men and women (boys and girls) is expressly included in treaties, especially because there are still many prejudices preventing its full application

* **Respect for the evolving capacities of children with disabilities and respect for the rights of children to preserve their identities.**

Respect for the evolving capacities of children is a principle set out in the Convention on the Rights of the Child. It should be seen as a positive and enabling process that supports the child’s maturation, autonomy, and self-expression. Through this process, children progressively acquire knowledge, competences and understanding, including about their rights. Their participation in decision-making processes that affect them, including their right to preserve their identities. Disabled children are often denied these evolving capacities and every effort has to be made to accord them their rights[[8]](#footnote-8).

**Main articles of the Convention**

These address substantive issues of importance for disabled people/ ‘people with disabilities’ of all ages. Each focuses on specific domains in which barriers to participation are experienced by disabled people and lays down broad principles and policies for their removal. These include:

Women; children; awareness raising; accessibility; right to life; situations of risk and human emergency; equal recognition before the law; access to justice, liberty and security of the person; freedom from torture, cruel, inhuman or degrading treatment and from exploitation, violence and abuse; protection of the integrity of the person; liberty of movement and nationality; living independently and being included in the community; personal mobility; freedom of expression and opinion and access to information; respect for privacy and home and family; inclusive education; health; habilitation and rehabilitation; work and employment; adequate standards of living and social protection; participation in social, political and cultural life, recreation, leisure and sport.

**Optional Protocol** This establishes an individual complaints and inquiry mechanism. In relation to the individual complaints mechanism, the Committee on the Rights of Persons with Disabilities has authority to receive petitions/complaints from individuals in a State Party to both the Convention and the Optional Protocol, who allege that the State has breached its obligations under the Convention. The Committee may then decide on the admissibility of the complaint and provide its views and recommendations if a breach is found. The Committee can conduct investigations – including an on-site country visit if the State agrees – if there are reliable reports of grave or systematic violations by a State Party. States must be Parties to the Convention on the Rights of Persons with Disabilities in order to become States Parties to the Optional Protocol. In the Commonwealth only **19 countries have ratified the Optional** Protocol and a **further 9 have signed but not ratified**. **A further 25 including India and Pakistan have neither signed or ratified,** thereby denying their disabled citizens and DPOs of taking up complaints.[[9]](#footnote-9)

***Follow Up Activity 3***

*Write a letter in your own words to a local administrator explaining why the principles of the Convention on the Rights of Persons are essential and why they must strive to implement them in their work.*

Convention on the Rights of Persons with Disabilities – Articles

[Preamble](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/preamble.html%22%20%5Co%20%22Preamble)
[Article 1 – Purpose](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-1-purpose.html)
[Article 2 – Definitions](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-2-definitions.html)
[Article 3 – General principles](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-3-general-principles.html)
[Article 4 – General obligations](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-4-general-obligations.html)
[Article 5 – Equality and non-discrimination](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-5-equality-and-non-discrimination.html)
[Article 6 – Women with disabilities](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-6-women-with-disabilities.html)
[Article 7 – Children with disabilities](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-7-children-with-disabilities.html)
[Article 8 – Awareness-raising](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-8-awareness-raising.html)
[Article 9 – Accessibility](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-9-accessibility.html)
[Article 10 – Right to life](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-10-right-to-life.html)
[Article 11 – Situations of risk and humanitarian emergencies](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-11-situations-of-risk-and-humanitarian-emergencies.html)
[Article 12 – Equal recognition before the law](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-12-equal-recognition-before-the-law.html)
[Article 13 – Access to justice](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-13-access-to-justice.html)
[Article 14 – Liberty and security of person](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-14-liberty-and-security-of-person.html)
[Article 15 – Freedom of torture or cruel, inhuman or degrading treatment or punishment](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-15-freedom-from-torture-or-cruel-inhuman-or-degrading-treatment-or-punishment.html)
[Article 16 – Freedom from exploitation, violence and abuse](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-16-freedom-from-exploitation-violence-and-abuse.html)
[Article 17 – Protecting the integrity of the person](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-17-protecting-the-integrity-of-the-person.html)
[Article 18 – Liberty of movement and nationality](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-18-liberty-of-movement-and-nationality.html)
[Article 19 – Living independently and being included in the community](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-19-living-independently-and-being-included-in-the-community.html)
[Article 20 – Personal mobility](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-20-personal-mobility.html)
[Article 21 – Freedom of expression and opinion, and access to information](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-21-freedom-of-expression-and-opinion-and-access-to-information.html)
[Article 22 – Respect for privacy](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-22-respect-for-privacy.html)
[Article 23 – Respect for home and the family](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-23-respect-for-home-and-the-family.html)
[Article 24 – Education](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-24-education.html)
[Article 25 – Health](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-25-health.html)
[Article 26 – Habilitation and rehabilitation](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-26-habilitation-and-rehabilitation.html)
[Article 27 – Work and employment](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-27-work-and-employment.html)
[Article 28 – Adequate standard of living and social protection](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-28-adequate-standard-of-living-and-social-protection.html)
[Article 29 – Participation in political and public life](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-29-participation-in-political-and-public-life.html)
[Article 30 – Participation in cultural life, recreation, leisure and sport](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-30-participation-in-cultural-life-recreation-leisure-and-sport.html)
[Article 31 – Statistics and data collection](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-31-statistics-and-data-collection.html)
[Article 32 – International cooperation](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-32-international-cooperation.html)
[Article 33 – National implementation and monitoring](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-33-national-implementation-and-monitoring.html)
[Article 34 – Committee on the Rights of Persons with Disabilities](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-34-committee-on-the-rights-of-persons-with-disabilities.html)
[Article 35 – Reports by States Parties](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-35-reports-by-states-parties.html)
[Article 36 – Consideration of reports](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-36-consideration-of-reports.html)
[Article 37 – Cooperation between States Parties and the Committee](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-37-cooperation-between-states-parties-and-the-committee.html)
[Article 38 – Relationship of the Committee with other bodies](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-38-relationship-of-the-committee-with-other-bodies.html)
[Article 39 – Report of the Committee](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-39-report-of-the-committee.html)
[Article 40 – Conference of States Parties](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-40-conference-of-states-parties.html)
[Article 41 – Depositary](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-41-depositary.html)
[Article 42 – Signature](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-42-signature.html)
[Article 43 – Consent to be bound](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-43-consent-to-be-bound.html)
[Article 44 – Regional integration organizations](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-44-regional-integration-organizations.html)
[Article 45 – Entry into force](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-45-entry-into-force.html)
[Article 46 – Reservations](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-46-reservations.html)
[Article 47 – Amendments](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-47-amendments.html)
[Article 48 – Denunciation](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-48-denunciation.html)
[Article 49 – Accessible format](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-49-accessible-format.html)
[Article 50 – Authentic texts](http://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-50-authentic-texts.html)

