

Training Manual on the Human Rights of Persons with Disabilities



The participation of the organizations
of people with disabilities and their families
in the process of ratifying, monitoring and implementing
+the United Nations Convention
on the Rights of Persons with Disabilities

Edited by Giampiero Griffo and Francesca Ortali



Ulaanbaatar
2007

This document was created in the context of the project Strengthening the Skills of the National Federation of DPOs of Mongolia in Promoting and Defending the Rights of People with Disabilities Implemented by the Italian Association Amici di Raoul Follereau – AIFO
In active cooperation with Disabled People International – DPI Italy and with the financial contribution of UN.

We would like to thank:

The National Commission of Human Rights of Mongolia
The Ministry of Health of Mongolia
The Ministry of Social Welfare and Labour of Mongolia
The National Federation of Disabled People's Organizations of Mongolia and its Member Organizations
The National Centre of the Rights of Women with Disabilities of Mongolia
The National Federation of the Blinds of Mongolia
The National Federation of the People with Hearing Difficulties of Mongolia

DDC
305.908.16'023
G-85
ISBN
978-99929-56-23-2

Published at:

“Best Colour International” Printing House

Jamyang Gun Street, Sukhbaatar district, Horoo #1, Ulaanbaatar, Mongolia
E-mail: bci@mongol.net
Tel/fax: +976-11-318632



Creative Commons License Deed

Attribution-Noncommercial 2.5 Italy

You are free:

- **to Share** — to copy, distribute and transmit the work
- **to Remix** — to adapt the work

Under the following conditions:

- **Attribution.** You must attribute the work in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work).
- **Noncommercial.** You may not use this work for commercial purposes.
- For any reuse or distribution, you must make clear to others the license terms of this work. The best way to do this is with a link to this web page.
- Any of the above conditions can be waived if you get permission from the copyright holder.
- Nothing in this license impairs or restricts the author's moral rights.

THE ASSOCIATIONS WHO EDITED THE PRESENT MANUAL

Disabled Peoples' International – DPI Italia Onlus

DPI Italia Onlus is the Italian section of the International NGO “Disabled People’s International”. It was founded on the 16th of October 1994 and it is made up of 18 Italian Organisations, involved in the protection and promotion of the human and civil rights of people with disability and their families, and of single members.

DPI Italia works to achieve the following goals:

- a. Guarantee the safeguarding of human and civil rights of people with disability, according to the principles of non discrimination and equal opportunities (art. 21 and 26 of the Charter of Fundamental Rights of the European Union);
- b. Support the self promotion of people with disability in all processes and issues (familiar, social, economic and political) concerning themselves;
- c. Favour the achievement of autonomous, self-determined, independent and interdependent life of people with disability and promote equal opportunities, according to the Standard Rules of the UN;
- d. Enhance the resources of the associations that are members of the networks, sustaining the sharing of activities, instruments as well as the research and planning skills each Association possesses;
- e. Promote the vision of disability as an ordinary human diversity and favour relationships of inter-dependence, and the reciprocity of the growth processes on every level: natural, human, civil and cultural.

Sito web:

www.dpitalia.org

Contatti:

dpitalia@dpitalia.org

giambatman@tin.it

Italian Association Amici di Raoul Follereau – AIFO

The Italian Association Amici di Raoul Follereau is a Non-Governmental Organisation working in the field of International Health Co-operation, official partner of World Health Organisation. AIFO is present in 25 Countries in Africa, Asia and South America, with 130 project of Health Co-operation. AIFO draws inspiration from the message of justice and love of the French journalist Raoul Follereau, who committed all his life against the social stigma and the physical disability caused by leprosy (Hansen disease).

Abroad, AIFO supports projects related to the treatment and care of leprosy and Primary Health Care; projects for and with people with disabilities, adopting the strategies of Community Based Rehabilitation and of empowerment of people with disabilities; projects for childhood. All the initiatives promoted abroad aim at self-development and at sustainability, through the active participation and decisions of the beneficiaries themselves. In Italy, AIFO carries out information campaigns and activities of education to development.

To build the civilisation of Love starting from the Poorest: this is the huge commitment that AIFO volunteers achieve without discrimination of belief or culture.

The project supported by AIFO have the following characteristics:

Development projects. AIFO promotes projects towards the creation of stable development conditions and improvement of life quality standards. It implements emergency actions only in the case where there are already well-established partnerships which may guarantee a positive impact.

Enhancement the local resources. AIFO supports local projects and capacities. It supports training courses of local personnel for giving sustainability. It collaborates actively with institutions and local associations.

Community development. The community is the resource on which AIFO invests the most, spurring the solidarity between the members and giving them the abilities that enable them to become resource for disadvantaged groups. Primary Health Care and Community Based Rehabilitation are the favourite approaches of AIFO, both characterised on the enhancement of the role of community.

Web-site:

www.aifo.it

Contacts:

info@aifo.it

francesca.ortali@aifo.it

Contents

Project background

Foreword

Introduction

Methodological Note on Training

Key Training Concepts

The Condition of People with Disabilities

The United Nations Convention on the Rights of Persons with Disabilities

DPOs in the Promotion and Protection of Human Rights

A National Strategy to Support and Participate in the Process of Ratifying the Convention

Annexes

Project background

The present project is the result of a long presence of AIFO – Associazione Italiana Amici di Raoul Follereau - in Mongolia and its collaboration with Ministry of Health, the National Rehabilitation Centre for people with disabilities and the National Federation of DPOs. The first feasibility study in Mongolia was held in 1991 by AIFO; between 1992 and 1996, AIFO held training courses for trainers at National level on CBR strategies and elaborated ways of adaptation in Mongolian specific context. Between 1997 and 2001, CBR project covered 50 % of the total populations, which means 11 provinces in the west part of Mongolia out of 21 provinces and Ulaanbaatar 6 districts. Between 2001 and 2005, CBR project reached all the 12 provinces of the western part of Mongolia, including Bayan-Ulgii province (Kazak minority) and Nalaih and Baganuur districts within Ulaan Bataar, the capital city. In the present phase, the project focuses on organising the communities and empowering people with disabilities and organisation of people with disabilities. The project was discussed and plan of actions were elaborated together with the local partner, collaborators to ensure involvement and full sharing of decision making.

Since the beginning of its presence in Mongolia, AIFO has been paying special attention to strengthen the capacity building of the Organisations of People with disabilities – DPOs and the National Federation. Moreover, in 2005, AIFO supported a project implemented jointly with the Federation on “Disability Amendments in the existing laws of Mongolia” in collaboration with the local NGO¹ “Consensus”. The working group, formed by lawyers and members of the Mongolian Federation of DPOs, analyzed more than 20 existing laws and the latest version of *Draft Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities*. The Disability Amendments were presented to the 2005 Autumn session of the Great Khural, the Parliament of Mongolia. After the approval of United Nations *Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities*, the amendments were modified and updated and finally they will be discussed during the Parliament spring session of 2007.

The main objective of the present project was to improve the skills of the National Federation of DPOs in Mongolia and the partner organizations in

¹ *Consensus/Lobby Center/NGO is a non-governmental, non-party and non-profit organization. Its mission is: the promotion of new mechanism of cooperation between main political stakeholders; the achievement of political consensus in favor to the essential interest of people of Mongolia; the encouragement of mechanism of direct democracy supporting citizens' participation in the public governance and combating corruption.*

The adopted strategy is: establishing a “Lobby Center”, promoting a lobbying system and human rights and legal literacy, producing legal and political researches and policy documents on priority issues such as gender, human rights, corruption, laws.

promoting and defending the rights of persons with disabilities. As a result of the project, firstly the Federation was strengthened with well-educated human resources, who are better aware of human rights and better advocate the rights of persons with disabilities at the political level, pushing the Human Right approach in legislation and supporting new legislation based on the UN Convention approach. Secondly, the Federation's organizational and managerial capacity improved through different subjects of training. Therefore, the capacity building process was strengthened and the Federation helped to become a more dynamic and self-reliant organization at the end of the project implementation.

The training courses organised set out in two levels: one theoretical on Human Rights approach through cascade training, and technical level on Management field, computer skills and English language.

The increasing demand of people with disabilities to obtain a role in decision making and precise responsibilities brought to a self consciousness of the need of further training, on technical and managerial issues, as well as on the empowering process based on human rights strategy. The present "Training manual on the human rights of people with disabilities" is the result of the perceived needs and analysis of the situation of the organizations of people with disabilities in Mongolia. The starting idea was to get a training manual flexible and constructed in modules, to be used in the different Countries of the world, in different cultural, social, political and economic backgrounds and actual contexts. It is mainly addressed to the participation of the organizations of people with disabilities and their families in the process of ratification, monitoring and implementation of the United Nations Convention on the rights of people with disabilities.

Foreword

Two thousand and five hundred years ago, when the young prince Siddhartha, secretly slipping out of his father's palace, discovered illness, old age and death, he definitely met also disability. His choice to devote his whole life searching the way to eliminate the pain, becoming the Buddha, he affirmed the right of each one to get free from suffering for ever.

In this process, with regards either to persons with disabilities as well as every human being, essential requirements are some abilities like: capability to make communities recognise and declare specific and universal human rights and to know how to make them due; to know how to identify new rights, rewriting the existing ones.

This is a belief that AIFO acquired and that comes from leprosy millenary history. It is not enough to treat this illness, neither to recover from it. Once it is contracted you live a double condition: *you have leprosy* and *you are a leper*, which is, signed by a mark which socially marginalizes and excludes from the community.

Likewise, in the present world, *a person out of ten has a disability and is also disabled*. Thanks to old and new technologies, it has not been difficult to find any technical remedy to avoid the functional consequences of disability. Much more difficult is to remove the debarring stigma which maliciously flutters around every disable person. This is a different issue from the needs of medical, surgical or prosthetic correction: the fundamental rights of human beings are here involved. It is for this reason that I like to think that Janraisig, the bodhisattva of compassion, and the saviour goddess Tara would appreciate the offer of this manual.

It is a happy coincidence that this Manual, carried out with the financial contribution of UNO, sees the light few months after the approval of the UN Convention on the rights of persons with disabilities. For the work (background) from which it comes and for its operational stances which it contains, it is an extraordinary example of implementation of the spirit of the Convention itself.

It is the result of decisive convergence of the participation of persons with disabilities, their families and their organisations, and of the receptiveness towards change of the Mongolian Government and institutions.

This is a Manual of active citizenship, exemplary product of a bottom-up capacity building, not only theoretical but concrete, in the field of the rights of persons with disability in Mongolia. Its foundations lay on the recognition of the intrinsic dignity of every human being, and extraordinary value of every person in his/her way of being alive.

Besides, the organized and conscious action of persons with disabilities in Mongolia shows the huge value of the knowledge that every persons with disability has with regards to his/her own life condition.

Thanks to the achieved empowerment, persons with disabilities acquired on the field the status of experts of their own condition and are consequently and obviously trainers.

Therefore, it is not only a question to implement computer science or English language or management or international law courses. There is something more. Through training courses set out with the support of DPI and AIFO, it was set in motion a recursive process which produces new empowerment, new critic consciousness, new knowledge, new capabilities on human rights, to be used for every human being.

In this way persons with disabilities, who previously were the stones rejected by the builders of society, have now become the capstone in the building of a democratic Mongolia and of solidarity, equality and freedom.

Therefore, the national symbol of Mongolia, the Soyombo conceived by Zanabazar, among its many meanings, may in this way enumerate also the freedom, dignity and autonomy of persons with disability.

The Manual is of course a tool for new concrete goals, for the wellbeing of the last, which, according to the theory of justice of John Rawls, constitutes an essential parameter of the civilization of a society.

It is necessary to make fundamental rights and available resources distributed in the most possible equal way, avoiding inequalities. As Rawls does, we however admit a positive inequality, an exception of justice to the formal equity.

When you work in favour of those who are in concrete disadvantaged conditions, it is necessary to fill the gap of opportunities in order to reduce this disadvantage. It is not right to make equal parts among unequals.

For this reason, AIFO is deeply engaged to make international cooperation integrate the knowledge of disable condition in each project of intervention, appreciating the human meeting on an equal footing, among faces that look at each other and recognise them a value itself original and unalienable.

It is a concern of active love, of political non-violent love, to which we invite each reader or user of this Manual.

Francesco Colizzi

President

Associazione Italiana Amici di Raoul Follereau - AIFO

Introduction

The adoption in the United Nations of the Convention on the Rights of Persons with Disabilities on 13 December 2006 is the culmination of years of struggles by members of the global community of persons with disabilities for the recognition and respect of their rights. This is an initiative which members of the disability movement have worked so hard over decades, to achieve. The work for the convention has witnessed how the global movement of persons with disabilities has set aside their individual issues in favor of uniting to speak with one common voice to demonstrate their commonality of issues, including the day-to-day experience of discrimination which many persons with disabilities are subjected to. Such experience of discrimination has unified disabled persons to fight for disability rights to be recognized as human rights. Today, we celebrate the signing of the treaty by over a hundred member-states of the United Nations and the ratification of the same by 2 countries as of July 2007. But it is not right to assume that the work is done. In fact, it has just begun. The Convention indeed is a strong tool that can bring about change nationally and internationally. It can facilitate creation of a level playing field that equalizes opportunities and thereby help build better lives for all persons with disabilities and their families. It can likewise serve to hasten the inclusion of persons with disabilities in the life and activities of their communities wherever in the world they live. Disability rights as human rights are an issue whose time has finally come.

As many of us are aware of, our colleagues with disabilities in many developing countries are not even aware that they have rights. Many persons with disabilities need to be assisted in understanding what the Convention means and how it can be used as a tool to improve their own situation in the countries where they live. It is in this light that I wish to congratulate and commend the initiative of the DPI-Italy which has produced a training manual through the support of AIFO and UNDESA, to help persons with disabilities in developing countries understand what are human rights as applied in the context of disability and how to use the Convention as an effective tool for them to get their governments address the many issues that have contributed to the economic deprivation, isolation and marginalization of the poorest persons with disabilities the world over.

As has been said repeatedly, disabled persons are the experts of their own situation. Nothing about us, without us.

Venus M. Ilagan
Chairperson
Disabled Peoples' International
World Council

Methodological Note on Training

Training for a specific goal, in this case to promote the participation of the organizations of people with disabilities in the decision-making processes that affect their lives, requires particular attention to the local situation, the cultural context, the level of ability and awareness of the organizations and their leaders, the available technology and the disability policies of the country involved.

This means that we cannot have a one-size-fits-all intervention model, but must personalize the course as much as possible. Cultures and socioeconomic, political and social situations shall be kept in mind and the suggestions of experts and DPOs collected through specific preparation. It is important to use appropriate language that is understandable by the course participants, to be familiar with the country's situation and to judge the level of dialogue with local and national authorities achieved by the organizations of people with disabilities, in order to identify realistic and achievable goals.

