

# **Convention on the Rights of Persons with Disabilities (CRPD)**

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## **1. Introduction**

The Convention on the Rights of Persons with Disabilities is an international treaty adopted in 2006 by the United Nations on the human rights of people with disability. The global convention is dedicated to advancing, safeguarding, and guaranteeing the complete and equal enjoyment of all human rights and fundamental freedoms for all persons with disabilities. It also aims to foster respect for their innate dignity. Having physical, mental, intellectual, or sensory impairments could impede their complete and meaningful efforts and engagement in society and community, depriving them of equal participation alongside others. Disability rights serve as means to secure equal rights and opportunities for all individuals with disabilities, ensuring their access to the same privileges as all other individuals.

One of the key differences between CRPD and many other earlier international treaties is that CRPD provides detailed steps and actions for state parties to undertake, aiming to promote and safeguard the human rights of individuals with disabilities. By building onto existing models of reporting and monitoring found in other treaties, CRPD also seeks to establish more active involvement with civil society and closer oversight through independent mechanisms. The Optional Protocol of CRPD provides individuals and groups a platform to register complaints regarding violations of their rights under the Convention. This essay will provide an overview of the background, history, purpose, implementation and execution, impact, and meaning to everyone in society.

## **2. Background Information**

The Convention on the Rights of Persons with Disabilities and its Optional Protocol was adopted on 13 December 2006 at the United Nations Headquarters in New York. Subsequently, on March 30, 2007, the Convention was opened for signature. There were 82 signatories to the Convention and 44 signatories to the Optional Protocol. The Convention collected the highest number of signatories ever recorded for a UN Convention on its opening day. It stands as the first comprehensive human rights treaty of the 21st century and holds the distinction of being the first human rights convention to invite signatures by regional integration organizations. On May 3, 2008, the Convention officially entered into force. The Convention of the Rights of Persons with Disabilities wasn't the first international instrument to address the issues of the rights of disabled persons. Early back in 1975, the UN Declaration of the Rights of Disabled Persons formally acknowledged that individuals with disabilities are entitled to equal rights as others. Despite the international instrument on the rights of disabled persons, there was still ongoing discrimination against persons with disabilities and a lack of widespread recognition of their rights. A couple of international organizations, such as OHCHR and the Inter-Parliamentary Union acknowledged that individuals with disabilities remained one of the most disadvantaged and marginalized populations in society.

As a result, there was a need for other better international treaties that recognize civil, cultural, economic, political, and social rights operate within a disability context and clearly outline the obligations of the country and states to protect and promote these rights of individuals with disabilities. In addition, the disabled society group makes up a great proportion of the world's population. According to a group of data published by WHO in March 2023, an estimated 1.3

billion people is experiencing significant disability, which represents 16% of the world's population. People with disabilities have a higher risk of developing conditions or disorders such as depression, diabetes, stroke, obesity, or poor oral health. The inconvenience in transportation is 15 times more than for people without disabilities, the health inequalities stem from unjust circumstances faced by individuals with disabilities, including stigma, discrimination, poverty, exclusion from education and employment, and barriers with the healthcare system itself.

The development of the Convention requires considering different national contexts since the resources available for a country may affect the nature of the challenges faced by people with disabilities, as well as the country's capacity to allocate investments towards programs and infrastructure aimed at tackling these challenges. For example, in the case of children having an education, 90% of children with disabilities in developing countries don't attend school.

Furthermore, the development of the Convention reflects a need for a comprehensive and inclusive framework that empowers individuals with disabilities and civil society organizations to assert and monitor their rights. It's essential to recognize the fact that eliminating the societal barriers hinders their inclusion, rather than keep focusing on how to "fix" their disability.

### **3. Main Provisions and Rights**

The Convention of the Rights of Persons with Disabilities reaffirms a comprehensive range of existing human rights recognized in the Declaration on the Rights of Disabled Persons of 1975 and elaborates on them in the context of further disability rights. According to the United Nations Department of Economic and Social Affairs Disability, there are eight main guiding principles of the UN Convention on the Rights of Persons with Disabilities. It restates the

fundamental respect for inherent dignity, and individual autonomy, including the freedom to make one's own choices (Article 21), freedom from torture (Article 15), the rights to life, liberty, and security of the person (Article 10 & 14) and independence of persons with disabilities. In Article 4, the obligations of state parties must ensure and undertake clear guidelines under the UN to promote the equal rights of disabled individuals with others, for example, by implementing appropriate measures to modify existing laws and abolish improper existing laws, regulations, practices or conventions that lead to or potentially result in discrimination against individuals with disabilities.