For help with the scope and meaning of each article, the International Disability Alliance (IDA) published a really useful guide in 2010[[10]](#footnote-10)

If you are finding the meaning of the full text of the articles on the links above too difficult,

see Appendix at the end of this Module 2 Course Book and press hyperlinks

for the Convention at a Glance and [In Plain Language](http://disabilitypress.com/content/13/CRPD-in-Plain-Language) and [Easy Read version](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/345108/easy-read-un-convention.pdf) on Hyper link.

***Follow Up Activity 4***

*Governments have a legal obligation to* ***Respect, Protect and Fulfil Human Rights.*** *Examine Article 2 Definition Disability, Article 3 General Principle, Article 4 General Obligations and Article 5 Equality and Non-Discrimination of UNCRPD. List the ways your country is and is not carrying out its legal obligations to Persons with Disabilities under these articles of UNCRPD*

**Ratification of UNCRPD**

Ratifying States accept a number of general obligations to:

* modify or repeal laws, customs or practices that discriminate directly or indirectly against people with disabilities
* include disability in all relevant policies (mainstreaming)
* refrain from any practice inconsistent with the CRPD
* consult with disabled people and their organisations in implementing the CRPD. Consistent with the social model of disability the Convention, as well as many existing examples of national legislation, also imposes obligations on both public and private authorities to make “reasonable accommodations” to all relevant aspects of the environment so as to enable people with disabilities to exercise their rights. Guidance documents have provided examples of accommodations that might be considered reasonable and unreasonable. [[11]](#footnote-11)

In 2021 worldwide 182 States out of 195 (93 %) have ratified. Of the 54 countries of the Commonwealth, all but 4 have ratified the UNCRPD (92.5%). 3 have signed but not ratified: **Cameroon, Solomon Islands and Tonga**. Only **Botswana** has neither signed nor ratified. Full ratification is in line with CHOGM statement 2018 and the Commonwealth’s values.

**Legal Adoption of UNCRPD**

State Parties/Governments are the main parties responsible for ratification and subsequent implementation, but without active involvement from DPOs and Human Rights organisations putting pressure on Government, it is unlikely that Government will do all that is necessary to implement. Most Commonwealth countries have a legal system based on a British one with common law and in these countries they operate a **dualist**  system, where ratifying international treaties does not impact on domestic law unless domestic legislation is passed through Parliament that incorporates the provision of the Convention into domestic law. **So checking exactly what has been enacted in terms of your country legislation is vital.**

**Remedies**

For rights to have meaning, effective remedies must be available to redress violations, and legislation should ensure that courts and other tribunals have the authority to receive complaints of non-compliance with rights. This requirement is implicit in the Convention and consistently referred to in the context of the other major human rights treaties. Importantly, disabled persons who suffer discrimination in any field should have access to justice. **What are the remedies available for breaches of the rights contained in the UNCRPD for disabled people in your country?**

**Implementation**

Many countries appear to view ratification of the UNCRPD as an **‘international human rights trophy’**, but it means very little without a systematic implementation plan and programme of legislation. Developing strong and ongoing links with the representative organisations of disabled people (DPOs) is an essential part of this process as stated clearly in the Convention (Article 4.3 and 33)

‘To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present’. Convention (Article 4.1).

This includes a wide range of measures. We do not have time or space to go into all of these and specialist training packs with much more detail are available on-line.l[[12]](#footnote-12)A whole range of implementation measures might be relevant to DPOs , such as:

 • Identifying focal points, coordination mechanisms and other institutions within the Government to support implementation - Make sure you have good on-going dialogue.

 • Ensuring that laws and budgets are in line with the Convention - Make links with Parliamentarians interested in progressing the position of disabled people and get them to raise these issues regularly.

• Delivering services that are inclusive of disabled people. - Monitor the type and quality of services delivered to disabled people locally and nationally and have the means to analyse and publicise the results.

 • Raising awareness about the Convention - Ensure the Convention and the rights it contains for disabled people are publicised in a variety of formats and to employers, educators, medical practitioners, local government employees and the general public.

 • Training professionals- DPOs to develop the capacity to provide and charge for quality Disability Equality Training and promote this widely. These would include Civil Servants, Judges and Lawyers, Educators, Medical Practitioners, Business and Employers.

• Undertaking research, data collection, analysis, surveys on disability rights-DPOs to work with academics and researchers to ensure that their research is in line with the paradigm shift to social/human rights approach and that they advisory boards of trained disability advocates-Remember ‘**Nothing About Us Without Us’**.

 • Researching and developing accessible technology- Provide our expertise based upon our experience to ensure that the development of access and assistive devices will make real positive increases for us as disabled people, is affordable and has effective subsidised distribution systems built in.