Given the nature of the training it would be preferable to use trainers and experts from the same world of the organizations of people with disabilities. Indeed, this would reinforce the contents of the lessons by offering role models that could stimulate course participants to identify with a real leadership. This also applies to the parts of the course concerning the national situation in the country in which the course is carried out.

This choice will also allow the trainers to use not just a traditional teacher-centred education model, but also lessons involving cooperative learning activities and group peer counselling-type exercises. The lessons will therefore aim to bring out the lived experiences of the course participants by building on the methods of working and action used in their country. Moreover, as these techniques are particularly effective at an individual level, but delicate in group activities, appropriate pedagogical tools should be used to facilitate interpersonal and cooperative communication and participation in the training activities. In this regard exercises in subgroups, simulations and pedagogical tools based on cooperative activities are useful.

Another factor to bear in consideration is the possibility of transferring training from the centre outwards. In this regard, it would be useful to provide for two levels of training: the first central level involving the national leaders of organizations of people with disabilities and their families and other persons, who have the responsibility for passing on the training received from the national to the local level (especially in rural areas where often not much information reaches). It seems appropriate in this regard to identify some prerequisite abilities for potential trainers. The second training level can consist of more or less simplified training modules, to be worked out based on the various welfare and skills systems delegated to local authorities, aimed at local DPO leaders and their families. It is important to homogenize the skills of the local and national associations through a human rights-based approach.

Legend

The text includes sentences taken from some of the fundamental international documents for a human rights-based approach to disability. In order to identify the origins of the quotations in the text the reader should note that:

- quotations from the text of the Convention on the Rights of Persons with Disabilities (2006) refer, in round brackets, to the Preamble with the relevant Point, e.g. (Preamble Point t), to the Articles with the relevant number, e.g. (Art. 5), and to the Articles of the Optional Protocol with the relevant number e.g. (Protocol Art. 6); the same applies for references to this Convention without direct quotations in the text;
- quotations from the text of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993) carry, again in round brackets, the label Standard Rules, e.g. (Standard Rules);
- references to other sections of the manual are indicated by the section number in round brackets, e.g. (see section 3.2.3).

Quotations from the Convention on the Rights of Persons with Disabilities and the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities refer to the official texts.

1. Key Training Concepts

Learning Goals

The participants will gain a basic knowledge of:

- the UN and international institutions related to disability and human rights;
- the basic concepts of human rights legislation and culture.

1.1 Introduction to Human Rights

1.1.1 The history of human rights and the Universal Declaration of Human Rights

1.1.1.1 Brief history of the concept of human rights

The history of the concept of “human rights” reveals its historical evolution and political and social use from the Second World War until the Universal Declaration of Human Rights (1948). Since then the international instruments protecting human rights have broadened and developed, including at the regional level. The universality, indivisibility, interdependence and interrelation of all human rights and fundamental freedoms are universally accepted. Disability is a new area of action in the protection of human rights.

1.1.1.2 The human rights context at the level of the continent and national culture

Declarations and conventions have multiplied, affecting different cultures and institutions and various continents (Europe, the Americas, Africa, the Middle East and North Africa region, Asia and the Pacific region).

1.1.2 The cultural, political and legal motivations that form the basis for the protection of human rights

1.1.2.1 Protection of people at risk of human rights violations

Protection mechanisms derive from the realization that discrimination and human rights violations affect various specific groups, which the United Nations have recognized as women, immigrants, children and people with disabilities.

1.1.2.2 Development of standards for an equitable treatment of people
The United Nations international Convention has become a leading human rights protection mechanism, with a corpus of norms and sentences representing the evolution of international law produced by national and international courts

1.1.2.3 Development of a universal human rights protection system
The international human rights system has been evolving and spreading to the various continents (e.g. international and regional legal mechanisms and special courts of justice). International bodies exist to control and monitor the application of the norms of the various conventions.

1.2 International Institutions Based on Human Rights and their Operation

1.2.1 Brief history of the United Nations and its structure

1.2.1.1 UN General Assembly, Security Council and Economic and Social Council

The United Nations was formed in 1946 and is based on three pillars: the United Nations General Assembly, currently made up of 191 countries; the Security Council, made up of five countries with the right of veto (China, France, the United Kingdom, Russia and the United States of America) and 10 other countries in rotation; and the Economic and Social Council which involves different regional offices and various responsibilities.

1.2.1.2 United Nations agencies: ILO, WHO, UNESCO and UNICEF

Over time the United Nations agencies have been created, each with specific responsibilities. The brief history of the International Labour Organization, World Health Organization, United Nations Educational, Scientific and Cultural Organization and UNICEF shows how responsibilities concerning disability have been progressively developed.

1.2.2 Brief history of other relevant regional institutions

The regional institutions that either have responsibility for human rights or have approved documents in this field are the European Communities, Council of Europe, Organization of American States, League of Arab States, Organization of African Unity/African Union and Association of Southeast Asian Nations (ASEAN).

1.3 The United Nations Conventions

1.3.1 Brief history of the conventions approved by the United Nations

1.3.1.1 The motivations for a convention on human rights

The conventions came about because of the documentation of human rights violations against people with certain characteristics who were the object of social stigma. Awareness of the need for international human rights protection mechanisms became clear after the Second World War, when the horrors of the Nazi regime against people with disabilities (the T4 Program), the Romany people and the Jews became well-known. At that time the United Nations approved the Universal Declaration of Human Rights (1948), which in 30 articles lays out the set of human rights requiring protection. Human rights violations against people with disabilities have been highlighted by studies, research and legal charges laid.

1.3.1.2 Procedures for approval and operation

The establishment of a human rights convention is based on the maximum consensus possible between the Member States of the UN; it is discussed in bodies defined by the General Assembly. When there is agreement on a text it is put before the General Assembly for approval and the ratification process begins. This consists of the signing of the convention and the process of absorbing the convention into national legislation, after having verified that its norms are consistent with national laws. A convention enters into force when a certain number of countries have ratified it. At that point an international body is nominated with the task of monitoring application and supporting the implementation process. These bodies receive periodical national reports on the monitoring and implementation of conventions by the ratifying states.

1.3.1.3 Brief description of the seven UN Conventions on human rights

- Convention on the Elimination of All Forms of Racial Discrimination (1965)
- International Covenant on Civil and Political Rights (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)
- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- Convention on the Rights of the Child (1989)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)

1.3.2 International bodies for the protection of human rights

1.3.2.1 Treaty monitoring bodies

UN Conventions generally have a system for monitoring and controlling the implementation of the norms contained within them. This system is based on “treaty bodies”: these are generally independent committees, made up of experts, which follow the application of the various conventions. Not all UN conventions have treaty bodies. The convention monitoring system is currently undergoing reform.

1.3.2.2 Office of the United Nations High Commissioner for Human Rights

Within the United Nations operates the Office of the High Commissioner for Human Rights (OHCHR), which is a department of the United Nations Secretariat and is mandated to promote and protect the enjoyment and full realization, by all people, of all the rights established in the Charter of the United Nations and in international human rights laws and treaties. The mandate includes preventing human rights violations, securing respect for all human rights, promoting international cooperation to protect human rights, coordinating related activities throughout the United Nations, and strengthening and streamlining the United Nations system in the field of human rights. The Office leads efforts to integrate a human rights approach within the activities carried out by United Nations agencies.

1.3.2.3 The Human Rights Council and the International Court of Justice

The human rights system is based on the Charter of the United Nations, the International Court of Justice in The Hague in the Netherlands, and the Human Rights Council. The Charter of the United Nations (1945) is based on respect for human rights. The bodies that act to ensure the protection of human rights are the UN convention treaty bodies (see 1.3.2.1) and the International Court of Justice (1945). In 2006 the Human Rights Council was appointed under the General Assembly.

1.3.2.4 Other regional bodies

At the regional level, that is, at the level of the various continents, there are other bodies in charge of human rights. Among the most important is the Council of Europe, which has its own declaration on human rights (1953) and its own Court in Strasbourg.

1.3.3 Context of the Convention on the Rights of Persons with Disabilities

The link between disability and human rights came out of criticism of the medical model of disability in the 1970s and 80s, as well as early work by the United Nations, starting in 1981 with the International Year and continuing with the Sub-commission on the human rights of people with disabilities chaired by Leandro Despouy (1992).

The Convention on the Rights of Persons with Disabilities (2006) arose from the observation that the 650 million people in the world living with disabilities are subject to continual human rights violations. Studies have shown that the previous Conventions have not protected people with disabilities, who have effectively remained second-class citizens. For this reason a new convention was required to explicitly acknowledge the human rights of people with disabilities.

1.3.4 Value and meaning of a convention

1.3.4.1 Attention to high-priority issues

The approval of a convention on human rights is an important moment of political and social recognition of the will to protect the rights of the segment of population concerned. This means that it puts a new issue on the global and national agenda, creating the conditions to change policies and legislation. Thus, the first effect regards governments, parliaments and national and local institutions.

1.3.4.2 Cultural impact and awareness-raising

Equally important is the cultural impact of a convention, which influences society as a whole and offers a new approach to society's view of the social group being subjected to human rights violations. This impact must be supported by appropriate initiatives such as public awareness-raising campaigns, mass media involvement and appropriate cultural instruments.

1.3.5 Legal and political implications of a convention on human rights

1.3.5.1 Commitment of states

A convention commits ratifying states to respect its norms within the national legislation and policies. Examples can be illustrated for other conventions. The important thing to make clear is the effect that the norms have on the country that has ratified the convention and open up forms of comparison with the relevant governments and institutions.

1.3.5.2 The legal weight of an international convention

United Nations conventions are the most binding legislation, overriding, in the case of disputes over interpretation, all other forms of legislation. The principles and norms contained in a convention must therefore be known and interpreted to ensure the highest level of human rights protection at the national and local level.

1.3.5.3 Cultural transformation and awareness-raising

The cultural transformation arising from a convention must be guided. As well as its effect on information and communication systems, the convention must also have an impact on the education system, influencing university education in the various skills areas, promoting studies and research on the themes of the conventions and facilitating at every level the acquisition of skills and knowledge consistent with the Convention.

1.4 The Structure of a Convention

1.4.1 Description of the structures of UN conventions on human rights

Human rights conventions have a predefined structure. This consists of the preamble, which includes the motivations and references to general considerations that inspired the writing of the convention, and the articles contained in the text. The articles are further divided into: general principles and obligations that apply to all the articles; specific obligations that concern particular areas; the national and international monitoring system; the procedures for entry into force; the establishment and regulation of international bodies and the amendment system. Some conventions provide for additional protocols when some obligations and procedures have not been shared by the majority of the countries.

2. The Condition of People with Disabilities

Learning Goals

The participants will gain a basic knowledge of:

- the new vision of people with disabilities based on the human rights model;
- the history of international documents regarding the UN and international institutions concerned with disability and human rights.

2.1 People with Disabilities and the Human Rights Strategy

2.1.1 Brief history of the condition of people with disabilities over the centuries

Since ancient times people with disabilities have been considered negatively. Taking the history and culture of various countries and continents as a starting point, one can reconstruct the form of treatment they have undergone. In recent centuries this negative view has been embodied in similar treatments in all countries, based on segregation, different treatment justified by health conditions, and intervention models that created special treatments, often far removed from ordinary social life: it is the medical model that attributes to the condition of subjective limitation, to illness, the disadvantaged condition of people with disabilities. The social model, on the other hand, highlights the fact that disability is a social relationship and that people with disabilities undergo the limitations and prejudices created by society. The World Health Organization's ICF, which is the scientific reference framework for this issue, emphasizes that disability depends on the interaction between environmental, social and personal factors. The more society embraces people's characteristics and develops their abilities, the more it is able to remove barriers, obstacles and prejudices.

2.1.1 Disability and human rights

Disability is an evolving concept. The human rights-based approach highlights the fact that people with disabilities are invisible citizens because of the segregation and social exclusion produced by society. They are discriminated against and do not have equal opportunities. They are subject to unjustified differential treatment compared with other citizens, which continually causes violations of their human rights. The Convention aims to ensure the protection of human rights of people with disabilities by committing all the sectors and responsible institutions of the states that ratify it to acting using suitable policies, legislation and resources.

2.2 History of People with Disabilities in International and Regional Documents

2.2.1 The United Nations and people with disabilities

The United Nations has issued official documents, actions and programs regarding people with disabilities since 1971:

- Declaration on the Rights of Mentally Retarded Persons (1971), approved by the UN General Assembly with Resolution 2856 (XXVI), 20 December 1971
- Declaration on the Rights of Disabled Persons, approved with Resolution 3447 (XXX) of the UN General Assembly, 9 December 1975
- Declaration on the Rights of Deaf-Blind Persons, approved with Decision 1979/24 of the Economic and Social Council, 9 May 1979
- International Year of Disabled Persons (1981), approved by the General Assembly with Resolution 31/123, 16 December 1976
- World Programme of Action Concerning Disabled Persons (1983-1992), adopted by the General Assembly on 3 December 1982
- Declaration on human rights of 25 July 1993 at the end of the Vienna Conference (157/23) (Vienna Declaration)

The process of recognizing the rights of people with disabilities culminated in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities adopted by the General Assembly of the UN on 20 December 1993 with Resolution 48/96. The Standard Rules are the first international instrument (non-binding for the countries that adopt them) to introduce the concept of equal opportunity for people with disabilities; they create a national system for monitoring respect for human rights based on these very Standard Rules, by nominating a special rapporteur. The special decades denoted by the United Nations in the different continents acted as instruments of awareness-raising (see those of the Asia-Pacific region 1993-2002, which was renewed for 2003-2012, Africa 2000-2009 and South America 2006-2015).

2.2.2 The United Nations agencies and people with disabilities

2.2.2.1 The ILO

The approach of the International Labour Office is also based on the principles of equal opportunity, equal treatment, non-discrimination and mainstreaming. These principles are underlined in ILO Convention 159/1983 Concerning Vocational Rehabilitation and Employment of Disabled Persons, accompanied by Recommendation 168/1983 on the same issue and other ILO Conventions on equal opportunity. The ILO also ran a campaign on “decent work” for people with disabilities and in 2002 launched a Code of Good Practice on the Employment of People with Disabilities.

2.2.2.2 The WHO

The World Health Organization has been involved in the disability area through various sections or units focusing on specific conditions such as mental health and the prevention of blindness and deafness. As well as these units, the section of the World Health Organization (WHO) concerned with disability and rehabilitation is the Disability and Rehabilitation Team (DAR). The DAR Team focuses its activities on five areas of action, namely health policies, health and rehabilitation, Community-Based Rehabilitation (CBR), assistive devices and appropriate technology, and skill building among medical staff and people in charge of political decisions concerning health and rehabilitation.

