

Convention on the Rights of Persons with Disabilities (CRPD)

Implementation Toolkit

Welcome to the Implementation Toolkit!

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SECTION ONE: WHAT IS THE IMPLEMENTATION TOOLKIT AND HOW DO I USE IT?

What is the Implementation Toolkit and how is it relevant to DPI's work?

- *DPI's commitment to the Convention on the Rights of Persons with Disabilities*

At our Sixth World Assembly in Sapporo, Japan (Sapporo Declaration), and at subsequent regional and national meetings, DPI members committed to fully supporting the work to draft the Convention on the Rights of Persons with Disabilities (CRPD). To this end, DPI members were active at all stages of the drafting negotiations at the United Nations (UN): attending all meetings at the UN; participating in drafting and policy paper initiatives; hosting side events at the UN to ensure that the DPI human rights perspective was included in the drafting; holding consultations in our member countries and regions; and helping to provide a cross-disability perspective through the sharing of the lived experiences of our members from around the world. Now that the negotiations have been completed and the CRPD has been adopted by the UN General Assembly, the time has come for us to continue to examine how we can contribute to the successful implementation of the Convention.

As our first priority, DPI developed the Ratification Toolkit, an interactive resource guide designed to assist DPI members in their work to encourage every country to become a States Party to the CRPD. If your country is not yet a Party to the CRPD, and if you have not already used the Ratification Toolkit, we recommend that you refer to that resource in order to:

- Learn about the Convention – its background and why we need it
- Learn about ratification – what it is and why we need countries to do it
- Learn how to design successful ratification campaigns in DPI member countries and regions

The Ratification Toolkit was developed during the final stages of the Convention negotiation process, as we wanted to ensure that DPI members would be ready to engage in signature and ratification campaigns as soon as possible. Now that the Convention has been officially adopted by the UN and ratification work is underway, it is time to consider how we can successfully implement the Convention in every country! For this purpose DPI has developed a new interactive resource guide, which we call the "CRPD Implementation Toolkit." In this Toolkit you will be able to:

- Learn about the Convention – what the new Convention is and what it means for persons with disabilities around the world
- Learn about implementation – understand what we will be implementing
- Learn how to design successful implementation campaigns in DPI member countries and regions

It is important to note that this Toolkit is not intended to be an authoritative or detailed interpretation of the content of the CRPD. How the Convention is implemented will be slightly different in each country, and over time questions will arise regarding the content of the Convention and how it should be interpreted. This is a normal process and one that all human rights treaties go through. Disability advocates will work with governments and the Convention's monitoring body (the Committee on the Rights of Persons with Disabilities) in order to find answers to these questions that live up to the spirit and objectives of the Convention. As we are only at the beginning of this process, the materials provided in this Toolkit are not intended to pre-empt any of these questions or answers. Rather, these materials are intended to help you and your organization familiarize yourselves with the CRPD and understand how you can start to make the content of the Convention a reality in your country.

- *What's inside the Implementation Toolkit*

You will find a variety of resources to help you plan and put into action your own implementation campaigns:

- Background information – explaining important concepts and giving historical perspective
- A Glossary – providing definitions of terms

- Exercises – to help you and your organization understand and apply the concepts discussed in the Toolkit
- Documents – we have gathered many of the important reference documents here, so that you have easy access to them
- A list of Acronyms for easy reference to full names and titles

Whether you have been extensively involved in the Convention negotiations, or are just interested in getting involved now, we hope that the Toolkit will provide you with the information you need to get started in your work to ensure that your country lives up to its commitments under the Convention, and that the vision of the CRPD becomes a reality for all persons with disabilities around the world!

How do I use the Implementation Toolkit?

The Toolkit is divided into four *sections*:

- **User Guide** - That's this section!
- **What Is the New Convention and What Does it Mean for Me? A new convention – A new approach**
Here the toolkit will provide information on the historical background of the CRPD, what it means to address disability in a human rights context, and why this approach is useful.
- **What Are We Implementing? A guide to deciphering the CRPD!**
This section provides basic information on the content of the Convention. As mentioned above, this is not intended to be a detailed interpretation of the provisions of the CRPD, but instead an introduction to its structure, content and concepts.
- **How Do We Implement the New Convention?**
Finally the Toolkit will provide some practical tools for you to use in planning and carrying out your implementation campaign.

At the beginning of each section, you will see a box containing what we hope you will learn from the materials. We strongly suggest that to begin with, you read the sections in order. Once you are more familiar with the content, then you can go back to the sections of particular interest to you. Each section can be reached directly from the Toolkit homepage, so that you can quickly access the information you want.

Features we have tried to include

- Easy to navigate

The Toolkit is designed to be interactive, meaning that as you read through the text you can click on the clearly marked hyperlinks in order to obtain further information as you wish. For example, you can click on technical terms to see how they are defined in the Glossary. You can also click on the names of documents in order to go to a copy of a particular document. To make it easier to find a specific document, where needed we have grouped them again in resource boxes at the end of each section, and you can go to a complete listing of resources from the homepage.

- The latest information

We have provided in the Toolkit the most up-to-date information available to us at this time. We have also included a few external website links, so that in the future you will have a means of up-dating information on certain topics – such as information about the work of the new treaty monitoring body for the CRPD (known as the “Committee on the Rights of Persons with Disabilities”) once it has been established. If you have difficulty understanding something in the Toolkit or would like to talk about an idea you have for your implementation campaign, you can contact your Regional Development Officer (RDO). Their contact information is at the end of this Section.

- Adaptable

In each section you will find exercises to help you think through the concepts discussed and apply them to the specific situation in your country. You can do these exercises by yourself or in a group with your colleagues and other disability activists. We also hope that you will find the Toolkit materials helpful as a starting point when you begin to prepare your own materials for your implementation campaign.

- Feedback is welcome

DPI has put a lot of time and energy into the development of this Toolkit for our members around the world. We know that it will not be perfect, and we encourage you to provide feedback directly to us at the Headquarters Office by completing and submitting the evaluation form at the end of the Toolkit. We want to learn what has worked and what we can improve in the future!

- Good luck to you!

We have enjoyed the process of developing this Toolkit, and we hope very much that it will be a useful tool for you as you work to implement the new Convention in your country. As you will see there is a lot of work to be done, and the challenges are many, but we believe that with careful thought and planning DPI can make a solid contribution to this next phase of the Convention's life. Good luck!

Regional Development Officer	Region	Telephone	E-mail
Tambo Camara	Africa	222-525-1674	tcamara@mauritel.mr
Topong Kulkhanchit	Asia-Pacific	66-2984-1007	rdo@dpiap.org
Rita Barbuto	Europe	0039-0968-463499	dpi_europe@dpitalia.org
Maria Farias	Latin America	51-1-221-7917	rlompd000@yahoo.es
Leslie A. Emanuel	North America & Caribbean	268-461-7260	emanuell@candw.aq

Section Two: What is the new Convention and what does it mean for me? A new Convention – A new approach

By the end of Section 2 you should

1. Understand what kind of convention the CRPD is
2. Understand why the CRPD is needed and how it was created
3. Understand what a “rights-based approach” is
4. Understand how this is new and how it can be helpful to persons with disabilities

PART 1: SOME DEFINITIONS TO BEGIN!

What is a “convention”?

Before going any further we need to define the terms that we are using. As we are going to be talking a lot about the new “convention,” it is important to understand what it is and what it is not. Often, when we talk with colleagues about a “convention” we mean a meeting of a group of people. A DPI World Assembly is an example of that kind of convention. However, this Toolkit is not about that kind of convention. Here we are talking about a very different kind of “convention,” namely a “legally binding agreement”, in writing, between two or more countries. Conventions can also be called “treaties.”

Once a convention has been “adopted” (meaning that it is now open for countries to join), countries can choose whether or not to join it. When they choose to join, they become “States Parties” and must comply with their obligations as described in the convention. When enough countries (in the case of the CRPD, 20 countries) become States Parties, then we say that the convention “enters into force” – meaning that it becomes active – and States Parties must act to implement their obligations under the convention. There are many conventions currently in force, and they cover a wide variety of topics, including trade, the environment, weapons, peace, and human rights.

What type of convention is the Convention on the Rights of Persons with Disabilities?

As noted above, there are many different kinds of conventions in international law. The Convention on the Rights of Persons with Disabilities (CRPD) is a “human rights convention.” A “human rights convention” is a convention that deals specifically with the topic of human rights. “Human rights” are the rights that everyone has just by being human. In other words, you don’t have to be a member of a particular group, and nobody needs to give you your rights. Everyone is automatically entitled to enjoy the full range of human rights just because they are human.

