

EDITOR'S COMMENT

The Convention on the Rights of Persons with Disabilities and its Optional Protocol were adopted by the United Nations General Assembly in December 2006, and opened for signature in March 2007. The Convention received its 20th ratification on 3 April 2008, ensuring the entry into force of the Convention and its Optional Protocol 30 days later. As on date, there are 137 signatories to the Convention, 81 signatories to the Optional Protocol, 44 ratifications of the Convention and 26 ratifications of the Protocol (source: www.un.org/disabilities). The Convention and its Optional Protocol are serviced by a joint Secretariat, consisting of staff of both the United Nations Department of Economic and Social Affairs (DESA), based in New York, and the Office of the High Commissioner for Human Rights (OHCHR) in Geneva. The Committee on the Rights of Persons with Disabilities has been set up to monitor the implementation of the Convention and its members include people with disabilities. OHCHR has conducted a study on civil society and recently held a stakeholder consultation with Member States, inter-governmental organisations, national human rights institutions, representatives from NGOs and DPOs as well as other interested individuals, on key legal measures for ratification and implementation of the Convention.

Although it is more than 8 months since the Convention came into force, it appears that the whole process of signing, ratification and implementation of the Convention is still at an initial stage in most countries. The responses from member states and civil society to the OHCHR studies and consultations on the Convention over the last one year clearly indicate this. In fact, the response rates were low (137 for the study and 74 for consultation). The OHCHR study highlighted that awareness is low among many stakeholders (especially civil society and DPOs) on the UN Human Rights system and instruments, including the Convention. The study also stressed the role of civil society in lobbying and advocacy with their governments for signing, ratification and implementation of the Convention. OHCHR has subsequently made attempts to inform and educate the key stakeholders in governments, civil society and DPOs, through their website, newsletters, meetings and publications.

Another study conducted by the Commonwealth Foundation on the challenges in ratification and implementation of the Convention in its member states showed that in the countries that have signed and ratified the Convention or are committed to ratification, the major

contributing factors were the commitment of the governments; presence of existing policies and legislation on equal opportunities and rights protection, that acted as a forerunner for the CRPD in these countries; and the presence of a vibrant civil society that has espoused the rights based approach to disability issues. DPOs in these countries have been particularly influential in working with governments in the drafting of the Convention, and in advocacy with the governments for signing and ratification. The study also highlighted the fact that implementation of the Convention in these countries is another matter. Implementation is proceeding slowly, in a tentative manner, comprising mainly of examination and analysis of existing laws to make them in line with the Convention, setting up of committees, inter-sectoral meetings and discussions at different levels. Resource allocation for implementation is a major challenge, as developing countries with existing legislation have experienced.

The role of civil society in the ratification and implementation of the Convention is now being repeatedly emphasised as one of advocacy and lobbying with their governments. Capacity building of NGOs and DPOs is a key issue, to move towards a rights based approach and to work in a coordinated manner; to be aware, informed and updated about the Convention, and the UN Human Rights systems and instruments; and to advocate with their governments for national legislation and implementation of the Convention. Many useful tools for information and advocacy are available on the UN website (www.un.org/disabilities), and it is important for DPOs and civil society to keep themselves informed of developments and to work with their governments and the UN system, for ensuring effective implementation of the Convention.

The APDRJ team wishes its readers a very happy new year!

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