



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER



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

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*A toolkit*

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## *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, provides a simplified version of the provisions of the Optional Protocol, and offers practical information on ratification and accession of treaties.*



## 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.

# Frequently Asked Questions



## ***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.

## ***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?***

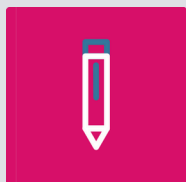
No. The Optional Protocol has strict admissibility criteria to prevent duplication of applications between treaty bodies and other international investigation or settlement procedures.

## ***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 August 2024: Signatories: 94. Parties: 106.**

*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.*



# Simplified Version

**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.

**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.

# Process for Ratification and Accession

## **What is ratification?**

When a State ratifies an international human rights treaty, it legally commits to implement its provisions. By depositing instruments of ratification, a State expresses its consent to be bound by the treaty. Ratification is preceded by the signature of the treaty. Upon the signature, the State is obliged not to act contrary to the object and purpose of the treaty. The State may use the time between the signature and ratification to enact the necessary legislation to ensure the application of the treaty nationally.

## **What is accession?**

Accession is the act by which a State accepts to become a party to a treaty that has already been negotiated and signed by other States. It has the same legal effect as ratification. Accession usually takes place after the treaty has entered into force.

## **What are the steps for formalizing a ratification or accession?**

Model instruments of ratification or accession can be found on the [United Nations Treaty Collection](#) website. These templates are available in all six UN languages. The date indicated in the instrument of ratification or accession is the date on which the State becomes bound by the treaty. More information is available in the [Treaty Handbook](#). The annexes to the model instruments of full powers, ratification and accession are also available in this toolkit.

Once completed and signed by the competent authority in the State, e.g., the Head of State or Government or the Minister for Foreign Affairs, the signed copy of the original instrument can be emailed to [treatysection@un.org](mailto:treatysection@un.org) for deposit. However, the originals must be delivered to the Treaty Section as soon as they arrive at the Permanent Mission in New York. The Depositary Unit office is at 2 UN Plaza, 323 E 44th Street, 5th Floor, Room DC2-0500, Tel: 1-212 963 504. New York, NY 10017 USA.

The Permanent Representative in New York may deliver instruments of ratification or accession. There may be a ceremony for the deposit of instruments ([pictures](#)). Alternatively, the Government may wish to deposit the instruments at the Treaty Event held during the opening of the General Assembly, which will provide a high-level setting for this treaty action and give visibility to the Government's commitment to human rights.

ANNEX I

**MODEL INSTRUMENT OF FULL POWERS**

**(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)**

**FULL POWERS**

\_\_\_\_\_  
I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs],

**HEREBY AUTHORIZE** [name and title] to [sign <sup>2</sup>, ratify, denounce, effect the following declaration in respect of, etc.] the [title and date of treaty, convention, agreement, etc.] on behalf of the Government of [name of State].

Done at [place] on [date].

[Signature]

\_\_\_\_\_  
<sup>2</sup> \* Subject to the provisions of the treaty, one of the following alternatives is to be chosen: [subject to ratification] or [without reservation as to ratification]. Reservations made upon signature must be authorized by the full powers granted to the signator

ANNEX II

**MODEL INSTRUMENT OF RATIFICATION, ACCEPTANCE OR APPROVAL**

**(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)**

**[RATIFICATION / ACCEPTANCE / APPROVAL]**

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**WHEREAS** the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

**AND WHEREAS** the said [treaty, convention, agreement, etc.] has been signed on behalf of the Government of [name of State] on [date],

**NOW THEREFORE I**, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned [treaty, convention, agreement, etc.], [ratifies, accepts, approves] the same and undertakes faithfully to perform and carry out the stipulations therein contained.

**IN WITNESS WHEREOF**, I have signed this instrument of [ratification, acceptance, approval] at [place] on [date].

[Signature]



**MODEL INSTRUMENT OF ACCESSION**

**(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)**

**ACCESSION**

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**WHEREAS** the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

**NOW THEREFORE I**, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned [treaty, convention, agreement, etc.], accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

**IN WITNESS WHEREOF**, I have signed this instrument of accession at [place] on [date].

[Signature]

