
The Convention aims to elaborate in detail the rights of persons with disabilities and set out a code of implementation. According to article 1, 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”. The Convention does not explicitly define “disability”, but recognises that it is “an evolving concept”, which “results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others” (preamble).

The principles of the Convention are laid down in article 3 as follows:

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

By ratifying the Convention, states undertake to adopt appropriate laws, policies and other measures to ensure and promote the full realisation of all human rights and fundamental freedoms for all persons with disabilities, without discrimination of any kind on the basis of disability, and to abolish laws, regulations, customs and practices that constitute discrimination (article 4). They also commit themselves to combating stereotypes and prejudice and to promoting awareness of the capabilities of persons with disabilities (article 8).

**Summary of rights**

The Convention enshrines the following rights:

- equality and non-discrimination (article 5);
- freedom of expression and access to information (articles 7 and 21);
- life, liberty and security of the person (articles 10 & 14);
- equal recognition before the law and legal capacity (article 12);
- effective access to justice on an equal basis with others (article 13);
- freedom from torture or cruel, inhuman and degrading treatment or punishment (article 15);
- freedom from exploitation, violence and abuse (article 16);
- physical and mental integrity (article 17);
- freedom of movement and nationality (article 18);
- living independently and in the community (article 19);
- privacy (article 22);
- respect for the home and the family (article 23);
- education (article 24);
- health (article 25);
- work (article 27);
- an adequate standard of living (article 28);
- public participation (article 29); and
- cultural rights (article 30).

This Convention is relevant to South Africa because people with disabilities remain marginalised in the country. It is also relevant globally, as over 650 million people around the world live with disabilities. Statistics also show that an estimated 20% of the world’s poorest people are those with disabilities; 90% of children with disabilities in developing countries do not attend school; an estimated 30% of the world’s street children live with disabilities; and the literacy rate for adults with disabilities is as low as 3% (SAHRC, 2007).

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**Reference**