- Where we find human rights

The human rights that *everyone* is entitled to are set out in a number of different United Nations documents – some of them are conventions and some of them are not. (You can also find human rights documents at a “regional level,” such as the Americas, Africa or Europe. Our focus here, however, is on the United Nations documents that apply to everyone around the world.) The first, and perhaps the most famous of these, is the Universal Declaration of Human Rights ([UDHR](#)), adopted by the UN General Assembly in 1948. The UDHR is not a convention, but is now considered part of customary international law, which makes it legally binding in its own way.

- The core international human rights conventions

Because the UDHR was not originally intended to be a legally binding document, the UN drafted two conventions to describe the human rights to which we are all entitled: the International Covenant on Economic, Social and [Cultural Rights](#) (ICESCR – adopted on 16 Dec. 1966, and entered into force 3 Jan. 1976) and the International Covenant on Civil and [Political Rights](#) (ICCPR – adopted on 16 Dec. 1966 and entered into force 23 March 1976 – there are two optional protocols to the ICCPR). Together, these three important documents are known as the “[International Bill of Human Rights](#)” and, as such, form the foundation of all international human rights law.

It was originally believed that the [International Bill of Human Rights](#) would be the only thing needed to set forth the full range of human rights. However, it became clear over time that governments needed more detailed guidance. [The International Bill of Human Rights](#) addressed all the different kinds of human rights that the international community felt everyone should be entitled to. However, it did not provide enough details for governments to know exactly how to ensure full enjoyment of human rights by all people. As a result, the international community drafted a number of additional “thematic human rights conventions.” These conventions are called “thematic” because each one deals with a particular human rights theme (like racial discrimination or torture) or a particular group of people (like women or persons with disabilities). These conventions do not create new rights, but rather they elaborate existing rights in the context of a specific group or issue area. The Convention on the Elimination of All Forms of on Discrimination Against Women (CEDAW), for example, was not intended to create new human rights for women. Instead, it was intended to help countries better understand how to ensure that women fully enjoy the existing human rights. For example, CEDAW helps countries to understand what it means for women to fully enjoy their right to participate in political and public life, and what barriers may exist to women’s enjoyment of this right.

The following list includes all the thematic human rights conventions that have been adopted so far – you can see that some took a short period of time before they entered into force, and others took much longer:

- International Convention on the Elimination of All Forms of [Racial Discrimination](#) (ICERD – adopted 21 Dec. 1965, entered into force 4 Jan. 1969)
- Convention on the Elimination of All Forms of [Discrimination Against Women](#) (CEDAW – adopted 18 Dec. 1979, entered into force 3 Sept. 1981 – there is one optional protocol to CEDAW)
- Convention Against Torture and Other Cruel, Inhuman or [Degrading Treatment or Punishment](#) (CAT – adopted 10 Dec. 1984, entered into force 26 June 1987 – there is one optional protocol to CAT)
- [Convention on the Rights of the Child](#) (CRC – adopted 20 Nov. 1989, entered into force 2 Sept. 1990 – there are two optional protocols to the CRC)
- International Convention on the Protection of the Rights of [All Migrant Workers and Members of their Families](#) (ICRMW – adopted 18 Dec. 1990, entered into force 1 July 2003)
- Convention on the Rights of Persons with Disabilities and its Optional Protocol (CRPD – adopted 13 Dec. 2006, not yet entered into force)
- International Convention for the Protection of All Persons from Enforced Disappearance (adopted 20 Dec. 2006, not yet entered into force)

Together with the ICESCR and ICCPR, these conventions are known as the “core international human rights conventions,” and you can see that the Convention on the Rights of Persons with Disabilities is one of the most recent core conventions to have been adopted by the UN! Although there are many other international conventions and non-binding instruments that also address human rights, the conventions listed above are considered “core” conventions because they each establish a committee of experts to monitor implementation. If you want to find out more about the various international human rights instruments and the committees that monitor the core human rights conventions, you may wish to visit the webpage of the UN Office of the High Commissioner for Human Rights: <http://www.ohchr.org/english/law/index.htm>

PART 2: A LITTLE HISTORY!

Where did the Convention on the Rights of Persons with Disabilities come from?

We know that the CRPD is one of the core international human rights conventions, but *why* do we need it and *how* was it created?

- The need for the CRPD

The need for a convention on the human rights of persons with disabilities, as well as its historical background, is discussed in more detail in Section 2 of DPI’s Ratification Toolkit, but briefly these are some of the main reasons that compelled the international community to call for the creation of the CRPD:

1) The “invisibility” of persons with disabilities – you would think that with all the other human rights conventions and human rights instruments already in existence, there would be no need for an additional treaty specifically addressing persons with disabilities. However, with the exception of Article 23 of the

Convention on the Rights of the Child, none of the core human rights conventions even mentions persons with disabilities. Although the human rights expressed in those conventions certainly apply to persons with disabilities, governments have not done a good job of ensuring that persons with disabilities fully enjoy their human rights. At the same time, governments have not done a good job of reporting to treaty monitoring bodies about how they are applying the various human rights conventions to persons with disabilities. The monitoring bodies in turn have not done a good job of asking for this information. As a result, some people have noted that persons with disabilities have been effectively “invisible” within the UN human rights system. (This was one of the conclusions of the UN report “*Human Rights and Disability: The Current Use and Future Potential of United Nations Human Rights Instruments in the Context of Disability*,” study commissioned by the Office of the High [Commissioner for Human Rights](#)). This “invisibility” has, in turn, made it difficult for disability activists to get the UN human rights system to pay attention to disability issues. It is anticipated that with the adoption of a convention specifically addressing the human rights of persons with disabilities this situation will change, by giving the system some legally binding human rights standards that clearly apply to persons with disabilities. In addition, it is anticipated that establishing a committee on the rights of persons with disabilities will bring disability expertise into the international human rights system, and then the other treaty monitoring bodies would be able to learn from this body and start addressing disability issues in their own work.

2) The need for a legally binding instrument – until the CRPD was adopted in December of 2006, none of the other human rights instruments addressing disability issues (like the UN [Standard Rules](#) on the Equalization of Opportunities for Persons with Disabilities) were legally binding. This meant that governments were not legally required to follow the recommendations of those documents. It has also been observed that some of the older instruments that address disability issues are outdated in the way that they discuss persons with disabilities. Some reinforce stereotypes of persons with disabilities as being especially “vulnerable,” or lacking in the ability to fully participate in society. For this reason it was suggested that international human rights law should be updated to be reflective of the social/cultural model of disability, and that a legally binding convention was the way to do this.

3) The role of persons with disabilities in development – in September 2000, world leaders agreed upon a set of goals and targets for combating hunger, poverty, disease, discrimination against women, and environmental damage. Collectively these goals are known as the “Millennium Development Goals” (MDGs). Shortly after the MDGs were adopted, a number of countries noted that the Goals could not be met as long as countries continued to ignore the human rights of persons with disabilities. For example, one of the MDGs calls for achieving universal primary education (also referred to as “education for all” or “EFA”), and this cannot be met as long as primary school education in many countries is inaccessible to children with disabilities. These countries (led by Mexico) argued that ensuring the enjoyment of human rights by persons with disabilities was essential to achieving their successful development as societies. It was also these countries that were largely responsible for pushing the UN to start drafting the CRPD – a process we will examine next.

The process to draft the CRPD

What we hope the Convention will achieve

- Increase the visibility of persons with disabilities, both within the UN human rights system and in society more generally
- Clarify the human rights obligations of governments to persons with disabilities, and ensure that governments who become States Parties to the convention make legislative and programmatic changes at the national level to implement their legal obligations under the convention
- Encourage existing human rights monitoring bodies to pay attention to disability issues when they review compliance of governments with the other core human rights conventions
- Encourage other bodies within the UN system (such as UNICEF, UNIFEM, WHO, UNESCO, and others) to pay attention to disability issues in their work
- Establish systems for comprehensively monitoring the human rights situation of persons with disabilities around the world

Establish systems for international cooperation, through which governments, disability organizations and other actors can share knowledge and ideas and work together to improve the lives of persons with disabilities.

[Below is a summary of the events that occurred between December 2001 and December 2006 – click here for a full timeline of these events.]

The process to draft the CRPD began in December 2001, when the government of Mexico successfully sponsored a General Assembly resolution calling for the establishment of an Ad Hoc Committee (AHC) “to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, based on the holistic approach in the work done in the fields of social development, human rights and non-discrimination and taking into account the recommendations of the Commission on Human Rights and the Commission for Social Development.” Initially, some governments were opposed to the creation of the AHC, and they argued that there was no need for ‘yet another’ international human rights convention. These countries felt that there were already enough core international human rights conventions, and that it would be better to try to mainstream disability issues in the implementation of those conventions. However, when supporters of the CRPD (including both governments and disability organizations) explained the reasons why a convention was needed, eventually these countries agreed to participate in the drafting process.

