

## **EU: Historic Ratification of International Human Rights Treaty**

The EU has reached a “milestone in the history of human rights” by ratifying the UN Convention on the Rights of Persons with Disabilities on the 23<sup>rd</sup> December 2010.<sup>1</sup> This marks not only a significant achievement in the global attempt to ensure equal rights for persons with disabilities, but it is also the first time ever the EU becomes party to an international human rights treaty. The EU’s ratification of this international treaty has been welcomed by human rights and disability rights groups such as the *European Disability Forum* and the *Mental Disability Advocacy Centre* and has been hailed for “sending a clear message that disability rights are a priority in the region.”<sup>2</sup> The Convention not only sets out minimum standards for protecting the full range of civil, political, social and economic rights but together with the adoption of the EU Disability Strategy 2010-2020, it “reflects the EU’s broader commitment to building a barrier-free Europe”<sup>3</sup> by applying a rights-based approach to disability, requiring society to make “reasonable accommodation” to ensure that persons with disabilities enjoy equal rights and freedoms as others.<sup>4</sup>

Although ratifying the Convention obliges the various EU institutions such as the Parliament and the Court of Justice to uphold the rights of persons with disabilities, individual Member States must still ratify the Convention domestically. To date, 16 Member States have ratified, but there remain 11, including Luxembourg, the Netherlands and Ireland, who although they have signed, have not yet ratified.<sup>5</sup> Regardless of this, EU ratification of this international human rights instrument sends a strong signal to Member States and puts further pressure on them to ratify as a matter of urgency.<sup>6</sup> To add to this substantial achievement in the disability rights sphere, it would be favourable for the EU to also ratify the Optional Protocol to the CRPD, which would enable victims of alleged EU non-compliance to take their complaint to the UN

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<sup>1</sup> European Commission Vice-President Reding, Press Release, *EU ratifies UN convention on disability rights*, 5 January 2011, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/4>

<sup>2</sup> Shantha Rau Barriga, disability rights researcher and advocate at Human Rights Watch

<sup>3</sup> See n. 1

<sup>4</sup> Article 2, Convention on the Rights of Persons with Disabilities

<sup>5</sup> <http://www.un.org/disabilities/documents/maps/enablemap.jpg>

<sup>6</sup> Keogh, *EU ratification of disability treaty sends strong signal to Member States*, <http://www.humanrights.ie/index.php/2011/01/11/eu-ratification-of-disability-treaty-sends-strong-signal-to-member-states/>

Committee on the Rights of Persons with Disabilities.<sup>7</sup> To further consolidate the CRPD's prohibition of disability discrimination within EU law itself, it is of utmost importance that a comprehensive horizontal non-discrimination directive be finalised in order to prohibit discrimination on the grounds of religion or belief, age, *disability* or sexual orientation, whether direct or indirect, and whether based on real or presumed criteria. Similar to the CRPD, any such directive should go beyond the area of employment and should cover access to goods and services (for eg. banking, education, transport, housing and health) and should specify that a denial of "reasonable accommodation" to persons with disabilities constitutes discrimination.<sup>8</sup>

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<sup>7</sup> MDAC, *MDAC welcomes European Union ratification of UN Convention on the Rights of Persons with Disabilities*, <http://www.mdac.info/content/mdac-welcomes-european-union-ratification-un-convention-rights-persons-disabilities>

<sup>8</sup> *Ibid.*