

THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

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December 13, 2006 marked the beginning of a new era for persons with disabilities. On that date, after five years of intense negotiations, the General Assembly of the United Nations adopted the first human rights treaty of the twenty-first century – the Convention on the Rights of Person with Disabilities (CRPD).

The CRPD is a revolutionary document in more ways than one:

1) Civil society played an unprecedented role in the treaty negotiations. The International Disability Caucus (IDC) evolved as a coalition of over 70 international, national and regional disability rights organizations, including the World Network of Users and Survivors of Psychiatry (WNUSP), the World Blind Union, the World Federation for the Deaf, the World Federation for the Deafblind, the Landmine Survivors Network, and many others. The IDC took an active role in drafting the Convention and was responsible for drafting over 80% of the text. The IDC spent countless hours educating each other, building alliances, lobbying governmental delegates in NY and lobbying government officials in their own capitals. For five years, several hundred seasoned activists from all around the world – people in wheelchairs, people with seeing-eye dogs, with white canes, with personal assistants, people communicating in sign languages, people with intellectual disabilities and people with psychosocial disabilities – traveled to NY (with very few from the USA) to attend two week sessions of the Ad Hoc Committee charged with drafting the Convention. More persons with disabilities participated as members of government delegations. The IDC wielded enormous influence in the negotiations because we were able to speak with one voice and also because it was important to the governments that the IDC endorse the final text of the Convention.

2) The new CRPD is based on a social model of disability rather than a medical model. It's not about eliminating disabilities. It is about human rights. Its purpose is to protect, promote and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to eliminate barriers that hinder persons with disabilities from fully participating in society. The general principles of the CRPD include respect for dignity, autonomy, the freedom to make one's own choices, independence, non-discrimination and full participation and inclusion in society.

3) The Convention requires States Parties (governments)

- to provide full accessibility to the physical environment, to information and communication technologies and to all services open to the public including by the elimination of barriers and by giving full recognition to the use of Braille and sign languages;
- to recognize that all persons with disabilities enjoy legal capacity on an equal basis with others;

and to ensure that persons with disabilities have the right

- to liberty on an equal basis with others;
- to freedom from torture, or cruel, inhuman or degrading treatment or punishment;
- to freedom from exploitation, violence and abuse;
- to respect for physical and mental integrity on an equal basis with others;
- to live independently and choose their place of residence;
- to retain fertility;
- to marry and establish families;
- to inclusive education;
- to quality health care, including on the basis of free and informed consent;
- to habilitation and rehabilitation;
- to work and to opportunities for employment with access to reasonable accommodation in the workplace; and
- to vote and to run for elected office.

4) With the expert leadership of Tina Minkowitz (co-chair of the World Network of Users and Survivors of Psychiatry), activists from WNUSP and MindFreedom International fought an uphill battle and won on the issue of legal capacity. States will no longer be able to decide that a person is incompetent on the basis of disability. The CRPD recognizes that persons with disabilities, including those with high support needs, enjoy legal capacity and are entitled to access to the support they may require in exercising their legal capacity. This victory may turn out to be the most significant aspect of the Convention for persons with psychosocial disabilities and for persons with intellectual disabilities. Legal capacity, respect for physical and mental integrity, and the provision of health care on the basis of free and informed consent combined with the principles of autonomy and non-discrimination establish the legal framework to put an end to forced mental health treatment. If we can develop successful models of supporting persons to exercise their legal capacity, we will have created a legal framework that puts an end to repressive guardianship laws.

The Convention on the Rights of Persons with Disabilities was formally open for signing on March 30, 2007 and was signed by over 80 countries and ratified by one country on the opening day. The Convention will go into full effect when it has been ratified by twenty countries. Ratification by twenty countries is expected shortly. The USA is the only country in the world that, from the beginning of the negotiations, announced that it will not sign the treaty. We have much work to do here in the USA and in the rest of the world. We are building strong cross-disability alliances and more and more activists are taking on leadership roles as a result of working with the IDC. Now it is the joint obligation of the States and civil society, including human rights and disability rights activists in the IDC and beyond, to turn the promise of this Convention into a reality for the more than 600 million persons with disabilities world-wide.

The motto of the International Disability Caucus
“NOTHING ABOUT US WITHOUT US”

For the full text and current updates on the Convention, please go to <http://www.un.org/disabilities/>