The AHC met for a total of eight sessions at UN Headquarters in New York between July 2002 and December 2006, with each session lasting approximately two weeks. In addition, the AHC created a temporary body, known as the Working Group, which met for two weeks in January 2004. The task of the Working Group was to put together a draft text that would be used by the AHC in its future negotiations. This text became known as the “Working Group Text.” During further sessions, the AHC examined this text and delegations had the opportunity to propose amendments. Those amendments that gained sufficient support from members of the AHC were later incorporated into two further texts, the “Chair’s Text” (issued in October 2005) and the “Working Text” (issued in February 2006).

In August 2006 the AHC finalized the substance of the Convention and an accompanying optional protocol (which addressed some issues related to monitoring), and forwarded the text to a technical Drafting Committee. The job of the Drafting Committee was to format and proofread the text, and ensure that the text had the same meaning in each of the six official UN languages. The work of this Drafting Committee was accepted by the AHC at a brief “resume” meeting of its Eighth Session on December 5, 2006, and immediately sent to the General Assembly (GA) for its consideration. The GA unanimously adopted the CRPD on December 13, 2006, making it, as then UN Secretary General Kofi Annan noted, “the most rapidly negotiated human rights treaty in the history of international law.”

- The vital participation of persons with disabilities

Throughout the process to draft the CRPD, persons with disabilities played an essential and extensive role. In fact, (as noted in the timeline section) persons with disabilities and their representative organizations had been calling for the creation of the convention for several decades beforehand. When the drafting process finally started, persons with disabilities rallied behind the motto “nothing about us without us” and demanded to be included in the process! Eventually persons with disabilities were included on many UN Member State delegations to the AHC, and hundreds of people from civil society participated in the AHC sessions. During the meeting of the Working Group, 12 representatives of disability organizations (including a representative of DPI) were selected to participate as members of the Group, having equal rights of participation with the government representatives. Never before had stakeholders participated so extensively in a process to draft a UN human rights convention. Many government delegates, including the two chairmen of the AHC, Ambassador Luis Gallegos of Ecuador and Ambassador Don MacKay of New Zealand, noted that the CRPD could not have been so successfully drafted without the expertise of people with lived experience of disability.

PART 3: A SHIFTING REALITY- DISABILITY IN THE NEW MILLENNIUM

Why does the CRPD represent a “new approach” and why is this important?

- A new approach for human rights

Not only is the CRPD the fastest negotiated human rights convention in the history of international law, but it is also the first such convention to have been drafted with such extensive participation by stakeholders. This means that the CRPD is a human rights convention written both *by* and *for* persons with disabilities. The CRPD also calls for persons with disabilities and their representative organizations to be involved in the implementation and monitoring of the CRPD at all levels, and in decision-making processes that affect the lives of persons with disabilities. This explicit level of inclusion of stakeholders is unusual for a UN human rights convention, and makes the CRPD a truly unique document. It is also hoped that the guidance provided by the CRPD on ensuring enjoyment of human rights by persons with disabilities will make it easier for existing human rights treaty bodies to start including disability issues into their work. As a result, we should start to see disability issues being addressed in all areas of the international human rights system.

- A new “rights-based approach” to disability

As a human rights convention, the CRPD addresses disability issues in a human rights context. Although organizations like DPI have been calling for some time for disability to be addressed as a human rights issue (rather than a medical, charity, or social welfare issue), the CRPD is the first legally binding international document to do so. With the adoption of the CRPD, disability advocates now have a powerful tool to use in framing their advocacy in human rights terms!

But what does using a “rights based approach” really mean? According to the UN Office of the High Commissioner for Human Rights (OHCHR), rights-based approaches involve the following:

[Adapted from the OHCHR’s fact sheet on rights-based approaches to development, available at <http://www.unhcr.ch/development/approaches.html>]

1. **Express linkage to human rights** – here this means linking disability issues to the full range of civil, political, economic, social and cultural rights, and it means talking about disability issues using the language of human rights. The CRPD does this, meaning that we can use the CRPD as a helpful tool when we are thinking about how to frame our advocacy in rights-based terms. For example, when discussing the educational needs of youth with disabilities, the CRPD helps us to talk about these issues not just as “needs”, but also as *legally enforceable rights*. Also, because all human rights are interrelated and interdependent (meaning that our enjoyment of each right affects our ability to enjoy other rights), a rights-based approach would also require us to *think what other rights are important to the enjoyment of the right* to education. For example, aside from the accessibility of schools and provision of accommodations for students with disabilities, etc., thinking in rights-based terms would prompt us to also consider issues like: liberty of movement, and whether students have access to transportation in order to get to school; the right to an adequate standard of living, and whether students have access to the food, water, shelter and clothing they need to be able to perform their best in school; the right to health, and whether students have access to the health care services that they need in order to be healthy enough to attend school and perform their best, whether such health care is provided on the basis of free and informed consent, and whether students are free from medical interventions to control behavior; and whether students with disabilities have access to supports of their own choosing. So adopting a rights-based approach to disability issues provides a useful framework that we can use to assess the full range of factors and rights that positively or negatively affect our enjoyment of specific rights.
2. **Accountability** – using a rights-based approach requires identifying *who* are the *rights-holders* (the people claiming their rights) and *who* are the *duty-holders* (the people who have the duty to protect and promote enjoyment of the rights in question, i.e. they must not violate the rights and they must take action to ensure enjoyment of the rights by the rights-holders). Under

international law, it is governments at the national/domestic level who are ultimately responsible for the enjoyment of human rights within their countries. However, additional actors, including private actors (such as businesses, individuals, etc.), can act to promote or undercut the enjoyment of human rights. As long as governments can exercise control over them (e.g. through legislation and regulations), governments are responsible for the behavior of these private actors too. Identifying the full range of duty-holders can help us to effectively direct our advocacy and ensure that all relevant actors are held accountable for the protection and promotion of our human rights.

3. **Empowerment** – rights-based approaches focus on the empowerment of rights-holders. This is the opposite of a charitable approach, where the recipients of the charity are passive and have no say in what action is taken. The objective here is to give rights-holders the “power, capacities, capabilities and access” needed for them to claim their human rights and take charge of their own lives. *The philosophical approach of the CRPD is consistent with the need to empower persons with disabilities to actively claim their rights.*

4. **Participation** – rights-based approaches require the *full participation of all relevant stakeholders*. This requires that persons with disabilities be meaningful participants along with other stakeholders. The CRPD requires that governments consult with persons with disabilities and their representative organizations in decision-making processes that affect the lives of persons with disabilities.

5. **Non-discrimination and areas of particular attention** – rights-based approaches call for specific attention to issues like discrimination, equality, equity and persons who have been particularly marginalized. Within the disability community this not only means addressing the discrimination faced by persons with disabilities in general, but also the specific and additional discrimination faced by groups within the community, e.g. women with disabilities, children with disabilities, indigenous persons with disabilities, etc. When actions are taken to ensure the enjoyment of human rights by persons with disabilities, specific attention should be given to ensuring that *all* persons with disabilities are able to benefit from those actions. The CRPD can be helpful in identifying those who have been particularly marginalized and understanding the steps that need to be taken to eliminate the discrimination against them.

Exercise: How do we apply a rights-based approach?

The following exercise is intended to help get you thinking in terms of a rights-based approach to disability. In Section 2's discussion of rights-based approaches we give the example of education for youth with disabilities and some of the other human rights that can influence enjoyment of the right to education. Using the CRPD as your guide:

- 1) Discuss what additional human rights you think are relevant to the enjoyment of the right to education by children and youth with disabilities.

- 2) In your discussions for 1), *who* did you identify as the *rights-holders*, and who did you identify as the *duty-holders*? What responsibilities did the duty-holders have to protect (not violate) and promote (act to ensure enjoyment of) the right to education?

3) Rights-based approaches call for the full and meaningful participation of all stakeholders. In thinking about your discussions for 1) and 2), what do you think would need to happen in order for persons with disabilities and their representative organizations to be able to participate meaningfully in some of the activities you identified?

4) In your discussions for 1) and 2), are there specific sub-groups of persons with disabilities that you think may be subject to additional discrimination in their enjoyment of the right to education?* What specific steps do you think would need to be taken to ensure that these people are also able to fully enjoy their human right to education?

*Hint, try to think in terms of groups that are cross-disability, and span different types of impairments. For example, women and girls with disabilities, people with disabilities living in rural or remote areas, indigenous people with disabilities, etc.

- The value of a “rights-based approach” to disability

Now that we know what a rights-based approach to disability involves, what are some of the advantages of it?

