

WHO

Approximately 15% of the world's population has at least one type of disability, with 150 million children under the age of five being diagnosed with one(1).

Well...What About Canada?

Approximately 5% of Canadian children between the ages of 5-14 years old, and roughly 4% of Canadian youth between the ages of 15-24 years old have a disability(2).

CHALLENGES AND DISCRIMINATION

Persons with disabilities face reoccurring challenges and discrimination on a daily basis.

INCOME

In some parts of the world, persons with disabilities cannot make a living. Roughly 426 million people with disabilities live below the poverty line, and are typically among the most vulnerable and marginalized in third world countries(3).

HUMAN RIGHTS

Persons with disabilities often face denial of human rights, exclusion, and discrimination(5). This leads to a lack of respect for their dignity and individuality, along with the denial to a right to life itself(6). How will you help fight for change?

GENDER

Your gender can influence how you are treated. On top of being treated differently for having a disability, females are at heightened risk of violence, abuse, along with less opportunities in life including participation, play, education, and health care(4).

The Convention on the Elimination of all Forms of Discrimination Against Women was adopted by UN in 1979 and ratified in Canada in 1981.



1 Gerison Lansdown, *Using the Human Rights Framework to Promote the Rights of Children with Disabilities: An analysis of the synergies between CRC, CRPD and CEDAW*, (New York, UNICEF, 2012), 4.

2 Rubab G Arim et al, *What Statistics Canada Survey Data Sources Are Available to Study Neurodevelopmental Conditions and Disabilities in Children and Youth?* (Calgary, University of Calgary, 2016), 5.

3-6 Lansdown, *Human Rights Framework*, 4.



Convention on the Rights of the Child (CRC): Articles 2 and 23

HOW DO THESE ARTICLES MAKE CHILDREN WITH DISABILITIES VISIBLE?

Article 1 of the CRC states that this Convention applies to anyone under the age of 18(1). That means this applies to you!

Article 2 of the CRC enforces that no child should encounter discrimination on the basis of "race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status"(1).

Article 23 of the CRC enforces that children with disabilities have a right to a "full and decent life in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation on the community"(2).

How do we know these rights are being implemented?

Ratified countries have the obligation to uphold these laws(3). A Committee ensures that participating States submit a progress report every five years(4). Then, the Committee reviews the country's progress and makes recommendations on what they can improve on(5). Appeals can be made to the Committee over concerns of abuses of right(6), giving children with disabilities the power to fight for their rights.



1 Gerison Lansdown, *Using the Human Rights Framework to Promote the Rights of Children with Disabilities: An analysis of the synergies between CRC, CRPD and CEDAW*, (New York, UNICEF, 2012), 19.

2-6 Ibid., 6.

7 Ibid., 5-6.

Convention on the Rights of the Child (CRC)



What is the CRC?

The CRC is one of the most widely ratified international human rights treaties. This treaty promotes protecting children, provision, and promotes one's ability to participate in matters that affect their lives. Its principles include "social, economic, cultural and protection rights, as well as civil and political rights. It serves to affirm that children...are entitled to additional levels of protection"(1). Article 12 contains a very important principle. It states that children have the right to a say in decisions that are made about their lives(2).

Did You Know?

- The CRC was adopted by the UN General Assembly in 1989 and came into force in 1990(2)
- It has 54 articles about the rights of children(3)
- The USA is the only country that has not ratified the treaty(4)
- It protects children with disabilities from discrimination under Article 2(5)
- The CRC was adopted in 1989 and ratified in Canada in 1991



The CRC, the Convention on the Rights of Persons with Disabilities (2006), and the Convention on Elimination on Discrimination of Women (1981) differ in that the latter two treaties aim to remove discrimination on all levels for their respective groups, while the CRC enforces what rights children have(7).



1 Gerison Lansdown, *Using the Human Rights Framework to Promote the Rights of Children with Disabilities: An analysis of the synergies between CRC, CRPD and CEDAW*, (New York, UNICEF, 2012), 6.

2 Ibid., 7.

3-5 Ibid., 6.

6 Lansdown, *Human Rights Framework*, 6-11.

Convention on the Rights of Persons with Disabilities (CRPD)

As written in Article 1, the purpose of the CRPD is 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"(1)

Article 7 is the main article in this Convention. It states that children with disabilities are to be treated equally, along with the ability to express themselves on any matter affecting their lives, while allowing the best interests of the child to be taken into consideration(2).

The CRPD ensures that the existing rights of children are being met(3). As stated in Article 19 of the CRC, children are to be protected from all types of violence(4). However, children with disabilities experience difficulties in seeking redress for conflict(5). Thus, the CRPD enforces States to ensure that complaints and procedures are accessible for children(6).

