

The Optional Protocol was
previously published as
Miscellaneous No. 6 (2009)
Cm 7644



Treaty Series No. 19 (2010)

Optional Protocol

to the Convention on the Rights of Persons with Disabilities

Adopted in New York, 13 December 2006

[The Optional Protocol was ratified by the United Kingdom on the 07 August 2009
and entered into force on the 06 September 2009]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
August 2010*

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OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES¹

The States Parties to the present Protocol have agreed as follows:

ARTICLE 1

1. A State Party to the present Protocol (“State Party”) recognizes the competence of the Committee on the Rights of Persons with Disabilities (“the Committee”) to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention.
2. No communication shall be received by the Committee if it concerns a State Party to the Convention that is not a party to the present Protocol.

ARTICLE 2

The Committee shall consider a communication inadmissible when:

- (a) The communication is anonymous;
- (b) The communication constitutes an abuse of the right of submission of such communications or is incompatible with the provisions of the Convention;
- (c) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;
- (d) All available domestic remedies have not been exhausted. This shall not be the rule where the application of the remedies is unreasonably prolonged or unlikely to bring effective relief;
- (e) It is manifestly ill-founded or not sufficiently substantiated; or when
- (f) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.

¹ Treaty Series No. 10 (2010) Cm 7905

ARTICLE 3

Subject to the provisions of article 2 of the present Protocol, the Committee shall bring any communications submitted to it confidentially to the attention of the State Party. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

ARTICLE 4

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.

2. Where the Committee exercises its discretion under paragraph 1 of this article, this does not imply a determination on admissibility or on the merits of the communication.

ARTICLE 5

The Committee shall hold closed meetings when examining communications under the present Protocol. After examining a communication, the Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

ARTICLE 6

1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end submit observations with regard to the information concerned.

2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.

3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.

4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.

5. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.

ARTICLE 7

1. The Committee may invite the State Party concerned to include in its report under article 35 of the Convention details of any measures taken in response to an inquiry conducted under article 6 of the present Protocol.

2. The Committee may, if necessary, after the end of the period of six months referred to in article 6, paragraph 4, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.

ARTICLE 8

Each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 6 and 7.

ARTICLE 9

The Secretary-General of the United Nations shall be the depositary of the present Protocol.

ARTICLE 10

The present Protocol shall be open for signature by signatory States and regional integration organizations of the Convention at United Nations Headquarters in New York as of 30 March 2007.

ARTICLE 11

The present Protocol shall be subject to ratification by signatory States of the present Protocol which have ratified or acceded to the Convention. It shall be subject to formal confirmation by signatory regional integration organizations of the present Protocol which have formally confirmed or acceded to the Convention. It shall be open for accession by any State or regional integration organization which has ratified, formally confirmed or acceded to the Convention and which has not signed the Protocol.

ARTICLE 12

1. “Regional integration organization” shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the Convention and the present Protocol. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by the Convention and the present Protocol. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.
2. References to “States Parties” in the present Protocol shall apply to such organizations within the limits of their competence.
3. For the purposes of article 13, paragraph 1, and article 15, paragraph 2, of the present Protocol, any instrument deposited by a regional integration organization shall not be counted.
4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the meeting of States Parties, with a number of votes equal to the number of their member States that are Parties to the present Protocol. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

ARTICLE 13

1. Subject to the entry into force of the Convention, the present Protocol shall enter into force on the thirtieth day after the deposit of the tenth instrument of ratification or accession.
2. For each State or regional integration organization ratifying, formally confirming or acceding to the present Protocol after the deposit of the tenth such instrument, the Protocol shall enter into force on the thirtieth day after the deposit of its own such instrument.

ARTICLE 14

1. Reservations incompatible with the object and purpose of the present Protocol shall not be permitted.
2. Reservations may be withdrawn at any time.

ARTICLE 15

1. Any State Party may propose an amendment to the present Protocol and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a meeting of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a meeting, the Secretary-General shall convene the meeting under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly of the United Nations for approval and thereafter to all States Parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

ARTICLE 16

A State Party may denounce the present Protocol by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

ARTICLE 17

The text of the present Protocol shall be made available in accessible formats.

ARTICLE 18

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Protocol shall be equally authentic.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Protocol.

