



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER



Ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities

A toolkit

Content

<i>About the Toolkit</i>	<i>2</i>
<i>Why Ratify?</i>	<i>3</i>
<i>Frequently Asked Questions</i>	<i>5</i>
<i>Simplified Version</i>	<i>7</i>

The logo for Human Rights 75 features the words "HUMAN RIGHTS" in blue, stacked vertically, followed by a large gold "75" inside a blue circular border.

HUMAN
RIGHTS

75

About the Toolkit

The 75th anniversary of the Universal Declaration of Human Rights celebrated in 2023 is an occasion to renew the ground-breaking commitments made by States when they adopted its text in 1948. The Declaration has inspired the norms and standards that are embodied in the core human rights treaties and their optional protocols. These instruments aim to realize the rights contained in the Declaration, by making human rights legal entitlements with legally binding obligations for States.

Ratifying these instruments is an essential means to translating the human rights enshrined in the Declaration into reality on the ground, while conveying a message of commitment to the international community.

Human Rights 75 is an initiative led by UN Human Rights and its partners. It seeks, among others, to promote universality and renewed commitment, including through a campaign to advocate for the ratification of the core human rights treaties and their optional protocols. Thus, this year, States are called upon to formally re-commit to the protection and respect of human rights by ratifying outstanding human rights instruments.

This toolkit presents the benefits of ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD), answers questions on its content and application, and provides a simplified version of the provisions of the Optional Protocol.



Why Ratify?

The *Optional Protocol* establishes a communications procedure, which allows individuals to submit complaints to the Committee on the Rights of Persons with Disabilities if they believe that their rights protected by the Convention have been violated.

Ratifying the *Optional Protocol to the Convention on the Rights of Persons with Disabilities*:

1. **Reaffirms the State's commitment to protecting and advancing the rights of persons with disabilities** and is, therefore, an important step for upholding human rights standards and promoting their universality.
2. **Strengthens the protection of the rights of persons with disabilities** as States Parties demonstrate their commitment to promoting and protecting the rights of persons with disabilities. Furthermore, the *Optional Protocol* provides an additional layer of protection by allowing individuals to seek redress for violations of their rights, which can help prevent future violations.



Why Ratify?



3. **Strengthens accountability mechanisms** as it sends a strong signal that a State is committed to ensuring accountability for violations of the rights of persons with disabilities.



4. **Offers guidance to the national legal system** as decisions on individual complaints clarify the content of rights of persons with disabilities and the scope of States' obligations through concrete cases. They thus offer guidance to national authorities, including courts, especially as these rights are often recognized in national legislation and constitutions.



5. **Enhances the knowledge and skills of State officials** to reinforce the national framework for the promotion and protection of the rights of persons with disabilities to prevent future violations.

6. **Demonstrates international leadership in promoting and protecting the rights of persons with disabilities**, and it sends a strong message to other States that protecting the rights of persons with disabilities is a priority, inspiring other States to do the same.

7. **Reaffirms the commitment to "leave no one behind"** and gives an additional voice to persons with disabilities.

Frequently Asked Questions



What is the nature of the Committee?

The Committee is a body of independent experts. When it examines individual complaints, it acts as a quasi-judicial body.

Does the Optional Protocol create new obligations?

No. The Optional Protocol is a procedural protocol and does not impose any new obligations on the State.

Does the Optional Protocol include a reporting procedure?

No. No reporting requirement is attached to the ratification of the Optional Protocol.

Does the ratification of the Optional Protocol have financial implications?

No. Ratification does not entail additional costs for the States. Procedures related to the Optional Protocol are in writing; hence, the involved parties do not need to travel to Geneva.

What will be the procedure for the State party when a complaint is received against it?

The State party will receive the content of the complaint and will be granted enough time to respond to the allegations.

Is the complaints procedure confidential?

Yes. The procedure is confidential. Once adopted, the decisions of the Committee become public. The follow-up report is public.

Does the complaints procedure under the Optional Protocol represent an excessive burden for the State?

No. The Optional Protocol imposes strict admissibility requirements, including the exhaustion of domestic remedies and limited timeframe for applications to be submitted, among others.

Frequently Asked Questions



Does the Committee re-adjudicate cases that have been decided by national authorities?

No. The Committee does not act as a fourth instance/appeal body. The Committee does not re-evaluate facts, evidence, or how national laws are applied by authorities unless there is a clear case of arbitrariness or denial of justice.

Does the Optional Protocol allow 'forum shopping' or applying to multiple international procedures?

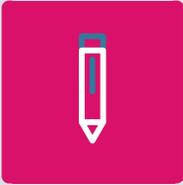
No. The Optional Protocol has strict admissibility criteria to prevent duplication of applications between treaty bodies and other international investigation or settlement procedures.

What other procedures are provided by the Optional Protocol?

The Optional Protocol features a confidential inquiry procedure that allows the Committee to investigate grave or systematic violations of the human rights of persons with disabilities under the Convention, thereby further contributing to preventing violations and supporting accountability.

Simplified Version

The Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD)



Entry into force: 3 May 2008, in accordance with article 13(1).

Registration: 3 May 2008, No. 44910

Status as of June: Signatories: 94. Parties: 104.

Procedural provisions of the Optional Protocol have been omitted.

Competence of the Committee (Art. 1): The Committee can consider complaints only against States that have become parties to the Optional Protocol.

Admissibility (Art. 2): The Committee may reject a communication for the following reasons

- (a) if it is submitted anonymously;
- (b) If it constitutes an abuse of the right of submission or goes against the provisions of the Convention;
- (c) if the same issue has already been addressed or is being addressed by the Committee or another international procedure;
- (d) if domestic procedures and remedies have not been exhausted unless they are taking too long or leave the plaintiff helpless in addressing their case;
- (e) If it is not well-supported or has no basis in the law;
- (f) if the issue happened before the State joined the Optional Protocol unless it continued after the entry into force.

Confidentiality (Art. 3): If the Committee registers a communication about a State party, it will notify it confidentially. The State party then has six months to respond in writing, explaining the situation and indicating any measures taken to address the issue.

Interim measures (Art. 4): The Committee can ask the State party in question to take immediate action to prevent irreparable harm to victims in exceptional circumstances before making a decision. If the Committee makes this request, it does not mean it has decided on the admissibility or merits of the communication.

Simplified Version

Reviewing complaints (Art. 5): The meetings to examine communications are private. After reviewing the communication, the Committee will send its decision or views to the State party and the author of the communication.

Inquiry procedure for grave or systematic violations (Art. 6): If the Committee receives trustworthy information on serious or systematic violations by a State of the rights outlined in the Convention; it will request clarification from the State about these issues.

(a) Depending on the response from the State and any other available information, the Committee may investigate and designate members to report back to the Committee, which may conduct an investigation and include a visit to the State's territory if consented.

(b) After reviewing the investigation's findings, the Committee will send the results, comments, and recommendations to the State.

(c) The State is expected to reply with its observations within six months after receiving the Committee's findings and recommendations.

(d) The investigation will be conducted confidentially, and the State is required to cooperate throughout the process.

Follow-up to the inquiry procedure (Art. 7): After six months, the Committee may reach out to the State to update on their actions in response to an inquiry.

Not recognition of the competence of the Committee (Art. 8): Each State party at the time of the signature, ratification, or accession may declare that it does not recognize the competence of the Committee provided for in articles 6 and 7.

