

Making the most of the UN Convention on the Rights of Persons with Disabilities

Summary

Every human being has human rights. But disabled people do not get all their rights. That's why the United Nations made a new human rights agreement, called the Convention on the Rights of Persons with Disabilities. This was passed by the United Nations in December 2006.

Our government agreed in June 2009 to make sure that disabled people living in the UK – children, young people and adults – get all the rights in the Convention on the Rights of Persons with Disabilities.*

The UK Government also agreed that people could take human rights complaints to the United Nations if it has not been possible to sort them out in this country.

This guide covers:

- What is the Convention on the Rights of Persons with Disabilities?
- How do I make a human rights complaint?
- What's the point of making a complaint?
- Where can I find out more and get help?

This guide only gives general information. For advice about your own situation, you should talk to a lawyer. There is information at the end of this guide about how you can find a lawyer or get legal advice by telephone or email.

* When it agreed to the Disability Rights Convention, our government made four reservations and one declaration. The reservations relate to work and employment, education, freedom of movement and equal recognition before the law. The declaration relates to education and states that the UK Government believes the Disability Rights Convention allows "special" schools. Many organisations are pushing to get the reservations and the declaration removed.



What is the Convention on the Rights of Persons with Disabilities?

The Convention on the Rights of Persons with Disabilities ("Disability Rights Convention" for short) is an international agreement between many countries around the world, including the UK.

If this human rights treaty was followed properly, the barriers that make life difficult for disabled people would be gone. This includes physical barriers like inaccessible transport and buildings as well as attitudes that stop disabled people being respected and included as full and equal members of society.

There are 50 sections (called "Articles") in the Disability Rights Convention.

Article 1 says why there is a Disability Rights Convention – to make sure disabled people get all their human rights and to encourage everyone to respect the dignity of disabled people.

Respecting the dignity of a person is recognising them as a person of equal worth to others. This means showing real respect for their feelings, views and privacy, and always treating them as an individual. This is the absolute starting point for human rights – for everyone.

Article 2 explains what different terms mean, like “communication”, “language” and “universal design”.

Article 3 sets out 8 general principles of the Convention. These are:

1. Respect for each person’s dignity and personhood – like other human beings, disabled people are not the property of other people. You have your own thoughts, feelings, ideas and plans which other people should respect
2. All the rights in this Convention belong to every disabled person
3. Disabled people are full and equal members of society
4. Everyone must be respected. That people are different is a good thing that helps make a better society and world
5. Every person must have equal chances in life
6. Everything should be accessible to disabled people (this includes buildings, transport and mainstream education)
7. There should be equality between males and females
8. Children usually gain more understanding and ability to do things and make decisions as they get older. There is no fixed age for this: it all depends on the individual child and what you want to do or decide. Countries that agree to this Convention agree to make sure everyone understands that children are usually able to make more decisions over time.

Article 7 of the Convention deals specifically with the rights of young disabled people – those aged 17 years and under. It says that:

- Governments must do all that they possibly can to make sure you get all your rights
- Governments must do all they possibly can to make sure you enjoy equal rights to children and young people that are not disabled
- Whenever things are being done or decided that affect you, your best interests should be a top priority
- Governments must make sure that your right to express your views freely is upheld. Your views should always be given “due weight” according to your age and understanding. Your views should be taken just as seriously as the views of children and young people who are not disabled
- You should be given help to make sure your right to be heard and taken seriously is followed. This assistance may be necessary because of your age or because of your disability. The important point is that everything possible should be done to make sure you enjoy this right wherever you are.

There are many other rights in the Disability Rights Convention, and these all apply to children and young people as well as adults. For example, Article 24 deals with education. You can read a summary of the full Convention on our website: www.crae.org.uk/rights/disability-rights-convention.html

The Committee on the Rights of Persons with Disabilities is a group of disability rights experts which checks that countries are following the Disability Rights Convention. It meets in Geneva in Switzerland.

People in the UK (including children and young people) can complain to the Committee when they believe that their human rights under the Disability Rights Convention have been ignored or not protected.

How do I make a human rights complaint?

If you believe your rights are not being followed, there are lots of other laws that may give you quicker and better protection. But sometimes the Disability Rights Convention will be the only way to get your complaint sorted.

A lawyer or a human rights organisation can help you write your complaint. There are two important points to consider first:

- You must have done everything possible in the UK to get your complaint sorted
- You must make sure that the Committee (or another international legal group) is not already looking, or has not already looked, at your complaint.

Although there is no time limit for contacting the Committee, it is best to do this as soon as possible after you have tried to sort out your complaint in the UK. It is also important that your claim:

- Is written down
- Includes your full name (but you can ask the Committee to keep it secret)
- Includes all important information and documents
- Says which human rights in the Disability Rights Convention you believe have been ignored or not protected, and the reasons why you believe this.

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What's the point of making a complaint?

First, the Committee will decide whether to accept your claim.

If it does, the Committee will then send a copy of your complaint to the UK Government, which has 6 months to reply. You will then have a chance to reply to what the UK Government says. The Committee may ask for more information or documents to help it consider your complaint.

The Committee will then decide whether your human rights have been ignored or not protected.

If the Committee decides your rights have been broken, it will probably tell the UK Government to take action. This may include giving you money (compensation), making or changing a law or Government rule, giving training on human rights or something else.

The Committee will usually ask for its decision to be made public, and for the UK to say what it has done. Your complaint could lead to the change you wanted for yourself, and it could lead to change for other children and young people whose rights have also been broken.

If the Committee does not agree that your rights have been broken, nothing else will happen. You will not be punished for making the complaint. Sometimes the fact that someone has made a complaint can make people understand problems better, and this can lead to change.

Although the UK Government cannot be forced to follow what the Committee tells it to do, it will be under a lot of pressure to act. As this is a new human rights treaty, and a new Committee, we don't yet know how seriously governments will take its decisions. But the UK Government has been very supportive in public of the Committee and we believe it will want to follow its decisions.

Where can I find out more and get help?

Read CRAE's summary of the Convention:
<http://www.crae.org.uk/rights/disability-rights-convention.html>

Find out more about the Committee on the Rights of Persons with Disabilities:
www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx

Find out how the Disability Rights Convention is used in the UK:
www.equalityhumanrights.com/human-rights/a-guide-to-the-un-disability-convention

For advice about equality law and your human rights, contact the Children's Rights Alliance for England – Telephone **0800 32 88 759** (no charge except from a mobile; textphone users dial 18001 first) 3.30pm to 5.30pm on Tuesdays, Wednesdays and Thursdays; email – advice@crae.org.uk

Equality and Human Rights Commission's helpline (England)
– Telephone **0845 604 6610** (textphone **0845 604 6620**) 8am to 6pm every weekday;
email: info@equalityhumanrights.com

You've got the Right

Advice for children on human rights and equality law in England

You've got the Right is funded by the Equality and Human Rights Commission

Children's Rights Alliance
for England

94 White Lion Street, London N1 9PF
T: 020 7278 8222
W: www.crae.org.uk

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