

CCM Intersessional

15-18 April 2013

Technical Workshop IV – Victims
Assistance

Legal ramifications of the CCM
Article 5. related to the CRPD



Legal ramifications of the CCM

Article 5. related to the CRPD

- Adoption by the United Nations General Assembly - 13 December 2006
- Opened for signature - 30 March 2007
- Entry into force – 3 May 2008
- 130 Member Countries
- Purpose: **To promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity**

Legal ramifications of the CCM

Article 5. related to the CRPD

- Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons
- Non-discrimination
- Full and effective participation and inclusion in society
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
- Equality of opportunity
- Accessibility
- Equality between men and women

Legal ramifications of the CCM

Article 5. related to the CRPD

- Full and effective participation and inclusion of persons with disabilities in society is recognized in the Convention as:
 - A general principle (article 3)
 - A general obligation (article 4)
 - A right (articles 29 and 30)

Legal ramifications of the CCM

Article 5. related to the CRPD

- Fundamental principle of international human rights law
- Includes direct and indirect discrimination
- ***Reasonable accommodation*** must be made for persons with disabilities
- ***Reasonable accommodation***: ‘**necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms**’

Legal ramifications of the CCM

Article 5. related to the CRPD

- Access must be ensured to:
 - Justice (article 13)
 - Living independently and being included in the community (article 19)
 - Information and communication services (article 21)
 - Education (article 24)
 - Health (article 25)
 - Habilitation and rehabilitation (article 26)
 - Work and employment (article 27) - human resource policies and practices
 - Adequate standard of living and social protection (article 28)
 - Participation in political and social life (article 29)
 - Participation in cultural life, recreation, leisure and sport (article 30)

Legal ramifications of the CCM Article 5. related to the CRPD

- CCM Article 5:

States shall, in accordance with applicable humanitarian and human rights law, adequately provide age and gender sensitive assistance, including medical care, rehabilitation and psychological as well as provide for their social and economic inclusion. Each State party shall make every effort to collect reliable relevant data with respect to cluster muntion victims.

Legal ramifications of the CCM Article 5. related to the CRPD

- CCM Article 5:

Each State party shall :

1. (a) Asses the needs
- (b) Develop, implement and enforce national laws
- (c) Plan and budget
- (d) Mobilize national and international resources
- (e) Not discriminate among CM victims or persons with disabilities from other causes
- (f) Consult with victims and their organizations

Legal ramifications of the CCM Article 5. related to the CRPD

Cont.

(g) Designate a focal point

(h) Incorporate guidelines and good practices in medicare, rehab and psychological support, a.w.a. social and economic inclusion

Legal ramifications of the CCM

Article 5. related to the CRPD

- APLC Article 6 (Int. Cooperation and Assistance) :
Para 3. “...provide assistance for the care and rehab., and socio-economic reintegration, of mine victims and for mine awareness programs...through UN system, int., regional or national org., ICRC, nat. RC&C, NGO, or on bilateral basis”
Para 7 (e) ...request UN, RO etc. to assist national authorities in the elaboration of national demining program to determine...Assistance to mine victims

Legal ramifications of the CCM

Article 5. related to the CRPD

- CCW, Protocol V

Article 8. (Cooperation and Assistance), Para. 2:

“...provide assistance for the care and rehabilitation and social and economic reintegration of victims of explosive remnants of war...through UN system, int. and Reg. org.... or on bilateral basis”

CWC, CBW: No provisions

Legal ramifications of the CCM Article 5. related to the CRPD

National implementation (affected countries):

- Legislation in place
- Ombudsmen for Human Rights
- Economic situation
- “Soft” and indirect discrimination
- National priorities