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# **Implementing the Convention on the Rights of Persons with Disabilities**

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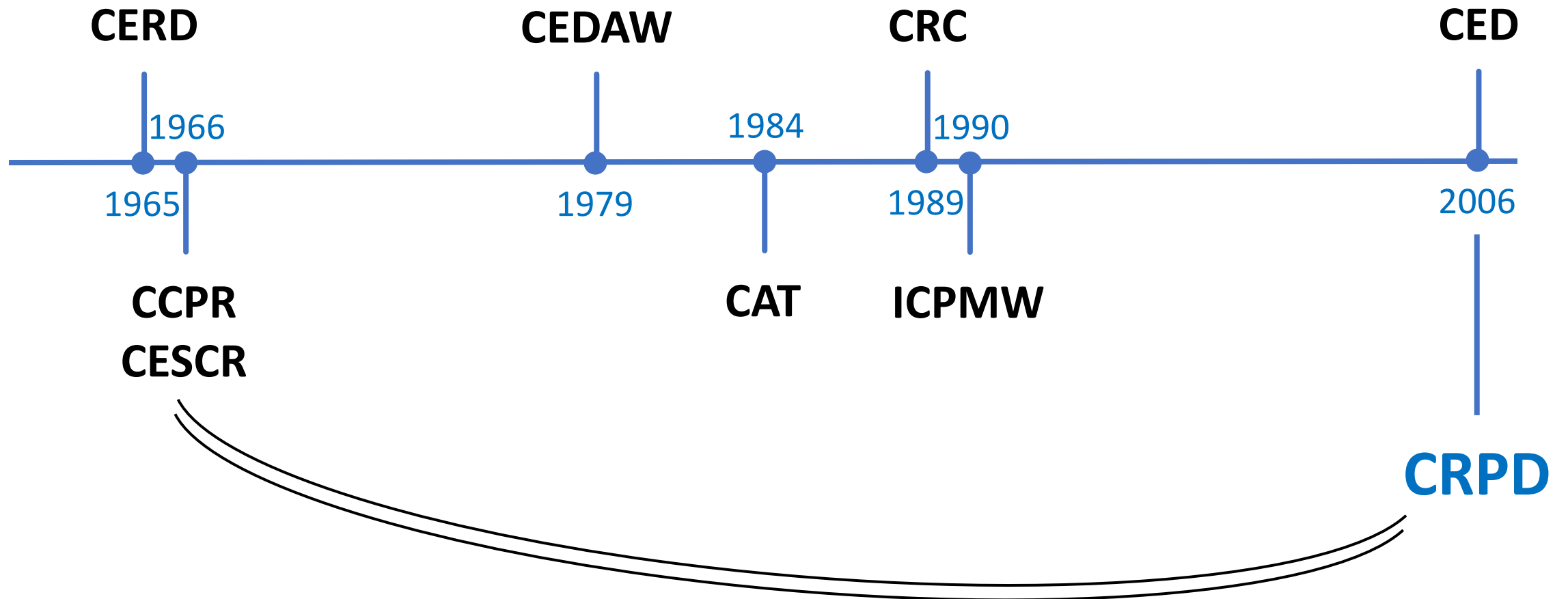
ESCIF Congress 2021 in Nottwil, Switzerland

# Structure

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- Introduction
- The CRPD as a Part of International Human Rights Law
- The Guarantee of Accessibility – Art. 9 CRPD
- Implementing the CRPD
  - The Role of the CRPD Committee
  - The EU as a State Party to the CRPD
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  - Participation of OPDs in the Implementation Process
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  - Monitoring at the National Level
- Concluding Remarks

# U. N. Human Rights Treaties



# Article 1(2) CRPD

## Purpose

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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 12 CRPD

## Equal recognition before the law

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1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.

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# Article 9(1) CRPD

## Accessibility

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To enable persons with disabilities to *live independently and participate fully* in all aspects of life, States Parties shall take *appropriate measures* to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas...

# Article 9(2) CRPD

## Accessibility

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States Parties shall also take appropriate measures to:

- a) Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
- b) Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

# Article 9(2) CRPD

## Accessibility

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States Parties shall also take appropriate measures to:

- c) Provide training for stakeholders on accessibility issues facing persons with disabilities;
- d) Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;



# Article 9(2) CRPD

## Accessibility

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States Parties shall also take appropriate measures to:

- e) Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- f) Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

