



GURUKRUPA COLLEGE OF EDUCATION AND RESEARCH, KALYAN

SUBJECT: INCLUSIVE EDUCATION

Module 1: Understanding Inclusion & Diverse Learners

Unit 3: Policy & Programs of Inclusive Education

**c) Features of UNCRPD (United Nations Convention on the Rights of Persons with
Disabilities) and its Implication**

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M.ED. SEM: IV

UNCRPD



Introduction

- The full form of UNCRPD is United Nations Convention on the Rights of Persons with Disabilities.
- It is an international treaty that aims to protect the rights and dignity of persons with disabilities.
- The Convention became one of the most quickly supported human rights instruments in history, with strong support from all regional groups.

The UN Convention on the Rights of People with Disabilities (UNCRPD)



Important Dates in the History of UNCRPD

The Convention was adopted by the United Nations General Assembly on 13 December 2006

Opened for signatures on 30 March 2007

It came into force on 03 May 2008 after ratification by 20 parties

The First Conference of States Parties on UNCRPD was held on 31 October & 3 November 2008

First session of the Committee on the Rights of Persons with Disabilities was held on 23 – 27 February 2008

As in April 2018, 161 countries have ratified UNCRPD. A total of 177 countries have signed this Convention.



FEATURES

Article: 1

The Purpose of UNCRPD

The purpose of the Convention is to promote, protect and ensure the full enjoyment of all human rights and fundamental freedoms by all persons with disabilities. People 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 2: Definitions

This article defines some of the key terms used in the Convention including “communication”; “language”; “discrimination on the basis of disability”; “reasonable accommodation” and “universal design”.

FEATURES

Article 3: General principles

The Convention is based on the principles of respect for dignity; non-discrimination; participation and inclusion; respect for difference; equality of opportunity; accessibility; equality between men and women; and respect for children.

Article 4: General obligations

- Countries must take a range of measures, with the active involvement of people with disabilities, to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind.

FEATURES

Article 5: Equality and non-discrimination

Everyone is equal before and under the law.
Everyone is entitled to the equal protection and benefit of the law without discrimination.

Article 6: Women with disabilities

Women and girls with disabilities experience multiple discrimination. Countries must take all appropriate measures to ensure that women with disabilities are able to fully enjoy the rights and freedoms set out in the Convention.



FEATURES

Article 7: Children with disabilities

Children with disabilities have the same human rights as all other children. The best interests of the child must be a primary consideration in all actions concerning children with disabilities. Children with disabilities have the right to express their views on all matters affecting them

Article 8: Awareness-raising

Countries must raise awareness of the rights, capabilities and contributions of people with disabilities. Countries must challenge stereotypes and prejudices relating to people with disabilities through campaigning, education, media and awareness-raising programs.



FEATURES

Article 9: Accessibility

People with disabilities have the right to access all aspects of society on an equal basis with others including the physical environment, transportation, information and communications, and other facilities and services provided to the public.

Article 10: Right to life

People with disabilities have the right to life. Countries must take all necessary measures to ensure that people with disabilities are able to effectively enjoy this right on an equal basis with others.

FEATURES

Article 11: Situations of risk and humanitarian emergencies

Countries must take all necessary measures to ensure the protection and safety of all persons with disabilities in situations of risk, including armed conflict, humanitarian emergencies and natural disasters.

Article 12: Equal recognition before the law

People with disabilities have the right to recognition as persons before the law. People with disabilities have legal capacity on an equal basis with others in all aspects of life. Countries must take appropriate measures to provide support to people with disabilities so that they can effectively exercise their legal capacity.



FEATURES

Article 13: Access to justice

People with disabilities have the right to effective access to justice on an equal basis with others, including through the provision of appropriate accommodations.

Article 14: Liberty and security of person

People with disabilities have the right to liberty and security of person on an equal basis with others. Existence of disability alone cannot be used to justify deprivation of liberty.



FEATURES

Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment

People with disabilities have the right to be free from torture and from cruel, inhuman or degrading treatment or punishment. No one shall be subjected to medical or scientific experimentation without his or her free consent.

Article 16: Freedom from exploitation, violence and abuse

People with disabilities have the right to be protected from all forms of exploitation, violence and abuse, including their gender based aspects, within and outside the home.



FEATURES

Article 17: Protecting the integrity of the person

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

Article 18: Liberty of movement and nationality

People with disabilities have the right to a nationality. Children with disabilities have the right to a name and to know and be cared for by their parents.



FEATURES

Article 19: Living independently and being included in the community

People with disabilities have the right to live independently in the community. Countries must ensure that people with disabilities have the opportunity to choose where they live and with whom they live, and that they are provided with the support necessary to do this.