The areas of action of the DAR Team reflect the profound change in definitions of health and rehabilitation brought about by the Declaration of Alma-Ata. The right of every individual to active involvement in his or her own health and the responsibility of every community form the basis for the participation of people with disabilities in decision making concerning their own rehabilitation. Many people with disabilities do not have access to basic health care, let alone to specific rehabilitation services. From medical rehabilitation to Community-Based Rehabilitation (CBR), the DAR Team emphasizes that principles of social inclusion are the basis for any medical action aimed at these people. The firm planks of the DAR action strategy are: eradication of institutionalization as a treatment method; medical rehabilitation treatments based on early diagnosis and operation; and community involvement in the course of social inclusion and development.

2.2.2.3 UNESCO

UNESCO has specifically focused on the education of people with disabilities through an approach based on inclusion; this approach addresses the educational needs of children, young people and adults with specific attention to those at risk of exclusion and marginalization. As early as 1960 UNESCO had adopted a Convention against Discrimination in Education. The principles of inclusive education were then adopted at the World Conference on Special Needs Education: Access and Quality, where the Salamanca Statement was approved (Spain, 1994). UNESCO dedicates special reports to the implementation of inclusive education activities. Moreover, a special initiative is underway: the Flagship “The Right to Education for Persons with Disabilities: Towards Inclusion,” designed as an instrument to build strategies for the development of high quality inclusive education. This theme was taken up again both at the World Education Forum (Dakar, Senegal, 2000) and at the Mid-Term Review Conference on adult education (CONFINTEA, Bangkok, Thailand, 2003), where for the first time particular attention was given to illiterate people with disabilities. Recently, the International Bioethics Committee launched the Universal Declaration on Bioethics and Human Rights, in which topics related to the protection of human rights in connection with the new biomedical sciences were discussed, with particular attention given to people with disabilities. A special Inclusive Education Unit works within UNESCO.

2.2.2.4 UNICEF

UNICEF is the UN fund that protects the human rights of children, and thus also those of children with disabilities. The international instrument that protects the human rights of minors with disabilities is the Convention on the Rights of the Child, to which UNICEF dedicates the Innocenti Research Centre. This convention - which in Art. 2 underlines the child’s supreme interest - lays out the principles and norms of protection for ensuring the human rights of all minors. In particular, in Art. 23 it focuses specifically on children with disabilities and their education.

2.2.2.5 Other agencies

Among the other international bodies dealing with people with disabilities we also note the Organization of American States (OAS), which has approved the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities (1999), and the Council of Europe, which has a specific Disability Action Plan (2005).

2.3 Key Concepts of the Human Rights-Based Approach

2.3.1 The cultural context

The human rights approach is a cultural revolution in the reading of the condition of people with disabilities. This change in perspective is a conceptual system that reconstructs the relationship between people's characteristics and the ways in which society permits or limits their access to rights, goods and services and allows or impedes their full participation in the life of the society. This new view is based on some essential concepts that transform the actions and perceptions of governments and members of society regarding people with disabilities.

2.3.2 The most important concepts

2.3.2.1 Disability

Disability is a social relationship between the characteristics of people and the extent to which society is able to take them into account. Disability is not a subjective condition of people, but depends on environmental, social and individual factors, as the WHO's ICF underlines. Disability is a condition that every person goes through over the course of their life (as a child, in old age and in various other situations) and which belongs to the entire human race. Disability is an evolving concept that needs to be considered in connection with the cultural and material conditions of each country (see Preamble Point e). It is important to link this concept to the definition of persons with disabilities in the Convention (Art. 1).

2.3.2.2 Equal opportunity

Being excluded and segregated, persons with disabilities do not have the same opportunity to choose as other people. Equal opportunity, according to the Standard Rules, means that "the needs of each and every individual are equally important" and "that those needs must be made the basis for the planning of societies" and thus "all resources must be employed in such a way as to ensure that every individual has equal opportunity for participation" in society.

2.3.2.3 Accessibility and universal design

To offer equal opportunities it is necessary to remove barriers and obstacles that impede full participation in society. Accessibility means that all people must have access to the "various systems of society and the environment, such as services, activities, information and documentation" (Standard Rules). Since disability belongs to the entire human race, society must design and plan all its activities and policies with the aim of including all citizens.

The “universal design” approach allows the characteristics of all people in a community and nation to be taken into account. Universal design “means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. ‘Universal design’ shall not exclude assistive devices for particular groups of persons with disabilities where this is needed” (Art. 2).

2.3.2.4 Non-discrimination

The medical model of disability has brought about differential approaches and treatment compared with other people, thus developing solutions and actions that impoverish people with disabilities and cause continual violations of human rights. Indeed, all unjustified differential treatment is a violation of human rights. “Persons with disabilities [...] have the right to remain within their local communities” and to “receive the support they need within the ordinary structures of education, health, employment and social services” (Standard Rules). In order to combat the former situation, anti-discrimination legislation has been created, which includes the protection of people with disabilities, prohibiting any discrimination based on disability through a legal basis that provides for the removal of discriminatory conditions using “reasonable accommodation” (Art. 5). Anti-discrimination legislation has been introduced by some countries at the national level (the United States of America, Australia, New Zealand, Canada, the United Kingdom) and by the European Communities at the regional level.

2.3.2.5 Multiple discrimination

Discrimination affects people on the basis of characteristics that are subject to differential treatment, prejudice and obstacles and barriers to full participation in society. When such features of gender, race, culture, religion, political opinions, age, and disability combine, multiple discriminations are produced which make the persons concerned still more vulnerable. A typical example is women with disabilities, whose access to rights, goods, services and participation in society can be severely limited.

2.3.2.6 Independent living

The obstacles and barriers, differential treatment and negative views concerning people with disabilities, particularly those who cannot represent themselves or require complex assistance, have in the past led to such people being institutionalized. In reality, these people have the same human rights as everyone else and must be supported in their acquisition of autonomy, self-determination, independence and inter-dependence.

It was for this reason that the independent living movement arose, first in the United States of America at the end of the 1960s, and then throughout the world, through its own philosophy and appropriate solutions, such as centres for independent living and personal assistants.

2.3.2.7 Social impoverishment and empowerment

Disability is a cause and an effect of poverty. The differential treatment that people with disabilities undergo has produced a social impoverishment in access to rights, goods and services that combines and often multiplies with economic poverty in a negative cycle that leads to social exclusion. For this reason, people with disabilities represent almost half the world's poor, given that more than 80% of these people live in developing countries (Preamble Point t). In order to break this vicious circle it is necessary to act both by changing society's approach to people with disabilities and by working with these people for individual and social empowerment. The United Nations global initiative against poverty, the Millennium Development Goals, should focus on people with disabilities as a priority.

2.3.2.8 Social inclusion

In order to transform a society that excludes and discriminates, it is necessary to aim for the construction of inclusive societies, in which everyone can participate and contribute to the development of society. The path from exclusion to integration produces a presence in society of people with disabilities who adapt to rules that have already been established by the community that receives them. Inclusion, meanwhile, is a process that provides for the people included to have the same opportunities and decision-making powers on how to organize society as others. Inclusion is a right based on the full participation of people with disabilities in all aspects of life, on an equal footing with others, without discrimination, respecting dignity and valuing human diversity, through appropriate action: overcoming of obstacles and prejudices and support based on mainstreaming in order to live in local communities.

2.3.2.9 Participation

The construction of inclusive societies implies that the people included are protagonists in the process of inclusion, as experts on the way in which society must treat them. This means that people with disabilities must be present with the same opportunities as other members of society in decisions on all policies, action and plans that concern them. Therefore, the participation of people with disabilities and organizations that represent them is a necessary methodology/action, based on the slogan/right "Nothing about us without us".

2.3.2.10 Inclusive development

Economic development theories consider the creation of a group of people who are excluded from the benefits of development to be a necessary consequence of this development. Development mechanisms are in fact often tied to conditions of disadvantage and unequal opportunities created by society itself. In the case of people with disabilities these conditions are found to be caused by mechanisms of discrimination and social exclusion that the United Nations Convention has made clear. On this basis the necessity arises for inclusive development that does not produce mechanisms of social and economic impoverishment but ensures respect for the human rights of all citizens.

2.3.2.11 Human diversity

The condition of disability is an experience that all human beings have lived, live and will live through. It is therefore important to consider disability as one of the features of human diversity. The history of negative cultural views and of the treatment that some characteristics of human beings have undergone over the centuries has given people with disabilities a social stigma, loading these characteristics (and therefore all the people who possess them) with social undesirability. It is therefore important to include disability as one of the many differences that distinguish human beings, placing disability among the ordinary characteristics of human beings and removing social stigma.

2.4 The Situation of People with Disabilities within the Country

2.4.1 Available statistical data

Underline the importance of statistics concerning disability, which give the opportunity to know and monitor the status of actions, policies and legislation in a country. Illustrate the condition of the people with disabilities of the country in various areas related to rights using the available data, publications and reports.

2.4.2 National disability policies

Illustrate the policies, legislation and actions towards the country's people with disabilities and emphasize the working agenda at national level, highlighting the interrelationships with the contents of the Convention.

2.4.3 Evaluative elements and the requirements of the movement of people with disabilities

Have the organization of people with disabilities present its evaluations of national policies and the high-priority requirements that arise from them in the agenda.

3 The United Nations Convention on the Rights of Persons with Disabilities

Learning Goals

The participants will gain a basic knowledge of:

- the text of the Convention on the Rights of Persons with Disabilities;
- the main concepts of legal protection and support for disability policies;
- the process of ratifying, monitoring and implementing the Convention.

3.1 The Structure, Principles and Obligations of the Convention

3.1.1 History of the Convention

As far back as 1987 and 1989 Italy and Sweden had put forward a proposal for a convention, which was rejected by the United Nations. Following the approval of a document at the United Nations World Conference against Racism in Durban (South Africa) in September 2001, Mexico presented a Resolution, which was approved by the General Assembly (Resolution 56/168, 19 December 2001), to form an Ad Hoc Committee that would verify the need to draw up a Convention on the Rights of Persons with Disabilities. At the 3rd session of the AHC (June 2003) it was decided that the Convention was needed and a working group was appointed to prepare a draft text (February 2004). At the 6th session of the AHC (August 2005) the chairman undertook to prepare a text summarizing the discussion so far (October 2005). At the 7th and 8th sessions the text was negotiated and approved (25 August 2006); then it was submitted to the General Assembly which finally approved it on December 13 2006. This was the United Nations Convention approved in the shortest ever time and with the greatest participation of civil society: throughout the writing and negotiating process the International Disability Caucus (which involved around 70 associations of people with disabilities and their families) played an important and at times decisive role, mobilizing energies from all over the world. In the August 2006 session 800 representatives of non-governmental organizations were present and 50 official government delegations included people with disabilities as experts.

3.1.2 Description of the structure of the Convention

The Convention on the Rights of Persons with Disabilities consists of a preamble, which includes the motivations, references to documents and general considerations that inspired the writing of the convention, and the 50 articles, which can be divided into: general principles and obligations that apply to all the articles (Arts. 1-7); specific obligations that concern particular areas (Arts. 9-32); the national (Art. 33) and international monitoring system, with the establishment and regulation of the international Committee (Arts. 34-40); the procedures for entry into force and the amendment system (Arts. 35-50). The Convention is accompanied by the Optional Protocol, which discusses individual appeals (Arts. 1-8) and the international Committee's inquiries (Art. 6).

3.1.3 The purpose, definitions and principles of the Convention (Arts. 1-3)

The first three articles of the Convention describe the purpose (Art. 1), essential definitions (Art. 2) and principles (Art. 3) on which the whole system is based. It is important to link these articles to the human rights-based approach (see chapter 2). In outlining the Convention it is equally important to bear in mind the motivating and clarifying points contained in the Preamble. Given the universality, indivisibility, interdependence and interrelation of all human rights and fundamental freedoms, it is important to consider them, where necessary, throughout the illustration of the contents of the Convention. Furthermore, given the particular nature of the discrimination and unequal opportunities faced by people with disabilities, the responsibility of the state to treat all citizens with disabilities the same as other people can affect both individuals (who must in any case be protected) and behaviour and barriers related to society as a whole.

3.1.4 Obligations of states (Art. 4)

Article 4 lists and defines the obligations that states take on in ratifying the Convention. These commitments make up an essential frame of reference to which each specific right must be linked. Subsection 2 underlines that, although the convention is to be applied progressively with regard to economic and social rights, this does not prejudice recognized rights “that are immediately applicable according to international law.” This means that individuals must in any case not be discriminated against and are protected by the Convention. There is an important recognition of the role of organizations of people with disabilities “in the development and implementation of legislation and policies to implement the (...) Convention, and in other decision-making processes concerning issues relating to persons with disabilities.”

3.1.5 Knowledge of other United Nations conventions

The Convention on the Rights of Persons with Disabilities was written with a view to recognizing the rights that were already laid out in previous United Nations conventions, rather than introducing new rights. This means that in interpreting the text it is important to keep the text of the other conventions in mind.

3.2 Recognized Rights and Compliance Methods

3.2.1 Equal treatment and non-discrimination (Art. 5)

The Convention recognizes that “all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.” States ratifying the Convention “shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.” “Discrimination on the basis of disability” means “any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation” (Art. 2). From a legal perspective, discrimination means to differentiate between two people or treat them differently when there is actually no significant difference between them or to treat situations that are actually different in the same way. It is important to understand how the comparison between a person with a disability and another person is made, in order to reveal the discriminatory treatment. Discrimination can be direct or indirect. Direct discrimination is when a person is treated less favourably than another is, has been or would be treated in a similar situation, because of his or her disability. Indirect discrimination is when an apparently neutral provision, criterion or practice could particularly disadvantage people with disabilities compared with others. It is important to provide appropriate and easily understandable examples in the context of the country in which the course is being run.

3.2.2 Reasonable accommodation (Art. 5)

The Convention states that “in order to promote equality and eliminate discrimination,” ratifying states “shall take all appropriate steps to ensure that reasonable accommodation is provided” to victims of violations of the human rights recognized in the Convention. “Reasonable accommodation” means “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” (Art. 2). The concept of reasonable accommodation varies from country to country, according to cultural considerations, the legal protection system, rights protection policies and existing legislation. The interpretation of the word “reasonable” is influenced by cultural and material factors (i.e. what action is considered reasonable in a particular country for a person with a disability), as is the concept of “disproportionate or undue burden” (which depends on the wealth of the country, the resources that are available and therefore investable, and the level of rights recognition); equally, the interpretation of the word “accommodation” can vary on the basis of, for example, the technology available. It should nevertheless be remembered that based on article 4 subsection 2 of the Convention (see section 3.1.4) the lack of financial resources cannot prejudice recognized rights “that are immediately applicable according to international law.” Furthermore, the “denial of reasonable accommodation” is considered discrimination (Art. 2).