# Article 9(2) CRPD

## Accessibility

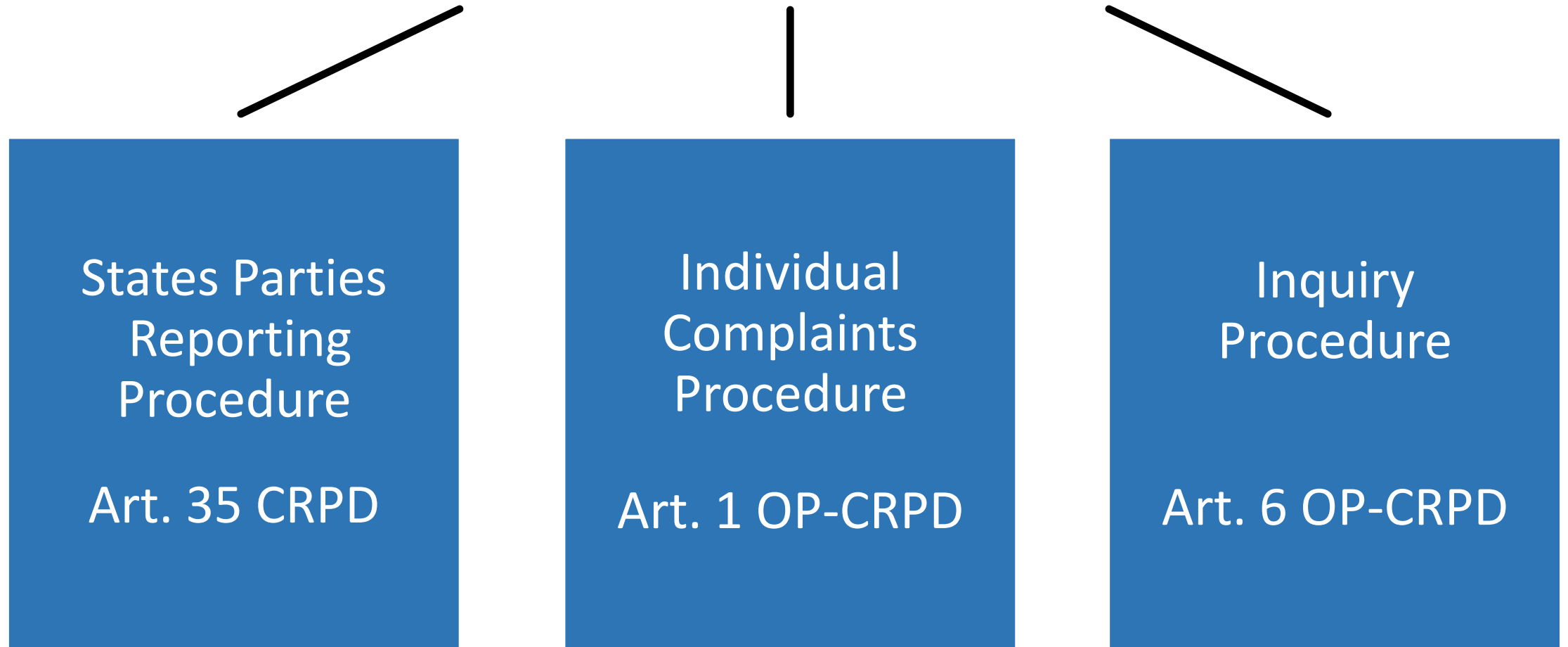
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States Parties shall also take appropriate measures to:

- g) Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- h) Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

# Implementation procedures under the CRPD

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# Article 4(5) CRPD

## General Obligations

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The provisions of the present Convention shall extend to all parts of federal states without any limitations or exceptions.

# Article 4(3) CRPD

## General Obligations

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In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall *closely consult with and actively involve* persons with disabilities, including children with disabilities, through their representative organizations.

# Article 1(1) OP-CRPD

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A State Party to the present Protocol ("State Party") recognizes the competence of the Committee on the Rights of Persons with Disabilities ("the Committee") to receive and consider *communications from or on behalf of individuals or groups of individuals* subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention.

# Article 6(1) OP-CRPD

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If the Committee receives reliable information indicating *grave or systematic violations* by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end submit observations with regard to the information concerned.

# Article 33(1) CRPD

## National implementation and monitoring

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States Parties, in accordance with their system of organization, shall designate *one or more focal points* within government for matters relating to the implementation of the present Convention, and shall *give due consideration* to the establishment or designation of a *coordination mechanism within government* to facilitate related action in different sectors and at different levels.



# Article 33(2) CRPD

## National implementation and monitoring

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States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more *independent mechanisms*, as appropriate, *to promote, protect and monitor implementation* of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the *principles relating to the status and functioning of national institutions* for protection and promotion of human rights.

# Paris Principles for NHRIs

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- broad mandate
- broad functions
- independence from government
- pluralism
- adequate powers
- adequate resources
- cooperative work
- international engagement

# Article 33(3) CRPD

## National implementation and monitoring

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Civil society, in particular persons with disabilities and their representative organizations, shall *be involved and participate fully* in the monitoring process.



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And now on to the questions and  
comments ...