A United Step Forward

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A Convention was needed

The Universal Declaration of Human Rights was adopted by the United Nations in 1948. It has inspired both countries and individuals to recognise, protect and promote human rights and freedoms. Since 1948 it has been expanded to protect the rights of a range of population groups including women, children and minority groups.

There are 650 million people throughout the world living with a disability. In 2006, a new Convention was created to recognise the widespread and complex nature of disability.

This new Convention is a universal legally binding standard between States. Its purpose is to capture both the fundamental rights of people with a disability and also, importantly, identify ways of protecting these rights.

Reframing attitudes and approaches to disability

People with a disability have often been viewed as individuals who need protection and sympathy rather than respect. The Convention is a step forward in changing this view of disability. It puts the responsibility back on society to ensure that all people must be provided with opportunities to reach their full potential, regardless of their situation or abilities.

Like other Conventions that protect the rights of children and women, the Convention on the Rights of Persons with Disabilities will become a tool to address the violation of human rights.
This Convention is unique

This is the first legally binding Convention addressing the rights of people with a disability. Although the Convention does not create new rights, it is unique for a number of reasons.

Firstly it clarifies what existing human rights people with a disability are entitled to expect. Secondly, it also places greater value on social inclusion and accessibility and identifies how to support people with a disability to exercise their rights.

However, perhaps its most important achievement is that people with a disability were actively involved in both the negotiations and the drafting of the Convention. This is the first time a United Nations Convention has involved representatives from the group the Convention was created to protect. This process gives people with a disability a legitimate and strong voice internationally.

Australia’s role

Australia was one of the first countries to sign the Convention when it was opened for signature on 30 March 2007. Australia then ratified the Convention on 17 July 2008. This means that Australia is now a signatory to a legally binding standard recognising people with a disability as equal and active citizens. This timely ratification also gave Australia the right to participate in the selection of the Committee responsible for overseeing the implementation and monitoring of the Convention.

The Committee will initially consist of 12 independent experts and this number can grow to 18 members in the future. Committee members serve in a personal capacity for a four-year term and are eligible to be re-elected once.

On 3 November 2008, Australia’s candidate, Professor Ronald McCallum AO, was elected to the Committee. Professor McCallum is the former Dean of the Faculty of Law at the University of Sydney and is an expert in industrial law. He also has a lived experience of disability.
The Convention brings with it obligations

Countries that sign the Convention will be obliged to introduce measures that promote the human rights of people with a disability. These measures would include the introduction of anti-discrimination legislation and the elimination of laws and practices that discriminate against people with a disability. There will also be an obligation to actively involve people with a disability when developing and implementing new policies and legislation. Other measures include making services, goods, facilities, information and communication accessible.

General principles

The general principles of the Convention are:

• Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;
• Non-discrimination;
• Full and effective participation and inclusion in society;
• Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
• Equality of opportunity;
• Accessibility;
• Equality between men and women;
• Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.
Your companion guide to the Convention

The Convention consists of a number of articles outlining areas of public life and how to ensure the full inclusion of people with a disability. Some articles also explain how States should approach and implement the Convention. Below is a summary of the articles.

For more detailed information visit: www.un.org/disabilities

In this document the term 'State’ refers to the government of a country.

Preamble: Need: Explains why the Convention is important and the key issues that will be taken into account.

Article 1: Purpose: Describes the overall purpose of the Convention and the different types of disability. It also recognises that barriers prevent people with a disability from participating in society on an equal basis with others.

Article 2: Definitions: Outlines the meaning of terms in order to correctly understand what the Convention means.

Article 3: General principles: Describes eight fundamental principles that need to be applied to implement the Convention. These principles are outlined on page three of this brochure.

Article 4: General obligations: Describes actions that States must take to comply with the Convention, both in the short and long term.

Article 5: Equality and non-discrimination: Guarantees equal rights and protection under the law and freedom from discrimination for people with a disability.

Article 6: Women with disabilities: Recognises that women and girls with a disability are more vulnerable to rights violations. It requires that specific measures are taken to protect their rights.
Article 7: **Children with disabilities:** Respects the interests of children with a disability. They must be the main consideration in all actions and need to have the right to express their views freely.

Article 8: **Awareness raising:** Requires States to promote the capability and contribution of people with a disability and combat harmful stereotypes.

Article 9: **Accessibility:** Requires States to ensure that the built environment, public facilities, communication and information are accessible for all members of the community.

Article 10: **Right to life:** Recognises that every human being has an inherent right to life.

Article 11: **Situations of risk and humanitarian emergencies:** Requires States to ensure the protection and safety of people with a disability in armed conflict, humanitarian emergencies and natural disasters.

Article 12: **Equal recognition before the law:** Requires States to take necessary measures, if required, to ensure people with a disability can properly exercise their legal rights.

Article 13: **Access to justice:** Requires States to ensure effective access to justice for people with a disability.

Article 14: **Liberty and security of the person:** Requires that people with a disability are not unlawfully deprived of their liberty.

Article 15: **Freedom from torture or cruel, inhuman or degrading treatment or punishment:** Requires that people with a disability are not subjected to torture or cruel treatment. People with a disability should also not be subjected to medical or scientific experimentation without their consent.
Article 16: Freedom from exploitation, violence and abuse: Requires that people with a disability are not subject to any type of violence. Measures should be taken to detect, investigate and prosecute acts of violence. States should take appropriate measures to support the recovery of people with a disability who have been victims of exploitation, violence or abuse.

