

Convention on the Rights of Persons with Disabilities (CRPD)

The Convention on the Rights of Persons with Disabilities (CRPD) which was adopted by the United Nations General Assembly on 13 December 2006, entered into force on **03 May 2008**. The Convention was signed by Mauritius on **25 September 2007** and acceded to on **08 January 2010**.

Objectives

The **50 articles** of the Convention lay emphasis on:

- The elimination of disability discrimination.
- Ensuring an inclusive education system.
- The protection of persons with disabilities from all forms of exploitation, violence and abuse.
- Enabling persons with disabilities to live independently in the community.

Optional Protocol

An **Optional Protocol to the CRPD (OP-CRPD)** was adopted by the General Assembly of the United Nations on **13 December 2006** and entered into force on **3 May 2008**. Mauritius has signed the OP-CRPD on **25 September 2007** but has not ratified it yet. The Protocol establishes an individual complaints mechanism for persons with disabilities who allege that their rights under the Convention have been denied.

Domestication

The CRPD has been domesticated in Mauritius in various legislations namely:

- The Special Education Needs Authority Act
- The Constitution (S 3, 6, 16(3), 33, 34, 42, 44)
- The National Assembly Elections Regulations (Regulation 33)
- The Workers' Rights Act 2019 (S 5(5)(a), 26, 64, 114(5), 123(2))
- The Training and Employment of Disabled Persons Act (S 13)
- The Legal Aid and Legal Assistance Act
- The National Disaster Risk Reduction and Management Act
- The Mental Health Care Act
- The Equal Opportunities Act

Status

The Combined 2nd and 3rd Periodic Report of the State of Mauritius was submitted on 04 October 2020 to the Committee on the Rights of Persons with disabilities and is awaiting review.

Provisions

Article 1	Main purpose of the Convention: To promote, protect and ensure full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities.
Article 2	Key concepts used in the Convention: Provides the definitions of “communication”, “language”, “discrimination”, “reasonable accommodation” and “universal design” on the basis of disability.
Article 3	The eight general principles of the Convention. <ul style="list-style-type: none">(i) Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices and independence.(ii) Non-discrimination.(iii) Full and effective participation and inclusion in society.(iv) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity.(v) Equality of opportunity.(vi) Accessibility.(vii) Equality between men and women.(viii) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.
Article 4	Obligations of the States that have ratified the CRPD: Calls for State Parties to abolish existing laws, regulations and practice that constitute discrimination against persons with disabilities.
Article 5	Equality and non-discrimination: Everyone is entitled to the equal protection and benefit of the law without discrimination as set out in the Convention.
Article 6	Women with disabilities: Women and girls with disabilities shall enjoy their human rights and fundamental freedoms.
Article 7	Children with disabilities: State Parties shall ensure that children with disabilities enjoy their human rights and fundamental freedoms.
Article 8	Awareness-raising: To promote awareness of the rights, capabilities and contributions of persons with disabilities and combat stereotypes.
Article 9	Accessibility: State Parties shall ensure that persons with disabilities have access on an equal basis with others to facilities and services provided to the public.

Article 10	Right to life: State Parties shall take all necessary measures to ensure that persons with disabilities are able to effectively enjoy the right to life on an equal basis with others.
Article 11	Situations of risks and humanitarian emergencies: Calls for protection and safety of persons with disabilities in situations of risk, including armed conflict, humanitarian emergencies and natural disasters.
Article 12	Equal recognition before the law: Appropriate measures must be taken to provide support to persons with disabilities so that they can effectively exercise their legal capacity.
Article 13	Access to justice: Persons with disabilities have the right to effective access to justice on an equal basis with others, including through the provision of appropriate accommodations.
Article 14	Liberty and security of the person: Persons with disabilities have the right to liberty and security of the person on an equal basis with others.
Article 15	Freedom from torture or cruel, inhuman or degrading treatment or punishment: Persons with disabilities have the right to be free from torture and from cruel, inhuman or degrading treatment or punishment.
Article 16	Freedom from exploitation, violence and abuse: Persons with disabilities have the right to be protected from all forms of exploitation, violence and abuse, including their gender based aspects, within and outside the home.
Article 17	Protection of the integrity of the person: Persons with disabilities have a right to respect for their physical and mental integrity on an equal basis with others.
Article 18	Liberty of movement and nationality: Rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality.
Article 19	Living independently and being included in the community: Persons with disabilities have the right to live independently in the community.
Article 20	Personal mobility: Countries must take effective and appropriate measures to ensure personal mobility for persons with disabilities in the manner and time of their choice, and at affordable cost.
Article 21	Freedom of expression and opinion, and access to information: Persons with disabilities have the right to express themselves, to give and receive information and ideas through all forms of communication, including through accessible formats and technologies, sign languages, Braille, augmentative and alternative communication, mass media and all other accessible means of communication.
Article 22	Respect for privacy: Persons with disabilities have the right to privacy. Information about persons with disabilities, including personal information and information about their health should be protected.

Article 23	Respect for home and the family: State Parties must provide effective and appropriate support to persons with disabilities in bringing up children, and provide alternative care to children with disability where the immediate family is unable to care for them.
Article 24	Education: Persons with disabilities have a right to education without discrimination. State Parties shall provide reasonable accommodation and individualised support to maximise academic and social development.
Article 25	Health: Persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination.
Article 26	Habilitation and rehabilitation: Effective measures must be taken to enable persons with disabilities to develop, attain and maintain maximum ability, independence and participation through the provision of habilitation and rehabilitation services and programmes.
Article 27	Work and employment: Persons with disabilities have the right to work, including the right to work in an environment that is open, inclusive and accessible.
Article 28	Adequate standard of living and social protection: Persons with disabilities have the right to an adequate standard of living including food, water, clothing and housing, and to effective social protection including poverty reduction and public housing programmes.
Article 29	Participation in political and public life: Persons with disabilities have the right to participate in politics and in public affairs, as well as to vote and to be elected.
Article 30	Participation in cultural life, recreation, leisure and sport: Persons with disabilities have the right to take part in cultural life on an equal basis with others, including access to cultural materials, performances and services, and to recreational, leisure and sporting activities.
Article 31	Statistics and data collection: Countries must collect information about persons with disabilities, with the active involvement of people with disability, so that they can better understand the barriers they experience and make the Convention rights real.
Article 32	International Cooperation: States parties shall ensure that all their actions within the framework of international cooperation, including development programmes, are inclusive and accessible to persons with disabilities.
Article 33	National implementation and monitoring: Members States shall designate a focal point in the government and create a national mechanism to promote and monitor implementation of the Convention.

Articles 34-39	Committee on the Rights of Persons with disabilities: The Committee, made up of independent experts, will receive periodic reports from States parties on progress made in implementing the Convention
Article 40	Conference of State Parties: State Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.
Article 41	Depositary: The Secretary-General of the UN shall be the depositary of the Convention
Articles 42-43	Covers the signature and ratification of the Convention.
Article 44	Regional Integration Organizations: Neighbouring countries entering into an agreement in order to upgrade through common institutions and rules.
Article 45	Entry into force of the Convention: The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.
Article 46	Reservations: Reservation incompatible with the object and purpose of the present Convention shall not be permitted.
Article 47	Amendments: Any Country can ask for amendments to the agreement. They can do this by writing to the Secretary General.
Article 48	Denunciation: A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations.
Article 49	Accessible format: The Convention will be available in an understandable format.
Article 50	Authentic Texts: The Convention will be printed in Arabic, Chinese, English, French, Russian and Spanish and will be equal in these languages.

