

# United Nations Convention on the Rights of Persons with Disabilities – A plain English guide

## ***Preamble***

The Preamble reminds countries of other international human rights agreements and summarises the reasons for creating this Convention. It does not contain any obligations for countries to put into practice; the obligations are contained in the Articles of the Convention.

## **Article 1: *Purpose***

The aim of the Convention is to make sure that people with disability enjoy human rights, freedoms and respect like other people.

‘Persons with disabilities’ (referred to in this guide as ‘people with disability’) include people who have long-term physical, mental, intellectual or sensory impairments which may hold them back from doing things or sharing in society in the same way other people do.

## **Article 2: *Definitions***

In this Convention:

- ‘Communication’ means all types and formats of communication, including spoken languages, sign languages, written text, Braille, touch, large print, audio, plain-language, human-reader, accessible information and communication technology and other types of communication.
- ‘Language’ includes spoken languages, sign languages and other forms of non-spoken languages.
- ‘Discrimination on the basis of disability’ is when a person is excluded, prevented from doing something or treated differently because of that person’s disability, in a way that prevents that person from exercising or enjoying all human rights and freedoms in the same way other people do. This includes denying the person reasonable accommodation.
- ‘Reasonable accommodation’ means appropriate changes or adjustments that need to be made in order to allow a person with disability in a particular situation to exercise or enjoy all human rights and freedoms in the same way other people do. The changes or adjustments cannot be too hard to carry out.
- ‘Universal design’ means designing products, places, programs and services in a way that allows all people to use them, as far as possible, without having to make changes. However, assistive devices for particular groups of people with disability can be made where needed.

## **Article 3: *General principles***

The general principles of this Convention are:

- Respect for inherent dignity, individual autonomy and independence;
- Non-discrimination;
- Full and effective participation and inclusion in society;
- Respect for difference and acceptance of people with disability as part of humanity and human diversity;
- Equality of opportunity;
- Accessibility;
- Equality between men and women;
- Respect for the capacities of children with disability and their right to preserve their identities.

## **Article 4: *General obligations***

Countries are to make sure that people with disability enjoy all human rights and fundamental freedoms without discrimination of any kind because of disability.

To do this, countries agree to:

- apply the rights in the Convention;
- remove or change laws, policies or ways of doing things that discriminate against people with disability;
- take into account the rights of people with disability in policies and programs;
- make sure that government officials act consistently with the obligations in the Convention;
- remove discrimination because of disability caused by any person or organisation;
- carry out or promote research and development of goods, services and facilities that can be accessed by people with disability, and at the lowest cost;
- provide accessible information on new technologies which assist people with disability, mobility aids and devices;
- promote training in the rights of people with disability for people who work with people with disability;
- carry out the parts of the Convention that apply immediately according to international law and, taking into account available resources, gradually carry out the parts relating to economic, social and cultural rights;
- make sure people with disability, including children, have a say in the way the Convention is carried out, through organisations that represent them.

#### **Article 5: *Equality and non-discrimination***

Countries agree that everyone is equal before the law. They are to make sure people with disability are not treated unfairly just because of their disability and are protected by the law in the same way other people are.

To make sure they are treated fairly, countries are to take appropriate steps to make sure people with disability receive some extra help or have practical changes made for them where this is needed to put them in the same position as people without disability. The extra help or practical change cannot be too hard to carry out.

People without disability cannot claim that it is unfair for people with disability to receive special treatment. If a country has special laws or programs that help put people with disability in the same position as other people, then this is not discrimination.

#### **Article 6: *Women with disabilities***

Countries are to take special care to ensure that women and girls with disability are not treated unfairly because of their gender and because of their disability. Countries are to take steps to make sure women and girls with disability have the same human rights and freedoms as other people.

Countries are to take appropriate steps to make sure women with disability are able to enjoy the human rights and freedoms set out in this Convention.

