

International protection of persons with disabilities

Summary

The theme of this thesis is the protection of persons with disabilities under international law. In last decades there have been a dramatic shift in the perception of disability. It has changed from medical approach to the social model of disability, which is closely connected with the human rights perspective on the „disability rights“. This paradigm shift has culminated in adoption of the United Nations Convention on the rights of people with disabilities.

Violating of their human have several forms and is spreaded all over the world. Nevertheless, the number of them is still growing. According to the WHO estimations about 15 % of world population live with some form of disability and most of them in developing countries in the condicions of the lack of elementary resources and support. Relation between disability, discrimination, poverty nad social exclusion is thus more than clear.

On the other hand, people with disabilities definitely do not present any kind of homogeneous group. Diversity of people with disabilities brings a serious challenge in the various forms of obstacles and barriers preventing them from full and equal enjoyment of their human rights and thus a wide range of measures necessary to eliminate them.

The aim of this work is to provide an analysis of the core human right treaties adopted within the frame of United nations organization. The main focus in non-specific instruments is on the protection against discrimination on the basis of disability, nature of the general state parties obligations, their interpreteation and usability in the context of disability and eventual possibility of adopting special measures to support their inclusion in mainstream society.

The core of this paper is an analysis of the Convention on the right of people with disabilities as t he firs disability specific legally binding tool in this frame. Except its antidiscriminational nature it also articulates the comprehensive catalogue of human rights obligations within the circumstances of persons with disabilities. In its substantive articles it clarifies the human rights existing under international law in this context.

I do focus on its systematics, general principles and new elements that it brings to the system. Explanation of particular provisions is supported by appropriate interpretation of other treaty bodies and quazi-judicial as wel as judicial decisions, especially those of the European Court of Human Rights.