

United Nations Convention on the Rights of Persons with Disabilities

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) is an international human rights treaty. It aims to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all disabled people.

UCU follows the social model of disability and uses the term ‘disabled people’ not ‘persons with disability’ as used by the UN.

The convention was ratified by the UK in 2009, including the ‘Optional Protocol’ that allows individuals who believe that their convention rights have been breached, to bring complaints to the UN Disability Committee. The committee can also undertake enquiries into alleged grave or systematic violations of the convention. Despite ratification, the government have yet to incorporate, in full the convention into domestic law.

In August 2017, the UN Committee on the Rights of Persons with Disabilities (CRPD Committee) examined the extent to which the UK and devolved governments are in compliance with the convention. A number of failings were identified and the CRPD Committee’s main concerns and recommendations to the UK government are set out in its ‘concluding observations’ and can be found here <https://www.ucu.org.uk/equality>.

A summary of the articles follows:

Article 1: Purpose

The purpose of the Convention is to promote, protect and ensure the full enjoyment of all human rights and fundamental freedoms by all disabled people, including, those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.

Article 2: Definitions

This article defines some of the key terms used in the Convention including “communication”; “language”; “discrimination on the basis of disability”; “reasonable accommodation” and “universal design”.

Article 3: General principles

The Convention is based on the principles of respect for dignity; non-discrimination; participation and inclusion; respect for difference; equality of opportunity; accessibility; equality between men and women; and respect for children.

Article 4: General obligations

Countries must take a range of measures, with the active involvement of disabled people, to ensure and promote the full realization of all human rights and fundamental freedoms for all disabled people without discrimination of any kind.

Article 5: Equality and non-discrimination

Everyone is equal before and under the law. Everyone is entitled to the equal protection and benefit of the law without discrimination.

Article 6: Women with disabilities

Disabled women and girls experience multiple discrimination. Countries must take all appropriate measures to ensure that disabled women and girls are able to fully enjoy the rights and freedoms set out in the Convention.

Article 7: Children with disabilities

Disabled children have the same human rights as all other children. The best interests of the child must be a primary consideration in all actions concerning disabled children who have the right to express their views on all matters affecting them

Article 8: Awareness-raising

Countries must raise awareness of the rights, capabilities and contributions of disabled people. Countries must challenge stereotypes and prejudices relating to disabled people through campaigning, education, media and awareness-raising programmes.

Article 9: Accessibility

Disabled people have the right to access all aspects of society on an equal basis with others including the physical environment, transportation, information and communications, and other facilities and services provided to the public.

Article 10: Right to life

Disabled people have the right to life. Countries must take all necessary measures to ensure that disabled people are able to effectively enjoy this right on an equal basis with others.

Article 11: Situations of risk and humanitarian emergencies

Countries must take all necessary measures to ensure the protection and safety of all disabled people in situations of risk, including armed conflict, humanitarian emergencies and natural disasters.

Article 12: Equal recognition before the law

Disabled people have the right to recognition as persons before the law and have legal capacity on an equal basis with others in all aspects of life. Countries must take appropriate measures to provide support to disabled people so that they can effectively exercise their legal capacity.

Article 13: Access to justice

Disabled people have the right to effective access to justice on an equal basis with others, including through the provision of appropriate accommodations.

Article 14: Liberty and security of person

Disabled people have the right to liberty and security of person on an equal basis with others. Existence of disability alone cannot be used to justify deprivation of liberty.

Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment

Disabled people have the right to be free from torture and from cruel, inhuman or degrading treatment or punishment. No one shall be subjected to medical or scientific experimentation without his or her free consent.

Article 16: Freedom from exploitation, violence and abuse

Disabled people have the right to be protected from all forms of exploitation, violence and abuse, including their gender based aspects, within and outside the home.

Article 17: Protecting the integrity of the person

Every disabled person 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

Disabled people have the right to a nationality and disabled children have the right to a name and to know and be cared for by their parents.

Article 19: Living independently and being included in the community

Disabled people have the right to live independently in the community. Countries must ensure that disabled people have the opportunity to choose where they live and with whom they live, and that they are provided with the support necessary to do this.

Article 20: Personal mobility

Countries must take effective and appropriate measures to ensure personal mobility for disabled people in the manner and time of their choice, and at affordable cost. Disabled people also have the right to access quality mobility aids, assistive technologies and forms of live assistance and intermediaries.

Article 21: Freedom of expression and opinion, and access to information

Disabled people have the right to express themselves, including the freedom to give and receive information and ideas through all forms of communication, including through accessible formats and technologies, sign languages, Braille, augmentative and alternative communication, mass media and all other accessible means of communication.

Article 22: Respect for privacy

Disabled people have the right to privacy. Information about disabled people including personal information and information about their health should be protected.

Article 23: Respect for home and the family

Disabled people have the right to marry and to found a family. Countries must provide effective and appropriate support to people with disabilities in bringing up children, and provide alternative care to disabled children where the immediate family is unable to care for them.

Article 24: Education

Disabled people have a right to education without discrimination. Countries must ensure that disabled people can access an inclusive, quality and free primary and secondary education in their own community. Countries must also provide reasonable accommodation and individualised support to maximise academic and social development.

Article 25: Health

Disabled people have the right to the enjoyment of the highest attainable standard of health without discrimination. Countries must take all appropriate measures, including measures that are gender-sensitive, to ensure that disabled people have access to the same range, quality and standard of health care that is available to everyone else, and which are close to people's own communities.

Article 26: Habilitation and rehabilitation

Countries must take effective and appropriate measures to enable disabled people to develop, attain and maintain maximum ability, independence and participation through the provision of habilitation and rehabilitation services and programmes.

Article 27: Work and employment

Disabled people have the right to work, including the right to work in an environment that is open, inclusive and accessible. Countries must also take appropriate steps to promote employment opportunities and career advancement for disabled people.

Article 28: Adequate standard of living and social protection

Disabled people have the right to an adequate standard of living including food, water, clothing and housing, and to effective social protection including poverty reduction and public housing programmes.

Article 29: Participation in political and public life

Disabled people have the right to participate in politics and in public affairs, as well as to vote and to be elected.

Article 30: Participation in cultural life, recreation, leisure and sport

Disabled people have the right to take part in cultural life on an equal basis with others, including access to cultural materials, performances and services, and to recreational, leisure and sporting activities.

Article 31: Statistics and data collection

Countries must collect information about disabled people, with the active involvement of disabled people, so that they can better understand the barriers they experience and make the Convention rights real.

Articles 32-50

Articles 32-50 explain how countries which are bound by the Convention must give it full effect. They also explain the responsibility of countries to report to the United Nations Committee on the Rights of Persons with Disabilities on how they are putting the Convention into effect.