#### **Article 7: *Children with disabilities***

Countries are to take steps to make sure that children with disability have the same human rights and freedoms as other children.

When making decisions for or about children with disability, the most important thing is what is best for the child.

Countries are to make sure children with disability, in the same way as other children:

- have the right to say what they think about matters that affect them;
- receive help to say what they think depending on the child's age and disability; and
- have their views taken into account based on the child's age and maturity.

#### **Article 8: *Awareness-raising***

Countries are to take immediate appropriate steps to counter unfavourable perceptions about people with disability and to tell the community generally that people with disability have rights and about what people with disability can do.

Things that countries can do to achieve this include:

- running public awareness campaigns;
- using the education system to teach people to respect people with disability;
- encouraging the media to show what people with disability can do; and
- promoting training about disability.

### **Article 9: *Accessibility***

People with disability have the right to live independently and take part in all aspects of life.

To let them do that, countries need to take appropriate steps to give people with disability access, in the same way other people have access, to things, places, transport, information and services that are open to the public. This applies in the cities as well as in rural areas.

To do that, countries should:

- find out what is making it hard for people with disability to access all aspects of the community those things and take steps to remove them;
- make sure people with disability have equal access to buildings, roads, transport and public facilities like schools, housing, hospitals, clinics and workplaces; and
- make sure people with disability have equal access to information, communications and other services, including electronic services like the Internet and emergency services.

Countries are also to take appropriate steps to:

- set standards and guidelines for access to facilities and services that are open to the public;
- make sure that private businesses that provide facilities or services to the public take into account access for people with disability;
- provide training for people involved with access for people with disability;
- use signs that are in Braille and easy to read and understand in buildings and other facilities open to the public;
- provide a person to assist in buildings and other facilities open to the public, like guides, readers and professional sign language interpreters;
- promote other types of help to people with disability to make sure they can access information;
- promote access for people with disability to new information and communications technologies and systems, like the Internet; and
- have those who make information and communications technologies take into account access for people with disability, so that these technologies and systems can be available at a low cost.

### **Article 10: *Right to life***

Countries are to make sure people with disability enjoy the right to life which every human being has.

### **Article 11: *Situations of risk and humanitarian emergencies***

Countries are to do what is necessary to make sure people with disability are safe and protected in emergency situations, like fires, floods and other natural disasters, war and other large scale emergencies.

### **Article 12: *Equal recognition before the law***

Countries agree that people with disability have the right to be treated as people before the law who can make their own legal decisions. They are people who can own and inherit property, control their money and financial affairs and get bank loans, mortgages and other credit just like everyone else. Their property should not be taken away from them for no reason or illegally.

Some people with disability need support to make such decisions. Countries are to take appropriate steps to make sure people with disability who need it get the support they need to make decisions about their legal and financial affairs.

Countries must also make sure that:

- people who support them respect the rights, choices and preferences of the person with disability;
- people who support them are free from conflict of interest;
- people who support them do not pressure the person with disability into making a certain decision;
- the person with disability is given only as much help as they need and for the time they need it;
- the support given is checked by a court or other authority that is not biased; and
- any safeguards reflect the level of interference with the person's rights.

### **Article 13: *Access to justice***

Countries are to make sure that people with disability have the same access to the justice system as other people.

If needed, they are to change the way some things are done in order to let people with disability take part in all stages of legal proceedings. They must also promote training for people working in the justice system, such as judges, magistrates, police and prison staff.

### **Article 14: *Liberty and security of the person***

People with disability have the same right to liberty and security as other people. Countries are to make sure they are not imprisoned or held somewhere, unless the law says this should be done and only if there is a proper reason for it. No-one is to be imprisoned or held somewhere only because they have a disability.

Where people with disability are imprisoned or held somewhere, their human rights, including the rights in this Convention, are not to be taken away from them.

The laws that set out these rights should apply to people with disability in the same way they apply to other people. However, reasonable changes should be made to the way things are done or the place where the person with disability is held in order to take account of the person's disability and to protect their rights under this Convention.