RATIFICATIONS, ACCESSIONS, EFFECTIVE DATES AND
DECLARATIONS

(as of July 2010)

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
ALGERIA	Signature	30 March 2007	
ANDORRA	Signature	27 April 2007	
ANTIGUA AND BARBUDA	Signature	30 March 2007	
ARGENTINA	Signature	30 March 2007	
ARGENTINA	Ratification	2 September 2008	2 October 2008
ARMENIA	Signature	30 March 2007	
AUSTRALIA	Accession	21 August 2009	20 September 2009
AUSTRIA	Signature	30 March 2007	
AUSTRIA	Ratification	26 September 2008	26 October 2008
AUSTRIA ¹	Objection	26 September 2008	
AZERBAIJAN	Signature	9 January 2008	
AZERBAIJAN	Ratification	28 January 2009	27 February 2009
AZERBAIJAN ²	Declaration	28 January 2009	27 February 2009
BANGLADESH	Signature	26 April 2007	
BANGLADESH	Accession	12 May 2008	11 June 2008
BELGIUM	Signature	30 March 2007	
BELGIUM	Ratification	2 July 2009	1 August 2009
BENIN	Signature	8 February 2008	
BOLIVIA	Signature	13 August 2007	
BOSNIA AND HERZEGOVINA	Signature	29 July 2009	
BRAZIL	Signature	30 March 2007	
BRAZIL	Ratification	1 August 2008	31 August 2008
BURKINA FASO	Signature	23 May 2007	23 May 2007
BURKINA FASO	Ratification	23 July 2009	22 August 2009
BURUNDI	Signature	26 April 2007	
CAMBODIA	Signature	1 October 2007	
CAMEROON	Signature	1 October 2008	
CENTRAL AFRICAN REPUBLIC	Signature	9 May 2007	
CHILE	Signature	30 March 2007	
CHILE	Ratification	29 July 2008	28 August 2008
COOK ISLANDS	Accession	8 May 2009	7 June 2009

COSTA RICA	Signature	30 March 2007	
COSTA RICA	Ratification	1 October 2008	31 October 2008
COTE D'IVOIRE	Signature	7 June 2007	
CROATIA	Signature	30 March 2007	
CROATIA	Ratification	15 August 2007	
CYPRUS	Signature	30 March 2007	
CZECH REPUBLIC	Signature	30 March 2007	
DOMINICAN REPUBLIC	Signature	30 March 2007	
DOMINICAN REPUBLIC	Ratification	18 August 2009	17 September 2009
ECUADOR	Signature	30 March 2007	
ECUADOR	Ratification	3 April 2008	
EL SALVADOR	Signature		
EL SALVADOR	Ratification	14 December 2007	
EL SALVADOR ³	Reservation	14 December 2007	
FINLAND	Signature	30 March 2007	
FRANCE	Signature	23 September 2008	
GABON	Signature	25 September 2007	
GEORGIA	Signature	10 July 2009	
GERMANY F R	Signature	30 March 2007	
GERMANY F R	Ratification	24 February 2009	26 March 2009
GHANA	Signature	30 March 2007	
GUATEMALA	Signature	30 March 2007	
GUATEMALA	Ratification	7 April 2009	7 May 2009
GUATEMALA	Notification	7 April 2009	7 May 2009
GUINEA	Signature	31 August 2007	
GUINEA	Ratification	8 February 2008	
HAITI	Accession	23 July 2009	22 August 2009
HONDURAS	Signature	23 August 2007	
HUNGARY	Signature	30 March 2007	
HUNGARY	Ratification	20 July 2007	
ICELAND	Signature	30 March 2007	
ITALY	Signature	30 March 2007	
JAMAICA	Signature	30 March 2007	
JORDAN	Signature	30 March 2007	
LIBERIA	Signature	30 March 2007	
LITHUANIA	Signature	30 March 2007	
LUXEMBOURG	Signature	30 March 2007	
MACEDONIA THE FYR OF	Signature	29 July 2009	