3.2.3 Recognition of rights present in other conventions (Arts. 10, 13-18, 29-30)

In the Convention there are many articles that recognize rights already recognized in other United Nations conventions, while nevertheless introducing appropriate methods of access to and enjoyment of these rights. When outlining these articles the other conventions must be kept in mind.

3.2.4 New rights: Accessibility, Living Independently and Personal Mobility

The Convention introduces protection for rights that can only be recognized for people with disabilities, specifically “accessibility” (Art. 9), “living independently” (Art. 19) and “personal mobility” (Art. 20). This means that it actually recognizes new forms of legal protection tied to the particular nature of the discrimination and unequal opportunity faced by people with disabilities. Of particular importance is the overcoming of institutionalizing practices (Art. 19), which can be connected to the right to not be subjected to torture or cruel, inhuman or degrading treatment or punishment (Art. 15).

3.3 Analysis of the Articles

3.3.1 Structural articles that spell out obligations and protections (Arts. 1-5)

It is important to show that the reading and interpretation of the Convention is based on the understanding of what can be defined as the “structural” articles, which must be used as a basis for explaining and interpreting the obligations and protections fundamental to the rights recognized in each individual article. These articles must, therefore, always be kept in mind when outlining the contents of the Convention.

3.3.2 Topic areas

3.3.2.1 Multiple discrimination (Arts. 6 and 7)

The Convention dedicates particular protection to people with disabilities who are subject to greater risk of discrimination, namely women (Art. 6) and children (Art. 7). These two articles must, therefore, be used as legal instruments that reinforce the protection of women and children with disabilities in all the articles of the Convention. Furthermore, given the existence of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, these documents interact with the contents of the Convention. In particular, the principles of inclusion and mainstreaming of actions and policies aimed at children with disabilities are reinforced, while the 1989 Convention relegated these principles to article 23, with a logic that was still based on special care. With regard to the protection of the rights of children with disabilities, subsections 3, 4, and 5 of article 23 (Respect for home and the family) should also be kept in mind.

3.3.2.2 Physical access and Universal Design (Arts. 9, 18-21)

Article 9 of the Convention requires ratifying states to “take appropriate measures to ensure to persons with disabilities access (...) to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas” in order to “enable persons with disabilities to live independently and participate fully in all aspects of life.” This article must be linked to articles 19 (Living independently and being included in the community) and 20 (Personal mobility), as well as articles 18 (Liberty of movement and nationality) and 21 (Freedom of expression and opinion, and access to information).

3.3.2.3 Access to rights and social services (Arts. 24-28)

3.3.2.3.1 Education (Art. 24)

The convention requires ratifying states to recognize “the right of persons with disabilities to education,” “without discrimination and on the basis of equal opportunity” and to “ensure an inclusive education system at all levels.” The stated aims of education are important: “full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity”; “development (...) of (...) personality, talents and creativity, as well as (...) mental and physical abilities” and “enabling persons with disabilities to participate effectively in a free society.”

3.3.2.3.2 Health (Art. 25)

The Convention confirms “that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability” and requires ratifying states to “take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive.” Ratifying states must “provide persons with disabilities with the same range, quality and standard of (...) health care and programmes as provided to other persons,” and “provide those health services needed by persons with disabilities specifically because of their disabilities,” “as close as possible to people’s own communities, including in rural areas.”

3.3.2.3.3 Abilitation and rehabilitation (Art. 26)

The convention commits ratifying states to taking “effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life.” This requires the organization, strengthening and extension of “comprehensive abilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services.” Abilitation and rehabilitation must “begin at the earliest possible stage” and be “based on the multidisciplinary assessment of individual needs and strengths;” “support participation and inclusion in the community and all aspects of society” and be “voluntary” and “available to persons with disabilities as close as possible to their own communities.”

3.3.2.3.4 Work and employment (Art. 27)

The convention commits ratifying states to recognizing “the right of persons with disabilities to work, on an equal basis with others,” including “the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities.” Ratifying states “shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps.”

3.3.2.3.5 Adequate standard of living and social protection (Art. 28)

The convention commits ratifying states to recognizing “the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.” Ratifying states must ensure “equal access (...) to clean water services, and (...) ensure access to (...) services, devices and other assistance for disability-related needs,” “access (...) to social protection programmes and poverty reduction programmes” and “access (...) to assistance from the State with disability-related expenses (...), to public housing programmes (...) [and] to retirement benefits and programmes.”

3.3.2.4 Protection of the private sphere (Arts. 19, 22-23)

Taking the right to independent living and social inclusion as a starting point (Art. 19), ratifying states recognize the right of people with disabilities to an appropriate standard of living for “themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.” Article 23 recognizes “the right (...) to marry and to found a family,” “to decide freely and responsibly on the number (...) of their children” and to maintain “their fertility on an equal basis with others.”

3.3.2.5 Rights taken from other conventions (Arts. 10, 13-18, 29-30)

The right to life (Art. 10), access to justice (Art. 13), liberty and security of the person (Art. 14), the right to not be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Art. 15), the right to not be subjected to exploitation, violence and abuse (Art. 16), the protection of the integrity of the person (Art. 17), liberty of movement and nationality (Art. 18), participation in political and public life (Art. 29) and participation in cultural life, recreation, leisure and sport (Art. 30) are all rights taken from other conventions, but at last also attributed to people with disabilities.

3.3.2.6 Systemic articles (Arts. 8, 12, 31)

The Convention identifies some areas that play an essential role in supporting the change in approach to people with disabilities as well as in transforming the social stigma attached to them.

3.3.2.6.1 Awareness-raising (Art. 8)

In order to transform society it is vital to raise awareness of the discrimination and unequal opportunities faced by people with disabilities. The Convention requires ratifying states to “adopt immediate, effective and appropriate measures (...) to raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities (...), to combat stereotypes, prejudices and harmful practices (...) [and] promote awareness of the capabilities and contributions of persons with disabilities.” The mass media, public awareness campaigns and correct information for children play an essential role, which is favoured by early and correct information about the conditions of people with disabilities.

3.3.2.6.2 Equal recognition before the law (Art. 12)

The Convention also introduces a profound innovation in the area of legal protection for people who cannot represent themselves. It obliges ratifying states to protect all people equally before the law and to ensure support for this right by tying it to the respect for human rights. This means that any treatment of people who are unable to represent themselves will not be allowed to violate the norms contained in both the Convention and the international human rights legislation. This implies a progressive change in services and treatments, which will have to overcome practices of institutionalization and forms of rights protection limited solely to inheritances and will introduce new attention to their quality of life. This also applies for people who are temporarily unable to represent themselves such as people subject to compulsory psychiatric treatment.

3.3.2.6.3 Statistics and data collection (Art. 31)

Collection of statistics and data related to the aims of the Convention contributes to building a different view of the conditions of people with disabilities. The Convention requires ratifying states “to collect appropriate information (...) to enable them to formulate and implement policies to give effect to the present Convention.” It is important to establish a new data collection and organization methodology based on the survey of discrimination and unequal opportunities in access to goods, services and rights. “The information collected (...) shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties’ obligations (...) and to identify and address the barriers faced by persons with disabilities in exercising their rights.” It is equally important that the processing and assessment of these data be tied to the monitoring of the Convention and the development of policies aimed at people with disabilities. It is useful to promote research to highlight the fact that people with disabilities must be able to take advantage of actions for both the development assistance and the eradication of poverty.

3.3.2.7 International cooperation and emergencies (Arts. 11 and 32)

It is particularly important that rich ratifying states use their resources for international cooperation and the promotion of human rights for people with disabilities. At the international level, this involves a “twin-track approach”: increasing the resources allotted to people with disabilities and inserting the theme of disability in all international cooperative projects and programmes. Article 32 of the Convention commits states to “ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;

facilitating and supporting capacity-building (...), facilitating cooperation in research and access to scientific and technical knowledge;

providing (...) technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies” (Art. 32). Ratifying states must “ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies, and the occurrence of natural disasters” (Art. 11). All these cooperative measures must be carried out “in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities” (Art. 32).

3.4 Ratification, Monitoring and Implementation

3.4.1 Ratification process

The ratification process provides for the Convention to enter into force when 20 countries have ratified it, whereas for the Optional Protocol only 10 countries are required. Ratification involves signing the Convention and Optional Protocol as well as an institutional process involving the approval of a national law - varying according to each country’s institutional system - which adopts the Convention; then, it should be checked that the Convention fits with national legislation, and, if it does not, the latter will have to be modified. The Convention also recognizes the capacity of regional integration organizations, such as the European Communities, in the ratification process (Art. 44).

3.4.2.1 National monitoring systems (art. 33)

The Convention requires ratifying states to create a disability policy monitoring system by designating “one or more focal points” and to “give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.” A monitoring system based on data collection (see section 3.3.2.6.3) related to the application of the Convention allows the state to be more directly committed to developing a Disability Action Plan, a vital instrument for supporting disability policies. This action plan should be linked to national development plans or the PRSP. Here, as elsewhere, “persons with disabilities and their representative organizations (...) shall be involved and participate fully in the monitoring process.”

3.4.2.2 National reports (Arts. 35-36)

The Convention commits every ratifying state to presenting to the United Nations “a comprehensive report on measures taken to give effect to its obligations (...) and on the progress made” towards adopting the rights included in the Convention. The first report must be presented within two years of ratification and subsequent reports at least every four years after that. Ratifying states, in preparing these reports, “shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations” (Arts. 35 and 4, subsection 3). Should organizations of people with disabilities not consider their government’s report complete, they can present their own supplementary report.

3.4.2.3 International monitoring (Arts. 34-40)

The Convention institutes the Committee on the Rights of Persons with Disabilities, with the task of receiving, examining and making suggestions and general recommendations for the national reports on the application of the Convention, establishing guidelines for the contents of reports, assisting states in the correct drafting of reports and requesting the intervention of other specialized agencies where necessary. Where a state has not presented a report it can press the non-complying country, to the point of examining other reports from that country. The Committee submits reports on its activities every two years to the General Assembly and the Economic and Social Council, in which it “may make suggestions and general recommendations” (Art. 39). A country’s movement of people with disabilities, where it has experts with international experience in disability and human rights, can ask the government to present its candidature to the international Committee.

3.4.2.3.1 The reform of Treaty Bodies and the UN Human Rights Council

The United Nations is currently reforming the monitoring system for all its conventions, in order to create a single monitoring strategy; it is likely that there are also going to be changes to the international Committee of the Convention on the Rights of Persons with Disabilities in the near future. In any case, it is important to develop the relationship between international monitoring systems and the UN Human Rights Council (see section 1.3.2.2).

3.4.3 Implementation

3.4.3.1 The Convention and disability policies

The impact of the Convention on disability policies will be important both for countries that already have relevant legislation and for those that do not or have only very weak legislation. When ratifying the Convention each country must examine the existing national legislation to check for conformity with the norms of the Convention, and make modifications if necessary. This is an early opportunity for the Organizations of people with disabilities to communicate with the government and relevant institutions, as these organizations must be involved in this process (see Art. 4 subsection 3, quoted in section 3.1.4). This principle also applies in the later stages of implementation, above all concerning the national reports that governments must periodically present to the Committee on the Rights of Persons with Disabilities. These procedures give the country's Organizations of people with disabilities the chance to press the government to draw up a national disability plan and oversee its application.

3.4.3.2 The relationship between the monitoring system and disability policies

A further opportunity to request the establishment of a national disability plan is tied to the construction of the national monitoring system (see section 3.4), which should define the various areas of action on which to develop and verify the effectiveness and progress of human rights policies. It is important to link the monitoring system to, for example, international funding tied to MDGs and therefore to the PRSP. The more monitoring is tied to national and local development policies, the more it will be effective. It is clear, in any case, that the important point is the involvement of the Organizations of people with disabilities in the definition of policies (see section 3.1.4).

3.5 The Opportunities of the Optional Protocol

3.5.1 Individual or group communications (Protocol Arts. 1-8)

The Optional Protocol contains further participation and checking instruments, and its ratification should therefore be strongly supported. Of particular significance are the individual or group communications that can be sent to the international Committee, which then starts a procedure for checking the facts presented in the communication, up to the point of censuring non-complying states.

3.5.2 Inquiries (Protocol Art. 6)

If the individual or group communications are verified, the international Committee can carry out an inquiry into the non-complying state. This process can make the actual conditions of the country's people with disabilities visible at a national and international level. Indeed, violating the norms of a United Nations Convention is considered more serious than violating national legislation, partly because of the international visibility that an inquiry causes.

4. DPOs in the Promotion and Protection of Human Rights

Learning Goals

The participants will gain a basic knowledge of:

- The role of organizations of people with disabilities in processes of individual, social and community empowerment

4.1 Role and Values of Organizations of people with disabilities

4.1.1 An organization as a voice for people with disabilities

The process of change in the reading of disability developed over the past 30 years, thanks to the growth of the movement of people with disabilities in awareness and their ability to represent their own needs and rights. The process was extremely rapid and it transformed cultural approaches, policies, social services and appropriate technological solutions. This process was made possible in large part by the development of organizations of people with disabilities and their parents. Creating one's own organization, which is independent, united and able to represent all disabilities, is an important step towards achieving the goal of social inclusion.

4.1.2 An organization based on human rights

Organizations of people with disabilities and their parents must be able to create and develop associations that, even in their internal dealings, operate on the basis of human rights principles. Many organizations base themselves on the direct leadership of people with disabilities and their relatives (where the people with disabilities are unable to represent themselves), by guaranteeing that these people are the majority in leadership bodies and among the members. Internal democracy, representation, respect for gender and minority equality, the direct participation of people with disabilities, the empowerment of members and people with disabilities, capacity for dialogue with public and private institutions, competence in various fields, freedom of information, forms of protection, the continual education and training of leaders, care for people: the more the values and principles of human rights can be brought to life within the organization, the more it will be able to protect human rights in all initiatives. In recent years umbrella organizations have been formed by associations and/or their coordinating organizations, aiming to bring together with a single voice the plethora of organizations that protect people with disabilities. The aim is to face the institutions and forces of civil society with greater negotiating power.

This path surpasses corporate models of representation and enriches discussion and the ability to put forward new ideas. Networking thus becomes important both within and outside the organization, including connections with international networks. The Convention itself produces a new type of action for the organizations, because the human-rights based approach is universal and includes all the different disabilities: all leaders of organizations of people with disabilities will need to be competent in human rights.