Article 17: Protecting the integrity of the person: Requires States to ensure respect for the physical and mental integrity of people with a disability.

Article 18: Liberty of movement and nationality: Requires States to ensure people with a disability have the freedom to choose their residence and nationality on an equal basis with others. Article 18 also requires States to ensure that people with a disability are free to leave any country including their own.

Article 19: Living independently and being included in the community: Requires that people with a disability have access to specialist and generic services that are necessary to support independent living and inclusion in the community.

Article 20: Personal mobility: Requires that effective measures are taken so people with a disability have the greatest possible personal mobility and independence. This can mean easy and affordable access to mobility aids and assistive technologies.

Article 21: Freedom of expression and opinion, and access to information: Requires that public information is provided in accessible formats, via appropriate technologies. This information needs to be available in sign language and Braille. Other augmentative communication should be used wherever possible. Companies and the mass media are urged to provide information in an accessible way for people with a disability.
Article 22: Respect for privacy: Requires that people with a disability are not subject to unreasonable or unlawful interference with their privacy, or to unlawful attacks on their reputation. States should protect the privacy of information about people with a disability on an equal basis with others.

Article 23: Respect for home and the family: Requires that discrimination against people with a disability is eliminated in all matters relating to marriage, family, parenthood and relationships.

Article 24: Education: Requires States to recognise the right of people with a disability to an inclusive education and life-long learning that will enable them to realise their potential.

Article 25: Health: Requires that people with a disability are able to access the full range of generic and specialised health care services to attain the highest standard of health possible.

Article 26: Habilitation and rehabilitation: Requires that States provide services to help ensure that people with a disability are able to attain and maintain maximum independence.

Article 27: Work and employment: Requires States to recognise the right of people with a disability to freely choose or accept employment within a labour market and work environment that is open, accessible and inclusive.

Article 28: Adequate standard of living and social protection: Requires that States recognise the rights of people with a disability to have an adequate standard of living for themselves and for their families. This includes having adequate food, clothing and housing.

Article 29: Participation in political and public life: Requires States to guarantee the political rights of people with a disability. It also requires States to ensure that these rights are enjoyed on an equal basis with others.
Article 30: Participation in cultural life, recreation, leisure and sport: Requires States to take effective measures to ensure that people with a disability are able to access cultural materials in accessible formats. This includes enjoying access to television, film, theatre and other cultural activities. People with a disability should also be able to use their creative, artistic and intellectual potential on an equal basis with others.

Article 31: Statistics and data collection: Requires States to collect statistical and research data that will enable them to formulate, implement, monitor and evaluate policies and programs related to the Convention. Information should be collected in an ethical and legal manner which respects the privacy of people with a disability. All information should be made available to people with a disability.

Article 32: International cooperation: Requires States to recognise the importance of international cooperation by governments, international and regional organisations, and non-government organisations in efforts to implement the Convention.

Article 33: National implementation and monitoring: Requires States to coordinate mechanisms within government to ensure the Convention is implemented across different sectors.

Article 34: Committee on the Rights of Persons with Disabilities: A body will be established to monitor the implementation of the Convention. This article sets out the nomination and election procedure for Committee members, and arrangements for their payment and support.

Article 35: Reports by States Parties: Requires States to submit a comprehensive initial report to the Committee on measures taken to implement the Convention within two years of the Convention coming into force, for the State Party concerned.
Article 36: Consideration of reports: The Committee is to consider State reports, and may make suggestions and recommendations to the State.

Article 37: Cooperation between States Parties and the Committee: Each State must cooperate with the Committee and assist its members to fulfil their mandate.

Article 38: Relationship of the Committee with other bodies: The specialist agencies of the United Nations are entitled to be represented in discussions concerning implementation of the Convention and measures that fall within their mandate.

Article 39: Report of the Committee: The Committee is to report to the General Assembly and Economic and Social Council on its activities every two years and in doing so may make suggestions and general recommendations.

Article 40: Conference of States Parties: States shall meet regularly in order to consider issues concerning the implementation of the Convention. The first conference of States is to be convened no later than six months after the Convention enters into force.

Article 41: Depositary: The Secretary-General of the United Nations is the depository for the Convention.


Article 43: Consent to be bound: The Convention is subject to ratification by signatory States. It is also open to other States that have not already signed.
Article 44: Regional integration organisations: Defines the term “regional integration organisation” and establishes their competence and voting powers in relation to the Convention.

Article 45: Entry into force: The Convention will come into force on the thirtieth day after the twentieth State has ratified or joined the Convention.

Article 46: Reservations: Reservations that are incompatible with the object and purpose of the Convention are not permitted. Reservations may be withdrawn at any time.

Article 47: Amendments: Sets out the procedure for the amendment of the Convention.

Article 48: Denunciation: A State may withdraw from the Convention by providing written notification to the Secretary-General of the United Nations. This withdrawal comes into effect one year after the date the notice is received.

Article 49: Accessible format: The text of the Convention will be made available in a range of accessible formats.

Article 50: Authentic texts: The official Arabic, English, French, Russian and Spanish texts of the Convention are all equally authentic.

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