• Ensuring that effective remedies exist when rights are not respected- Monitor the judgements and use of remedies to act as a real deterrent to discrimination and if not lobby for effective remedies that will lead to more inclusive practice.

• Making sure that laws, policies, and institutions are fully funded - DPOs to monitor budget for implementation of the rights contained in the Convention spent both by Government, Local Government, and bilateral, multilateral (Article 32, International Cooperation) and private aid providers. These are usually shown to be wanting, as generally budgets from Government have been reducing in real terms as has been the amount provided in aid over the last 10 years. Increasing amounts are being spent on servicing debts. Mount campaigns to cancel debt repayments, especially in light of the promise to ‘Build Back Better’ in the wake of the inequitable impact of Covid-19 Pandemic[[13]](#footnote-13) on Disabled People. Nor should the provision of progressive realisation contained in Article 4.2 be used as an excuse by Governments not to move forward with their implementation Plans in areas of Economic, Social and Cultural Rights in the Convention. **Progressive Realisation** Article 4.2. “With regard to economic, social and cultural rights, each State Party undertakes to take measures **to the maximum of its available resources** and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law”.

**Case Study of ratification Australia**

The Australian ratification process offers a good example of the steps involved. Australia signed the Convention in March 2007 and ratified it in July 2008. The national exercise involved a comprehensive review of all Commonwealth, State and Territory legislation to ensure that Australia could comply with all the articles of the Convention. The Departments of Families, Housing, Community Services and Indigenous Affairs, and of the Attorney-General, in consultation with national DPOs, disability advisory councils and the disability legal services network, presented a report on the impact of ratification to the Government. The report identified both the benefits and the disadvantages of ratifying the Convention and its Optional Protocol; verified whether Australian laws complied with Convention obligations; described the economic, environmental, social and cultural impact of ratification; established an appropriate means of directly incorporating the Convention; and audited national laws, policies and programmes. Because of the thorough ratification process Australia ratified both the UNCRPD and Optional Protocol

***Follow Up Activity 5***

*Watch these films on the UNCRPD. Either watch films (a-e) and list what key points they make. Which one do you recommend and why?*

*Or Watch (f) which is longer and more detailed and list the key points made.*

1. What is UNCRPD Inclusion Europe 1 min.45 sec <https://youtu.be/sZCa2_sMKW4>
2. [UNCRPD - Know Your Rights](https://www.youtube.com/watch?v=UYsplGqnRTU) Equality and Human Rights Commission Scotland [https://youtu.be/UYsplGqnRTU 2. 06](https://youtu.be/UYsplGqnRTU%202.%2006)
3. UNCRPD People First New Zealand 2015 [https://youtu.be/xyOio3kG33E 2.09](https://youtu.be/xyOio3kG33E%202.09)
4. European Disability ForumActive citizenship for persons with disabilities, UN CRPD, and DISCIT project (Multiple captions) [https://youtu.be/sBoo5\_os6yU](https://youtu.be/sBoo5_os6yU%204.50) 4.50 Good on Barriers
5. Convention on the Rights of Persons with Disabilities - Human Rights Forum California [https://youtu.be/vBgCtpnQOvA](https://youtu.be/vBgCtpnQOvA%20%20)  10.20 Explains basic concepts well
6. The making of the Convention on the Rights of Persons with Disabilities: Prof. Michael Stein, Executive Director, Harvard Law, Project on Disability, Harvard University, USA <https://youtu.be/GWIf_NzpvYo> 33 mins.

***Follow Up Activity 6***

Pick one area of failure of implementation by your government and design a campaign to enforce this element of the UNCRPD. Utilise the template in the course book.

*Work out how you would build a Human Rights Campaign to end the situation outlined and introduce the relevant part of the UN Convention on the Rights of Persons with Disabilities.*

***Think about key elements***

***What you want to change?***

***What will you do?***

***Who you will recruit to the campaign?***

***How will you research and publicise your campaign?***

***How will you know you have succeeded?***

***Which parts of UNCRPD would you use?***

***Which other UN Conventions could you use?***

***Make a copy of the Diagram on the next page and fill in your thinking from the above questions.***

**Presentation: Building a Campaign -The Key Ingredients of Change**

**Who you will recruit to the campaign?**

**How will you research and publicise your campaign?**

**What do you want to change?**

**How will you know you have succeeded?**

**What will you do?**

# **vii) Monitoring, Reporting and compliance, UNCRPD Committee**

Article 33 foresees three implementation and monitoring bodies:

 **• Focal points within government**

 **• Coordination mechanism within government**

**• Independent mechanism based on Paris Principles**

State parties once they have ratified need to appoint, under Article 33, **a focal point** within government that sees to the legal and practical implementation of the Convention’s rights.

The **coordination mechanism** should be included in all relevant policy-making decisions, be they legislative or national action plans. The flow of information has to include the coordination mechanism in conjunction with civil society representatives, particularly DPOs.

Government appoint an **independent mechanism** which is a National Human Rights Institution (NHRI) as foreseen in the Paris Principles. Apart from the strong emphasis on independence, this mechanism also guarantees the rights of ‘persons with disabilities’ to be treated as mainstream human rights issues rather than as a specialized and potentially segregated theme.

The **Paris Principles** foresee, inter alia:

• Based on a qualified majority law to ensure financial, content, and other independence

 • Mandate: Promotion and protection of all national human rights

• Mission: – Advising government and other public institutions – Monitoring of administration – Independent inquiry into alleged human rights violations – Thematic inquiries and studies – Dissemination of information – Human rights trainings, particularly anti-discrimination – Possibility for complaints – plus procedure – International Cooperation

**DPOs need to ensure these mechanisms are set up and that they are involved.**

**Article 34** sets up an 18-person Committee elected by state parties from nominations from states that have ratified. This committee to have a geographic, gender balance and be made up of experts on disability including ‘persons with disabilities’. This is unique to the Treaty Committees and has meant that the focus of the CRPD Committees questioning of State Parties, their judgements, and General Comments have all been very supportive of disabled rights. The Committee also investigates complaints under the Optional Protocol.

