

Ratification of the Convention and the Optional Protocol by European countries

State Party	Convention		Optional Protocol	
	Signed	Ratified	Signed	Ratified
European Union	*	*		
Albania	*			
Andorra	*		*	
Armenia	*	*	*	
Austria*	*	*	*	*
Azerbaijan	*	*	*	*
Belarus				
Belgium*	*	*	*	*
Bosnia & Herzegovina	*	*	*	*
Bulgaria*	*	*	*	
Croatia#	*	*	*	*
Cyprus*	*	*	*	*
Czech Republic*	*	*	*	
Denmark*	*	*		
Estonia*	*	*		*
Finland*	*		*	
France*	*	*	*	*
Georgia	*		*	
Germany*	*	*	*	*
Greece*	*	*	*	
Hungary*	*	*	*	*
Iceland#	*		*	
Ireland*	*			
Italy*	*	*	*	*
Latvia*	*	*	*	*
Liechtenstein				
Lithuania*	*	*	*	*
Luxembourg*	*	*	*	*
Macedonia#	*	*	*	
Malta*	*		*	
Moldova	*	*		
Monaco	*			
Montenegro#	*	*	*	*
The Netherlands*	*			
Norway	*			
Poland*	*			
Portugal*	*	*	*	*
Romania*	*	*	*	
Russia	*			
San Marino	*	*	*	*
Serbia#	*	*	*	*
Slovakia*	*	*	*	*
Slovenia*	*	*	*	*
Spain*	*	*	*	*
Sweden*	*	*	*	*
Switzerland				
Turkey#	*	*	*	
Ukraine	*	*	*	*
United-Kingdom*	*	*	*	*
Vatican City State				

States Parties that have signed the Convention are not legally bound by the Convention, but they are obliged to refrain from acts that would defeat or undermine the treaty's objective and purpose.

States Parties that have ratified the Convention are legally bound by it. After ratifying the Convention, the State Party must ensure that all relevant laws and policies comply with the Convention; modifying them if necessary.

The European Union also ratified the Convention on December 2010. Even though its 27 member states had signed the Convention, only 16 of them had ratified it at that time. This means that all countries of the European Union must now implement the Convention in the areas that fall under the European Union's competences.

Autism-Europe has worked with the European Disability Forum to advocate for a European Disability Strategy 2010-2020 and a European Accessibility Act to ensure the implementation of the Convention among EU member states. The State Party should follow these recommendations by taking measures to resolve the problem and then report back to the Committee

* EU Member State
EU Candidate

This leaflet was updated in July 2012. For further updates on countries that have signed and or ratified the Convention and its Optional Protocol, please refer to the United Nations website.



Full text of the Convention, countries that have signed & more information:
www.un.org/disabilities



Easy-to-read versions of the Convention:
<http://www.un.org/disabilities/default.asp?id=150>



More information on monitoring implementation of the Convention:
www.ohchr.org/EN/HRBodies/CRPD



More information on the Convention and advocacy for people with autism in Europe:
www.autismeurope.org



More information on implementation of the Convention in Europe and advocacy for the rights of people with all types of disabilities:
www.edf-feph.org

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AUTISM & THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

A brief guide by Autism-Europe

The first convention dedicated to the rights of people with disabilities

The UN Convention on the Rights of Persons with Disabilities (2007) is an international treaty that defines the specific rights of people with disabilities. It is legally binding for the countries that ratify it. It is the first international treaty dedicated to people with disabilities.

People with autism are not explicitly mentioned in the Convention.

'Persons 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'.

- UNCRPD

In fact, no specific disability is mentioned because disability is considered to be 'an evolving concept'. By not mentioning any specific disabilities, all disabilities are included, even disabilities that become recognised in the future. The Convention states that all people with disabilities are "entitled to all the rights and freedoms set forth therein, without distinction of any kind".

It emphasises the need to promote and protect the human rights of all people with disabilities, including "those who require more intensive support".

This Convention is therefore the most important instrument to efficiently advocate for the rights of people with autism.

Under the Convention, the rights and interests of people with autism who are unable to advocate for themselves can be advanced with the support of their families or associations.



Photo: UN Photo / Paulo Filgueiras

Principles of the Convention

The Convention is based on the following principles (Article 3):

- Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- Non-discrimination;
- Full and effective participation and inclusion in society;
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- Equality of opportunity;
- Accessibility;
- Equality between men and women;
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Signing the Convention, New York, 2007 (image).



Obligations of the States Parties under the Convention

The Convention alone does not ensure the respect of fundamental rights of people with disabilities. The States Parties (countries and regional integration organisations, such as the EU, that have signed and or ratified the Convention) must ensure its implementation.

States Parties are obliged to take all appropriate measures including:

- Adopting all appropriate legislation, policies, programmes and administrative measures for the effective implementation of the rights recognised in the Convention, in consultation and collaboration with people with disabilities (Article 4);
- Prohibiting discrimination on the basis of disability. People with disabilities must also be entitled to equal protection and benefit under the law. In addition, States Parties must ensure that reasonable accommodation is provided to enable their participation in legal matters (Article 5);
- Promoting awareness of the rights of people with disabilities through appropriate communication tools such as awareness campaigns and training programmes (Article 8);
- Collecting reliable data and statistics in the field of disability to ensure that the implementation of the Convention will address genuine needs of people with disabilities (Article 31).

