

### **III.8 THE COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)**

The Convention on the Rights of Persons with Disabilities was adopted by the General Assembly on 13 December 2006 (resolution A/RES/61/106). The Convention entered into force on 3 May 2008, one month after having received the 20th ratification. The Optional Protocol entered into force on the same day, having received the necessary ten ratifications. As at 11 January 2010, there were 144 signatories to the Convention and 77 ratifications; there were 88 signatories to the Optional Protocol and 48 ratifications.

The purpose of the Convention 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” (Article 1). According to Article 1 persons with disabilities include “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 includes a definition of discrimination on the basis of disability which “means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.

The Convention gives universal recognition to the dignity of persons with disabilities. Persons with disabilities are not viewed as objects of charity, medical treatment and social protection; they are subjects of human rights being capable of claiming those rights and being active members of society.

The full and effective participation and inclusion in society is recognized in the Convention as a general principle (Article 3), as a general obligation (Article 4 sets a long list of obligations on States parties), and as a right (for instance, the right to work (Article 27), the right to an adequate standard of living (Article 28), the right to take part in the conduct of public affairs (article 29), and the right to take part in cultural life (Article 30)). Inclusion is referred to in several articles (for instance, the right to live in the community (Article 19), the right to education (Article 24)).

#### ***The Committee on the Rights of Persons with Disabilities***

The Committee is composed of 12 independent experts serving in their personal capacity and being elected for a term of four years; they are eligible for re-election once. After an additional 60 ratifications or accessions to the Convention, the membership of CRPD will increase by six members, bringing the total membership to 18 experts.

The members of the Committee will be elected by secret ballot by the States parties. Due consideration will be given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities. The Committee convenes for ordinary sessions twice a year in

Geneva; its first session took place in February 2009. The third session was scheduled to take place in February 2010.

The Committee has to fulfil three principle functions: (1) review of periodic reports on implementation of the States parties; (2) examination of individual complaints under the Optional Protocol; and (3) undertaking of inquiries in the case of reliable evidence of grave and systematic violations of the Convention.

During the second session of the Committee a day of general discussion on Article 12 of the Convention (“The right to equal recognition before the law”) took place on 21 October 2009. The Committee will hold a day of general discussion each year in order to foster a deeper understanding of the contents and implications of the Convention as they relate to specific articles or topics. Those meetings take place in public, and representatives of governments, UN human rights mechanisms, specialized agencies, NGOs, NHRIs as well as individual experts and children are invited to participate.

### ***Articles 35 and 36: States Reports***

States parties are required to submit their initial reports within two years after the entry into force of the Convention for the States parties concerned, and at least every four years thereafter (see chart 18).

The first State report must be a comprehensive report on measures taken to give effect to the obligations under the Convention and on the progress made by the State party concerned (Article 35, para. 1).

Based on the experience of other treaty bodies, Article 36, para. 2, deals with States parties being significantly overdue in the submission of their reports. If the relevant report of a State party concerned is not submitted within three months after notification, the Committee will need to examine the implementation of the Convention on the basis of reliable information available. The Convention also demands that “States parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports” (Article 36, para. 4).

### ***Optional Protocol: A Procedure for Individual Complaints***

The Committee is also mandated to receive and examine complaints (“communications”) from or on behalf of individuals or groups of individuals alleging to be victims of violations of the Convention by States parties that have become party to the Optional Protocol (see chart 19).

According to Article 2 of the Optional Protocol, the Committee shall consider a communication not admissible when

- the communication is anonymous;
- the communication constitutes an abuse of the right of submission of such communications or is incompatible with the provisions of the Convention;
- the same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation

or settlement;

- all available domestic remedies have not been exhausted. This shall not be the rule where the application of the remedies is unreasonably prolonged or unlikely to bring effective relief;
- it is manifestly ill-founded or not sufficiently substantiated; or when
- the facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.

Complaints are examined by the Committee in closed meetings (Article 5 of the Protocol). Articles 6 and 7 refer to grave or systematic violations by a State party. If the Committee receives reliable information, the State party will be asked to submit observations with regard to the information concerned. Also, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee (Article 6, para. 2).

In Article 7, the State party is invited to include in its reports under Article 35 of the Convention details of any measures taken in response to an inquiry conducted by members of the Committee.

Important to note is that, according to Article 8, each State party may declare at the time of signature or ratification that it does not recognize the competence of the Committee provided for in Articles 6 and 7.

### ***International Day of Persons with Disabilities***

About 10 percent of the world's population are persons with disabilities. Approximately 80 percent of whom live in developing countries. The annual observance of the International Day of Persons with Disabilities on 3 December aims to promote an understanding of disability issues, the rights of persons with disabilities and societal gains to be derived from the integration of persons with disabilities in every aspect of the political, social, economic and cultural life of their communities.

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### ***E-Resources***

General:

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