**Article 35** requires state Parties to report to the CRPD Committee within 2 years of ratifying and then every 4 years. Civil Society especially DPOs are encouraged to submit Shadow Reports and be present when the State Party is answering the Committee’s Questions and to present evidence.

The Text of the UNCRPD can be clarified and developed by General Comments following Days of General Discussion, again open to DPOs to contribute.

So far there have been 7 General Comments, each of these have to be taken into account by State Parties in their efforts to comply with the Convention and become part of International Law.

**General Comment No 1** [Article 12: Equal recognition before the law](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/1&Lang=en) (Adopted 11 April 2014)

**General Comment No 2** [Article 9: Accessibility](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/2&Lang=en) (Adopted 11 April 2014)

**General Comment No 3** [Article 6: Women and girls with disabilities](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/3&Lang=en) (Adopted 26 August 2016)

**General Comment No 4** [Article 24: Right to inclusive education](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/4&Lang=en) (Adopted 26 August 2016)

**General Comment No 5** [Article 19: Right to independent living](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/5&Lang=en) (Adopted 31 August 2017)

**General Comment No 6** [Article 5: Equality and non-discrimination](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/6&Lang=en) (Adopted 9 March 2018)

**General Comment No 7** [Article 4.3 and 33.3: Participation with persons with disabilities in the implementation and monitoring of the Convention](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/7&Lang=en) (Adopted 21 September 2018)

**Article 40** allows for Conference of all the State Parties who have ratified the UNCRPD and these have occurred annually and form a very useful forum to review progress. DPOs can apply and have consultative status.

The CRPD Committee has to report to the UN General Assembly on its work.[[14]](#footnote-14)

State Parties on ratifying can enter reservations on particular Articles. These are meant to be temporary and can be challenged by other state parties or Civil Society/DPOs, especially if they involve the principles and general obligations of the UNCRPD [[15]](#footnote-15)

The CRPD Committee Reports on the countries that have appeared before them should be used by DPOs to generate local and national campaigns[[16]](#footnote-16).

**The mechanism for monitoring state parties was delayed and will now be further delayed because of the Committee not meeting due to Covid Pandemic for 18 months. The CRPD Committee has found recurrent problems with state parties not understanding what is required of them by the Convention. The General Comments are an indicator of some of the areas that states recurrently fail to comply with. Greater involvement of DPOs in national and international monitoring including shadow reporting will only help to improve the implementation of the Convention and the position of disabled people around the Commonwealth.**

# **viii) Synergy of Sustainable Development Goals and UNCRPD**

*“The Agenda 2030 has provided the platform through which the global disability movement could influence sustainable development.  In ensuring that the pledge to “leave no one behind” would become more than rhetoric, we have made our presence felt at the High Level Political Forum over recent years.  As, persons with disabilities, we remain committed to working with governments so that the Sustainable Development Goals are fully realised."*

**-Colin Allen, Chair of the International Disability Alliance**

The previous Millennium Development Goals 1990-2015 did not mention disabled people or disability, nor were they achieved. After a very wide global consultation exercise with a wide range of stake holders the 17 Sustainable Development Goals were adopted by the UN General Assembly in 2015 for the whole world with the slogan ‘Leave No One Behind’.

The UNCRPD significantly altered the environment, the expectations, and the participation of persons with disabilities in the creation of the **2030 Agenda**, and its 17 **Sustainable Development Goals**, a universal commitment by all UN Member States.

The 2030 Agenda and CRPD should be used together: in order to implement sustainable development in any given country, it will also need to implement the CRPD. Through the implementation of the 2030 Agenda, more resources and data will be available for implementation of the CRPD. It is up to DPOs and their partners, including governments, to provide this connection and synergy between the two instruments for the benefit of the rights of disabled people.

Of the 169 Targets 7 explicitly mentions ‘people with disabilities’. All Goals and targets are applicable to persons with disabilities by simple virtue of universality, which applies to all persons, and the overarching principle of “leave no one behind.” Persons with disabilities strongly believe that only by utilizing the UN Convention on the Rights of Persons with Disabilities (CRPD) as a guiding framework in implementing the SDGs, will it be ensured that exclusion and inequality are not created or perpetuated. This includes institutional, attitudinal, physical and legal barriers, and barriers to information and communication, among other such barriers.

Undoubtedly the adoption of the UNCRPD has given impetus to the inclusion of disabled people and DPOs in the processes of reviewing the SDGs at National Voluntary Reviews, Regional Meetings and Global High-Level Political Forum levels. This can be seen in the way DPOs cooperated and succeeded in feeding in their issues Nationally and Regionally in the run up to the HLPF in 2017 which led to 29 mentions of disability in the final UN Report. **This included the case studies of the involvement of DPOs in Nigeria, Kenya, Bangladesh and India** [[17]](#footnote-17). More recently under the Disability Catalyst Programme there has been funduing for Regional Involvement and National reports from countries including **Pakistan, Rwanda and Kenya[[18]](#footnote-18).**

[**What links disability, human rights, and the Sustainable Development Goals?**](https://www.globaldisabilityrightsnow.org/infographics/link-between-sustainable-development-goals-and-crpd#text_link)

In 2006 the United Nations Convention on the Rights of Persons with Disabilities (CRPD) came into force.  The CRPD is one of nine core international human rights treaties and it includes**33 core articles**covering all areas of life.