MADAGASCAR	Signature	25 September 2007	
MALDIVES	Signature	13 December 2006	
MALI	Signature	15 May 2007	
MALI	Ratification	7 April 2008	7 May 2008
MALTA	Signature		
MAURITIUS	Signature	25 September 2007	
MEXICO	Ratification	13 December 2006	
MEXICO	Signature	30 March 2007	
MONTENEGRO	Signature	27 September 2007	
NAMIBIA	Signature	25 April 2007	
NICARAGUA	Signature	21 October 2008	
NIGER	Signature	2 August 2007	
NIGER	Ratification	24 June 2008	24 July 2008
NIGERIA	Signature	30 March 2007	
OMAN	Ratification	6 January 2009	5 February 2009
PANAMA	Signature	30 March 2007	
PANAMA	Ratification	7 August 2007	
PARAGUAY	Signature	30 March 2007	
PERU	Signature	30 March 2007	
PERU	Ratification	30 January 2008	
PORTUGAL	Signature	30 March 2007	
PORTUGAL	Ratification	23 September 2009	23 October 2009
QATAR	Signature	9 July 2007	
RWANDA	Accession	15 December 2008	14 January 2009
SAN MARINO	Signature	30 March 2007	
SAUDI ARABIA	Accession	24 June 2008	24 July 2008
SENEGAL	Signature	25 April 2007	
SERBIA	Ratification	31 July 2009	30 August 2009
SEYCHELLES	Signature	30 March 2007	
SIERRA LEONE	Signature	30 March 2007	
SLOVAK REPUBLIC	Signature		
SLOVENIA	Signature	30 March 2007	
SLOVENIA	Ratification	24 April 2008	24 May 2008
SOLOMON ISLANDS	Signature	24 September 2009	
SOUTH AFRICA	Signature	30 March 2007	
SOUTH AFRICA	Ratification	30 November 2007	
SPAIN	Signature	30 March 2007	
SPAIN	Ratification	3 December 2007	

SWAZILAND	Signature	25 September 2007	
SWEDEN	Signature	30 March 2007	
SWEDEN	Ratification	15 December 2008	14 January 2009
SYRIA	Accession	10 July 2009	9 August 2009
SYRIA ⁴	Declaration	10 July 2009	9 August 2009
TANZANIA	Signature	29 September 2008	
THAILAND	Ratification	29 July 2008	
TOGO	Signature	23 September 2008	
TUNISIA	Signature	30 March 2007	
TURKEY	Signature	28 September 2009	
UGANDA	Signature	30 March 2007	
UGANDA	Ratification	25 September 2008	25 October 2008
UNITED ARAB EMIRATES	Signature	12 February 2008	
UNITED KINGDOM	Signature	26 February 2009	
UNITED KINGDOM	Reservation	8 June 2009	
UNITED KINGDOM	Declaration	8 June 2009	
UNITED KINGDOM	Ratification	7 August 2009	6 September 2009
VIETNAM D R	Signature	22 October 2007	
YEMEN	Signature		
YEMEN	Ratification	26 March 2009	25 April 2009
ZAMBIA	Signature	29 September 2008	

Notes

¹ “The Government of Austria has examined the reservation to the Convention on the Rights of Persons with Disabilities and Optional Protocol thereto made by the Government of El Salvador.

According to its reservation, El Salvador envisages becoming Party to the Convention only to the extent that its provisions do not prejudice or violate the provisions of any of the precepts, principles and norms enshrined in the Constitution of the Republic of El Salvador, particularly in its enumeration of principles. In the absence of further clarification, this reservation does not clearly specify the extent of El Salvador’s derogation from the provisions of the Convention. This general and vague wording of the reservation raises doubts as to the degree of commitment assumed by El Salvador in becoming a party to the Convention and is therefore incompatible with international law.

The Government of Austria objects to the reservation made by the Government of the Republic of El Salvador to the Convention on the Rights of Persons with Disabilities and Optional Protocol thereto.

This objection, however, does not preclude the entry into force, in its entirety, of the Convention between Austria and El Salvador.”

² “The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Protocol in the territories occupied by the Republic of Armenia until these territories are liberated from occupation.”

³ The Government of the Republic of El Salvador signs the present Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, adopted by the United Nations General Assembly on 13 December 2006, to the extent that its provisions do not prejudice or violate the provisions of any of the precepts, principles and norms enshrined in the Constitution of the Republic of El Salvador, particularly in its enumeration of principles.

⁴ The Government of the Syrian Arab Republic declares that it does not recognize the competence of the Committee on the Rights of Persons with Disabilities (“the Committee”) provided for in articles 6 and 7 of the Optional Protocol, in accordance with Article 8 of that Protocol, which provides that each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 6 and 7.



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