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

Countries are to make sure that no-one is tortured or treated in a cruel, inhuman or degrading way.

In particular, countries are to take steps, such as making laws or other rules, to make sure people with disability are not forced to take part in medical or scientific experiments.

### **Article 16: *Freedom from exploitation, violence and abuse***

Countries are to take appropriate steps to:

- protect people with disability (inside and outside their homes) from all forms of violence and abuse and from people who try to take advantage of them;
- provide help and support for people with disability and their families and carers, including through teaching them how to avoid, recognise and report violence, abuse and people who take advantage of them;
- make sure that protection services take into account the person's age, gender and disability;
- make sure that facilities and programs for people with disability are monitored by authorities that are not biased;
- help the people with disability who have been taken advantage of or abused recover and get back to living their lives in society like they used to; and
- put in place laws and policies (including those focussed on women and children) to make sure that violence and abuse against people with disability are detected, investigated and, where appropriate, prosecuted.

**Article 17: *Protecting the integrity of the person***

Every person with disability has the same right as everyone else to be respected as a whole person.

**Article 18: *Liberty of movement and nationality***

Countries agree that people with disability are free to move, choose where they live and to have a nationality, in the same way as other people.

They should make sure that people with disability, in the same way as other people:

- have the right to get and change their nationality,
- can access services and documents to get or change their nationality, such as a passport or other form of identification,
- are free to leave any country (including their own), and
- are able to return to their own country.

Children with disability are to be registered as soon as they are born. They are to have the right to a name, nationality and, as far as possible, to know and be cared for by their parents.

**Article 19: *Living independently and being included in the community***

People with disability have the same right as everyone else to live, take part and be included in the community.

Countries are to take appropriate steps to help people with disability enjoy this right by making sure they have:

- the opportunity to choose where they live and who they live with like other people do;
- access to in-home, residential and other community support services to help them be included in the community, and prevent them from being isolated, and
- equal access to community services and facilities that are available to the public, which should take into account the needs of people with disability.

**Article 20: *Personal mobility***

Countries are to make sure that people with disability are given the opportunity to move around and be as independent as possible.

Some ways to do this include:

- making it easier for people with disability to move around in the way they want and when they want, and to do so at a price they can afford,
- helping people with disability access mobility aids, technologies and people to help them, at a price they can afford,
- providing training in mobility skills to people with disability and those working with them, and
- encouraging the people who make mobility aids and technologies to take into account all aspects of mobility.

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

Countries are to take appropriate steps to make sure people with disability have the right to say what they think and share their ideas like other people do. This includes being free to ask for, get and share information and ideas through sign languages, Braille, large print or other types of communication.

Some steps that countries should take include:

- providing public information in other formats (such as Braille or electronically) in a timely way and at no extra cost;
- letting people with disability use Braille, sign language and other types of communication when they deal with government agencies;

- urging private companies that provide services to the public, including through the Internet, to provide information and services in formats that people with disability can access;
- encouraging the media and Internet providers to make their services accessible to people with disability; and
- accepting and promoting the use of sign languages.

**Article 22: *Respect for privacy***

The private lives of people with disability are not to be interfered with for no reason or in a way that is against the law. The honour and reputation of people with disability are not to be open to attacks that are against the law. The law should protect people with disability from such interference or attacks.

Countries are to protect the personal information and information about the health and rehabilitation of people with disability in the same way they protect other people's information.

**Article 23: *Respect for home and the family***

Countries are to take appropriate steps to make sure people with disability have the same rights as other people when it comes to marriage, family, parenting and relationships, so that they:

- are free to get married and have a family;
- are free to decide on the number of children they have and when they have them;
- can get education on having children and family planning; and
- can keep their fertility like other people can.

In relation to adopting a child or being foster parents or guardians, people with disability are to have the same rights and responsibilities as other people do under the law. However, the most important thing is what is best for the child. People with disability should be given help to raise their children where and when they need it.