In December 2020, 182 out of 193 United Nations Member States or **over** **80% of countries have ratified the CRPD.**Once a country ratifies this means that the country is legally bound to implement the core 33 articles and must report on their progress in writing to the United Nations on a periodic basis.

According to the 2011 *World Report on Disability*by the World Health Organisation/World Bank, there are an estimated **1 billion persons with disabilities worldwide.**The same report states that**1 in 5 of the world’s poorest people have disabilities.**Disability is both a cause and consequence of poverty, yet international policymakers and stakeholders have not historically recognised or prioritised this issue within international development efforts.

After three years of intense intergovernmental negotiations United Nations Member States adopted the 2030 Agenda for Sustainable Development in September 2015. The 2030 Agenda has **17 goals for sustainable development**and 169 targets.  There are 11 explicit references to persons with disabilities in the 2030 Agenda, and disaggregation of data by disability is a core principle.

The 2030 Agenda and the Sustainable Development Goals (SDGs) will influence the direction of global and national policies relating to sustainable development for the next 15 years. If the 2030 Agenda is going to be successful, all of the UN Member States - **193 countries - must include ‘persons with disabilities’**in their national plans for implementation and monitoring.

While the infographic aims at illustrating how the 17 goals of the SDGs and the 33 articles of the CRPD are linked to each other, it is important to stress that both the SDGs and the CRPD must be implemented as a whole. This means that countries should not ‘cherry pick’ single goals or articles, as all of them form part of a complex and interconnected equation.

**How does this infographic work?**

The text of the 2030 Agenda and the Sustainable Development Goals (SDGs) can be interpreted through the lens of the UN Convention on the Rights of Persons with Disabilities (CRPD) in the following ways:

* All references to ‘equal’ must be underpinned by **CRPD article 5,**which promotes equality of opportunity and non-discrimination of persons with disabilities.
* References ‘for all’ include all persons with disabilities - people with different types of impairments and support requirements; women with disabilities (**CRPD** **article 6**) and children with disabilities (**CRPD** **article 7**).
* All references to ‘access’ or ‘inclusion’ can be fulfilled by **article 9 of the CRPD** on accessibility which requires governments to take action to ensure persons with disabilities the right to independent living and participate in all aspects of life.
* All references to ‘those in vulnerable situations’ include the right of protection and safety of persons with disabilities in situations of risk, natural disasters and humanitarian emergencies (**CRPD article 11**).
* All progress made by the SDGs must be monitored through disability disaggregated data (**CRPD** **article 31**).
* All References to ‘development and/or least developed countries’ relate to international cooperation and partnerships (**CRPD article 32**).

**The specific link between the Sustainable Development Goals and the CRPD Articles**

**Goal 1: NO POVERTY:**

End poverty in all its forms everywhere: this goal is underpinned by the right to life (CRPD article 10), control over one’s own resources by guaranteeing equal recognition before the law (CRPD article 12) and an adequate standard of living and social protection (article 28), as well as articles 5, 6, 7, 9, 11, 31 and 32.

**Goal 2: ZERO HUNGER:**

End hunger, achieve food security and improved nutrition and promote sustainable agriculture:  The right to adequate food, including food security, safeguards, and an adequate standard of living (CRPD article 28), control over land, property and inheritance can be guaranteed by equal recognition before the law (CRPD article 12), as well as articles 5, 6, 7, 9, 31 and 32.

**Goal 3: GOOD HEALTH AND WELL-BEING:**

Ensure healthy lives and promote well-being for all at all ages: This is underpinned by the right to life (CRPD article 10); access to sexual and reproductive health services is recognized by the right to enjoyment of the highest attainable standard of health without discrimination on the basis of disability (CRPD article 25), family planning, information and education is ensured by respect for home and the family (CRPD article 23), as well as articles 6, 7, 9, 11, 31 and 32.

**Goal 4: QUALITY EDUCATION:**

Ensure inclusive and equitable quality education and promote life-long learning opportunities for all: Article 24 of the CRPD promotes an inclusive education system at all levels on the basis of equal opportunity and freedom from exclusion; persons with disabilities must have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training as outlined in  article 27 of the CRPD; safe, non-violent learning environments can be enabled by protection from exploitation, violence and abuse outside the home in article 16  of the CRPD, in addition articles 5, 6, 7, 9, 31 and 32 apply.

**Goal 5: GENDER EQUALITY:**

Achieve gender equality and empower all women and girls: Article 6 of the CRPD recognizes that women and girls with disabilities are subjected to multiple discrimination; the elimination of harmful practices requires effective women- and child-focused legislation and policies as outlined in article 16 of the CRPD; the provision of social protection policies is covered by article 28 of the CRPD; the right to participation in political and public life relates to article 29 of the CRPD; the right to the same range and quality and standard of free or affordable sexual and reproductive health is recognized in article 25 of the CRPD; the right to reproductive and family planning is ensured through respect for home and family (CRPD article 23); women’s right to ownership over land, property and inheritance is acknowledged in CRPD article 12’s right to equal recognition before the law; and the right to accessible information and communications for women and girls is outlined in article 21 of the CRPD; the promotion of gender equality for women and girls with disabilities is recognised in article 8 of the CRPD on awareness-raising, in addition articles 5, 7, 9 and 31 are applicable.

**Goal 6: CLEAN WATER AND SANITATION:**

Ensure availability and sustainable management of water and sanitation for all: Article 28 of the CRPD recognises the right to the continuous improvement of living conditions, access to clean water and the promotion of the right to an adequate standard of living for persons with disabilities; articles 5, 6, 7, 9, 11, 31 and 32 also apply.

