

UN Convention Right of Person with Disability(UNCRPD)

January 15, 2021

In News: The United Nations has released its first-ever guidelines on access to social justice for people with disabilities to make it easier for them to access justice systems around the world.

UN define a person with a disability

- The UN Convention on the Rights of Persons with Disabilities was adopted in 2007 as the first major instrument of human rights in the 21st century.
- It defines persons with disabilities as 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”.

About UNCRPD

- The UN Convention on the Rights of Persons with Disabilities is an international human rights treaty dealing with the rights of disabled people.
- It was adopted in 2006 and entered into force in 2008.
- Currently, the convention has received 177 ratifications.
- **The UNCRPD is aimed at:**
 - Ending discrimination against persons with disabilities.
 - Enabling persons with disabilities to live independently.
 - Making the education system more inclusive.
 - Making sure persons with disabilities are protected against all forms of abuse, violence and

exploitation.

- A chief goal behind the treaty is to **eliminate the idea that disabled people are objects of charity and reiterate the fact that they have equal rights as much as any other person in society.**
- They are also active members of society and can make informed decisions based on their free will.
- The convention reaffirms that all persons have equal rights and fundamental freedoms.
- It also stresses on the areas where certain adaptations have to be made so that disabled people can enjoy those rights equally.
- The convention covers a vast range of aspects including health, education, access to justice, employment, personal security, access to information, and independent living.
- **Parties to the convention must ensure that they take adequate measures** to ensure the protection and promotion of the rights and freedoms of individuals with disabilities and promote respect for the dignity of persons with disabilities.
- **The convention is legally binding.**
 - The UNCRPD is one of the fastest negotiated human rights treaties and also the one that received the highest number of signatories on its opening day.
- **Another unique feature of the convention is that it is applicable to all forms of disabilities including physical, psycho-social and intellectual (cross-disability).**

UNCRPD Governance

The Committee on the Rights of Persons with Disabilities is the expert body that monitors the implementation of the convention by parties.

- All parties to the convention are obliged to send reports to this committee stating how they are implementing the convention and the progress made so far.
- The first report is to be sent within two years of signing.
- Subsequently, the report should be sent every four years.

UNCRPD and India

- **India ratified the UNCRPD in October 2007.**
- **Article 41 of the Directive Principles of State Policy (DPSP)** states that the State shall make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness, and disablement, within the limits of its economic capacity and development.
- **The Parliament enacted the Rights of Persons with Disabilities Act, 2016** with a view to fulfilling the obligations under the UNCRPD.
- **Right of Persons with Disabilities Act, 2016**
 - This act defines disability based on an evolving and dynamic concept.
 - Under the act, the types of disabilities have been increased from 7 to 21.
 - In addition, the Government has been authorized to notify any other category of specified disability.
- **The act is implemented by the Ministry of Social Justice & Empowerment.**
 - Deendayal Disabled Rehabilitation Scheme (**DDRS**)
 - Scheme of Assistance to Disabled Persons for purchase/fitting of Aids/appliances (**ADIP Scheme**)
 - Scheme for Implementation of Persons with Disabilities (**Equal Opportunities, Protection of Rights and Full Participation**) Act, 1995 (**SIPDA**)

- District Disability Rehabilitation Centres (DDRC)
- **Accessible India Campaign**

The United Nations first-ever guidelines on access to social justice for people with disabilities

- The guidelines outline a set of **10 principles**

10 principles are:

- **Principle 1** All persons with disabilities have legal capacity and, therefore, no one shall be denied access to justice on the basis of disability.
- **Principle 2** Facilities and services must be universally accessible to ensure equal access to justice without discrimination of persons with disabilities.
- **Principle 3** Persons with disabilities, including children with disabilities, have the right to appropriate procedural accommodations.
- **Principle 4** Persons with disabilities have the right to access legal notices and information in a timely and accessible manner on an equal basis with others.
- **Principle 5** Persons with disabilities are entitled to all substantive and procedural safeguards recognized in international law on an equal basis with others, and States must provide the necessary accommodations to guarantee due process.
- **Principle 6** Persons with disabilities have the right to free or affordable legal assistance.
- **Principle 7** Persons with disabilities have the right to participate in the administration of justice on an equal basis with others.
- **Principle 8** Persons with disabilities have the rights to report complaints and initiate legal proceedings concerning human rights violations and crimes, have their complaints investigated and be afforded effective remedies.
- **Principle 9** Effective and robust monitoring mechanisms

play a critical role in supporting access to justice for persons with disabilities.

Principle 10 All those working in the justice system must be provided with awareness-raising and training programmes addressing the rights of persons with disabilities, in particular in the context of access to justice