Children with disability have the same rights as other children in their family life. Countries are to provide information, services and support to children with disability and their families.

The child is not to be taken away from his/her parents against their will, unless the courts decide that it is best for the child. (The decision should not be based only on the fact that the child or a parent has a disability.) Where the family is not able to care for a child with disability, the extended family (such as aunts, uncles or grandparents) should be asked to take care of the child. If that is not possible, then the child should be cared for within another family setting if this is possible.

**Article 24: *Education***

People with disability have a right to education, like other people do. Countries are to make sure that their general education systems include people with disability at all levels and aim to allow the full development of a person's potential.

To do that, countries are to make sure that:

- children with disability can get free primary school education and get high school education in the same way other children do;
- schools make some changes to accommodate for students with disability; and
- people with disability get the support they need in the general education system, or
- people with disability have access to special support in specialised schools that help them get the most out of their education and learn other life skills.

Countries are to help people with disability learn life and social skills. This includes taking appropriate steps to:

- make it possible for people with disability to learn other types of communication, such as sign languages and Braille, and skills that will help them move around freely;
- arrange for people to support and mentor them; and
- make sure that students who are blind, deaf or deaf/blind are taught in the types of communication they can understand.

Countries are to take appropriate steps to hire teachers, including teachers with disability, who are qualified in sign language and/or Braille, and train education staff in how to teach and support people with disability.

People with disability also have the right to get the same access as other people to university education, vocational training, adult education and other courses without discrimination. Countries are to make sure that some changes are made by schools, universities or training centres to help people with disability access these types of education.

#### **Article 25: *Health***

Countries agree that people with disability have the same right as everyone else to be as healthy as possible, without discrimination because of their disability. This means taking appropriate steps to:

- provide people with disability with the same types of free or affordable health care, including sexual health, health care to do with having children and other public health programs;
- provide health services that are especially to do with disabilities, including the services at an early stage and that aim to prevent further disabilities;
- provide these health services as close as possible to people's own communities, including in rural areas;
- make doctors and other health professionals give people with disability the same quality of care they give other people, including giving treatment only when the person agrees and when the person has been told exactly what they are agreeing to, by making sure doctors and other health professionals know about the rights of people with disability and by setting standards for health care;
- ban discrimination on the basis of disability in health or life insurance, which is to be provided in a fair and reasonable way; and
- stop people from discriminating against people with disability when they are providing health services, food or fluids.

#### **Article 26: *Habilitation\* and rehabilitation***

Countries are to take appropriate steps to help people with disability be as independence as possible, be at their best physically, mentally, socially and at their work, and be fully included in all aspects of life. They are to do this by organising and strengthening rehabilitation programs, particularly in health, employment, education and social services.

These services and programs should:

- begin as early as possible;
- be based on individual needs and strengths;
- help people with disability be included and take part in society;
- be available as close as possible to people's own communities (including rural areas);
- be voluntary.

Countries are also to encourage:

- ongoing training for staff working in habilitation and rehabilitation services;
- the use of assistive devices and technologies designed for people with disability in the context of habilitation and rehabilitation.

(\* Habilitation is the process of helping people with disability develop skills and fully take part in the community.)

#### **Article 27: *Work and employment***

Countries agree that people with disability have the same right to work as other people. Countries are to take appropriate steps to make sure people with disability can exercise this right, including by:

- banning unlawful discrimination against people with disability in areas of employment, including getting a job, keeping a job, getting a promotion and having safe and healthy work conditions;
- making sure people with disability have fair work conditions, such as equal opportunities, equal pay for doing the same sort of work, protection from harassment and a way to have work complaints or problems dealt with;
- making sure people with disability are free to join a union like other people can;

- encourage job opportunities, work experience, training, career advancement and self-employment opportunities for people with disability;
- hiring people with disability in the government and encourage private businesses to hire people with disability; and
- protecting people with disability from being forced to work, in the same way other people are protected.

