

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
4. Understand how to apply the content of the CRPD to advocacy on disability issues

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.”)

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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.

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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.”

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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.”

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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.”

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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 othersin 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.

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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.

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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](#)

Click *here* to link to Section 4