4.2 Empowerment of Organizations of people with disabilities

4.2.1 Organization and democracy

Building an organization of people with disabilities and their families means being based on principles of democracy and representation, which consists of shared rules, transparency and the balance of powers. It is important that the people with disabilities are themselves the key players in the life of the association and, where they cannot represent themselves (because they are minors or are not in a fit condition to represent themselves), that their parents are their representatives. For centuries other people have spoken in our name, creating a society that has excluded us. At the same time it is equally important to guarantee the independence of the organization from political parties and institutions, to ensure that choices and decisions can be made free of inappropriate ties. The protection of human rights can in fact be contradictory to the management of certain services; it is however compatible with information, education and consulting services. Another important consideration is the need for an organizational structure that can act effectively, bearing in mind the different institutional levels that must be dealt with (many states have national, state, provincial and local governments, so dialogue must be carried out at all levels).

4.2.2 Action plans

To achieve effective action and assess the results achieved, it is important to draw up an Action Plan for the organization, which identifies priorities for action, deadlines, methods and tools for pursuing aims. The Action Plan is drafted using democratic procedures that involve the members and, if possible, also friends of the organization. The Action Plan is also a tool for public awareness-raising, gathering together social forces that can support our efforts and involving civil society. It is important to link the Action Plan to the country's general development strategies, with particular attention - in the case of developing countries - to PRSPs, which are designed to eradicate poverty. The Action Plan will also be more effective if tied to the MDGs.

4.2.3 Fundraising

To ensure the organization's independence and autonomy it is necessary to develop effective and ethical fundraising activities and sustainable initiatives. To this end, as well as the traditional support from membership fees, organizations must know how to carry out intervention projects and programmes using public and private funds.

4.2.4 Organizational development strategies

Organizations need to develop the ability to monitor and assess their abilities, by identifying strengths and weaknesses and developing a strategy for strengthening and developing the organization and its planning mechanisms. It is useful to do a SWOT analysis of the organization involved in the course. The development strategy will be more effective if it is able to make the most of the organization's strengths and deal with its weaknesses. The more the organization views itself as a single organism able to grow and adapt to new needs, the more its activities will be effective and self-aware.

4.2.5 Monitoring activities

To make the realization of the Action Plan and the organization's activities effective it is important to develop internal systems for monitoring the progress of the plan and the activities, tools and methods chosen to support it. Having clear aims makes the monitoring process easier. Monitoring shall be carried out while keeping in mind the organizational structure of the association, the contents of its Action Plan, the everyday operation of the organization, the tools available, and national and local working methods. This can be done while making all levels of the association aware of the monitoring activities, through periodical reports, organizational meetings, internal audits and performance indicators.

4.2.6 Networking and information

To allow the organization to act swiftly and appropriately in all areas it is vital to create good networks and exchange information. Networking is not just another area of action, but a strategic playing field for strengthening organizations of people with disabilities and their families. Networking allows an organization to activate all its available resources and make them effective in protecting human rights. It is important to find ways to continually stimulate the network, both within and outside the organization. The circulation and spread of information is an important tool in this regard. Constructing an information system capable of gathering information on human rights protection at the local and national levels and spreading it among members and beneficiaries is vital.

The stimulation of the network must facilitate the direct participation of the entire organization, by provoking the members to become active and skilled in the area in which they work. It is equally important to keep up to date with what is happening at the international level by keeping in touch with the network of international organizations. It is therefore essential to educate people in languages and provide appropriate instruments for communication and working.

4.2.7 Education and training

It is also important to provide ongoing education and training for the association's members and leaders. Indeed, teaching about rights and evolving opportunities for their protection and promotion, good practices, innovative projects and new regulations is a good way to ensure the effectiveness of the organization's activities. Education and training must of course be focused and coordinated with the organization's monitoring system, Action Plan and development policies.

4.3 Empowerment of People with Disabilities

4.3.1 The concept of empowerment

There are various interpretations of the concept of "empowerment" in a liberal context and in social sciences. The word itself has two meanings: the strengthening of capacities and the acquisition of power. The social impoverishment that people with disabilities have undergone must be counterbalanced by actions that offer growth in awareness and abilities, the reacquisition of a recognized social and political space and the acquisition of the power to confront institutions and propose solutions. Empowerment can occur at the level of individuals, communities or societies.

4.3.2 Action for individual empowerment

4.3.2.1 Advocacy

One typical individual empowerment action is advocacy, which involves informing, orienting and supporting the rights of people with disabilities. Advocacy can be carried out through services such as information counters, the formation of groups of experts on various topics in support of sufferers of human rights violations, panels of lawyers specializing in disability for legal action.

Advocacy requires the presence of experts in the various areas who are familiar with the relevant subject matter and can offer people with disabilities information, protection mechanisms and connections to community resources in support of their rights. Advocacy activities must be closely linked to other social and individual empowerment activities.

4.3.2.2 Networking

Networking lies on the border between individual and social empowerment. Having started out as a way of linking people interested in the same areas of action and knowledge, it has progressively transformed into a tool which - when used appropriately - is a motor for building the organization, developing joint activities and adding value to the resources of the individual and the network. The swift transfer of information, exchange of experiences and good practices, enhancement of skills in the network and teamwork are the most important aspects of networking. This strategy increasingly requires the training of specialized workers in the stimulation and development of network abilities and skills, who are constantly kept up to date.

4.3.2.3 Peer counseling

The action of raising people's awareness of their own condition can be developed almost exclusively by people with disabilities themselves. This means that more self-aware, adequately trained people with disabilities who are included in society can support the path to awareness of other people with disabilities: this activity is known as "peer counselling" and has become an essential tool for action and a genuine political and technical occupation. A central role in empowerment is played by peer counselors: people with disabilities who support other people with disabilities on their path to autonomy and self-determination. Theoretical references go back to humanistic psychology and, in particular, Rogers and Carkhuff's "client-centred therapy." These authors identified self-help among peers as an extremely effective tool. By "peer" they meant someone in the same situation, of the same age, culture and background or with the same life experience. In the case of people with disabilities a "peer" is someone who has a disability. Originating in the United States of America, peer counselling spread first to Europe and then to other parts of the world, adapting to different cultures and situations. Many organizations of people with disabilities have developed skills in this field, producing books and manuals.

4.4 Social and Community Empowerment

4.4.1 Community based rehabilitation

The CBR strategy was conceived and promoted by the WHO and other UN agencies towards the beginning of the 1980s for the rehabilitation of people with disabilities in developing countries who lacked access to services; since these countries had limited resources for ensuring high-quality institutional services, emphasis was placed on developing a method that could broadly cover needs at limited cost. Having originated within the WHO it was clearly health-focused; the WHO recommended that CBR be made a part of basic health care and focused its energies on the recovery of functional abilities so that individuals with disabilities could be integrated back into their own communities. However, CBR arose just after the Declaration of Alma-Ata (1978), which radically changed the concept of illness and health by highlighting the importance of the individual and the community in policies and in carrying out health-related action. The WHO has a broad view of the concept of health, which is not simply the absence of illness. In consequence, CBR came into contact with the new concept of rehabilitation, which was not limited solely to medical rehabilitation. The new concept of rehabilitation highlighted the importance of coordinating medical, social, educational and professional training aspects for the optimization of the abilities of the person with disabilities within the community. CBR currently presents itself as a development strategy based on the respect for human rights; it considers the individual as a whole and complex being in order to achieve equal opportunities and the full participation of people with disabilities in their families, communities and societies. "CBR is a strategy within general community development for the rehabilitation, equalization of opportunities and social inclusion of all people with disabilities. CBR is implemented through the combined efforts of people with disabilities themselves, their families, organizations and communities, and the relevant governmental and non-governmental health, education, vocational, social and other services. The main objectives of CBR are (1) to ensure that people with disabilities are able to maximize their physical and mental abilities, to access regular services and opportunities, and to become active contributors to the community and society at large; (2) to activate communities to promote and protect the human rights of people with disabilities through changes within the community, for example, by removing barriers to participation." (Joint Position Paper, WHO, ILO & UNESCO, 2004).

4.4.2 Public awareness campaigns

To modify the negative view of people with disabilities that society has built up, public awareness campaigns can be organized on general and/or specific topics. These campaigns must be based on simple and effective messages in order to change prejudices and stereotypes. It is necessary to identify the target audience for these campaigns and choose the tools to use accordingly, while bearing in mind the available resources and appropriate methods. Within the campaigns, special events (such as meetings, concerts and conferences) can increase the attention of the public and the media. It is useful to give some examples of campaigns.

4.4.3 Lobbying

Focused lobbying activities can be a useful tool for the achievement of concrete objectives. Lobbying consists of organized activities that put pressure on influential people, public and private institutions and political and social decision makers. It is based on an analysis of decision-making processes on topics and objectives of interest to the organization in order to carry out concrete action and initiatives (meetings, presentation of documents, television and radio appearances, etc.) aimed at influencing decision makers and advising them according to the goals of the organization. Lobbying also makes use of public awareness campaigns.

4.4.4 The use of mass media

In recent decades it has become particularly important to be able to make use of the mass media (newspapers, magazines, television, radio), which are tools for information and communication that directly reach millions of people, thus influencing public opinion. To achieve this result, it is necessary to raise visibility via significant action (protests, public awareness campaigns, conventions and seminars, special events etc.) and to know how to influence people working in the media industry. Each mass medium has its own language which must be appropriated in order to be effective. Writing a press release or an article is in fact quite different from taking part in a television programme or giving an interview. It is important to build up contacts in the media who work in the disability and human rights areas. Where the resources are available, it is important to appoint a press officer.

4.5 The Human Rights Strategy for People with Disabilities as a Contribution to the Construction of Inclusive Societies

The contribution of the social and cultural action of the movements of people with disabilities does not stop, however, with the application of the human rights paradigm to the 10% of the world's population who live with disability. It is much more significant, because it broadens and enhances the individualistic concept of human rights, traditionally focused on the inalienable rights of individuals, towards a view that gives society responsibility for ensuring the social inclusion of all citizens, whatever their differences. Human rights protection is in this way not just linked to respect for individual freedoms but also to the social and cultural construction of inclusive societies, in which prejudices and barriers are eliminated and all can live without social, legal or practical stigma.

This opens up a new area of cultural and political action that affects society as a whole: how to include human diversity within society and within economic and social development models. The specific theme of the reformulation of the social and cultural view of disability thus becomes a paradigm for confronting myths and ideologies that have become accepted as common sense, built on age-old practices of segregation and exclusion that are no longer acceptable. The reconstruction of society must be based on a universal approach to the construction of environments, goods and services, equal opportunity for all citizens, and the elimination of all forms of discrimination. It is an extraordinary contribution which brings human rights in the individual and social spheres together, placing the responsibility for action and behaviour on both people and institutions.

5. A National Strategy to Support and Participate in the Process of Ratifying the Convention

Learning Goals

The participants will gain a basic knowledge of:

- the main mechanisms for participating in the process of ratifying the Convention;
- the construction of alliances and strategies to support the human rights of people with disabilities.

5.1 The Ratification Process

5.1.1 The ratification process in the country

Each country has different ratification procedures, although the final goal is the same: to introduce the text of the Convention into the national legislation. The process involves analyzing the national legislation to verify that it is compatible with the Convention's norms. The process can conclude with the approval of either a single law with the text of the Convention itself, or several different laws. Indeed, each country can apply reservations concerning parts or articles of the Convention and, therefore, not introduce them into the national legislation. Outline the ratification process in the country in which the course is being held, and identify the essential points for action by the movement of people with disabilities to facilitate this process.

5.1.2 The importance of the participation of DPOs in the writing, negotiation and signing stages

The Convention allows for the ratification, implementation and monitoring process to involve organizations of people with disabilities (see Art. 4 subsection 3; section 3.1.4). The method used by the Ad Hoc Committee in writing the Convention fully involved DPOs, who in fact wrote the final text alongside the government delegations: this is an important background when the ratification process shifts to the national level. Governments cannot deny at the national level what they recognized in the Ad Hoc Committee. To participate effectively in the ratification process, people must be trained so that they are familiar with the Convention's norms and able to follow the bureaucratic procedures involved; that will make it possible for them to present suggestions and amendments proposed by their country's movement of people with disabilities to the body/bodies in charge of discussing and approving the text for ratification.

5.1.3 The involvement of organizations of people with disabilities in the Convention

A strategy must be developed for the full involvement of organizations of people with disabilities in the ratification process. Once the relevant contacts have been identified, it is necessary to solicit meetings with them, using specific political documents and identifying specific commitments. The organization of meetings, conferences and seminars can also be useful to raise awareness among key players and decision makers. It is equally important to produce a faithful translation in the local language of the text of the Convention (available in the 6 official languages of the United Nations). The goal of involvement can be achieved by means of the various instruments of social and community empowerment (see section 4.4).

5.2 Forming Alliances

5.2.1 Independent national human rights commissions

Most of the states that have ratified UN conventions on human rights have appointed national human rights commissions. These commissions are independent of governments, and work to promote the awareness, spread, and protection of human rights via specific programmes. These bodies often include representatives of civil society. It is important both to involve commissions in training courses (they are often not familiar with the disability field) and foster their cooperation with the organizations of people with disabilities and their families. The exchange of skills between the commission and DPOs will help spread the culture of human rights in the field of disability.

5.2.1 Alliances with organized civil society

Social inclusion is a process of change in culture, rules, standards, behaviour and attitudes towards people with disabilities. Society must be “rehabilitated” and become capable of respecting the rights of people with disabilities. For this reason it is very important to transform the view that civil society itself has of people with disabilities. Particular attention must therefore be paid to forming alliances with organized civil society, including trade unions, non-governmental organizations, professional associations, and the community of organized citizens. As a matter of fact, these awareness-raising and educational activities will activate other key players who can make a significant contribution to the spread of the culture of human rights in the disability context. Useful tools can include training courses, campaigns aimed at involving organized civil society in the ratification of the Convention, and media involvement.

5.3 Participation Mechanisms

5.3.1 Forms of participation for the drawing up of shared policies, monitoring, local partnerships, and action platforms

Various forms of participation can be useful in claiming full participation in the process of drawing up, deciding and assessing the results achieved by disability policies. There have been many experiences in different countries, so it is necessary to enhance the experiences that have already been successful in a particular country and illustrate others. Among these we note: Agenda 22, which introduced a working method at the local and national level for monitoring the application of the United Nations Standard Rules, through the formation of a joint working group including organizations of people with disabilities and relevant public institutions; the adoption of the Convention by local councils, provincial and state governments and the consequent development of participation mechanisms in order to introduce the values and norms of the Convention into local regulations and policies; forms of local, self-directed monitoring of the application of the norms of the Convention and action platforms shared with other NGOs working in related or similar fields to support the values and principles contained in the Convention. It is useful to present experiences and good practices.

