

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES AND ITS OPTIONAL PROTOCOL

The issue of the rights of persons with disabilities had been on the agenda of various organs of the United Nations for many years before steps were taken to draft a binding instrument.

An early effort to codify the rights of persons with specific disabilities led the General Assembly to adopt a Declaration on the Rights of Mentally Retarded Persons by resolution 2856 (XVI) of 20 December 1971. Four years later, the Declaration on the Rights of Disabled Persons followed, which provided a definition for the term “disabled person” and formulated a corresponding set of rights (General Assembly resolution 3447 (XXX) of 9 December 1975). The General Assembly, by adoption of resolution 31/82 of 13 December 1976, entitled “Implementation of the Declaration on the Rights of Disabled Persons”, recommended, *inter alia*, that all Member States should take account of the rights and principles laid down in the Declaration in establishing their policies, plans and programmes. During the same session, the General Assembly proclaimed 1981 the “International Year for Disabled Persons”, with the theme “full participation” (General Assembly resolution 31/123 of 16 December 1976; by resolution 34/154 of 17 December 1979, the General Assembly expanded the theme to “full participation and equality” and changed the name to the “International Year of Disabled Persons”).

By resolution 32/133 of 16 December 1977, the General Assembly established an Advisory Committee for the Year of Disabled Persons. On the basis of the work of the Advisory Committee, the General Assembly adopted the World Programme of Action concerning Disabled Persons by resolution 37/52 of 3 December 1982. On the same day, the General Assembly proclaimed the period 1983-1992 United Nations Decade of Disabled Persons (resolution 37/53 of 3 December 1982). Ten years later, the General Assembly would proclaim 3 December as the International Day of Disabled Persons (resolution 47/3 of 14 October 1992).

With the conclusion of the United Nations Decade of Disabled Persons approaching, the Economic and Social Council, on 24 May 1990, authorized the Commission of Social Development to consider the establishment of an *ad hoc* open-ended working group of government experts to elaborate standard rules on the equalization of opportunities for disabled children, youth and adults (Economic and Social Council resolution 1990/26). The resulting Standard Rules on Equalization of Opportunities for Persons with Disabilities was adopted by the General Assembly on 20 December 1993 (resolution 48/96).

While recalling the Standard Rules, the Commission on Human Rights, on 25 April 2000, invited the United Nations High Commissioner for Human Rights to examine measures to strengthen the protection and monitoring of human rights of persons with disabilities by its resolution 2000/51.

The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, recommended that the General Assembly consider elaborating an integral and comprehensive international convention to protect and promote the rights and dignity of

disabled persons, including, especially, provisions that would address the discriminatory practices and treatment affecting them (A/CONF.189/12, Chap I, para 180).

Uniting all these strands, on 19 December 2001, under agenda item 119 (b), entitled “Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms”, the General Assembly established an *Ad Hoc* Committee to consider proposals for a comprehensive and integral international convention on the protection and promotion of the rights and dignity of persons with disabilities, based on the holistic approach of the work done in the fields of social development, human rights and non-discrimination, and taking into account the recommendations of the Commission on Human Rights and the Commission for Social Development, and the recommendation of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (resolution 56/168). The General Assembly renewed the mandate of the *Ad Hoc* Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities four times from 2002 to 2005 (resolutions 57/229 of 18 December 2002, 58/246 of 23 December 2003, 59/198 of 20 December 2004, and 60/232 of 23 December 2005).

During its first session, held from 29 July to 9 August 2002, the *Ad Hoc* Committee set out procedures for the participation of representatives from non-governmental organizations and recommended a draft resolution to the General Assembly (A/57/357). At its second session, held from 16 to 27 June 2003, the *Ad Hoc* Committee decided to establish a working group with the aim of preparing and presenting a draft text, which would be the basis for negotiation by Member States and observers (A/58/118 and Corr.1).

The Working Group of the *Ad Hoc* Committee, which consisted of twenty-seven governmental representatives designated by regional groups, twelve representatives from non-governmental organizations and one representative of national human rights institutions, met from 5 to 16 January 2004. It produced a draft comprehensive and integral international convention on the protection and promotion of the rights and dignity of persons with disabilities, which it annexed to its report to the *Ad Hoc* Committee (A/AC.265/2004/WG/1).

At its third session, held from 24 May to 4 June 2004, the *Ad Hoc* Committee began negotiating a draft convention, on the basis of the draft text prepared by the Working Group, and commenced a first reading of the draft text (A/AC.265/2004/5, Corr.1 and Corr.2). At its fourth session, which was held from 23 August to 3 September 2004, the *Ad Hoc* Committee completed the first reading of the draft text and conducted a review of specific draft articles (Report of the fourth session of the *Ad Hoc* Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, A/59/360). During its fifth session, which took place from 24 January to 4 February 2005, the *Ad Hoc* Committee continued its informal discussions on specific draft articles and proposed additional articles (Report of the fifth session of the *Ad Hoc* Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, A/AC.265/2005/2). The *Ad Hoc* Committee continued its informal discussions during its sixth and seventh sessions, from 1 to 12 August 2005 and from 16 January to 3 February 2006, respectively (Report of the sixth and seventh sessions of the *Ad Hoc* Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, respectively A/60/266 and A/AC.265/2006/2). At its eighth session, held from 14 to 25

August 2006, the *Ad Hoc* Committee concluded its negotiations and adopted the draft text of a convention on the rights of persons with disabilities, including an optional protocol, without a vote. It also decided to establish an open-ended drafting group to conduct a technical review of the draft (Report of the eighth session of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities A/AC.265/2006/4 and Add.1). At its resumed eighth session, on 5 December 2006, the *Ad Hoc* Committee decided to recommend to the General Assembly for adoption a draft resolution entitled “Convention on the Rights of Persons with Disabilities”, to which it annexed the draft Convention and draft Optional Protocol (Final Report of the eighth session of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, A/61/611).

On 13 December 2006, the General Assembly adopted by consensus, without reference to a Main Committee, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, as annexed to resolution 61/106. In accordance with its article 45, paragraph (1), the Convention entered into force on 3 May 2008, on the thirtieth day after the date of the deposit of its twentieth instrument of ratification or accession.

The Convention established a Committee on the Rights of Persons with Disabilities, whose first twelve members were elected during the first Conference of the States Parties on 3 November 2008, in accordance with article 34 of the Convention (CRPD/CSP/2008/4). Pursuant to article 34, paragraph (2) of the Convention, the Conference of the States Parties increased the membership of the Committee by six members on 1 September 2010 (CRPD/CSP/2010/3). The Committee held its first session from 23 to 27 February 2009, and continues to meet twice a year at the United Nations Office in Geneva.