Article 20: Personal mobility

Countries must take effective and appropriate measures to ensure personal mobility for people with disabilities in the manner and time of their choice, and at affordable cost. People with disabilities also have the right to access quality mobility aids, assistive technologies and forms of live assistance and intermediaries.



FEATURES

Article 21: Freedom of expression and opinion, and access to information

People with disabilities have the right to express themselves, including the freedom to give and receive information and ideas through all forms of communication, including through accessible formats and technologies, sign languages, Braille, augmentative and alternative communication, mass media and all other accessible means of communication.

Article 22: Respect for privacy

People with disabilities have the right to privacy. Information about people with disabilities including personal information and information about their health should be protected.

FEATURES

Article 23: Respect for home and the family

People with disabilities have the right to marry and to found a family. Countries must provide effective and appropriate support to people with disabilities in bringing up children, and provide alternative care to children with disabilities where the immediate family is unable to care for them.

Article 24: Education

People with disabilities have a right to education without discrimination. Countries must ensure that people with disabilities can access an inclusive, quality and free primary and secondary education in their own community. Countries must also provide reasonable accommodation and individualised support to maximise academic and social development.



FEATURES

Article 25: Health

People with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination. Countries must take all appropriate measures, including measures that are gender-sensitive, to ensure that people with disabilities have access to the same range, quality and standard of health care that is available to everyone else, and which are close to people's own communities.

Article 26: Habilitation and rehabilitation

Countries must take effective and appropriate measures to enable people with disabilities to develop, attain and maintain maximum ability, independence and participation through the provision of habilitation and rehabilitation services and programmes.



FEATURES

Article 27: Work and employment

People with disabilities have the right to work, including the right to work in an environment that is open, inclusive and accessible. Countries must take appropriate steps to promote employment opportunities and career advancement for people with disabilities.

Article 28: Adequate standard of living and social protection

People with disabilities have the right to an adequate standard of living including food, water, clothing and housing, and to effective social protection including poverty reduction and public housing programmes.



FEATURES

Article 29: Participation in political and public life

People with disabilities have the right to participate in politics and in public affairs, as well as to vote and to be elected.

Article 30: Participation in cultural life, recreation, leisure and sport

People with disabilities have the right to take part in cultural life on an equal basis with others, including access to cultural materials, performances and services, and to recreational, leisure and sporting activities.

RIGHT TO LIFE
LIBERTY and
SECURITY OF PERSON

RESPECT FOR
HOME
and
FAMILY

FREEDOM FROM TORTURE,
CRUEL, INHUMAN
OR DEGRADING
PUNISHMENT

HIGHEST
ATTAINABLE
STANDARD
OF
HEALTH
without Discrimination

LIVING INDEPENDENTLY
AND BEING INCLUDED IN
COMMUNITY

FREEDOM FROM Violence, AND
exploitation, ABUSE

RESPECT
FOR **EVOLVING**
CAPACITIES OF
CHILDREN WITH DISABILITIES
AND THEIR **RIGHT**
TO PRESERVE THEIR
IDENTITIES

Access
to
Justice

EQUALITY
OF
OPPORTUNITY

BETWEEN
MEN
AND **WOMEN**

FULL
and
EFFECTIVE
PARTICIPATION
AND
INCLUSION
in society

ACCESSIBILITY

RESPECT
FOR
DIFFERENCE
AND ACCEPTANCE OF PERSONS WITH DISABILITIES
AS A
PART OF
HUMAN
DIVERSITY
AND
HUMANITY

NOTHING
ABOUT US
WITHOUT US

UN CONVENTION

ON

RESPECT FOR
INDEPENDENCE
AND
INDIVIDUAL
AUTONOMY

INCLUDING
FREEDOM
TO MAKE
ONE'S
OWN
DECISIONS

NON
DISCRIMINATION

RIGHTS

of PERSONS

with DISABILITIES

CULTURAL LIFE

RECREATION
LEISURE
AND
SPORT

☒ **Open**
☒ **Accessible**
inclusive

LABOUR
MARKET
AND
WORK
ENVIRONMENT

PERSONAL
MOBILITY!

ADEQUATE
STANDARD
of **LIVING**
and
SOCIAL
PROTECTION

RESPECT
FOR
PRIVACY

Participation
in

Freedom
OF
EXPRESSION
OPINION
and access to information

PARTICIPATION
IN
POLITICAL
AND
PUBLIC
LIFE

IMPLEMENTATION & MONITORING MEASURES

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.