5.4 An Action Plan for the Ratification of the Convention

5.4.1 The construction of an action plan for ratification

The end result of this part of the course is to draw up a national DPO action plan, identifying contacts and allies, instruments and working methods and aims, and deadlines. The construction of a simulated action plan must be carried out using the most suitable teaching techniques to allow the trainees themselves to work out proposals and define action strategies.

Annexes

Annex I – Text of the Convention and optional protocol

Annex II – The UN and people with disabilities

Annex III – Regional and National Documents

Annex IV – Useful Texts and Web-sites

Annex V – Glossary

Annex VI – Acronyms

Annex I – Text of the Convention and optional protocol

The discussion on the Convention on the rights of people with disabilities by United Nation is a Mexican initiative, who submitted to the General Assembly a resolution to constitute an Ad Hoc Committee to verify this opportunity. On December 2001, the General Assembly approved the resolution (*Resolution 56/168-19/12/2001*) appointing as President of the Ad Hoc Committee, Ecuador Ambassador Mr. Luis Gallego. During its 3rd session, the Ad Hoc Committee gave positive advise and proposed (27th June 2003) to the General Assembly to start the writing of the Convention through the constitution of a working group. On February 2004 the working group produced a first work. During the three following sessions the Ad Hoc Committee investigated the work and during the 6th session the President of the Ad Hoc Committee, the New Zealand Ambassador Mr. Don Mackay, proposed to summarize the discussions in a President paper, presented on November 2005. During sessions 7.a and 8.a, Ad Hoc Committee negotiated a final work, approved on August 25, 2006. In a final session, on December 5, 2006 the Ad Hoc Committee produced the final work approved by the United Nation General Assembly on December 13, 2006.

Convention on the Rights of Persons with Disabilities

Preamble

The States Parties to the present Convention,

(a) *Recalling* the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

(b) *Recognizing* that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,

(c) *Reaffirming* the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,

(d) *Recalling* the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

(e) *Recognizing* that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others,

(f) *Recognizing* the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities,

(g) *Emphasizing* the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development,

(h) *Recognizing also* that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person,

(i) *Recognizing further* the diversity of persons with disabilities,

(j) *Recognizing* the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support,

(k) *Concerned* that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,

(l) *Recognizing* the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries,

(m) *Recognizing* the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty,

(n) *Recognizing* the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,

(o) *Considering* that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them,

(p) *Concerned* about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status,

(q) *Recognizing* that women and girls with disabilities are often at greater risk, both within and outside the home of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,

(r) *Recognizing* that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalling obligations to that end undertaken by States Parties to the Convention on the Rights of the Child,

(s) *Emphasizing* the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,

(t) *Highlighting* the fact that the majority of persons with disabilities live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on persons with disabilities,

(u) *Bearing in mind* that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of persons with disabilities, in particular during armed conflicts and foreign occupation,

(v) *Recognizing* the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,

(w) *Realizing* that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Bill of Human Rights,

(x) *Convinced* that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities,

(y) *Convinced* that a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities will make a significant contribution to redressing the profound social disadvantage of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, in both developing and developed countries,

Have agreed as follows:

Article 1

Purpose

The purpose of the present Convention is 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.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Article 2

Definitions

For the purposes of the present Convention:

“Communication” includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

“Language” includes spoken and signed languages and other forms of non spoken languages;

“Discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal

basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;

“Reasonable accommodation” means 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;

“Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Article 3

General principles

The principles of the present Convention shall be:

- (a) Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;
- (b) Non-discrimination;
- (c) Full and effective participation and inclusion in society;
- (d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- (e) Equality of opportunity;
- (f) Accessibility;
- (g) Equality between men and women;
- (h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 4

General obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

- (a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
- (b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
- (c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;

(d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;

(e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;

(f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;

(g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;

(h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;

(i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in this Convention so as to better provide the assistance and services guaranteed by those rights.

2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.

3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

4. Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.

5. The provisions of the present Convention shall extend to all parts of federal states without any limitations or exceptions.

Article 5

Equality and non-discrimination

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.
3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.
4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

Article 6

Women with disabilities

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.
2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

Article 7

Children with disabilities

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.
3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

Article 8

Awareness-raising

1. States Parties undertake to adopt immediate, effective and appropriate measures:

(a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;

(b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;

(c) To promote awareness of the capabilities and contributions of persons with disabilities.

2. Measures to this end include:

(a) Initiating and maintaining effective public awareness campaigns designed:

(i) To nurture receptiveness to the rights of persons with disabilities;

(ii) To promote positive perceptions and greater social awareness towards persons with disabilities;

(iii) To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;

(b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;

(c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;

(d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

Article 9

Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

(a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

(b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures to:
- (a) Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
 - (b) Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
 - (c) Provide training for stakeholders on accessibility issues facing persons with disabilities;
 - (d) Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
 - (e) Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
 - (f) Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
 - (g) Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
 - (h) Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Article 10

Right to life

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

Article 11

Situations of risk and humanitarian emergencies

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

Article 12

Equal recognition before the law

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.

3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.

4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

Article 13

Access to justice

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

Article 14

Liberty and security of the person

1. States Parties shall ensure that persons with disabilities, on an equal basis with others:

(a) Enjoy the right to liberty and security of person;

(b) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.

2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of this Convention, including by provision of reasonable accommodation.

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.

2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

Article 16

Freedom from exploitation, violence and abuse

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.

3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.

4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.

5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

Article 17

Protecting the integrity of the person

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

Article 18

Liberty of movement and nationality

1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:

- (a) Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;
- (b) Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;
- (c) Are free to leave any country, including their own;
- (d) Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.

2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

Article 19

Living independently and being included in the community

States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- (a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- (b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;

(c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Article 20

Personal mobility

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

- (a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;
- (b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;
- (c) Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;
- (d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

Article 21

Freedom of expression and opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

- (a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- (b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
- (c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
- (d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
- (e) Recognizing and promoting the use of sign languages.

Article 22

Respect for privacy

1. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.

2. States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

Article 23

Respect for home and the family

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:

(a) The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;

(b) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;

(c) Persons with disabilities, including children, retain their fertility on an equal basis with others.

2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.

4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

Article 24

Education

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to:

- (a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- (b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- (c) Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

- (a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
- (b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
- (c) Reasonable accommodation of the individual's requirements is provided;
- (d) *Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;*
- (e) *Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.*

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

- (a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
- (b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
- (c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

Article 25

Health

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

- (a) Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;
- (b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;
- (c) Provide these health services as close as possible to people's own communities, including in rural areas;

- (d) Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;
- (e) Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;
- (f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

Article 26

Habilitation and rehabilitation

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:
 - (a) Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;
 - (b) Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.
2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.
3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

Article 27

Work and employment

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

- (a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
- (b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
- (c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
- (d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
- (e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
- (f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
- (g) Employ persons with disabilities in the public sector;
- (h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- (i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
- (j) Promote the acquisition by persons with disabilities of work experience in the open labour market;
- (k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

Article 28

Adequate standard of living and social protection

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

(a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;

(b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;

(c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;

(d) To ensure access by persons with disabilities to public housing programmes;

(e) To ensure equal access by persons with disabilities to retirement benefits and programmes.

Article 29

Participation in political and public life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

(a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

(i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

(ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

- (iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;
- (b) Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:
 - (i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
 - (ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

Article 30

Participation in cultural life, recreation, leisure and sport

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:
 - (a) Enjoy access to cultural materials in accessible formats;
 - (b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;
 - (c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.
2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.
3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.
4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.
5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:
 - (a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;

- (b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;
- (c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues;
- (d) To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;
- (e) To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

Article 31

Statistics and data collection

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:
 - (a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;
 - (b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.
2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.
3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

Article 32

International cooperation

1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:

- (a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;
 - (b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
 - (c) Facilitating cooperation in research and access to scientific and technical knowledge;
 - (d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.
2. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

Article 33

National implementation and monitoring

1. States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.
2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.
3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

Article 34

Committee on the Rights of Persons with Disabilities

1. There shall be established a Committee on the Rights of Persons with Disabilities (hereafter referred to as “the Committee”), which shall carry out the functions hereinafter provided.
2. The Committee shall consist, at the time of entry into force of the present Convention, of twelve experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of eighteen members.

3. The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention. When nominating their candidates, States Parties are invited to give due consideration to the provision set out in article 4.3 of the present Convention.
4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities.
5. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
7. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of six of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.
8. The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.
9. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.
10. The Committee shall establish its own rules of procedure.
11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention, and shall convene its initial meeting.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

13. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 35

Reports by States Parties

1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.

2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.

3. The Committee shall decide any guidelines applicable to the content of the reports.

4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4.3 of the present Convention.

5. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 36

Consideration of reports

1. Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.

2. If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. Should the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.
3. The Secretary-General of the United Nations shall make available the reports to all States Parties.
4. States Parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports.
5. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, funds and programmes of the United Nations, and other competent bodies, reports from States Parties in order to address a request or indication of a need for technical advice or assistance contained therein, along with the Committee's observations and recommendations, if any, on these requests or indications.

Article 37

Cooperation between States Parties and the Committee

1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.
2. In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.

Article 38

Relationship of the Committee with other bodies

In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:

- (a) The specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

Article 39

Report of the Committee

The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities, and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

Article 40

Conference of States Parties

1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.

2. No later than six months after the entry into force of the present Convention, the Conference of the States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General of the United Nations biennially or upon the decision of the Conference of States Parties.

Article 41

Depositary

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

Article 42

Signature

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

Article 43

Consent to be bound

The present Convention shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organizations. It shall be open for accession by any State or regional integration organization which has not signed the Convention.

Article 44

Regional integration organizations

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 this Convention. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by this Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.
2. References to "States Parties" in the present Convention shall apply to such organizations within the limits of their competence.
3. For the purposes of article 45, paragraph 1, and article 47, paragraphs 2 and 3, 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 Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 45

Entry into force

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

Article 46

Reservations

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

Article 47

Amendments

1. Any State Party may propose an amendment to the present Convention 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 conference 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 conference, the Secretary-General shall convene the conference 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 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.

3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of this article which relates exclusively to articles 34, 38, 39 and 40 shall enter into force for all States Parties 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.

Article 48

Denunciation

A State Party may denounce the present Convention 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 49

Accessible format

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

Article 50

Authentic texts

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

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

Optional Protocol to the Convention on the Rights of Persons with Disabilities

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.

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 6.4, 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 this Protocol which have ratified or acceded to the Convention. It shall be subject to formal confirmation by signatory regional integration organizations of this 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 this 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 this 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, 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 this 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 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 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.

Annex II – The UN and people with disabilities

United Nations Commitment to Advancement of the Status of Persons with Disabilities

More than half a billion persons are disabled as a result of mental, physical or sensory impairment and no matter which part of the world they are in, their lives are often limited by physical or social barriers. Approximately 80 per cent of the world's disabled population lives in developing countries.

Disabled persons often suffer from discrimination, because of prejudice or ignorance, and also may lack access to essential services.

This is a "silent crisis" which affects not only disabled persons themselves and their families, but also the economic and social development of entire societies, where a significant reservoir of human potential often goes untapped. Considering that disabilities are frequently caused by human activities, or simply by lack of care, assistance from the entire international community is needed to put this "silent emergency" to an end.

From its early days the United Nations has sought to advance the status of disabled persons and to improve their lives. The concern of the United Nations for the well-being and rights of disabled persons is rooted in its founding principles, which are based on human rights, fundamental freedoms and equality of all human beings. As affirmed by the United Nations Charter, the Universal Declaration of Human Rights, International Covenants on Human Rights and related human rights instruments, persons with disabilities are entitled to exercise their civil, political, social and cultural rights on an equal basis with non-disabled persons.

The contribution of United Nations specialized agencies to advance the situation of disabled persons is noteworthy: the United Nations Educational, Scientific and Cultural Organization (UNESCO) by providing special education; the World Health Organization (WHO) by providing technical assistance in health and prevention; the United Nations International Children's Fund

(UNICEF) by supporting childhood disability programmes and providing technical assistance in collaboration with Rehabilitation International (a non-governmental organisation); the International Labour Organization (ILO) by improving access to the labour market and increasing economic integration through international labour standards and technical cooperation activities.

First Steps: Evolution of Human Rights of Disabled Persons

In the 1940s and 1950s the United Nations was active in promoting the well-being and rights of persons with physical disabilities through a range of social welfare approaches. The United Nations provided assistance to Governments in disability prevention and the rehabilitation of disabled persons through advisory missions, workshops for the training of technical personnel and the setting up of rehabilitation centres. Seminars and study groups were means of exchanging information and experience among experts in disability. Fellowships and scholarships were awarded for trainers. As a result of initiatives from within the community of disabled persons, the 1960s saw a fundamental reevaluation of policy and established the foundation for the full participation by disabled persons in society.

In the 1970s, United Nations initiatives embraced the growing international concept of human rights of persons with disabilities and equalization of opportunities for them. In 1971, the General Assembly adopted the "Declaration on the Rights of Mentally Retarded Persons". 1/ This Declaration stipulates that mentally retarded persons are accorded the same rights as other human beings, as well as specific rights corresponding to their needs in the medical, educational and social fields. Emphasis was put on the need to protect disabled persons from exploitation and provide them with proper legal procedures. In 1975, the General Assembly adopted the "Declaration on the Rights of Disabled Persons", 2/ which proclaims the equal civil and political rights of disabled persons. This Declaration sets the standard for equal treatment and access to services which help to develop capabilities of persons with disabilities and accelerate their social integration.

The International Year of Disabled Persons

In 1976, the General Assembly proclaimed 1981 as the [International Year of Disabled Persons \(IYDP\)](#). It called for a plan of action at the national, regional and international levels, with an emphasis on equalization of opportunities, rehabilitation and prevention of disabilities.

World Programme of Action concerning Disabled Persons

A major outcome of the International Year of Disabled Persons was the formulation of the [World Programme of Action](#) concerning Disabled Persons, adopted by the General Assembly in December 1982.

Women and Disability

The WPA recognizes women's needs as requiring special attention. The consequences of disablement are particularly serious for women, because disabled women are discriminated against on double grounds: gender and disability. Therefore, they have less access to essential services such as health care, education and vocational rehabilitation.

Women are also specially affected by disability because they are often entrusted with the responsibility of caring for disabled persons in the community. Furthermore, women are more exposed to the risk of becoming disabled because of neglect and certain forms of abuse and harmful traditional practices directed against them.

United Nations Decade of Disabled Persons

In order to provide a time frame during which Governments and organizations could implement the activities recommended in the World Programme of Action, the General Assembly proclaimed 1983-1992 the [United Nations Decade of Disabled Persons](#).