Did You Know?

- The Convention is made up of 50 Articles that outline the legal rights of persons with disabilities(7)
- It took over eight years of negotiating before the CRPD was created(8)
- This is the first international treaty to be successfully negotiated in the 21st century(9)
- The CRPD was adopted in 2006 and ratified by Canada in 2010



1 Gerison Lansdown, *Using the Human Rights Framework to Promote the Rights of Children with Disabilities: An analysis of the synergies between CRC, CRPD and CEDAW*, (New York, UNICEF, 2012), 8.

2 United Nations Department of Economic and Social Affairs, *Convention on the Rights of Persons with Disabilities* (Geneva, 2006), 7-8.

3-6 Gerison Lansdown, *See me, hear me: a guide to using the UN convention on the rights of persons with disabilities to promote the rights of children* (London, Save the Children, 2009), 27.

7-9 Ibid., 7.

What Other Rights are Protected Under the Convention on the Rights of Persons with Disabilities (CRPD)?

- **Article 3** outlines general principles, such as equality, dignity, respect, and non-discrimination for persons with disabilities(1).
- **Article 4** defines the general obligations of the Convention(2). It states that governments must include children with disabilities in the process of legislation and policy creation, and informing and enforcing these bodies of law through accessible means(3).
- **Article 13** enforces that persons with disabilities receive accessible means to justice with age-appropriate accommodations(4).
- **Article 16** stipulates that all persons with disabilities are to be free from "...all forms of exploitation, violence and abuse, including their gender-based aspects"(5).
- **Article 18** enforces that States must recognize persons with disabilities as having the ability to choose their residence and nationality without discrimination(6).
- **Article 23** states that all Parties must ensure that persons with disabilities are not discriminated against "...in all matters relating to marriage, family, parenthood and relationships"(7).
- **Article 24** imposes that all persons with disabilities have the right to a discrimination-free, and equal education(8).
- **Article 25** ensures that persons with disabilities have the right to high standards of healthcare(9). Yet 25(b) promotes early intervention in order to prevent and minimize additional disabilities(10).
- **Article 30** obliges that persons with disabilities have the equal right to partake in all aspects of society(11).



How is Disability Defined?



Disability is defined as "long-term physical, mental, intellectual, or sensory [impairment] which in interaction with various barriers may hinder [a person's] full and effective participation in society on an equal basis with others"(1).



Advocacy by organizations over the last 30 years has led to a change in perspective towards persons with disabilities(2). Before, society viewed persons with disabilities in the medical model: as people who needed to be fixed(3). Now, disability is seen through two other types of models: the social model(4) and the human rights model(5). The social model sees the problem lying with society where barriers are the problem -- not the individuals themselves(6). The social model fights for equity, rights, non-discrimination, and social inclusion(7). The human rights model builds on the social model(8). It "focuses on the inherent dignity of the human being and subsequently, but only if necessary, on the person's medical characteristics"(9). Along with human rights, the human rights model advocates for civil, political, economic, social, and cultural rights(10).

1 United Nations Department of Economic and Social Affairs, *Convention on the Rights of Persons with Disabilities* (Geneva, 2006), 4.
2-4 Gerison Lansdown, *Using the Human Rights Framework to Promote the Rights of Children with Disabilities: An analysis of the synergies between CRC, CRPD and CEDAW*, (New York, UNICEF, 2012), 4.
5 Theresia Degener, *Routledge Handbook of Disability Law and Human Rights* (2016), 32.
6 *Human Rights Framework*, 6.
7 *Ibid.*, 4.
8, *Routledge Handbook*, 32.
9 *Ibid.*, 34.
10, *Ibid.*, 35.

How are Deaf Persons Rights Reflected in the Convention on the Rights of Persons with Disabilities (CRPD)?

The CRPD mentions Sign Language five times in the Convention:

Article 2: In providing definitions for the Convention, Article 2 stipulates that languages include signed languages(1).

Article 9: This Article ensures that deaf and hard of hearing persons have equal accessibility to services in public, such as sign language interpreters(2).

Article 21: This Article promotes facilitation, recognition, and promotion of sign language; access to information for deaf and hard of hearing persons is guaranteed(3).

Article 24: This Article ensures that deaf and hard of hearing children are taught in sign language by qualified teachers, while the linguistic identity of the deaf community through education is promoted(4).

Article 30: Article 30 recognizes and supports sign language and deaf culture in cultural life(5).



¹ United Nations Department of Economic and Social Affairs, *Convention on the Rights of Persons with Disabilities* (Geneva, 2006), 4.

² *Ibid.*, 9.

³ *Ibid.*, 14.

⁴ *Ibid.*, 17.

⁵ *Ibid.*, 23.