**Article 28: Adequate standard of living and social protection**

Countries agree that people with disability and their families have the right to an adequate standard of living, including food, clothing and housing. They are to make sure these things are available without discrimination because of disability.

Countries agree that people with disability also have the right to social protection. They are to take appropriate steps to give people with disability access to disability-related services and devices and the same access as other people to clean water, programs that help people get out of poverty, public housing and pensions.

**Article 29: Participation in political and public life**

Countries are to make sure that people with disability can effectively and fully take part in political and public life in the same way other people can, including the right to vote, stand for elections and be voted in.

This includes:

- making sure that voting is accessible and the process is easy to use and understand;
- protecting the right to vote by secret ballot;
- letting people with disability to stand for elections and be elected in the same way other people can; and
- letting people with disability get help in voting when they need it from a person of their own choice.

Countries are to promote an environment that encourages people with disability to take part in public affairs, including joining non-government organisations, political parties and groups that represent people with disability.

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

People with disability have the same right to take part in cultural life as other people do.

Countries are to take steps to make sure that people with disability have access to:

- cultural materials, such as books and other forms of literature;
- television programs, films and theatre;
- places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services; and
- as far as possible, monuments and sites that are culturally important to the nation.

Countries are to take steps to make it possible for people with disability to develop and use their creative, artistic and intellectual abilities, not only for their own benefit, but for the benefit of society.

Countries are to take steps to make sure that copyright laws, which protect people's ideas, writings, pictures or inventions from being copied, do not discriminate against people with disability who are trying to access cultural materials in different formats.

People with disability are entitled, in the same way other people are, to be recognised for their own culture and language, including sign languages and deaf culture.

Countries are to take steps to:

- encourage people with disability to take part in sports with people without disability as far as possible;
- make sure people with disability have access to sporting, recreational and tourism venues and services; and
- make sure people with disability have the opportunity to organise, develop and take part in sports and recreation that are especially for people with disability.

Children with disability are to have access to play, recreation, leisure and sporting activities in the same way as other children.

### **Article 31: *Statistics and data collection***

Countries agree to collect appropriate information to:

- help put this Convention into practice;
- help measure how well this Convention is being put into practice; and
- find and fix problems faced by people with disability in exercising their rights.

The information must be collected and kept in a way that respects the confidentiality and privacy of people with disability and meets internationally accepted ethical standards.

The data must be accessible to people with disability and people without disability.

### **Article 32: *International co-operation***

Countries agree that it is important to work together to make sure the Convention is put into practice in each country. They are to take appropriate steps to do this, including:

- making sure that international development programs and other international co-operation include people with disability and can be accessed by them;
- helping each other, including through sharing information, experiences, training and best practices;
- co-operating with each other in research and access to scientific and technical information; and
- providing, as appropriate, technical and financial help, such as sharing technologies that help people with disability.

### **Article 33: *National implementation and monitoring***

Countries are to choose one or more area(s) in the government to deal with issues about how the Convention is being put into practice. They are to consider setting up or choosing a national government body to help everything run smoothly when the Convention is being put into practice.

Countries are to set up a process that will check to make sure the Convention is being put into practice. That process has to be independent, and take into account the way other human rights institutions in the country work. Members of the community, especially people with disability and organisations that represent them, should be given opportunities to take part in this monitoring process.

### **Article 34: *Committee on the Rights of Persons with Disabilities***

A Committee on the Rights of Persons with Disabilities (the Committee) will be set up as part of the United Nations. It will be made up of independent experts. This Article sets out how the people in the Committee will be chosen.

### **Article 35: *Reports by States Parties***

Countries must report to the Committee on how well they are going with putting the Convention into practice. The first report must be done within two years after the Convention comes into force, and then at least every four years.