1. **More effective** – applying a human rights framework to our discussion and understanding of disability issues can help us to be *more thorough* in our examination of the barriers faced by persons with disabilities in their enjoyment of human rights. It can help us to look not only at specific barriers, but also at the larger context and the reasons why those barriers exist, and the connections between them. Furthermore, applying a human rights framework can help us to identify practical solutions, making us all *better problem-solvers*.
2. **More accountable** – using a rights-based approach and introducing the concept of “duty holders,” helps us to identify not only the actions to be taken, but also *who* is responsible for taking those actions. Because the obligations in the CRPD are legally binding for governments that become States Parties to it, this helps us to *enforce* the full enjoyment of human rights by all persons with disabilities.
3. **More empowering** – a rights-based approach demands the participation of persons with disabilities and their representative organizations in processes and activities that affect our enjoyment of human rights. It also calls for building the capacity and capability of persons with disabilities and disability organizations, so that we can *meaningfully* participate. This is much more empowering than approaches that minimize the role of persons with disabilities, or view persons with disabilities as passive recipients of charity or welfare. In addition, a rights-based approach recognizes the capability of rights-holders to not only claim their rights but to exercise their responsibilities, countering many historic misconceptions about the abilities of persons with disabilities.

Exercise: How can I apply a rights-based approach in my work?

Applying a new advocacy framework can take some getting used to, and it can be difficult to do overnight! In order to effectively apply a rights-based approach to your work, you may find that there are specific actions you need to take in order to help you do this. Some of you may already use a rights-based approach in your work, but you may be seeking to improve your application of this approach or assist other colleagues in using it effectively. Having completed the first exercise in this section (where you used a rights-based approach to discuss the issue of education for persons with disabilities), consider and discuss the following:

1) How did you find the exercise – did you find it challenging to think about the issues in this way? Was it interesting? Did it get you thinking about issues you might not otherwise have thought of? Did it get you thinking about any issues in a new way, and if so how?

2) If you do not currently adopt a rights-based approach to your work, how would you characterize your approach?

3) What benefits, if any, do you think a human rights approach could offer? If you do currently adopt a rights-based approach to your work, why do you do this and in what ways does it strengthen your work?

4) It can often be challenging to think about issues in a new way. If you are new to this kind of rights-based approach to disability what, if anything, do you think that you or your organization could do to help you apply a rights-based approach to your disability advocacy?

5) If you already apply a rights-based approach to your work what, if anything, do you think you could do to help you or your organization strengthen and improve its use of this framework?

RESOURCES

Here is a list of the resources mentioned in this section, as well as some additional documents that may be of interest to you:

Convention on the Rights of Persons with Disabilities and its Optional Protocol (CRPD)

Universal Declaration of Human Rights ([UDHR](#))

International Covenant on Economic, Social and Cultural Rights ([ICESCR](#))

International Covenant on Civil and Political Rights ([ICCPR](#))

International Convention on the Elimination of All Forms of Racial Discrimination ([ICERD](#))

Convention on the Elimination of All Forms of Discrimination Against Women ([CEDAW](#))

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ([CAT](#))

Convention on the Rights of the Child ([CRC](#))

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families ([ICRMW](#))

International Convention for the Protection of All Persons from Enforced Disappearance

[UN Standard Rules](#) on the Equalization of Opportunities for Persons with Disabilities

World Programme of Action [Concerning Disabled Persons](#)

[Beijing Declaration](#) on the Rights of People With Disabilities in the New Century

[UN General Assembly Resolution 56/168](#) (establishing the Ad Hoc Committee)

[Working Group Draft Text](#) of January 2004

[Working Text of Feb 2006](#)

"Human Rights and Disability: The Current Use and Future Potential of United Nations Human Rights Instruments in the Context of Disability," study commissioned by the Office of the High [Commissioner for Human Rights](#)

[DPI Position Paper](#) regarding a new international human rights Convention for persons with disabilities

If you have access to the internet, you may also wish to visit the websites of:

[DPI's Convention-related resources](#)

UN Office of the High [Commissioner for Human Rights](#) (in time this website will include information on the CRPD and also information about the creation and work of the Committee on the Rights of Persons with Disabilities)

UN Department of Economic and Social Affairs (where you can get more information on the process to draft the [Convention](#) and also check to get information about the creation of the Committee on the Rights of Persons with Disabilities).

Section Three: What are we implementing? A guide to deciphering the CRPD!

By the end of Section 3 you should

1. Understand the structure of the CRPD
2. Understand the main topics and themes addressed in the CRPD
- 3 Understand the structure and topics addressed in the Optional Protocol to the CRPD

How can I begin to understand the CRPD and its Optional Protocol?

Before discussing strategies for implementation, it is important to know what we are implementing! We know from Section 2 that the Convention on the Rights of Persons with Disabilities (CRPD) is one of the core international human rights conventions. This means that it is an international human rights convention that establishes a committee of experts (also known as a "treaty monitoring body") to monitor its implementation. When a country becomes a State Party to the CRPD (by signing and ratifying, or acceding to the convention), it is then legally obligated to comply with the provisions of the CRPD, subject to any reservations, understandings or declarations (RUDs) that it files when it becomes a State Party. The same is true if a country decides to become a State Party to the Optional Protocol. If you wish to learn more about the process of ratification, as well as how RUDs work, please consult the Ratification Toolkit. For now though, the most important thing to remember is that *the measures set forth in the CRPD and its Optional Protocol are legally binding upon those countries who choose to become States Parties.*

That said, *what are the measures contained in the CRPD and its Optional Protocol, and how can we better understand them?* The CRPD is quite a long document (50 articles!), and as a legal document it can seem very technical and confusing, especially when you are reading it for the first time! The key to becoming comfortable using the CRPD is to:

1. **Understand how it is structured** – though the CRPD does not explicitly do this, careful study shows that the Convention can actually be broken down into sections. Each section serves a specific purpose. Once you understand the purpose of these different sections, it becomes much easier to look at the document in more detail.

2. **Understand the focus of each article** – within each section of the CRPD are separate articles, and each article has a main theme. Although it is not typically done in human rights conventions, to make the Convention more accessible the drafters included titles for each of these articles. You can use the titles to help you locate the articles you need when you are applying the CRPD to a specific issue in your work.
3. **Understand the content of each article** – some of the articles are very short, and others are very long! When you know what the main theme of an article is, you can start to better understand the specific details. Sometimes, when reading the articles it can help to know how those topics have been dealt with in other human rights conventions. You can then see how the CRPD builds upon existing human rights law, and how it does things differently in order to address specific disability issues.

How can Section 3 help me to understand the CRPD and its Optional Protocol?

Section 3 is intended to help you get used to reading the CRPD and understanding the issues that it addresses. It does this by examining how the CRPD is structured, and then summarizing the articles contained within each section. Where there are provisions from other human rights conventions that we think would interest you, a link has been provided so that you can read excerpts from those conventions.

As we mentioned in Section 1, it is important to understand what we are *not* trying to do here in the Toolkit. **We are *not* trying to provide an in-depth or authoritative interpretation of the articles and all the issues addressed in the CRPD and its Optional Protocol.** The process of interpreting the Convention will take time, and different people will have different ideas about how it should be interpreted and how it should apply to different practical situations. These questions will ultimately be decided by the treaty monitoring body (known as the “Committee on the Rights of Persons with Disabilities”) with the expertise and input of the international disability community. For now, our focus here is on:

- helping you to become comfortable with the documents;
- providing you with additional resources that may be of interest; and
- helping you to start thinking about how implementation of the CRPD will be beneficial in your country to you, your family, your community, your economy and elsewhere.

How is the CRPD structured?

Although the Convention does not specifically identify them, the CRPD can be separated into sections, and each section serves a different purpose. We will go through each of these sections to explain their purpose, and let you know which articles are included in each section. Later we will go through the articles in turn to let you know what themes they address. The sections are as follows:

Preamble – International conventions typically begin with a section called the “Preamble,” and the CRPD is no different. The Preamble is essentially an introduction or foreword to the convention, and it is the one part of the convention that is *not legally binding*. The purpose of the Preamble is to explain why the drafters thought it important to adopt the convention, and also to draw attention to any issues that the drafters felt it important for States Parties to be aware of.

Introductory articles (Articles 1 & 2) – In this section there is an article (Article 1) that describes the purpose of the Convention, and another (Article 2) that defines some of the technical terms used in other articles of the Convention.

Articles of general application (Articles 3-9) – The articles in this section address important principles and concepts that are relevant to the understanding, interpretation and implementation of *all* the other articles in the Convention. The interpretation and implementation of the CRPD should always be consistent with the principles and obligations discussed in Articles 3-9.

Specific articles (Articles 10-30) – The articles in this section address a variety of specific human rights, and discuss how those rights should be understood and applied in the disability context so that persons with disabilities can fully enjoy their human rights.

Implementation and monitoring measures (Articles 31-40) – The articles in this section address actions that need to be taken in order to promote the effective implementation of the Convention, and also what should be done to monitor the effectiveness of implementation.

Final articles (Articles 41-50) – The articles in this section address some of the rules that govern the operation of the Convention, for example who can become a State Party, when the Convention enters into force, and in what official languages the Convention is available.