**Goal 7: AFFORDABLE CLEAN ENERGY:**

Ensure access to affordable, reliable, sustainable, and modern energy for all: Universal access, especially in developing countries and the requirement to measure progress on this goal in relation to persons with disabilities are covered by articles 9, 31 and 32.

**Goal 8: DECENT WORK AND ECONOMIC GROWTH:**

Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all: The recognition of the right of persons with disabilities to work on an equal basis with others and to gain a living by work freely chosen, and to receive equal remuneration for work of equal value and to have safe working conditions is covered by article 27 of the CRPD; equal access to banking, insurance and financial services can be enabled by upholding the right to equal recognition before the law (CRPD article 12); freedom from exploitation, violence and abuse such as forced labour, modern slavery and human trafficking are rights upheld by article 16 of the CRPD. Articles 5, 6, 9 and 31 also apply.

**Goal 9: INDUSTRY, INNOVATION AND INFRASTRUCTURE:**

Build resilient infrastructure, promote inclusive and sustainable industrialisation: Access to financial services including affordable credit is ensured by equal recognition before the law (CRPD article 12); ensuring personal mobility with the greatest possible independence for persons with disabilities can be guaranteed by implementing article 20 of the CRPD; freedom to access information on an equal basis with others and through all forms of communication is part of article 21 of the CRPD; promoting opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one’s own business are recognised rights under article 27 pf the CRPD; articles 5, 6, 7, 9, 31 and 32 are also applicable.

**Goal 10: REDUCED INEQUALITIES:**

Reduce inequality within and among countries: Ensuring enhanced representation and voice of persons with disabilities in decision-making is covered by article 4 of the CRPD; promoting the positive perceptions and greater social awareness towards persons with disabilities to foster inclusion is part of article 8 of the CRPD; facilitating safe migration and mobility can protect persons with disabilities from exploitation (CRPD article 16); ensuring access to social protection and poverty reduction programmes is contained in article 28 of the CRPD; in addition, articles 5, 6, 7, 9, 11, 31 and 32 are applicable.

**Goal 11: SUSTAINABLE CITIES AND COMMUNITIES:**

Make cities and human settlements inclusive, safe, resilient and sustainable: the right of persons to an adequate standard of living for themselves and their family, including adequate housing must be realised (CRPD article 28);  persons with disabilities must be afforded personal mobility in the manner and at the time of their choice and at affordable cost (CRPD article 20); safe cities and settlements must ensure protection from violence (CRPD article 16); the environment and public transport must be accessible on an equal basis with others in urban and rural areas (CRPD article 9); participatory planning and management must be respected (CRPD article 4); Articles 5, 6, 7, 11, 31 and 32 also apply.

**Goal 13: CLIMATE ACTION:**

Take urgent action to combat climate change and its impacts: persons with disabilities who are subject to the occurrence of natural disasters and other situations of risk must be included in all protection and safety mechanisms (CRPD article 11); climate-related planning and management must be inclusive of and accessible to persons with disabilities (CRPD article 32); articles 5, 6, 7, 9 and 31 also apply.

**Goal 16: PEACE, JUSTICE AND STRONG INSTITUTIONS:**

Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels:  death rates must be reduced by effective enjoyment of the right to life (CRPD article 10); freedom from violence, exploitation and abuse must be upheld (CRPD article 16); as must freedom from torture cruel, inhuman or degrading treatment or punishment (CRPD article 15); access to justice on an equal basis with others, including through the provision of procedural and age-appropriate accommodations must be in place (CRPD article 13); inclusive decision-making that closely consults with and actively involves persons with disabilities through their representative organisations (CRPD article 4); supported decision-making regimes should be available (CRPD article 12); the right to a legal identity is covered by CRPD article 18; persons with disabilities must enjoy all human rights and fundamental freedoms (CRPD article 1) and are not deprived of their liberty unlawfully (CRPD article 14); in addition, the following articles also apply: 5, 6, 7, 9, 31 and 32.

**Goal 17: PARTNERSHIPS FOR THE GOALS:**

Strengthen the means of implementation and revitalize the global partnership for sustainable development: enhancing the use of enabling technology, in particular information and communication technology can be achieved for persons with disabilities by implementing article 21 of the CRPD to ensure accessibility; collection of high quality, timely and reliable data disaggregated by disability relates directly to article 31 of the CRPD on statistics and data collection; articles 9 and 32 of the CRPD especially in regard to partnerships with organisations of persons with disabilities and facilitating access to technology transfer, are also applicable.

This is a link, as a picture, of the all the Sustainable Development Goals, described above. 

[Sustainable Development Goals (SDGs) and Disability](https://www.un.org/development/desa/disabilities/about-us/sustainable-development-goals-sdgs-and-disability.html)

* [UN Flagship Report on Disability and Sustainable Development Goals](https://www.un.org/development/desa/disabilities/publication-disability-sdgs.html) (2018)
	+ [Download the Full Report](https://social.un.org/publications/UN-Flagship-Report-Disability-Final.pdf) (PDF)
	+ [Easy read version: Executive Summary](https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/12/UN-Development-and-Disability-Report-v4.pdf) (PDF)
* [#Envision2030: 17 goals to transform the world for persons with disabilities](https://www.un.org/development/desa/disabilities/envision2030.html)
Imagine the world in 2030, fully inclusive of persons with disabilities!
* [Infographic Disability-inclusive SDGs](http://www.un.org/disabilities/documents/sdgs/disability_inclusive_sdgs.pdf) ([JPG](http://www.un.org/disabilities/documents/sdgs/infographic_disability_inclusive_sdgs.jpg)) (Image that graphically shows disability-inclusion in the SDGs)
* [Transforming our world: The 2030 Agenda for sustainable Development](https://sustainabledevelopment.un.org/post2015/transformingourworld) (A/RES/70/1)
* [Sustainable Development Goals (SDGs) UN website](http://www.un.org/sustainabledevelopment/sustainable-development-goals/)
* [Monitoring and Evaluation of Disability-Inclusive Development: Data and Statistics](https://www.un.org/development/desa/disabilities/resources/monitoring-and-evaluation-of-inclusive-development-data-and-statistics.html)

