**Optional Protocol to the Convention on the Rights of Persons with disabilities**

**Attachment 2**

Plain English version of:

**Optional Protocol to the Convention on the Rights of Persons with disabilities**

**Note:** Please note this is not a United Nations official document.

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**1. Introduction**

Some words are explained in the text.

Other words are in **bold** and there is a list of definitions at the end of the paper.

The Committee on the Rights of Persons with disabilities watches how well countries use the **Convention on the Rights of Persons with Disabilities**.

The Committee also helps countries to understand what to do to make sure persons with disabilities have their rights.

**States** that sign the **Convention** can also sign the **Optional Protocol**, if they agree with all of the articles below, which describe all of the things that **States** must do.

**2. Article 1**

1. The State agrees the Committee on the Rights of Persons with disabilities can accept complaints about the State not keeping the Convention.

The complaints can be from a person or a group who:

* Live in the State
* Are badly affected by the State not keeping the Convention

2. The Committee cannot accept complaints from people in a State that does not agree to this Optional Protocol.

1. **Article 2**

Complaints cannot be accepted by the Committee when:

* The writer does not say who they are
* It does not follow the rules of the Optional Protocol or refers to questions that are different to the ones contained in or addressed by the convention
* The Committee looked at the same complaintbefore or another part of the UN or another international mechanism fighting for the protection of the rights of persons with disability is looking at it
* There are still ways the complaint could be dealt with in that State, like going to the highest court. Unless this is taking too long or will not improve things enough
* It is obviously not true or there is not enough proof to say it is true
* What happened was before the State agreed to this Optional Protocol. Unless it carried on after the State agreed to the Optional Protocol

**4. Article 3**

The Committee will write to the State **confidentially** telling them about the complaint.

In less than six months, the State must write to the Committee saying why the issue happened or explain what happened and what they did about it.

**5. Article 4**

1. When the Committee gets a complaint, it can ask a State to see the issue as very important and ask the State to take measures to protect the person who risks to die or to suffer so much that the suffering cannot be repaired (interim measures). The Committee can ask them to do certain things to make sure no-one is badly treated or hurt.

2. This does not mean the Committee accepts everything in the complaint as true. The committee can ask for interim measures anytime in the procedure before it adopts a decision about the complaint.

**6. Article 5**

The Committee will have private meetings when it looks at complaints sent using this Optional Protocol. After taking a decision about the complaint it will send their decision and advice to the State and the person who sent the complaint.

**7. Article 6**

1. When the Committee gets reliable information that shows very serious and regular breaking of the Convention it will ask the State:

* To work with them on looking at the information
* To say what it thinks of the information

2. Then 1 or 2 members of the Committee may look into it all and report quickly on what they find. The members can visit the State if they need to. Both the Committee and the State need to agree to their visit.

3. After reading the report by the members the Committee will tell the State their conclusions and advice.

4. The State must reply to this in less than six months.

5. All this will be done confidentially The Committee will ask the State to work with them as far as possible.

**8. Article 7**

1. The Committee can ask the State to include what it did with the advice in its regular report on the Convention.

2. Six months after the Committee sends advice it can ask the State what it did about the advice.

**9. Article 8**

When the State agrees to this Optional Protocol it can say it does not agree to articles 6 and 7.

**10. Article 9**

The **Secretary-General** will keep the signed copy of the Optional Protocol from all the States.

**11. Article 10**

Any State that is part of the Convention can sign this Optional Protocol at the United Nations offices in New York.

**12. Article 11**

**States** that sign the **Convention** can also sign the **Optional Protocol**, some States are joined together in an organization, like the European Union. They are usually in a **region**. These organizations can agree to the Convention and can then sign this Optional Protocol as well.

**13. Article 12**

1. The organizations are responsible for the rights of persons with disabilities in the States they cover. They must tell the Secretary-General what they can do about the rights of persons with disabilities. If this changes, they must tell the Secretary-General

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2. In the Optional Protocol where it says “State” it includes these organizations.

3. At a meeting with States, the region organizations can vote. They have the same number of votes as the number of States that are part of their organization.

When a State of the organization decides to vote then the organization cannot vote. And when an organization votes the State cannot vote.

**14. Article 13**

1. When a State or region organization signs the Convention they must wait 30 days. Then they can sign this Optional Protocol.

2. This Optional Protocol can be used 30 days after the State signs it.

**15. Article 14**

1. A State may not agree with all of this Optional Protocol, but it must agree with what this Optional Protocol is trying to do. It must sign up to the whole Optional Protocol.

2. Any doubts about the Optional Protocol can be taken back by a State at any time.

**16. Article 15**

1. Any State can suggest changes to this Optional Protocol. They need to send changes they want to the Secretary-General.

The Secretary-General will send the changes out to all States who have signed the Optional Protocol.

The Secretary-General will ask if they want a meeting to look at the possible changes. A third of the States need to say they want a meeting. If enough States say yes to a meeting four months after he sends the letter, the Secretary-General will call a meeting.

Two thirds of the States at the meeting need to agree to the changes. Then it goes to the **General Assembly** and after to all States to accept it.

2. The change will start 30 days after two thirds of the of States Parties sign agreeing to it. It will apply to any State that signs the Optional Protocol after this.

The change is only for the States that accept it.

**17. Article 16**

A State can say it doesn’t want to be part of the Optional Protocol anymore by telling the Secretary-General in a letter.

One year after the Secretary-General gets the letter, the State will not be a part of the Optional Protocol anymore.

**18. Article 17**

You can get an **accessible** copy of this Optional Protocol.

**19. Article 18**

You can get this Optional Protocol in Arabic, Chinese, English, French, Russian and Spanish.

The States that signed this Optional Protocol can be seen on the website.

**20. Word bank**

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| **Word** | **What it means** |
| **Accessible** | something that is easy to use for people with disabilities. Such as:   * ramps to get into a building * information in easy read or braille * sign language interpreters. |
| **Confidentially** | Keeping things private amongst only those people who need to know. |
| **The Convention** | This is the Convention on the Rights of Persons with Disabilities by the United Nations. It says what rights persons with disabilities have. |
| **General Assembly** | Is made up of all States who are members of the United Nations. The General Assembly meets once a year. |
| **Issue** | An important subject or problem to talk about. |
| **Optional protocol** | Many **human rights** agreements have an extra agreement that countries can choose to sign after they sign the main agreement |
| **Secretary-general** | The head of the United Nations. |
| **State** | A country |