What do the different articles of the CRPD say?

The following is a *summary* of the content of the different articles of the CRPD, and is intended to help you familiarize yourself with the issues addressed in the Convention. For the full content of the articles you should of course refer directly to the Convention itself. The articles are grouped here according to the sections discussed above, and in some cases several articles are summarized together. Where relevant, a link has been provided for you to access excerpts from other human rights conventions that may be of interest.

Preamble – the Preamble talks about the historic discrimination and marginalization of persons with disabilities, and the importance of promoting and protecting the human rights of all persons with disabilities. Amongst other issues, the Preamble also addresses such topics as the evolving understanding of the concept of disability, the importance of adopting a gender perspective, and the need to pay specific attention to the situation of people such as women with disabilities, children with disabilities, and indigenous persons with disabilities.

Introductory articles (Articles 1 & 2)

Article 1 (Purpose) – the purpose of the CRPD 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.” The article also includes a brief but broad list of the types of persons with disabilities who are covered by the Convention. This is a ‘non-exhaustive’ list, meaning that there are no restrictions on the Convention being applied to additional persons with disabilities, e.g. those with temporary or intermittent disabilities.

Article 2 (Definitions) – provides definitions for the following terms: “communication,” “language,” “discrimination on the basis of disability,” “reasonable accommodation,” and “universal design.”

Articles of general application (Articles 3-9)

Article 3 (General principles) – sets forth eight important principles that should be applied in the interpretation and implementation of all the other articles. They are:

- (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.

Article 4 (General obligations) – describes the range of actions States Parties must take “to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.” These actions include (amongst others) changing legislation, addressing disability in all policies and programmes, undertaking research, and promoting training. In addition, States Parties must “closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.” The Article notes that economic, social and cultural rights are subject to progressive realization, though that does not prevent the immediate implementation of any economic, social and cultural rights, where possible.

Article 5 (Equality and non-discrimination) – recognizes that all persons are equal before the law; requires States Parties to prohibit all discrimination on the basis of disability; and guarantees to persons with disabilities equal and effective legal protection against discrimination on all grounds. States Parties must provide reasonable accommodation in order to promote equality and eliminate discrimination. Specific measures “necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination” under the Convention. (Though the Convention does not talk about them using these terms, it should be noted that such measures are sometimes called “positive discrimination” or “positive actions.”)

Click here to link to additional resources

Article 6 (Women with disabilities) – recognizes the multiple discrimination faced by women and girls with disabilities, and obligates States Parties to take measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by women and girls with disabilities. States Parties must also ensure “the full development, advancement and empowerment of women,” so that women may exercise and enjoy the human rights and fundamental freedoms in the Convention.

Article 7 (Children with disabilities) – obligates States Parties to take all necessary measures to ensure the full enjoyment of all human rights and fundamental freedoms by children with disabilities on an equal basis with others. It requires that the “best interests of the child” be the “primary consideration” in “all actions concerning children with disabilities.” States Parties must also ensure that children with disabilities have the “right to express their views freely on all matters affecting them,” that they receive assistance to realize this right, and that their views be given due weight.

Click here to link to additional resources

Article 8 (Awareness-raising) – obligates States Parties to take a variety of measures to raise awareness throughout society regarding persons with disabilities, and to “foster respect for the rights and dignity of persons with disabilities.” States Parties must also “combat stereotypes, prejudices and harmful practices,” and promote awareness of the “capabilities and contributions of persons with disabilities.”

Click here to link to additional resources

Article 9 (Accessibility) – obligates States Parties to take appropriate measures to ensure access to persons with disabilities, on an equal basis with others, to the physical environment, transportation, information and communications, and “other facilities and services open or provided to the public, both in urban and in rural areas.” The Article then lists some of the places, amongst others, where barriers to access should be identified and eliminated (e.g. schools, communications services), and provides for a variety of measures that should be taken to accomplish this (e.g. providing training on accessibility issues to stakeholders, and providing signage in Braille and easy to read and understand forms).

Specific articles (Articles 10-30)

Article 10 (Right to life) – reaffirms the inherent right to life of every human being, and requires States Parties to “take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.”

Click here to link to additional resources

Article 11 (Situations of risk and humanitarian emergencies) – requires States Parties to comply with their obligations under international humanitarian law and international human rights law, and take all

necessary measures “to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.”
Click here to link to additional resources

Article 12 (Equal recognition before the law) – reaffirms that persons with disabilities “have the right to recognition everywhere as persons before the law.” It obligates States Parties to recognize that persons with disabilities “enjoy legal capacity on an equal basis with others in all aspects of life,” and to take appropriate measures to provide access to “support they may require in exercising their legal capacity.” The Article also requires that measures relating to the exercise of legal capacity provide for “appropriate and effective safeguards to prevent abuse,” and that they comply with additional standards set forth in the Article. Article 12 also requires States Parties to take all appropriate and effective measures to ensure the equal right of persons with disabilities to, amongst other things, own or inherit property, control their own financial affairs, and not be arbitrarily deprived of their property.

Click here to link to additional resources

Article 13 (Access to justice) – obligates States Parties to ensure “effective access to justice for persons with disabilities on an equal basis with others ...in all legal proceedings, including at investigative and other preliminary stages.” States Parties must do this through the provision of accommodations and also training of, e.g. police and prison staff.

Click here to link to additional resources

Article 14 (Liberty and security of the person) – obligates States Parties to ensure that persons with disabilities enjoy the right to liberty and security of person on an equal basis with others, and that persons with disabilities are not deprived of their liberty unlawfully, arbitrarily, or on the basis of the existence of a disability. Any deprivation of liberty of persons with disabilities must be in conformity with the law and with international human rights law, and must be in compliance with the objectives and principles of the Convention including through provision of reasonable accommodation.

Click here to link to additional resources

Article 15 (Freedom from torture or cruel, inhuman or degrading treatment or punishment) – reaffirms that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,” and that no one shall be subjected to medical or scientific experimentation without their free consent. States Parties must take all effective measures to ensure that persons with disabilities are not subjected to torture or cruel, inhuman or degrading treatment or punishment.

Click here to link to additional resources

Article 16 (Freedom from exploitation, violence and abuse) – requires States Parties to take all measures to protect persons with disabilities “from all forms of exploitation, violence and abuse, including their gender-based aspects.” The Article details some of the measures States Parties must take, including provision of information and education, and effective monitoring of facilities and programmes serving persons with disabilities. Where persons with disabilities have become victims, States Parties must take all appropriate measures to promote recovery, rehabilitation and social reintegration of victims, in an environment that “fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.”

Click here to link to additional resources

Article 17 (Protecting the integrity of the person) – is perhaps the shortest article in the Convention! It states that “every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.”

Article 18 (Liberty of movement and nationality) – obligates States Parties to recognize the rights of persons with disabilities on an equal basis with others to liberty of movement, to freedom to choose their residence, and to a nationality. The Article then elaborates some of the ways in which States Parties must do this and highlights some of the specific rights of children with disabilities, e.g. to be registered immediately after birth and to have a name.

Click here to link to additional resources

Article 19 (Living independently and being included in the community) – requires States Parties to recognize “the equal right of all persons with disabilities to live in the community, with choices equal to others.” States Parties must take effective and appropriate measures to facilitate the enjoyment of this right and the full inclusion and participation in the community of persons with disabilities. These measures include, amongst others, ensuring that persons with disabilities have access to a range of support services, and that they are “not obliged to live in a particular living arrangement.”

Click here to link to additional resources

Article 20 (Personal mobility) – obligates States Parties to take effective measures to ensure “personal mobility with the greatest possible independence for persons with disabilities.” States Parties must, amongst other things, facilitate access to quality mobility aids, provide training in mobility skills, and encourage producers of mobility aids, devices and assistive technologies, to “take into account all aspects of mobility for persons with disabilities.”

Click here to link to additional resources

Article 21 (Freedom of expression and opinion, and access to information) – States Parties must take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion on an equal basis with others and “through all forms of communication of their choice.” Measures identified include, amongst others, the provision of information to the general public in accessible formats and technologies; urging private entities and the mass media to provide information and services in accessible formats; and “recognizing and promoting the use of sign languages.”

Click here to link to additional resources

Article 22 (Respect for privacy) – reaffirms the right of persons with disabilities not to be subject to “arbitrary or unlawful interferences with his or her privacy, family home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation.” States Parties must also protect the “privacy of personal, health and rehabilitation information” of persons with disabilities on an equal basis with others.

Click here to link to additional resources

Article 23 (Respect for the home and the family) – requires States Parties to take effective and appropriate measures “to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others.” The Article then addresses some of the different aspects of the right that need to be ensured, such as ensuring that no child is separated from his or her parents on the basis of the disability of either the child or one or both of the parents.