Disability-related events, statements and media

* [2030 Agenda Introductory Toolkit and Comprehensive Guide for persons with disabilities](http://iddcconsortium.net/sites/default/files/resources-tools/files/2030_agenda_comprehensive_guide_for_persons_with_disabilities.pdf) (IDA/IDDC resource)
* [Agenda 2030 and the SDGs](https://iddcconsortium.net/sites/default/files/resources-tools/files/ida-iddc_agenda_2030_easy_read_1.0.pdf) (PDF, easy-read version)
* [Launch of new UN postage stamp on disability and development](http://www.unmultimedia.org/radio/chinese/archives/239341/) (Chinese) (see also [Statement of the Secretary-General](http://www.un.org/disabilities/documents/sdgs/sg_statement_chinese_stamp_launch.doc) and [UNPA website for Disability and Development Custom Stamp Sheet](http://unstamps.org/shop/disability-and-development/))
* [Statement by Vladimir Cuk at Summit](http://www.un.org/disabilities/documents/sdgs/sdgs_summit_vladimir.doc) (IDA)
* [Statement by Mosharraf Hossain at Summit](http://www.un.org/disabilities/documents/sdgs/sdgs_summit_mosharraf.docx) (ADD International UK)
* [IDA/IDDC – Press Release: Today, we celebrate](http://us11.campaign-archive1.com/?u=217f78e7ae80e87d647cb61c5&id=1b795bc268&e=)
* [Handicap International – Press Relelease](http://www.handicap-international.us/putting_people_with_disabilities_at_the_heart_of_development)
* [Leonard Cheshire Disability – Press Release](https://www.leonardcheshire.org/what-we-do/latest-news/press-releases/leonard-cheshire-disability-welcomes-un-commitment-making)

During the 2012 United Nations Conference on Sustainable Development (Rio+20, Member States agreed to launch a process to develop a set of sustainable development goals (SDGs) to succeed the Millennium Development Goals (MDGs), whose achievement period concludes in 2015. The SDGs are to address all three dimensions of sustainable development (environmental, economic, and social) and be coherent with and integrated into the United Nations global development agenda beyond 2015. The envisaged SDGs have a time horizon of 2015 to 2030.

Disability is referenced in various parts of the SDGs and specifically in parts related to education, growth and employment, inequality, accessibility of human settlements, as well as data collection and monitoring of the SDGs, for instance:

* Goal 4 on inclusive and equitable quality education and promotion of life-long learning opportunities for all focuses on eliminating gender disparities in education and ensuring equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities. In addition, the proposal calls for building and upgrading education facilities that are child, disability and gender sensitive and also provide safe, non-violent, inclusive, and effective learning environments for all.
* In Goal 8: to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, the international community aims to achieve full and productive employment and decent work for all women and men, including for persons with disabilities, and equal pay for work of equal value.
* Closely linked is Goal 10, which strives to reduce inequality within and among countries by empowering and promoting the social, economic, and political inclusion of all, including persons with disabilities.
* Goal 11 would work to make cities and human settlements inclusive, safe, and sustainable. To realize this goal, Member States are called upon to provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, such as persons with disabilities. In addition, the proposal calls for providing universal access to safe, inclusive and accessible, green and public spaces, particularly for persons with disabilities.
* Goal 17 stresses that in order to strengthen the means of implementation and revitalize the global partnership for sustainable development, the collection of data and monitoring and accountability of the SDGs are crucial. Member States are called upon to enhance capacity-building support to developing countries, including least developed countries (LDCs) and small island developing states (SIDS), which would significantly increase the availability of high-quality, timely and reliable data that is also disaggregated by disability.

**Resources and Documents**

* [SDG Knowledge Hub](http://sdg.iisd.org/), The International Institute for Sustainable Development (IISD)
* [The Key to Agenda 2030? The Inclusion of People, All People!](http://unsdn.org/the-key-to-agenda-2030-the-inclusion-of-people-all-people/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+unsdn+%28UNSDN%29)
* [Disability Rights Now infographic](http://www.globaldisabilityrightsnow.org/infographics/link-between-sustainable-development-goals-and-crpd#text_link)
* Synthesis Report of the Secretary-General on the Post-2015 Agenda: [“The Road to Dignity by 2030: Ending Poverty, Transforming All Lives and Protecting the Planet”](http://www.un.org/disabilities/documents/reports/SG_Synthesis_Report_Road_to_Dignity_by_2030.pdf)
* [High-level meeting of the UN General Assembly on Disability and Development](http://www.un.org/disabilities/default.asp?id=1590)
* [The future we want](http://www.un.org/disabilities/documents/rio20_outcome_document_complete.pdf)
* [Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific](http://www.unescapsdd.org/files/documents/PUB_Incheon-Strategy-EN.pdf)
(Also available: [Easy to Understand Version](http://www.unescap.org/resources/incheon-strategy-make-right-real-persons-disabilities-asia-and-pacific-easy-understand), [Pocket Version](http://www.unescap.org/resources/incheon-strategy-make-right-real-persons-disabilities-asia-and-pacific-pocket-version))
* [OHCHR -Human Rights indicators on the Convention on the Rights of Persons with Disabilities in support of a disability inclusive 2030 Agenda for Sustainable Development](https://www.ohchr.org/EN/Issues/Disability/Pages/SDG-CRPDindicators.aspx)