International Day of Disabled Persons

Marking the end of the Decade of Disabled Persons, the General Assembly proclaimed 3 December as the [International Day of Disabled Persons](#). The Day was initially established to commemorate the Anniversary of the General Assembly's adoption of the [World Programme of Action](#).

The Standard Rules on the Equalization of Opportunities for Persons with Disabilities

Among the major outcomes of the Decade of Disabled Persons was the adoption, by the General Assembly, of the [Standard Rules on the Equalization of Opportunities for Persons with Disabilities](#) in 1993. The rules serve as an instrument for policy-making and as a basis for technical and economic cooperation.

Recent Developments at the United Nations in Disability Policy

Recent United Nations World Conferences reflect the growing awareness that persons with disabilities have both special concerns and needs that require serious consideration of the international community. All of the recent conferences - United Nations Conference on the Environment (Rio, 3-4 June 1992), the World Conference on Human Rights (Vienna, 14-25 June 1993), the International Conference on Population and Development (Cairo, 5-13 September 1994), the [World Summit for Social Development](#) (Copenhagen, 6-12 March 1995), the Fourth World Conference on Women (Beijing, 4-15 September 1995), Habitat II (Istanbul 3-14 June 1996) - have addressed the situation of people with disabilities and made recommendations to rectify past discriminatory practices as well as to protect and promote their rights to participate fully in all aspects of the society as citizens of their countries.

The United Nations and the specialized agencies continue their efforts to assist Member States in attaining the equality of all people, including persons with disabilities, in social life and development. The work of the United Nations concentrates on improving the situation of disabled persons by promotion and monitoring the implementation of the Standard Rules and the World Programme of Action. The United Nations continues to provide on request technical and financial support for national and international projects. The Statistics Division of the Department for Economic and Social Information and Policy Analysis plays an important role in developing statistical concepts and indicators, gathering relevant country information and preparing technical manuals and publications on disability statistics.

The work of the United Nations will increasingly focus on equalization of opportunities for persons with disabilities. One of the most important concerns is accessibility: to new technologies, in particular information and communications technologies, as well as to the physical environment. The notion of "mainstreaming" will also be given prominence, that is, including a disability dimension in policy recommendations covering a wide spectrum of social and economic concerns.

The Special Rapporteur on Disability

In 1994, Mr. Bengt Lindqvist was designated by the Secretary-General of the United Nations as First Special Rapporteur on Disability of the Commission for Social Development. His duties are to assist in the monitoring of the implementation of the Standard Rules and, in the discharge of his functions, he divides his time between advisory functions and establishing a dialogue with States and local non-governmental organizations to further the implementation of the Standard Rules. The Special Rapporteur works closely with a panel of experts, composed of representatives of international organizations of persons with disabilities, and with the United Nations Secretariat.

In June 2003, Secretary-General Kofi Annan has appointed Sheikha Hessa Khalifa bin Ahmed al-Thani (Qatar) as the Special Rapporteur on Disability of the United Nations Commission for Social Development for the period 2003-2005.

Annex III – Regional and National Documents

OAS - Organization of American States

Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons With Disabilities

AG/RES. 1608 (XXIX-O/99), 7 June 1999

Resolution adopted at the first plenary session, held on June 7, 1999

<http://www1.umn.edu/humanrts/instree/disabilitytreaty.html>

South America

<http://www.derechos.org/nizkor/la/eng.html>

Middle-East and North Africa

<http://www.al-bab.com/arab/human.htm>

[Universal Islamic Declaration of Human Rights](#) 19 September, 1981

[Arab Charter on Human Rights](#), Arab League, 15 September, 1994

[The Casablanca Declaration](#), Arab Human Rights Movement, 25 April, 1999

[Beirut Declaration](#) (PDF) First Arab Conference on Justice, 16 June, 1999.

Also in [Arabic](#) (PDF).

African Union

http://www.achpr.org/english/info/news_en.html

African Charter on human and peoples rights

Adopted in Nairobi on June 28, 1981 by African Union Organization

Conference of State and Government leaders. Entry into force 21/10/1986

OAU Convention governing the specific aspects of refugee problems in Africa

Entry into force 20/06/1974

Protocol to the African charter on human and peoples' rights on the rights of women in Africa

Adopted by the 2nd Ordinary session of the Assembly of the Union, Maputo, 11th July 2003

African Charter on the rights and welfare of the child

Entry into force 29/11/1998

Asia

<http://www.ahrchk.net/index.php>

Asian Human Rights Charter - A Peoples' Charter

on 30 March, 1998

<http://material.ahrchk.net/charter/>

Association of South East Asian Nations - Asean

<http://www.aseanhrmech.org/index.html>

Europe

http://europa.eu/pol/rights/index_en.htm

http://www.coe.int/T/E/Human_rights/

External relation

http://ec.europa.eu/external_relations/human_rights/intro/index.htm

COUNCIL OF EUROPE

Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocol No. 11

Paris, 20 march 1952

<http://conventions.coe.int/Treaty/en/Treaties/Html/009.htm>

European Social Charter

adopted 1961 and revised in 1996

http://www.coe.int/T/E/Human_Rights/Esc/

<http://conventions.coe.int/Treaty/EN/Treaties/Html/035.htm>

Recommendation on the Situation of the Mentally III

Recommendation No. 818, 1977

<http://assembly.coe.int/Documents/AdoptedText/ta77/BREC818.pdf>

The right to education under the European Social Charter

(17. Nov. 2006)

http://www.coe.int/t/e/human_rights/esc/7_resources/Education_ESC_Nov06_EN.pdf

Convention for the Protection of Human Rights and Fundamental Freedoms

CETS No.: 005

Rome 4/11/1950

Entry into force 3/9/1953

<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=005&CM=8&DF=2/15/2007&CL=ENG>

Resolution on a Charter on the Vocational Assessment of People with Disabilities

Resolution (AP (95) 3)

Adopted by the Committee of Ministers on 12 October 1995 at the 545th meeting of the Ministers' Deputies.

<http://cm.coe.int/ta/res/resAP/1995/95xp3.htm>

Recommendation on Rehabilitation Policies for the Disabled

Recommendation No. 1185, 1992

Recommendation on a Coherent Policy for the Rehabilitation of People with Disabilities

Recommendation No. 92, 1992

Adopted by the Committee of Ministers on 9 April 1992 at the 474th meeting of the Ministers' Deputies

<http://cm.coe.int/ta/rec/1992/92r6.htm>

Resolution ResAP(2001)3

Towards full citizenship of persons with disabilities through inclusive new technologies

(Adopted by the Committee of Ministers on 24 October 2001 at the 770th meeting of the Ministers' Deputies)

http://cm.coe.int/stat/E/Public/2001/adopted_texts/resAP/2001xp3.htm

Improving the quality of life of people with disabilities: enhancing a coherent policy for and through full participation

Political Declaration of **Second European Conference of Ministers responsible for integration policies for people with disabilities**

Malaga (Spain), 7-8 May 2003

Recommendation Towards Full Social Inclusion of People With Disabilities

Recommendation 1592 (2003)

<http://assembly.coe.int/Documents/AdoptedText/ta03/EREC1592.htm>

Council of Europe Action Plan ([Recommendation \(2006\)5](#)) to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe, 2005 – 2015

<http://www.coe.int>, under “Committee of Ministers” / “Adopted texts

EUROPEAN COMMUNITY

[Resolution of the Council of 20 December 1996](#)

Resolution of the council and of the representatives of the governments of the member states meeting within the council of 20 December 1996 on equality of opportunity for people with disabilities

(Official Journal C 012)

http://europa.eu.int/comm/employment_social/soc-prot/disable/com406/res_en.htm

Recommendation on the Employment of Disabled People in the European Community

Council Recommendation of 24 July 1986 on the Employment of Disabled People in the Community (86/379/EEC).

http://www.logos-net.net/ilo/150_base/en/instr/eu_28.htm

[Resolution of the Council of 31 May 1990](#)

Resolution of the Council and the Ministers for Education meeting within the Council concerning integration of children and young people with disabilities into ordinary systems of education

1990 (Official journal NO. C 162 , 03/07/1990 P. 0002 - 0003)

<http://europa.eu.int/infonet/library/m/90c16202/en.htm>

Amsterdam Treaty (art. 13)

Official Journal C 340, 10 November 1997

<http://europa.eu.int/eur-lex/en/treaties/dat/amsterdam.html>

European Union Charter of fundamental rights

Nice, 7-10 December 2000

http://www.europarl.europa.eu/summits/nice1_en.htm

Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council of 17 June 1999 on equal employment opportunities for people with disabilities

[Official Journal C 186 of 02.07.1999]

http://www.eumap.org/library/datab/Documents/1062663851.59/lres_en.pdf

COUNCIL RESOLUTION of 5 May 2003 on equal opportunities for pupils and students with disabilities in education and training

(2003/C 134/04)

Official Journal of the European Union, 7.6.2003, C 134

http://europa.eu.int/comm/employment_social/news/2003/oct/134_04_en.pdf

DECISION OF THE COUNCIL on Year of persons with disabilities 2003
(presented by European Commission)

Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council of 15 July 2003 on promoting the employment and social integration of people with disabilities

[Official Journal C 175 of 24.07.2003]

Council conclusions of 1st and 2nd December 2003 on the follow up of the European Year of People with Disabilities and the promotion of Equal Opportunities for People with Disabilities

Communication from the Commission to the Council, the European Parliament, the European Economic and Social committee and the Committee of the Regions of 28 November 2005, Situation of disabled people in the enlarged European Union: The European Action Plan 2006-2007

[COM\(2005\) 604](#) final

Communication of 28 May 2002 from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions - The Europe 2005 action plan: an information society for everyone

[\[COM\(2002\) 263](#) final]

COUNCIL RESOLUTION of 6 May 2003

on accessibility of cultural infrastructure and cultural activities for people with disabilities

(2003/C 134/05)

Official Journal of the European Union, 7.6.2003, C 134

http://www.europarl.europa.eu/comparl/libe/elsj/charter/art26/default_en.htm

COUNCIL RESOLUTION on 6 February 2003

'eAccessibility' — improving the access of people with disabilities to the knowledge based society

(2003/C 39/03)

Official Journal of the European Union, 18.2.2003, C 39

<http://anubis.dkuug.dk/jtc1/sc22/wg20/docs/3122-e-access.pdf>

COUNCIL DIRECTIVE 2000/78/EC of 27 November 2000

establishing a general framework for equal treatment in employment and occupation

Official Journal of the European Union, 2.12.2000, L 303

http://www.europa.eu.int/comm/employment_social/news/2001/jul/dir200078_en.html

Equal opportunities for people with disabilities: A European Action Plan
[COM\(2003\) 650 final of 30 October 2003](http://europa.eu.int/comm/employment_social/news/2003/oct/com650_final_en.html)

http://europa.eu.int/comm/employment_social/news/2003/oct/com650_final_en.html

Communication of European Commission of 13 September 2005 on eAccessibility.

[COM\(2005\) 425 final](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=en&type doc=COMfinal&an doc=2005&nu doc=425)

[http://eur-](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=en&type doc=COMfinal&an doc=2005&nu doc=425)

[lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=en&type doc=COMfinal&an doc=2005&nu doc=425](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=en&type doc=COMfinal&an doc=2005&nu doc=425)

Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee, and the Committee of Regions - eEurope 2002: Accessibility of Public Web Sites and their Content

COM/2001/0529 final

[http://eur-](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=en&type doc=COMfinal&an doc=2001&nu doc=529)

[lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=en&type doc=COMfinal&an doc=2001&nu doc=529](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=en&type doc=COMfinal&an doc=2001&nu doc=529)

EUROPEAN PARLIAMENT

Resolution on the rights of Disabled People

European Parliament, A4-0391/1996

http://www3.europarl.eu.int/omk/omnsapir.so/pv2?PRG=DOCPV&APP=PV2&LANGUE=EN&SDOCTA=5&TXTLST=2&POS=1&Type_Doc=RESOL&TPV=DEF&DATE=131296&PrgPrev=TYPEF@A4|PRG@QUERY|APP@PV2|FILE@BIBLIO96|NUMERO@391|YEAR@96|PLAGE@1&TYPEF=A4&NUMB=1&DATEF=961213

Resolution on the human rights of disabled people

European Parliament, B4-1494, 1498, 1510, 1513, 1540, 1552/95, R4-3224/1996)

http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=51995IP1494&model=guichett

Resolution of the European Parliament on the communication of the Commission to the Council, the Parliament the economic and social Committee and to the Committee of the Regions – Towards a Europe without obstacles for the disabled

(COM(2000) 284 - C5-0632/2000 - 2000/2296(COS))

http://eur-lex.europa.eu/LexUriServ/site/en/com/2000/com2000_0284en01.pdf

Resolution of the European Parliament on the communication of the Commission "eEurope 2002: accessibility and content of the Internet site of the public administrations"

(COM(2001) 529 - C5-0074/2002- - 2002/2032(COS))

http://ec.europa.eu/information_society/policy/accessibility/z-techserv-web/com_wa2001/a_documents/ep_res_web_wai_2002.html

Annex IV – Useful Texts and Web-sites

A. O'Reilly, *The Right to Decent Work of Persons with Disabilities*, Geneva, ILO, 2003 (IFP/SKILLS «Working Paper» No. 14)

WHO, *ICF. International Classification of Functioning, Disability and Health*, Geneva 2001

Human Development Report 2004, <http://hdr.undp.org/reports/global/2004/>

Gerard Quinn e Theresia Degener, *Human Rights & Disability*, New York, United Nations Office of the High Commissioner for Human Rights of Geneva, 2002

Leandro O. Despouy, *Human Rights and Disabled Persons*, New York, United Nations, 1992 (No. E.92.XIV.4)

Salamanca 5 Years On. A Review of UNESCO Activities in the Light of the Salamanca Statement and Framework for Action, *Adopted at the World Conference on Special Needs Education: Access and Quality*, Paris, UNESCO, 1999

G.E. Sarrionandía, M.Á. Verdugo Alonso, *La Declaración de Salamanca sobre Necesidades Educativas Especiales 10 años después. Valoración y Prospectiva*, Salamanca, Publicaciones del INICO, 2004

International Labor Organization, United Nations Educational, Scientific and Cultural Organization and the World Health Organization, *CBR: A Strategy for Rehabilitation, Equalization of Opportunities, Poverty Reduction and Social Inclusion of People with Disabilities: Joint Position Paper*, Geneva, World Health Organization, 2004

World Health Organization. *Community-Based Rehabilitation and the health care referral services. A guide for programme managers*. Geneva, World Health Organization, 1994

International Labor Organization, *Code of Practice on Managing Disability in the Workplace*, Geneva, 2002 (ID: EU0111241N)

Einer Helander, *Prejudice and dignity: an introduction to community-based rehabilitation*, 1993. United Nations publication.

