

### Appendix 3: United Nations Convention on the Rights of Disabled Persons

#### Article 4 - General obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;

b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;

**c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;**

d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;

**e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;**

f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;

**g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;**

**h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;**

i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in the present Convention so as to better provide the assistance and services guaranteed by those rights.

**2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.**

3. 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.**

4. Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.

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

#### Article 5 - Equality and non-discrimination

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

#### Article 8 - Awareness-raising

1. States Parties undertake to adopt immediate, effective and appropriate measures:

a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;

b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;

c) To promote awareness of the capabilities and contributions of persons with disabilities.

2. Measures to this end include:

a) Initiating and maintaining effective public awareness campaigns designed:

- i. To nurture receptiveness to the rights of persons with disabilities;
- ii. To promote positive perceptions and greater social awareness towards persons with disabilities;
- iii. To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;
- b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;
- c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;
- d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

#### Article 9 - Accessibility

1. 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. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

- a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures:

- a) To 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) To 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;
- c) To provide training for stakeholders on accessibility issues facing persons with disabilities;
- d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- e) To 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) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

h) To 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.

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#### Article 11 - Situations of risk and humanitarian emergencies

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

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#### Article 21 - Freedom of expression and opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

- a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
- c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
- d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
- e) Recognizing and promoting the use of sign languages.

#### Article 30 - Participation in cultural life, recreation, leisure and sport

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

- a) Enjoy access to cultural materials in accessible formats;

b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;

c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.

2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.

3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:

a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;

b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;

c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues;

d) To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;

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  - c. To ensure that persons with disabilities have access to sporting, recreational and tourism venues;
  - d. To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;
  - e. To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

#### Article 31 - Statistics and data collection

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:
  - a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;
  - b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.
2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the

implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.

3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

## Canada Ratifies UN Convention on the Rights of Persons with Disabilities

(No. 99 - March 11, 2010 - 11:15 a.m. ET) The Honourable Lawrence Cannon, Minister of Foreign Affairs, and the Honourable Diane Finley, Minister of Human Resources and Skills Development, today announced that, with the support of all provinces and territories, the Government of Canada has ratified the *Convention on the Rights of Persons with Disabilities* at United Nations headquarters in New York City.

“Canada is committed to promoting and protecting the rights of persons with disabilities and enabling their full participation in society,” said Minister Cannon. “Ratification of this convention underscores the Government of Canada’s strong commitment to this goal.”

“Canada is proud to have been one of the first countries to originally sign the Convention in 2007,” said Minister Finley. “The ratification of this agreement is just further acknowledgement that Canada is a world leader in providing persons with disabilities the same opportunities in life as all Canadians.”

“Today is a momentous day for Canadians with disabilities and their families,” said Bendina Miller, President of the Canadian Association for Community Living (CACL). “CACL is thrilled that Canada has ratified the Convention. Canada has been an international leader on disability and human rights, and through ratification can continue to play this important role. CACL looks forward to working with the Government of Canada on implementing and monitoring compliance with the Convention.”

“The Government of Canada’s ratification today of the Convention is a historic event for Canadians with disabilities,” said Marie White, National Chairperson of the Council of Canadians with Disabilities. “It signals the end of an era where people with disabilities were seen as objects of charity. Ratification of the Convention makes real our goal of recognition as full and equal citizens of Canada.

“Ratification of the Convention puts an end to the medical model and opens exciting new opportunities for building a more inclusive and accessible Canada. Canadians with disabilities applaud the Government of Canada for this historic action.”

“As the Government of Canada continues to play a leading role with respect to the inclusion of persons with disabilities in sport, we wish our paralympic athletes the best of luck at the upcoming Paralympic Games in Vancouver,” said Minister Cannon.

The Convention on the Rights of Persons with Disabilities is an international human rights instrument of the United Nations intended to protect the rights and dignity of persons with disabilities. Parties to the Convention are required to

promote, protect and ensure the full enjoyment of human rights by persons with disabilities, and to ensure that they enjoy full equality under the law.

There are approximately 4.4 million persons with disabilities in Canada—about 14.3 percent of the population.

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**Backgrounder - UN Convention on the Rights of Persons with Disabilities**

The United Nations General Assembly adopted the Convention on the Rights of Persons with Disabilities on December 13, 2006, after several years of negotiation in which Canada took an active role.

Canada was among the first countries to sign the Convention when it was opened for signature on March 30, 2007.

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.” It reaffirms for persons with disabilities existing civil, political, economic, social and cultural rights set out in international law.

The Convention’s core obligations relate to non-discrimination and reasonable accommodation. These core obligations are then elaborated in specific provisions that address such issues as freedom of expression, political rights, liberty and security of the person, legal capacity, education, health and employment. The Convention also contains provisions on issues unique to people with disabilities, such as accessibility, independent living and inclusion in the community, as well as the processes of rehabilitation and habilitation, through which those with disabilities learn to function fully in society.

The Government of Canada consulted provincial and territorial governments throughout the Convention’s negotiation, signature and ratification processes. The Canadian government also consulted civil society through a national round table with stakeholders, and an online consultation open to the public. It also sought the views of self-governing Aboriginal groups on how ratification of the Convention might affect their communities.

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