***Follow Up Activity 7***

*SDGs and the UNCRPD*

1. *For any of the SDGs 1, 4, 8, 11 or 17, explain the links between the SDGs and which UNCRPD Articles in the UNCRPD?*
2. *How would you lobby your government and what arguments would you use to convince them i) to volunteer for National Reporting and ii) to involve DPOs?*
3. *If you had 90 seconds to appear on local television to explain why DPOs and disabled people should be involved in developing the country, what would be your 5 key points?*

**Building Future Implementation Strategies on Human Rights, UNCRPD and SDGs**

i) Examine the list of Rights in the UNCRPD and make a list of areas that need implementing. In each case, determine the sort of action necessary for full implementation- Changes of Law, Guidance, Attitude Change and who you would recruit to campaign to bring about this change.

ii) For one Article gather information sources to back up your arguments.

iii) Write 3 paragraphs for a shadow report to the UNCRPD for the Article in ii) above.

iv) Write a press release to inform the public of why this Human Rights issue must be addressed.

v) What actions and coordination measures need to be taken to set up a DPO led disability rights shadow reporting system in your country?

vi) Develop a strategy to get your DPO more involved with government for implementation of UNCRPD and the SDGs.

1. https://www.scope.org.uk/about-us/disablism/ [↑](#footnote-ref-1)
2. Origins of Disabled People International <https://transnationalrepresentation.omeka.net/exhibits/show/transnational-representation--/dpi-origins> [↑](#footnote-ref-2)
3. Peter Mittler (2012) <https://www.dementiaallianceinternational.org/convention-use-lose-peter-mittler/> Driedger, Diane (1989). The Last Civil Rights Movement: Disabled Peoples' International. New York: St. Martin's Press.  [↑](#footnote-ref-3)
4. https://www.un.org/en/sections/universal-declaration/history-document/ [↑](#footnote-ref-4)
5. This section draws heavily on Human Rights Yes : Action and Advocacy on the Rights of Persons with Disabilities

by Janet E. Lord, Katherine N. Guernsey, Joelle M. Balfe & Valerie L. Karr Nancy Flowers, Editor 2007 University of Minnesota Human Rights Resource Centre [http://www1.umn.edu/humanrts/edumat/hreduseries/TB6/html/Contents%20of%20%22Human%20Rights.%20YES!%22.html](http://www1.umn.edu/humanrts/edumat/hreduseries/TB6/html/Contents%20of%20%22Human%20Rights.%20YES%21%22.html)

 Full text available at <http://www1.umn.edu/humanrts/edumat/hreduseries/TB6/html/Annexes.html#declaration1> [↑](#footnote-ref-5)
6. [↑](#footnote-ref-6)
7. The International Disability Alliance has now expanded and has staffed offices in Geneva and New York and plays a vital role in implementation. It currently comprises the following organisations eight global and four regional organizations of persons with disabilities (DPOs), [Down Syndrome International (DSI)](http://www.ds-int.org/) , [Inclusion International (II)](http://www.inclusion-international.org/), [International Federation of Hard of Hearing People (IFHOH)](http://www.ifhoh.org/), [The World Blind Union (WBU),](http://www.worldblindunion.org/)  [World Federation of the Deaf (WFD)](http://www.wfdeaf.org/), [World Federation of Deafblind (WFDB)](http://www.wfdb.org/), [The World Network of Users and Survivors of Psychiatry (WNUSP),](http://www.wnusp.net/) International Federation for Spina Fifida and Hydrocephelus (IFSPH)Arab Organization of Disabled People (AODP),[European Disability Forum (EDF)](http://www.edf-feph.org/), [The Latin American Network of Non-Governmental Organizations of Persons with Disabilities and their Families (RIADIS)](http://www.riadis.net/), [Pacific Disability Forum (PDF)](http://www.pacificdisability.org/), ASEAN Disability Forum ( Asia/SE ASIA) African Disability Forum(ADF) . <http://www.internationaldisabilityalliance.org/> cdpf cdpf Are awaiting the outcome of our application to join IDA. [↑](#footnote-ref-7)
8. OHCHR Training Guide on UNCRPD <https://www.ohchr.org/Documents/Publications/CRPD_TrainingGuide_PTS19_EN%20Accessible.pdf> [↑](#footnote-ref-8)
9. <https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15-a&chapter=4&clang=_en> [↑](#footnote-ref-9)
10. <https://www.internationaldisabilityalliance.org/sites/default/files/documents/hi_crpd_manual2010.pdf> [↑](#footnote-ref-10)
11. OHCHR (2007) Convention on the Rights of Persons with Disabilities Advocacy Toolkit <https://www.ohchr.org/documents/publications/advocacytool_en.pdf> [↑](#footnote-ref-11)
12. OHCHR (2014) THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES Training Guide No.19 UN, Geneva <https://www.ohchr.org/Documents/Publications/CRPD_TrainingGuide_PTS19_EN%20Accessible.pdf>

United Nations (2008) Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities <https://www.un.org/development/desa/disabilities/resources/handbook-for-parliamentarians-on-the-convention-on-the-rights-of-persons-with-disabilities.html> [↑](#footnote-ref-12)
13. <https://www.ohchr.org/Documents/Issues/Disability/COVID-19_and_The_Rights_of_Persons_with_Disabilities.pdf> [↑](#footnote-ref-13)
14. <https://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx> [↑](#footnote-ref-14)
15. <https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4> [↑](#footnote-ref-15)
16. <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&DocTypeID=29> [↑](#footnote-ref-16)
17. <https://www.internationaldisabilityalliance.org/sites/default/files/global_report_on_the_participation_of_organisations_of_persons_with_disabilities_dpos_in_vnr_processes.docx> [↑](#footnote-ref-17)
18. https://www.internationaldisabilityalliance.org/sgd-reports [↑](#footnote-ref-18)