



National Focal Points Training
Helsinki, 23-24 April 2009

The UN Convention on the Rights of Persons with Disabilities: Links with Mental Health issues

Mary Van Dievel,
Director MHE

The training is made possible thanks to the support of PROGRESS, the European Community Programme for Employment and Social Solidarity (2007-2013).

The UN Convention?



- **Adoption by the United Nations General Assembly** - 13 December 2006

- **Opened for signature** - 30 March 2007

- **Signature:** in international law the signature of a treaty by a State is the agreement of the State on this text. But to enter into force, a treaty has to be ratified.

Ratifications



- **Ratification** is the act of giving official sanction or approval to a formal document such as a treaty or constitution. It makes the text enter into force and is the starting point of the implementation at national level
- **Entry into force** - 30 days after 20th ratification of Convention/10th ratification of Optional Protocol
- **Worldwide 44 ratifications of the Convention**
26 ratifications of the Protocol (Only 8 European countries did ratify both Convention and its optional protocol!! (Austria, Azerbaijan, Croatia, Germany, Hungary, Slovenia, Spain and Sweden)

Purpose of the Convention



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

What is disability?



The Convention does *not* explicitly define disability
Preamble of Convention states:

- 'Disability is an **evolving** concept, and that disability results from the **interaction** between persons with impairments and attitudinal and environmental barriers that hinders full and effective participation in society on an equal basis with others'

Article 1 of the Convention states:

- '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'.

What link with Mental Health issues?



The Convention addresses concerns linked to mental health:

- ✓ Active inclusion of people with disability according to the evolving definition of disability.
- ✓ Participation
- ✓ Equality and Citizenship
- ✓ Respect
- ✓ Choice
- ✓ Independance
- ✓ The principle of non discrimination

Rights in the Convention



- Rights addressed in the Convention

(important for MH issues)

- Equality before the law without discrimination (article 5)
- Right to life, liberty and security of the person (articles 10 & 14)
- Equal recognition before the law and legal capacity (article 12)
- Freedom from torture (article 15)
- Right to respect physical and mental integrity (article 17)
- Right to live in the community (article 19)
- Respect for privacy (article 22)
- Respect for home and the family (article 23)
- Right to health (article 25)
- Right to work (article 27)
- Right to participate in political and public life (article 29)

Optional Protocol



Gives competences for the Committee on the Rights of Persons with Disabilities:

- **Individual communications:** Committee considers communications from individuals or group of individuals claiming to be victims of a violation of the provisions of the Convention by a State Party of the party to the Protocol
- **Inquiries:** Committee member may conduct an inquiry on a State Party, following information received indicating grave or systemic violations of the Convention by State Party
- Optional Protocol grants provisions of the Convention to be effective by creating a control organ on the implementation of the Convention which is reachable by individuals at worldwide level.

Questions for the National Focal Points



- Were you aware about the existence of this Convention?
- Do you have a copy of it? Have you read it?
- Do you know whether your government has signed the Convention and its Optional Protocol? Has the government ratified the Convention?
- Do you know who in your country is in charge of the application of the Convention and its Optional Protocol?

Role of National Focal Points



- Raising awareness on the existence of the Convention on Rights of Persons with Disabilities and particularly contacting their national government to inform about the Convention
- Lobbying national authorities and decision makers to encourage them to sign and ratify the Convention
- Making legislative competent organs create legislations which implement properly the Convention and its Optional Protocol's main provisions

For further information



- Mental Health Europe – Santé Mentale Europe
Boulevard Clovis 7, B-1000, Brussels
Tel. +32 2 280 04 68
Fax +32 2 280 16 04
E-mail: roselyne.bourgon@mhe-sme.org
www.mhe-sme.org

<http://www.un.org/disabilities/>