### **Article 36: *Consideration of reports***

The Committee will consider the reports and then make suggestions and recommendations to the countries. The countries can respond by giving the Committee more information, and the Committee can ask for more information.

If a country is very late in handing in its report, the Committee can remind that country how important it is.

The reports will be made available to all the other countries that agree to put the Convention into practice. Each country is responsible for making its report and the Committee's suggestions and recommendations publicly available to the people in that country.

The Committee may also give the reports to other parts of the United Nations in order to help the countries with any problems they are having with putting the Convention into practice.

**Article 37: *Co-operation between States Parties and the Committee***

Countries are to co-operate with the Committee so that it can do its job properly. The Committee will also help countries work together to put the Convention into practice.

**Article 38: *Relationship of the Committee with other bodies***

In order to help countries work together to put the Convention into practice, specialised bodies and other parts of the United Nations can be invited to meet with and provide information to the Committee on topics that are relevant to the issues in the Convention.

**Article 39: *Report of the Committee***

The Committee will report to the United Nations General Assembly and United Nations Economic and Social Council every two years. It can make suggestions and recommendations based on the reports and information it receives from the countries.

**Article 40: *Conference of States Parties***

Countries are to meet on a regular basis in order to consider any issues to do with putting the Convention into practice. The first meeting is to be called by the Secretary-General of the United Nations no later than six months after the Convention comes into force. After that, the Secretary-General is to call a meeting every two years or whenever the countries decide.

**Article 41: *Depositary***

Countries that want to join the Convention are to inform the Secretary-General of the United Nations. Any documents that countries need to lodge, such as reservations, reports, etc, are also to be sent to the Secretary-General of the United Nations.

**Article 42: *Signature***

Countries can sign up to the Convention at the United Nations Headquarters in New York from 30 March 2007.

**Article 43: *Consent to be bound***

Countries that have signed up to the Convention can agree to put the Convention into practice by 'ratifying' it. Countries that have not signed up can agree to put the Convention into practice by 'acceding' to it.

**Article 44: *Regional integration organisations***

'Regional integration organisation' means an organisation that has the power to make decisions about this Convention on behalf of a group of countries in a particular area. These organisations need to explain how much power has been given to them by the countries they represent.

Where the Convention refers to 'countries', it includes these organisations too.

When the countries meet together and need to vote on something, these organisations can vote on behalf of the countries they represent.

**Article 45: *Entry into force***

The Convention will come into force on the 30<sup>th</sup> day after 20 countries have agreed to put it into practice. After those 20 countries, the Convention will come into force for any other country that agrees to put it into practice on the 30<sup>th</sup> day after it agrees.

(When the Convention ‘comes into force’, it means that the Convention becomes part of international law and the countries that agree to put it into practice can be held responsible if they do not.)

**Article 46: *Reservations***

Countries can make reservations, which means they can say that they will not be able to put a certain part of the Convention into practice. However, these reservations cannot be against the aim and purpose of the Convention.

Countries can take back a reservation at any time.

**Article 47: *Amendments***

Countries can suggest changes to the Convention by sending them to the Secretary-General of the United Nations. The Secretary-General will then send the suggested changes to the other countries that have agreed to the Convention and ask them if they would like to meet to decide on suggested changes.

Changes will be made if two thirds of the countries that meet and vote agree to accept them and the Secretary-General approves them. The Secretary-General will then send the accepted changes to all the other countries.

The changes will only apply to those countries that accept them, except if Articles 34, 38, 39 or 40 (which relate to the Committee and the meeting of countries) are changed, those changes apply to all countries.

**Article 48: *Denunciation***

A country can pull out of the Convention by writing to the Secretary-General of the United Nations. A country will no longer have to put the Convention into practice one year after it has written to the Secretary-General.

**Article 49: *Accessible format***

The text of the Convention has to be made available in other formats so that everyone can access it.

**Article 50: *Authentic texts***

The Arabic, Chinese, English, French, Russian and Spanish versions of the Convention are all valid versions.