Click here to link to additional resources

Article 24 (Education) – States Parties must recognize the right of persons with disabilities to education, without discrimination and on the basis of equal opportunity. States Parties “ensure an inclusive education system at all levels and life long learning.” The remainder of the Article addresses how States Parties must do this, including through, amongst other things, provision of reasonable accommodation, and ensuring that persons with disabilities are not excluded from education on the basis of disability.

Click here to link to additional resources

Article 25 (Health) – obligates States Parties to recognize the right of persons with disabilities to the highest attainable standard of health without discrimination on the basis of disability. States Parties must take all appropriate measures to ensure access to gender-sensitive health services, including health-related rehabilitation, and these services must be available as close as possible to people’s communities, including in rural areas. The remainder of the Article elaborates further on these issues, including, amongst other things, provision of the same range, quality, and standard of free or affordable health care and programmes as those available to others (including in the area of sexual and reproductive health), free and informed consent of persons with disabilities to health care on an equal basis with others, and prohibition of discrimination in the provision of health insurance.

Click here to link to additional resources

Article 26 (Habilitation and rehabilitation) – States Parties must “organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services.” This must be done to enable persons with disabilities to “attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life.” States Parties must do this through, amongst other things, training of professionals and staff, and ensuring services and programmes are available as close as possible to people’s communities, including in rural areas.

Article 27 (Work and employment) – obligates States Parties to recognize the right of persons with disabilities to work, on an equal basis with others, including the “right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities.” States Parties must safeguard and promote the realization of this right through, amongst other things, prohibition of discrimination, provision of reasonable accommodation, and promotion of employment of persons with disabilities. States Parties must also ensure that “persons with disabilities are not held in slavery or servitude, and are protected, on an equal basis with others, from forced or compulsory labour.”

Click here to link to additional resources

Article 28 (Adequate standard of living and social protection) – obligates States Parties to recognize the right of persons with disabilities “to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions.” States Parties must take steps to “safeguard and promote the realization of this right without discrimination on the basis of disability.” The Article addresses the steps to be taken, including, amongst others, ensuring equal access to clean water services, ensuring access to social protection programmes and poverty reduction programmes, and ensuring access to public housing programmes.

Click here to link to additional resources

Article 29 (Participation in political and public life) – obligates States Parties to guarantee to persons with disabilities “political rights and the opportunity to enjoy them on an equal basis with others.” States Parties must, amongst other things, ensure the right and opportunity of persons with disabilities to vote by secret ballot and be elected to public office; ensure accessibility of voting procedures, facilities and materials; and encourage the participation of persons with disabilities in public affairs.

Click here to link to additional resources

Article 30 (Participation in cultural life, recreation, leisure and sport) – obligates States Parties to recognize the right of persons with disabilities to “take part on an equal basis with others in cultural life.” States Parties must take all appropriate measures to ensure enjoyment of this right, including, amongst others, providing access to television and cultural materials in accessible formats; providing access to places for cultural performances or services; and recognizing the specific cultural and linguistic identity of persons with disabilities. States Parties must also enable participation of persons with disabilities, on an equal basis with others “in recreational, leisure and sporting activities,” and must take appropriate measures to ensure this. Such measures include, amongst others, providing access to sporting, recreational and tourism venues.

Click here to link to additional resources

Implementation and monitoring measures (Articles 31-40)

Article 31 (Statistics and data collection) – requires States Parties to “collect appropriate information, including statistical and research data” to enable them to create and implement policies that give effect to the Convention. The Article also outlines the standards to be used for the collection, maintenance and use of this information.

Article 32 (International cooperation) – obligates States Parties to undertake international cooperation activities in support of national efforts to implement the Convention. Examples of these activities are provided in the Article.

Article 33 (National implementation and monitoring) – obligates States Parties to “designate one or more focal points within government,” and “maintain, strengthen, designate or establish” one or more independent mechanisms to “promote, protect and monitor implementation” of the Convention. Persons with disabilities and their representative organizations must be “involved and participate fully in the monitoring process.”

Article 34-39 – these Articles call for the establishment of an independent committee of experts (also known as a treaty monitoring body) to monitor implementation of the Convention at the national level, and set forth the rules for the Committee’s operation. The committee is to be called the “Committee on the Rights of Persons with Disabilities.” The Committee will receive and examine reports from States Parties and assess their implementation of the Convention, and report on these matters to the UN General Assembly and the UN Economic and Social Council.

Article 40 (Conference of States Parties) – calls for the regular meeting of States Parties to consider “any matter with regard to the implementation” of the Convention. After the first meeting, the Conference will be held every two years or as often as the Conference decides.

Final articles (Articles 41-50) – these Articles call for the Convention to enter into force thirty days after the twentieth country has become a States Party. They also prohibit the filing of reservations that are incompatible with the object and purpose of the Convention, but allow reservations to be withdrawn at any time. Authentic texts of the Convention are available in Arabic, Chinese, English, French, Russian and Spanish, and the text of the Convention “shall be made available in accessible formats.”

What about the Optional Protocol – what is it and what is it for?

An “optional protocol” is a type of legally binding international agreement that is attached to a convention. Optional protocols are not used to alter the substance of the convention to which they are attached, but instead are typically used to address additional issues. Often the issues addressed are slightly controversial, and if they were included in the main convention it might be difficult to get countries to become States Parties. By addressing these issues in an optional protocol, countries can become States Parties to the main convention, and then decide whether or not they also want to undertake the obligations in the optional protocol.

In this case the Optional Protocol addresses some of the issues related to the ability of the Committee on the Rights of Persons with Disabilities to receive and respond to complaints from individuals and groups about violations of the Convention. In addition, the Optional Protocol addresses the ability of the Committee to undertake an inquiry (a type of investigation) into “grave or systemic violations” of the Convention by a States Party. Because delegates to the Ad Hoc Committee could not agree on the value of these activities, it was decided to address them in an optional protocol. Countries who become States Parties to the Convention can then decide whether or not they also want to become States Parties to the Optional Protocol. If a country ‘opts out’ of the Optional Protocol (by not becoming a State Party to it), it is not possible for the Committee to receive complaints about violations of the Convention by that country. However, just because a country initially decides not to ‘opt in’ to the Optional Protocol, that does not prevent them from becoming a State Party to it in the future.

Exercise: Applying the CRPD to the issues we face everyday

It can take time to get used to identifying the articles in the CRPD that are most relevant to the issues you are working on. Now that you have been through a summary of the articles in the CRPD, using the full text of the Convention:

1) Consider the following disability issues and discuss which articles in the CRPD you think would be helpful to advocacy on these issues:

Transportation

Housing
Education
Recreation
Employment

For example, for the issue of housing you might consider referring to several articles, including Articles 3 (General principles), 5 (Equality and non-discrimination), 9 (Accessibility), 19 (Living independently and being included in the community), and 28 (Adequate standard of living and social protection). What other articles do you think might be relevant for the issue of housing?

2) Once you have identified the articles that you think are most relevant, discuss how you think the articles can usefully be applied to support advocacy on those issues.

3) Consider what additional issues are important in your work. Which articles would you select to apply to your advocacy on those issues?

RESOURCES

Here is a list of the resources mentioned in this section, as well as some additional documents that may be of interest to you:

Convention on the Rights of Persons with Disabilities and its Optional Protocol (CRPD)

Universal Declaration of Human Rights ([UDHR](#))

International Covenant on Economic, Social and Cultural Rights ([ICESCR](#))

International Covenant on Civil and Political Rights ([ICCPR](#))

International Convention on the Elimination of All Forms of Racial Discrimination ([ICERD](#))

Convention on the Elimination of All Forms of Discrimination Against Women ([CEDAW](#))

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ([CAT](#))

Convention on the Rights of the Child ([CRC](#))

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families ([ICRMW](#))

[UN Standard Rules](#) on the Equalization of Opportunities for Persons with Disabilities

If you have access to the internet, you may also wish to visit the websites of:

[DPI's Convention-related resources](#)

UN Office of the High [Commissioner for Human Rights](#)

Section Four: How do we begin to implement the new convention?

By the end of Section 4 you should

1. Understand the environment in which implementation will take place
2. Have a good idea how your organization can work on implementation
3. Understand the importance of ongoing evaluation

The ABC's of Implementation!

Implementing a UN convention is a complicated and potentially overwhelming thing to attempt! There is so much that can be done that in many cases, NGOs tend to focus only on monitoring and the work of the treaty body; but in fact, that is only a small part of what implementation can and should be all about. This section will offer a framework for the development of an implementation program – something that we like to call “*the ABCs of Implementation.*”

Adopt a Rights-based Vision
Build a Constituency for Change
Count your successes and setbacks

Adopt a Rights-based Vision

In section 2 of this toolkit, we spoke about the shift to a rights-based approach. We noted too that although organizations like DPI have been calling for some time for disability to be addressed as a human rights issue (rather than a medical, charity, or social welfare issue), the CRPD is the first legally binding international document to do so. With the adoption of the CRPD, we argued that disability advocates now have a powerful tool to use in framing their advocacy in human rights terms!

