

Convention on the Rights of Persons with Disabilities & Victim assistance and Protocol V (CCW)

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Victim's Assistance & CRPD

CRPD frames, supplements and completes:

Article 8.2 of Protocol V, CCW

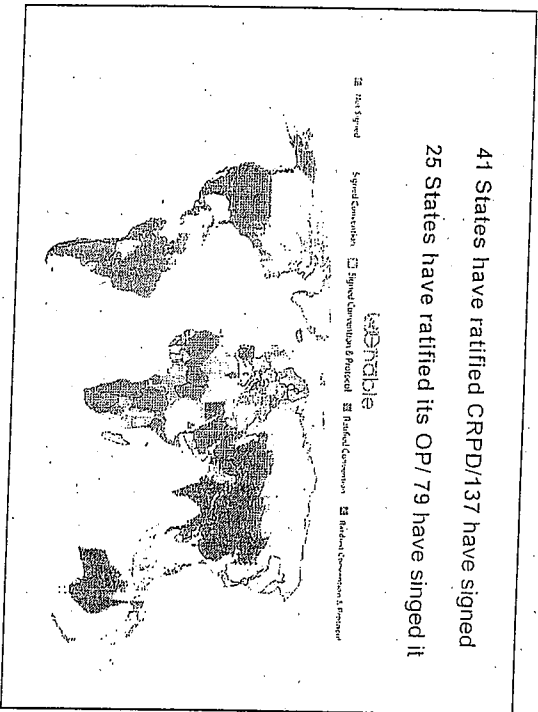
- Each High Contracting Party "in a position to do so shall provide assistance for the care and rehabilitation and social and economic reintegration of" ... /ERW victims ...
- "Such assistance may be provided *inter alia* through the United Nations system, relevant international, regional or national organizations or institutions, the International Committee of the Red Cross, National Red Cross and Red Crescent societies and their International Federation, NGOs or on a bilateral basis..."

ERW survivors & CRPD

- Often survivors of explosive remnants of war (ERW) have a disability.
- As men, women and children with disabilities, SURVIVORS and their FAMILIES fall under CRPD scope.

CURRENT CONTEXT

- 13 December 2006 CRPD and its OP were adopted
- 3 May 2008: CRPD entered into force
- 3 Nov 2008: 12 Members of CRPD Committee elected



Out of 48 States Parties to Protocol V
12 have **SIGNED** CRPD

1. Bulgaria	16. Moldova
2. Czech Republic + OP	17. Netherlands
3. Denmark	18. Norway
4. Estonia	19. Portugal + OP
5. Finland + OP	20. Republic of Korea
6. France + OP	21. Russian Federation
7. Germany + OP	22. Romania + OP
8. Guatemala + OP	23. Sierra Leone + OP
9. Iceland + OP	24. Slovakia + OP
10. Ireland	25. Sweden + OP
11. Liberia + OP	26. The Former Yugoslav Republic of Macedonia
12. Lithuania + OP	27. Ukraine + OP
13. Luxembourg + OP	28. Uruguay
14. Madagascar + OP	
15. Malta + OP	

States Party to Protocol V of
 CCW and CRPD

Out of 48 States Party to Protocol V (CCW)
12 have ratified CRPD

1. Australia	7. Jamaica
2. Austria + OP	8. New Zealand
3. Croatia + OP	9. Nicaragua
4. El Salvador + OP	10. Slovenia + OP
5. Hungary + OP	11. Spain + OP
6. India	12. Tunisia + OP

What is the purpose of the CRPD?

“ to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms of all persons with disabilities”

(Art. 1 CRPD)

The paradigm shift

From: Objects of charity, medical treatment or social protection



To: Subjects of rights, able to make decisions and participate in society

EXAMPLES OF RIGHTS IN CRPD

- Equal protection before the law
- Liberty and security of the person
- Freedom from torture
- Protection of the integrity of the person
- Liberty of movement and nationality
- Freedom of expression
- Respect for privacy
- Right to participation in public life
- Freedom from exploitation
- Respect for home and the family
- Right to live in the community
- Right to education
- Right to life
- Right to health
- Habilitation and rehabilitation
- Right to work
- Right to an adequate standard of living
- Right to participate in cultural life

Who is covered by the CRPD?

- There is no definition of disability as such
- Article 1 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."

Monitoring

- National monitoring
 - Focal points in government
 - Coordination mechanism
 - Independent national human rights institution
- International monitoring
 - Committee on the Rights of Persons with Disabilities
 - Conference of States Parties

What is the additional value of CRPD in relation to victim assistance?

- CRPD & VICTIM'S ASSISTANCE COMPONENT OF Protocol V (CCW)
- CRPD as a "legal framework"
 - CRPD "supplements and completes" provisions on victims assistance
 - CRPD brings victims assistance in disability context
 - CRPD monitoring procedures as a tool to monitor victim's assistance

Art. 8.2 Protocol V & CRPD

ELEMENTS OF VICTIM'S ASSISTANCE	CRPD
Understanding the Challenge	Data collection (Art. 31) Accessibility (Art. 9)
Emergency & medical care	Right to Information (Art. 21) Right to Health (Art. 25)
Physical Rehabilitation	Obligation to ensure personal mobility (Art. 20), habilitation and rehabilitation (Art. 26)
Psychological support and social integration	Equal recognition before the law (Art. 5), legal capacity (Art. 12)
Economic reintegration	Right to work (Art. 27) adequate standard of living, social protection (Art. 28), education (Art. 24)
Laaws and Public Policies	Obligation to adopt measures (Art.4)

ELEMENTS OF VICTIM'S ASSISTANCE	CRPD
Understanding the Challenge	Obligation of States to collect Statistics and Data (Art. 31) Accessibility (Art. 9)
	Right to seek and receive information (Art. 21)

<p>ELEMENTS OF VICTIM'S ASSISTANCE Art. 6. 3 AP MBC</p>	<p>CRPD</p>
<p>Emergency & continuing medical care</p>	<p>Right to highest attainable standard of health (Art. 25)</p>

<p>ELEMENTS OF VICTIMS ASSISTANCE Art. 6. 3 AP MBC</p>	<p>CRPD</p>
<p>Psychological support & Social integration</p>	<p>Obligation of States to provide habilitation and rehabilitation services (Art. 26) Right to take part in cultural life (Art. 30) Equal recognition before the law (Art. 5) Right to legal capacity (Art. 12)</p>

<p>ELEMENTS OF VICTIMS ASSISTANCE Art. 6. 3 AP MBC</p>	<p>CRPD</p>
<p>Physical Rehabilitation</p>	<p>Obligation of States to: <ul style="list-style-type: none"> ▪ Ensure personal mobility (Art. 29) ▪ Provide habilitation and rehabilitation services (Art. 26) </p>

<p>ELEMENTS OF VICTIMS ASSISTANCE Art. 6. 3 AP MBC</p>	<p>CRPD</p>
<p>Economic reintegration</p>	<p>Obligation of States to: <ul style="list-style-type: none"> Right to work (Art. 27) Right to an adequate standard of living and social protection (Art. 28) Right to education (Art. 24) </p>

<p>ELEMENTS OF VICTIMS ASSISTANCE Art. 6. 3 AP MBC</p>	<p>CRPD</p>
<p>Laws & Public Policies</p>	<p>Obligation of States to adopt legislative, administrative and other measures to ensure the full realization of the rights of PwDs (Art. 4)</p>

- ### Challenges & Opportunities
- Victims Assistance must integrate and address other persons with disabilities.
 - CRPD implementation to address as well the situation of ERW victims.