In addition to providing equal opportunities for disabled individuals, ensuring “full and effective participation and inclusion in society” from Articles 3 and 26 is one of the essential aspects of the Convention. Enabling persons with disabilities to encompass areas such as access to justice, engagement in political, cultural, and public activities, education, and employment. As mentioned in Article 9, the state parties are required to undertake to eliminate the barriers and obstacles, including transportation, information, and communications, which have been long-lasting disability issues in modern society. Designing convenient and accessible facilities and services are required to be established, with early-stage development, production, and distribution of accessible information and communications technologies and systems to minimize costs. Additionally, aiming to protect equality between men and women provides everyone with the same rights and enjoyment in society, as there's no difference between persons with disabilities and others as part of human diversity and humanity. Lastly, Article 28 states that ensuring people with disabilities have access to an adequate standard of living and social protection is another crucial aspect of disability rights, such as clean water, affordable services,

potential financial aid to reduce poverty, and assistance to families for disability-related expenses. To summarize, having the exact equal rights of disabled people as others is the main point stated in the Convention of the Rights of Persons with Disabilities.

#### **4. Implementation and Execution**

As mentioned in the section Introduction, the Convention on the Rights of People with Disabilities stands out among other treaties due to its follow-up process for state parties to undertake and facilitate active and engaged oversight of the state's progress in meeting its responsibilities and obligations by independent mechanisms, civil society, and UN Committee on the Rights of Persons with Disabilities. A group of independent experts in the UN Committee was nominated to provide specific recommendations when reviewing the initial report from each state party. However, raising awareness requires not only by state parties but also public and private initiatives. Businesses and companies are also obligated to promote financial self-sufficiency through fair employment opportunities, enabling disabled persons to participate in activities that offer enhanced accessibility.

The pivotal role of consultation during the preparation of the CRPD has perpetuated its significance throughout the implementation process. Under the terms of the Convention, states parties are required to foster meaningful engagement with persons with disabilities, particularly through their representative organizations, during the formulation and execution of legislations and policies that hold the potential to impact their lives (as stated in Article 4.3). This inherent obligation to include the voices of the disabled community is further extended to the reporting process before the UN Committee (as articulated in Article 35). The continuous involvement of

disabled individuals and their organizations in decision-making processes bolsters the effectiveness and relevance of policies, guaranteeing a more harmonious and equitable society for all. Embracing consultation as an integral aspect of the CRPD's implementation journey fosters an environment of collaborative progress, where the perspectives of the disabled community are at the heart of every step taken towards a more inclusive and just world.

## **5. Impact and Meaning**

Examining the situation in Canada through a case study on the practical impact of the CRPD offers valuable insights into the influence of human rights treaties on high-income countries, which may serve as an indication for the progressive trend that is not yet as pervasive as anticipated for other countries. From a case study of implementation in Canada by BMC International Health and Human Rights, the results have revealed the fact that even though the CRPD marks a significant advancement for individuals with disabilities, its tangible impact will depend on the extent to which it is integrated into domestic politics and legal judgments (e.g. court decision). By 2016, which is the time that this case study was conducted, only 19 countries have undergone evaluation and commentary from the CRPD Committee on their mandatory implementation reports that are supposed to be submitted from all state parties. As a result, the CRPD Committee raised concerns about persisting the use of substitute decision-making systems, inadequate disability-related resources and services, and the potential challenges of liberty and personal security rights for individuals with disabilities. In addition, the gap between the vision of the CRPD and the actual experiences of individuals with disabilities. In this context, significant efforts are still needed to ensure that the CRPD becomes meaningful and effective for Canadians with psychosocial disabilities.

## **6. Conclusions**

After deep research on the Convention of the Rights of Persons with Disabilities, some implications for rehabilitation are recommended by the author. Firstly, legal capacity should be acknowledged as an inherent right for all individuals, and it should not be assumed that a person lacks decision-making ability solely based on their cognitive and communication disabilities. Medical professionals should be considered when assessing the decision-making capacity of individuals with cognitive abilities. These mechanisms facilitate understanding and acting upon a person's expressed will and preferences. Playing a pivotal role in driving the worldwide shift toward recognizing individuals with disabilities as equal and valued members of society. This transformative journey from simply perceiving people with disabilities signifies a positive pathway where people with disabilities also enjoy the same societal rights and services as everybody else.

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