We also referred to the UN Office of the High Commissioner for Human Rights (OHCHR), who say that a rights-based approach involves the following characteristics

6. **Express linkage to human rights** – here this means linking disability issues to the full range of civil, political, economic, social and cultural rights, and it means talking about disability issues using the language of human rights.
7. **Accountability** – using a rights-based approach requires identifying *who* are the *rights-holders* (the people claiming their rights) and who are the *duty-holders* (the people who have the duty to protect and promote enjoyment of the rights in question).
8. **Empowerment** – rights-based approaches focus on the empowerment of rights-holders. This is the opposite of a charitable approach, where the recipients of the charity are passive and have no say in what action is taken.
9. **Participation** – rights-based approaches require the *full participation of all relevant stakeholders*.
10. **Non-discrimination and attention to vulnerable groups** – rights-based approaches call for specific attention to issues like discrimination, equality, equity and groups of persons who have been particularly marginalized.

Turning theory into practice!

So what does this mean, and how does it translate into setting an agenda for action for you and your organization? We propose a three-step process to achieve this.

<p><i>Step 1 – Environmental scan</i> <i>Step 2 – Match the environment to your own agenda</i> <i>Step 3 – Develop a vision of full implementation of this right</i></p>
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Step 1 – Environmental Scan

Section three of this Toolkit provides a handy summary of the Convention - a sort of ‘thumbnail sketch’ of each of the articles of the CRPD. Review this summary and at the same time, think of the work that your organization does, or would like to do, in the future.

Step 2 – Match the environment to your own agenda

Think a little more about what your organization is doing, or would like to do. Connect that to the article that is most closely related to that work. In the Ratification Toolkit DPI presented a helpful tool for this type of activity called “SWOT Analysis.”

As we noted there, SWOT Analysis is an effective way of looking at your environment and identifying the Strengths and Weaknesses, and of examining the Opportunities and Threats your organization will face. In the context of implementation of the new Convention, SWOT Analysis can also help focus your activities in areas where your group is strong, and where the greatest opportunities lie. SWOT will also help you determine areas of weakness that you may either fix or work around in your efforts to implement and monitor the Convention in your country.

Step 3 – Develop a vision of full implementation of this right

Now that you have connected your work to a specific article in the CRPD , we suggest that you go to the treaty itself and carefully review the article to see just what it says the right involves and how it should be realized.

Exercise [Insert link to SWOT worksheet](#)

Build a Constituency for Change

As we noted in Section two, with the exception of Article 23 of the Convention on the Rights of the Child, none of the core human rights conventions even mentions persons with disabilities. Although the human rights expressed in those conventions certainly apply to persons with disabilities, governments and society as a whole have not done a very good job of ensuring that persons with disabilities fully enjoy their human rights.

At the same time, governments have not done a good job of reporting to treaty monitoring bodies about how they are applying the various human rights conventions to persons with disabilities. The monitoring bodies in turn have not done a good job of asking for this information. As a result, some people have noted that persons with disabilities have been effectively “invisible” within the UN human rights system.

This “invisibility” has in turn made it difficult for disability activists to get the UN human rights system to pay attention to disability issues. It is anticipated that with the adoption of a convention specifically addressing the human rights of persons with disabilities this situation will change, by giving the system some legally binding human rights standards that clearly apply to persons with disabilities. In addition, it is anticipated that establishing a committee on the rights of persons with disabilities will bring disability expertise into the international human rights system, and then the other treaty monitoring bodies would be able to learn from this body and start addressing disability issues in their own work.

Given all of these factors, the time is ripe to start reaching out to groups and governments to begin getting them to pay more attention to disability issues, and to do so in a rights-based framework.

Turning theory into practice!

Here again we offer three steps that stem from the rights-based vision we asked you to develop in the previous section. They are:

Step 1 – Identify the objectives you will need to meet to realize your vision
Step 2 – Identify activities that will help move your agenda forward
Step 3 – Identify collaborators from the larger community

Step 1 – Identify the objectives you will need to meet to realize your vision

How this evolves will depend on many different factors. Information from the environmental scan and SWOT Analysis will be key to planning this wisely. However, despite the variance from issue to issue, or from country to country, it is always the case that the pursuit of a large goal or what we called above, a “rights-based vision,” will involve a series of steps along the way. For example, if your organization were to identify education as its priority, then you would need to look at the factors involved in ensuring equal access to education, including everything from teacher training to accessible buildings and information, and many, many other things as well. These are what we mean by objectives to meet your goal.

Step 2 - Identify activities that will help move your agenda forward

As we noted at the beginning of this section, implementing a UN treaty is a complicated and potentially overwhelming thing to attempt! There is so much that can be done that in many cases, NGOs tend to focus only on monitoring and the work of the treaty body, but in fact that is only a small part of what implementation can and should be all about. We hope that by now it is becoming clear that, while very important, treaty body work and things like shadow reporting are only a part of how civil society can implement the CRPD.

If all NGOs were to do was report on instances where education, as an example, did not measure up to their “rights based vision,” this would be important to note. However, it does not begin to take advantage of all the opportunities presented by the new Convention for activities, such as the development of resources to improve the quality of education for governments and administrators, or training and the development of resource materials to enhance the quality of education for students with disabilities.

It is these later measures, like the provision of training or resources that can be most effective in moving society closer to the goal of inclusive and accessible education. It is also through these sorts of activities that we can really begin to address the invisibility issue, which is often at the core of many barriers faced by people with disabilities.

Step 3 – Identify collaborators from the larger community

Again, on this issue of invisibility, the CRPD offers a wonderful opportunity to begin to reach out to groups beyond those with whom DPOs traditionally work. Through the whole convention development process, DPI and many other DPOs have begun to develop linkages with other human rights and equity seeking organizations. Equally, our connections to governments have expanded into areas where we had not been able to establish much useful contact in previous efforts.

Once you have identified the areas that are important to your organization’s agenda, and decided on the types of activities you wish to undertake to achieve your goal or your “rights-based vision,” you should think carefully about whom in the community is also a stakeholder on this issue in question. From there you will need to determine who among this group are likely to be your allies, and with this list in hand, you should begin to approach others with your ideas and see if they are open to collaboration. As noted above, the Convention development process was full of this type of activity, and in many cases the results were very positive.

Perhaps the single best example of this is the collaboration with governments themselves! Those of us involved in advocacy work are familiar with the often adversarial relations between civil society and governments, but the development of the CRPD was an exception to this and should serve as an example as we move forward to the implementation stage.

Count your Successes and Setbacks

Finally, with the ABC’s of implementation we come to the point of evaluation. Its essential to have a clear sense of what has worked and what has not. Only with evaluation will your organization be able to learn

from its mistakes and emulate its successes. Evaluation and self-analysis is the key to organizational growth and improvement.

There are entire books and websites devoted to evaluation and the many important things to be considered. They go well beyond the scope of this toolkit, and users are encouraged to seek out more information. Having said this, a few key principles are worth noting here as being essential for a good evaluation process. The following are taken and adapted from the Royal Dutch Ministry of Foreign Affairs Evaluation Policy, available on line at <http://www.netpublikationer.dk/um/7571/html/chapter09.htm>

These principles reflect the core values of effective evaluation work. The guiding principles consider the fundamental expectations of both evaluators, and the evaluation processes.

Independence – the evaluator’s judgments are not influenced by pressure or conflict of interest. Evaluation team members must not have been engaged in the activities to be evaluated.

Impartiality – the personal preferences of the evaluator do not affect the evaluation. Evaluations must give a balanced presentation of strengths and weaknesses.

Objectivity – the evaluation rests on verifiable findings of fact. Judgments must be clearly separated from factual statements.

Transparency – features, issues and decisions significant to the evaluation are identified and explained clearly.

Feasibility – the appropriate methodology and resources required by the evaluation are available.

Propriety – the evaluation does not harm individuals.

Cost-efficiency – the evaluation is done at least cost.

Accuracy – the data do not contain errors of significance to the evaluation.

Fairness – evaluations give a balanced presentation of strengths, weaknesses and different views.

Credibility – the evaluation is conducted in such a way that the results are believed.

Usefulness – the evaluative process and the information it produces are utilized by users and stakeholders.

Glossary

Accession – this is a way in which a country can become a States Party to a convention. Normally a country will sign and then ratify the convention to which it wants to become a States Party. Accession refers to a country signing and ratifying all at the same time. When a country does this we say that it has “acceded” to the convention.

Adoption – this is when a proposed convention is officially finished and opened for countries to join.