IMPLEMENTATION & MONITORING MEASURES

Article 32 – International cooperation

- 1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:
 - a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;
 - b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
 - c) Facilitating cooperation in research and access to scientific and technical knowledge;
 - d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.
- 2. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

IMPLEMENTATION & MONITORING MEASURES

Article 33 – National implementation and monitoring

- 1. 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.
- 2. 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.
- 3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

IMPLEMENTATION & MONITORING MEASURES

Article 34 – Committee on the Rights of Persons with Disabilities

1. There shall be established a Committee on the Rights of Persons with Disabilities (hereafter referred to as “the Committee”), which shall carry out the functions hereinafter provided.

2. The Committee shall consist, at the time of entry into force of the present Convention, of twelve experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of eighteen members.

3. The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention. When nominating their candidates, States Parties are invited to give due consideration to the provision set out in article 4, paragraph 3, of the present Convention.

4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities.

5. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

7. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of six of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.

8. The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.

9. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.

10. The Committee shall establish its own rules of procedure.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention, and shall convene its initial meeting.

12. With the approval of the General Assembly of the United Nations, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

13. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

IMPLEMENTATION & MONITORING MEASURES

Article 35 – Reports by States Parties

1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.
2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.
3. The Committee shall decide any guidelines applicable to the content of the reports.
4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4, paragraph 3, of the present Convention.
5. Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.

IMPLEMENTATION & MONITORING MEASURES

Article 36 – Consideration of reports

1. Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.

2. If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. Should the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.

3. The Secretary-General of the United Nations shall make available the reports to all States Parties.


4. States Parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports.

5. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, funds and programs of the United Nations, and other competent bodies, reports from States Parties in order to address a request or indication of a need for technical advice or assistance contained therein, along with the Committee's observations and recommendations, if any, on these requests or indications.



IMPLEMENTATION & MONITORING MEASURES

Article 37 – Cooperation between States Parties and the Committee

1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.
 2. In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.
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IMPLEMENTATION & MONITORING MEASURES

Article 38 - Relationship of the Committee with other bodies

- In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:

(a) The specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

IMPLEMENTATION & MONITORING MEASURES

Article 39 - Report of the Committee

- The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities, and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

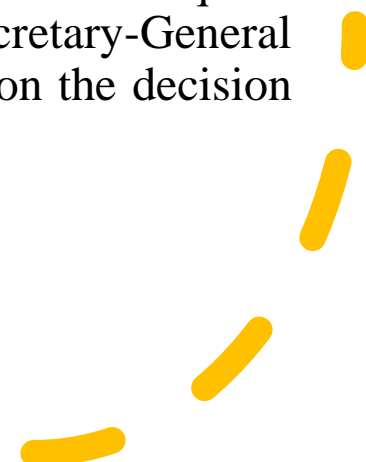


IMPLEMENTATION & MONITORING MEASURES

Article 40 - Conference of States Parties

1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.

2. No later than six months after the entry into force of the present Convention, the Conference of the States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General of the United Nations biennially or upon the decision of the Conference of States Parties.



FINAL ARTICLES

Article 41 - Depositary

- The Secretary-General of the United Nations shall be the depositary of the present Convention.

Article 42 - Signature

- The present Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 30 March 2007.

Article 43 - Consent to be bound

- The present Convention shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organizations. It shall be open for accession by any State or regional integration organization which has not signed the Convention.

FINAL ARTICLES

Article 44 - Regional integration organizations

1. "Regional integration organization" shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by this Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.
2. References to "States Parties" in the present Convention shall apply to such organizations within the limits of their competence.
3. For the purposes of article 45, paragraph 1, and article 47, paragraphs 2 and 3, any instrument deposited by a regional integration organization shall not be counted.
4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

FINAL ARTICLES

Article 45 - Entry into force

1. The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.
2. For each State or regional integration organization ratifying, formally confirming or acceding to the Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.

Article 46 - Reservations

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.
2. Reservations may be withdrawn at any time.

FINAL ARTICLES

• **Article 47 - Amendments**

1. Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.
2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.
3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of this article which relates exclusively to articles 34, 38, 39 and 40 shall enter into force for all States Parties on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.

FINAL ARTICLES

Article 48 - Denunciation

- A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

Article 49 - Accessible format

- The text of the present Convention shall be made available in accessible formats.

Article 50 - Authentic texts

- The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.



CRPD
Applies to all
articles



CRPD
Article 28



CRPD
Articles 10, 11,
23, 25, 26



CRPD
Article 24



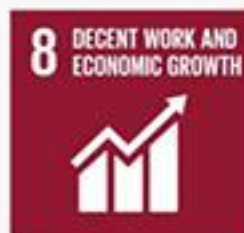
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CRPD
Article 32



Thank You