Before the Convention

Prior to the Convention, advocacy for the rights of people with disabilities was based on more general human rights instruments. The Convention is the first international treaty dedicated to people with disabilities.

In addition, a Charter for persons with autism was created in 1996 by Autism-Europe and adopted by the European Parliament as a written declaration. This Charter outlines the rights of people with autism in Europe, but it is not legally-binding for the Member States of the European Union.

Monitoring implementation of the Convention

It is necessary to monitor the implementation of the Convention to ensure that States Parties take all the necessary measures to ensure the rights of people with disabilities are reflected in national laws, policies and practices.

National implementation and monitoring (Article 33)

States Parties are required to designate focal points within their own administrations for matters related to disability, in order to implement the Convention. They must also have an independent monitoring mechanism such as a Human Rights Commission or mediator. States Parties must also involve organisations that represent people with disabilities in the monitoring process.

Committee on the Rights of Persons with Disabilities (Article 34)

The Committee is the body of independent experts within the United Nations which monitors the implementation of the Convention by the States Parties. Its members are elected by the States Parties according to equitable geographical distribution, representation of the different forms of civilisation and legal systems, balanced gender representation and participation of experts with disabilities.

Reports by States Parties and consideration of reports (Articles 35 & 36)

Each State Party is required to submit reports to the Committee on their progress towards fulfilling their obligations under the Convention. The Committee examines the reports and makes recommendations to the States Parties. The reports and recommendations are available to the public.

Examination of complaints and inquiries under the Optional Protocol

The Optional Protocol of the Convention provides a mechanism for complaints regarding violations of the rights of people with disabilities under the Convention. Complaints and petitions can be submitted to the Committee on the Rights of Persons with Disabilities.

The Committee considers complaints from individuals or groups:

- In States Parties that have ratified the Optional Protocol (see the next section to find out whether your country has ratified the Optional Protocol);
- Who claim that their rights have been violated by a State Party;
- Who have tried to resolve the issue through all available complaints mechanisms at the national level, yet the situation remains unresolved.

If the Committee receives reliable information indicating grave or systematic violations accepts that the complaint is valid under the Convention, the Committee can ask the State Party to submit observations and conduct an inquiry in the country, with the consent of the State. After the inquiry, the Committee submits its observations and recommendations to the State Party. The State Party should follow these recommendations by taking measures and report back to the Committee.

The inherent rights of people with disabilities

Articles 10 to 30 of the Convention define the inherent rights of people with disabilities. This includes rights regarding daily life, which are still commonly denied to people with disabilities in Europe, such as the rights to education, health, (re)habilitation, work, recognition of legal status, independence and integration in society, an adequate standard of living and participation in public life.

• The right to education (Article 24)

States Parties must ensure that people with disabilities have equal access to education systems at all levels, including lifelong learning and vocational training. States Parties must also ensure that reasonable accommodation is provided to people with disabilities, not only through technical assistance, but also humane assistance to enable access to education. Teachers must also receive specific training.

• The right to health (Article 25)

States Parties must take all appropriate measures to ensure that people with disabilities have access to all health services including services to meet their specific needs. These services must be provided on the basis of the free and informed consent of people with disabilities, to the extent possible.

• The right to habilitation and rehabilitation (Article 26)

States Parties must take effective and appropriate measures to enable people with disabilities to have the highest possible level of independence and reach their full potential in order to be fully included in society. States Parties must provide habilitation and rehabilitation programmes and services in the areas of health, employment, education and social services.

• The right to work and employment (Article 27)

States Parties must enable people with disabilities to exercise their right to work and employment. This includes taking appropriate steps to ensure that reasonable accommodation is provided to people with disabilities in the workplace. States Parties must also employ people with disabilities in the public sector.

• The right to equal recognition before the law (Article 12)

States Parties must enable people with disabilities to exercise their legal capacity and make decisions concerning their own lives, in all aspects of life. This includes ensuring that people with disabilities are provided with appropriate support in exercising their legal capacity, when necessary. Measures related to the exercise of legal capacity must include safeguards to prevent abuse and conflict of interest, and to respect the will and preferences of the person.

• The right to live independently and be included in the community (Article 19)

States Parties must facilitate the inclusion of people with disabilities in the community. This includes allowing them to choose where and how they want to live and providing access to appropriate support services.

• The right to an adequate standard of living and social protection (Article 28)

States Parties must take sufficient measures to ensure people with disabilities have an adequate standard of living and access to social protection and welfare programmes. States Parties must also act to prevent poverty among people with disabilities.

• The right to participation in political and public life (Article 29)

States Parties must take all possible measures to enable people with disabilities to exercise their right to vote, to be elected and to participate in political life.



Speaking on behalf of people with autism at a United Nations briefing session: Autism-Europe's vice president, Evelyn Friedel, New York, 2009 (image).