Civil society – this term has many different definitions. Here it is used to refer broadly to non-governmental organizations and institutions, primarily those operating in the non-profit sector, ie. not businesses.

Committee on the Rights of Persons with Disabilities – this is the body established by the Convention that is responsible for monitoring implementation of the Convention at the international level. It will consider reports from States Parties regarding the steps they have taken to implement the Convention, and in some instances will be able to consider complaints of violations of the Convention.

Convention – a legally binding document, in writing, between two or more countries. (Also sometimes known as a “treaty,” “protocol,” “covenant,” “agreement,” or “pact.”). The Convention on the Rights of Persons with Disabilities is available here.

Core international human rights conventions – this term refers to the group of UN human rights conventions that each establishes a committee of experts to monitor implementation. (See also “treaty monitoring body.”) The Convention on the Rights of Persons with Disabilities is the eighth such core convention.

Customary international law – this is a type of international law that develops as a result of State practice. When enough States engage in a particular practice or action because they feel that they are legally obliged to do so, then we say that the practice or action has become part of customary international law. (How many States are “enough” depends on the nature of the practice in question.) Unless a State has persistently objected to the development of a particular custom under international law, it is legally obliged to comply with that custom. Treaties are sometimes used to write down or ‘codify’ practices that have previously only been part of customary international law.

Entry into force – this is when a convention becomes active, meaning that States Parties must act to implement their obligations under the convention. Usually a convention will specify that a certain number of countries must become States Parties before the convention can enter into force. In the case of the CRPD, 20 countries must become States Parties before the convention enters into force.

General Assembly – this is the main deliberative organ of the United Nations. Each UN Member State is entitled to be represented in the work of the General Assembly, and each UN Member State has one vote in decisions taken by the General Assembly.

Human rights – these are the rights that everyone has just by being human. You don’t have to be a member of a particular group, and nobody needs to give you your rights. Everyone is automatically entitled to enjoy the full range of human rights just because they are human.

Human rights convention – this is a convention that deals specifically with the topic of human rights.

International Bill of Human Rights – this is the name used to refer to the three foundational documents of all international human rights law: the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR).

International cooperation – this is a broad term used to refer to the various ways in which States can work together to fulfill their obligations. International cooperation can take the form of international development aid, but it also relates to the sharing of experiences, technologies, and knowledge – all of which can be done between and among both developed and developing countries.

International law – this refers to those laws that are common to a variety of different countries. We find international law in a number of different places, including international conventions, and customary international law.

Monitoring – in international law this involves checking to see if a States Party is taking whatever actions it needs to take in order to comply with its legal obligations under a convention.

Office of the High Commissioner for Human Rights (OHCHR) – as described on its website, the OHCHR, “a department of the United Nations Secretariat, is mandated to promote and protect the

enjoyment and full realization, by all people, of all rights established in the Charter of the United Nations and in international human rights laws and treaties. The mandate includes preventing human rights violations, securing respect for all human rights, promoting international cooperation to protect human rights, coordinating related activities throughout the United Nations, and strengthening and streamlining the United Nations system in the field of human rights. In addition to its mandated responsibilities, the Office leads efforts to integrate a human rights approach within all work carried out by United Nations agencies.”

Optional protocol – this is a type of convention that is added onto an existing convention. It is not typically used to change or amend the convention to which it is attached, but rather it addresses additional issues not covered by the underlying convention. Often these additional issues are somewhat controversial in nature. Countries can decide whether or not they want to become States Parties to the optional protocol.

Progressive realization – this is a principle of international law that applies only to economic, social and cultural rights, and *not* to civil and political rights. Although States always have an immediate obligation to undertake their human rights obligations, progressive realization allows States to implement their economic, social and cultural rights obligations only to the extent that they have resources available to do so. For States with very limited resources, progressive realization allows them to take more time to implement their economic, social and cultural rights obligations. States wishing to do this must indicate to the relevant monitoring bodies their reasons for doing so, and must develop and act upon plans that show how they will effectively implement their economic, social and cultural rights obligations as they obtain the resources to do so.

Ratification – this is where a country officially decides that it wants to become a States Party to a convention, and when it does this we say that the country “ratifies” the convention. This is a very serious decision, and each country has its own rules about who can make that decision and what decision-making process should be used. A “ratification instrument” is a document that lets other countries know that a country has officially decided to become a States Party to a convention. The ratification instrument is usually submitted to the secretariat for the convention. For most UN human rights instruments, ratification instruments are deposited with the United Nations Secretary General.

RUDs – this acronym stands for “reservations, understandings and declarations.” RUDs can be used by countries to exempt themselves from particular provisions in a convention, or to describe how they think specific language in a convention should be interpreted. RUDs are filed by a country at the same time they submit their ratification instrument.

Signatory – this is where a country has signed but not yet ratified a convention. Being a signatory means that the country has indicated that it agrees with the main idea of the convention, that it agrees it will not take any action to violate the main idea of the convention, and that it is interested in becoming a States Party in the future. Being a signatory does not mean that the country is legally required to comply with all the specific provisions of the convention, as it must when it is a States Party.

Social/cultural model of disability – this is a way of looking at the issue of disability, focusing not on the individual and their physical or mental characteristics, but looking instead at the interaction of the individual and society. The social/cultural model of disability proposes that the problems faced by persons with disabilities are not the result of the person’s impairment(s), but are instead the result of barriers in society. These barriers may be physical, attitudinal, legislative, informational, or any other kind of barrier resulting from a society or culture’s failure to accommodate a person.

States Party – this is a country that has chosen to join a convention. As a result, the country is legally bound to comply with its obligations under the convention. A country can usually become a States Party either by signing and then ratifying the convention, or acceding to the convention. (See also “signatory,” “ratification,” and “accession.”)

Thematic human rights conventions – these are human rights conventions that deal with specific human rights issues (like racial discrimination or torture), or a particular group of people (like women or migrant workers). These conventions do not create new rights, but rather they elaborate existing rights in the context of a specific group or issue area.

Treaty – see “Convention”

Treaty monitoring body – this is a committee of experts mandated to oversee and monitor the implementation of a convention. Typically, a convention will indicate how large the committee will be, the criteria for selection of members, when and where the committee will meet, and what the committee is authorized to do in monitoring implementation. Many committees receive reports from States Parties describing what the country has done to implement its obligations under a convention. The committee will usually have an opportunity to ask questions of the States Party about the report, and then provide feedback in response to the report. Committees may also be mandated to issue general comments giving their interpretation of the convention. Some Committees can receive complaints from individuals and/or groups concerned that a States Party is violating its obligations under the convention.

United Nations (UN) – this is an inter-governmental membership organization that was founded in 1945 and has headquarters in New York and Geneva. As described in its Charter (the international convention that established the UN), the UN is dedicated to maintaining international peace and security; developing friendly relations among nations; cooperating in solving international economic, social, cultural and humanitarian problems and in promoting respect for human rights and fundamental freedoms; and to be a centre for harmonizing the actions of nations in attaining these ends.

United Nations Member State – this is a country that has chosen to join the United Nations. To join the UN, a country must become a States Party to the UN Charter – this is an international convention with which UN Member States are legally obligated to comply. When the UN began in 1945 there were 51 Member States, but membership has grown dramatically since then, and as of 2006 there are 192 UN Member States.

List Of Acronyms

AHC – Ad Hoc Committee

CAT – Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

CEDAW – Convention on the Elimination of All Forms of Discrimination against Women

CERD – Convention on the Elimination of All Forms of Racial Discrimination

CRC – Convention on the Rights of the Child

CRPD – Convention on the Rights of Persons with Disabilities

DPO – Disabled people’s organization

EFA – Education for All (one of the Millennium Development Goals)

GA – UN General Assembly

ICCPR – International Covenant on Civil and Political Rights

ICESCR – International Covenant on Economic, Social and Cultural Rights

ICRMW – International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

MDGs – Millennium Development Goals

NGO – Non-governmental organization

OHCHR – Office of the High Commissioner for Human Rights

RUDs – Reservations, Understandings and Declarations

SWOT Analysis – Strengths, Weaknesses, Opportunities and Threats

UDHR – Universal Declaration of Human Rights

UN – United Nations

Evaluation

Part A) Identification

My Country is _____

I am a female __ male __

My disability is _____

Part B) General Comments

Please pick a number that most closely reflects how you feel about the following questions

- 1 = *strongly disagree*
- 2 = *moderately disagree*
- 3 = *neutral*
- 4 = *moderately agree*
- 5 = *strongly agree.*

The information in the training program was useful _____

The information was presented in a clear and effective manner _____

Overall, I enjoyed the training program _____

Part C) Detailed Feedback

What I liked most about this training program was

What I would change about this training program if I could

If I were to organize this training, I would do things: the same __ differently __

If differently, how?

I would like to learn more about

For another training program I would suggest

The most important new information you learned from this training was