WHO, *Guidelines for training personnel in developing countries for prosthetic and orthotic services.*

(Based on the outcome of a WHO consultation on the training of personnel for prosthetic and orthotic services in developing countries, WHO Eastern Mediterranean Regional Office, Alexandria, Egypt, June 1990.

WHO, *Guidelines for the prevention of deformities in polio.*
Geneva, 1995.

WHO, *Promoting the development of young children with cerebral palsy: a guide for mid-level rehabilitation.*
Geneva, 1993.

David Werner, *Disabled village children: a guide for community health workers, rehabilitation workers and families.*
Palo Alto, California, Hesperian Foundation, 1988.

David Werner, *Nothing about us without us: developing innovative technologies for, by and with disabled persons.*
Palo Alto, California, HealthWrights, 1998.

Coleridge, P., *Disability, Liberation and Development*, Oxfam; 1993

Web-Sites

UNITED NATIONS

www.un.org

UN Conventions

Text of the 7 Conventions on Human Rights

<http://www.ohchr.org/english/law/index.htm>

**Universal Declaration of Human Rights
Resolution 217 (III) 10th December 1948**

www.unhcr.ch/udhr/lang/eng.htm

**Human rights of persons with disabilities
Commission on Human Rights resolution 2000/51**

62nd meeting, 25 April 2000

[http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.RES.2000.51.
En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.RES.2000.51.En?Opendocument)

Declaration on the Rights of Mentally Retarded Persons

Proclaimed by General Assembly Resolution 2856 (XXVI) of 20 December 1971

http://www.unhchr.ch/html/menu3/b/m_mental.htm

Declaration on the Rights of Disabled Persons

Proclaimed by General Assembly resolution 3447 (XXX) of 9 December 1975

<http://www.unhchr.ch/html/menu3/b/72.htm>

World Programme of Action concerning Disabled Persons

Adopted by General Assembly Resolution 37/52 on 3 December 1982.

<http://www.un.org/esa/socdev/enable/diswpa00.htm>

**Tallinn Guidelines for Action on Human Resources Development in the
Field of Disability**

Adopted by General Assembly Resolution 44/70 of 15 March 1990.

<http://www.un.org/documents/ga/res/44/a44r070.htm>

**Principles for the Protection of Persons with Mental Illness and the
Improvement of Mental Health Care**

Adopted by General Assembly Resolution 46/119 of 17 December 1991.

<http://www.unhchr.ch/html/menu3/b/68.htm>

Standard Rules of Equalization of Opportunities for Persons with Disabilities

adopted by General Assembly of United Nations
New York, 20 December 1993 (Resolution 48/96)

<http://www.un.org/esa/socdev/enable/dissre00.htm>

Convention on the Rights of Persons with Disabilities

adopted in the Plenary of the General Assembly on 13 December 2006

<http://www.un.org/esa/socdev/enable/>

<http://www.un.org/esa/socdev/enable/rights/convtexte.htm>

<http://www.un.org/esa/socdev/enable/rights/ahcfinalrepe.htm>

UNESCO

Inclusive education team

http://portal.unesco.org/education/en/ev.php-URL_ID=7939&URL_DO=DO_TOPIC&URL_SECTION=201.html

Convention against Discrimination in Education

Paris, 14 December 1960

http://www.unhchr.ch/html/menu3/b/d_c_educ.htm

Sundberg Declaration

Adopted by the UNESCO World Conference on Actions and Strategies for Education, Prevention and Integration, Malaga (Spain), 2 - 7 November 1981.

http://www.unesco.org/education/nfsunesco/pdf/SUNDBE_E.PDF

The Salamanca Statement

Adopted by the UNESCO World Conference on Special Needs Education: Access and Quality, Salamanca (Spain), 7 - 10 June 1994.

http://www.unesco.org/education/pdf/SALAMA_E.PDF

World Declaration on Higher Education for the Twenty-First Century: Vision and Action

adopted by the World Conference on Higher Education

9. October 1998

http://www.unesco.org/education/educprog/wche/declaration_eng.htm

Education for All

goals adopted in the Dakar Framework for Action 2000-2015

http://portal.unesco.org/education/en/ev.php-URL_ID=50558&URL_DO=DO_TOPIC&URL_SECTION=201.html

INTERNATIONAL LABOUR ORGANISATION – ILO

<http://www.ilo.org/public/english/employment/skills/disability/iloprogram.htm>

<http://www.ilo.org/ilolex/english/recdisp1.htm>

<http://www.ilo.org/public/english/employment/skills/disability/index.htm>

R99 Vocational Rehabilitation (Disabled) Recommendation, 1955

38 Session of the Conference, Geneva 22:06:1955

R168 Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983

69 Session of the Conference, Geneva 20:06:1983

Convention No. 159 concerning Vocational Rehabilitation and Employment of Disabled Persons 1983

69 Session of the Conference, Geneva 20:06:1983

Managing disability in the workplace

Code of practice, disabled worker, rights of the disabled, human resources management.

ILO code of practice, 2002

The right to decent work of persons with disabilities 2003

WORLD HEALTH ORGANISATION - WHO

Non communicable diseases and mental health cluster

<http://www.who.int/nmh/a5817/en/>

Disability and Rehabilitation Unit

<http://www.who.int/disabilities/en/>

Alma Ata Declaration

http://www.who.int/hpr/NPH/docs/declaration_almaata.pdf

Resolution on International classification of functioning, disability and health

54 general assembly, Ninth plenary meeting, 22.5.2001

http://www.who.int/gb/EB_WHA/PDF/WHA54/ea5418.pdf

International consultation to review community-based rehabilitation (report, 2003)

This report follows a global consultation held in Helsinki, Finland in May 2003 to review the community-based rehabilitation approach which has been in practice globally for more than two decades.

http://whqlibdoc.who.int/hq/2003/WHO_DAR_03.2.pdf

Rethinking care: from the perspective of disabled people - conference report and recommendations (2001)

The meeting upon which this report is based aimed to give people with disabilities an opportunity to contribute to the process of "rethinking care" with respect to policy regarding the development of health and social services, and, in so doing, provide new insights and knowledge for the formulation of appropriate recommendations for WHO Member States

<http://whqlibdoc.who.int/hq/2001/a78624.pdf>

CBR: A Strategy for Rehabilitation, Equalization of Opportunities, Poverty Reduction and Social Inclusion of People with Disabilities (Joint Position Paper 2004)

This ILO/UNESCO/WHO publication focuses on community-based rehabilitation as an effective strategy for increasing opportunities for people with disabilities. The document emphasizes the importance of the direct participation of people with disabilities in planning and implementing community-based rehabilitation programmes, the need for increased collaboration among sectors providing services, and the need for government support and development of national policies. [Arabic \[pdf 401kb\]](#) | [Chinese \[pdf 6.80Mb\]](#) | [English \[pdf 1.17Mb\]](#) | [French \[pdf 310kb\]](#) | [Portuguese \[pdf 220 kb\]](#) | [Spanish \[pdf 301kb\]](#)
http://whqlibdoc.who.int/publications/2004/9241592389_eng.pdf

International Classification of Functioning, Disability and Health - ICF
<http://www.who.int/classifications/icf/en/>

OTHER WEB SITES

High Commissioner for Human Rights
<http://www.ohchr.org/>

Landmine Survivors Network - Ratification tool
http://www.landminesurvivors.org/what_rights_ratification.php

Disabled Peoples' International – DPI
www.dpi.org

Associazione Italiana Amici di Raoul Follereau – AIFO
www.aifo.it

International Disability and Development Consortium – IDDC
<http://www.iddc.org.uk/>

Annex V - Glossary

Advocacy

Individual and social Empowerment action. Activity towards persons with disabilities and their organizations in order to inform, orient and support their rights

Civil Society

This term has various definitions. This manual used the term to refer in general to non governmental organisations and institution, representing persons with disabilities.

Committee on Rights of People with Disabilities

It is the body established by the Convention whose task is to monitor and evaluate the Convention at international level. It will take into consideration reports coming from ratifying States regarding the implementations of the Convention, having jurisdiction to consider accusation of Convention violations.

Community Based Rehabilitation – CBR

Community-based rehabilitation (CBR), currently in practice in more than 90 countries around the world, is a comprehensive strategy for involving people with disabilities in the development of their communities.

CBR seeks to ensure that people with disabilities have equal access to rehabilitation and other services and opportunities - health, education and income - as do all other members of society. CBR is a human right strategy for local and inclusive development.

Convention on the rights of persons with disabilities

International legally binding agreement with the 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. The UN General Assembly adopted the final text of the Convention in 13 December 2006, and it opens for signature on March 30, 2007.

Disability

Disability is a social relation between personal characteristics and the major or minor capacity of the society to take them into account. Disability is not a personal condition, but depend from environmental and social factors and from personal factors. Disability is a life condition for any person (childhood, old age, in different situations) and belong to all humankind. Disability is a concept in evolution, related to cultural and material conditions of each country

Discrimination based on disability

Means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.

Empowerment

The capacity to influence the forces which affect one's life for one's own and others'. For persons with disabilities empowerment activities, in individual and social field, are essential to increase personal awareness, self esteem and to overcome processes of social impoverishment.

Entry into force

When a treaty has received the requisite number of ratification by countries, the treaty will enter into force for those countries. This means it becomes legally binding upon those countries. The Convention on the Rights of Persons with disabilities will come into force one month after 20 ratifications have been deposited.

General Assembly

It is the main deliberative body of United Nations, most adapted to elaboration of general norms and standards for member State conduct. Each State member of United Nations is represented to General Assembly works and each State member of United Nations has a decision vote in the General Assembly resolutions.

Human Rights

Rights owned by any person as human person. All human persons are entitled to enjoy all rights just because they belong to humankind

ICF (International Classification of functioning disability and health)

Cultural and scientific frame of reference at international level on disabled person's condition. Approved by WHO in 2001.

Implementation

Legal and political activity of ratifying States in order to implement the legal obligations foreseen by the Convention

International Bill of Human Rights

The combination of these three documents: the Universal declaration of Human Rights (UDHR), the International covenant on civil and political rights, and the International covenant on economic, social and cultural rights.

Independent Life

It is a Movement and a philosophy enhancing the control on every day life and freedom of choices that the persons with disabilities have to have in life as any other persons. For this reason they ask solutions and services enabling persons with any kind of limitation to live autonomous, self determined, independent and interdependent life.

Mainstreaming

Mainstreaming is the main flow of a river. The idea is to change disability policies from special subordinate policies, (as a river tributary) to ordinary policies, for all. Mainstreaming policies intervene to safeguard rights and promote equal opportunities for people with disabilities inside ordinary policies and legislation, utilizing funds allocated to all citizens.

Millennium development Goals

Union Nations global initiative to promote poverty eradication all over the world within 2015.

Monitoring

Systematic and periodic activities to control the level of application and implementation done by ratifying States regarding the obligations legally undertaken inside the Convention.

Multidiscrimination

When characteristics related to gender, race, culture, religion, political opinions, age, disability conditions summarize and combine, they produce multiple discriminations making more vulnerable persons with those characteristics.

Office of the High Commissioner for Human Rights

The Office of the High Commissioner for Human Rights (OHCHR), a department of the United Nations Secretariat, is mandated to promote and protect the enjoyment and full realization, by all people, of all human rights established in the Charter of the United Nations and in international human rights laws and treaties.

Optional Protocol

A separate agreement that covers only a certain aspect of the Convention. For example, Convention on the Rights of Persons with Disabilities has an Optional Protocol that gives the monitoring body the power to hear individual complaints of violations of civil, political, social economic and cultural rights as articulated in the Convention. Optional Protocols must be separately signed and ratified by each State Party. Optional protocol entry in force when 10 countries will ratify it.

Participation

Building of an inclusive society implies that excluded persons be the protagonists of inclusive process, as experts versus the way society has to treat them. This means that persons with disabilities have to be present with equal opportunities as other members of the society in the decision making of all policies, actions and programs related to them. The participation of persons with disability and organisations representing them become a necessary methodology/action, based on the slogan/right “ nothing about us without us”

Peer counseling

Activity through which, trained and socially included disabled persons acting as peer counselors, can support a process of awareness, personal growth, and capacity building for other people with disabilities. Established in USA, peer counseling spread all over the world adapting to different cultures and situations. Many organisations of disabled persons developed expertise in this field, producing books and manuals.

People with disabilities

International term to define persons with impairment who, due to attitudinal /environmental barriers, live limitations to their full and effective participation to society on an equal base with others.

Poverty Reduction Strategy Paper - PRSP

Poverty Reduction Strategy Paper are in many ways the replacement for Structural Adjustment Programs, and are documents required by the International Monetary Fund and World Bank before a country can be considered for debt relief. Poverty Reduction Strategy Papers (PRSP) are prepared by the member countries through a participatory process involving domestic stakeholders as well as external development partners, including the World Bank and International Monetary Fund.

Ratification

Formal procedure by which a country becomes bound to a treaty.

Process through which a State decide to introduce a Convention in its legal system. The ratification process procedures are: signature, Convention consistency versus national legal system, final approval of the law introduced into national legal system. The ratification tool is generally examined by Convention secretary and deposited care off United Nation General Secretary.

Reasonable adjustment

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.

RUDs

This acronym means “ Reservation, Understanding, and Declaration”. RUDs can be used to avoid subscription of parts of a Convention or to describe the interpretation of special languages. RUDs are presented by a country along with the ratification instrument.

Social Inclusion

Action supporting equal opportunities without any discrimination. Inclusion is therefore a process enabling included persons to have same opportunities and power to organize society as any other person. Inclusion is a right based on full participation of persons with disabilities in all fields of life, on equal base by the others, without discrimination, respecting dignity and enhancing human diversity through appropriate interventions, removing barriers and prejudices and supporting mainstreaming in order to live in local communities.

SWOT analysis

SWOT is an abbreviation for **Strengths, Weaknesses, Opportunities and Threats**. SWOT analysis is an important tool for auditing the overall strategic position of a business and its environment.

Treaty Monitoring Institutions

Experts Committee charged to supervise and monitor a Convention implementation. Usually a Convention indicates the criteria for choosing members, when and where to meet and the monitoring power to adopt.

Treaties

Formal agreement between states that defines and modifies their mutual duties and obligations; used synonymously with Convention.

Twin track approach

Definition utilized in International co-operation field indicating two action tracks in which operate: increasing the resources allocated by international co-operation addressed to persons with disabilities and including disability in every co-operation project.

United Nations

Intergovernmental States organisation set up in 1945. The main premises are based in New York and Geneva. The UN Charter (International Convention funding the UN) states that UN objectives are: to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples.

Universal Design

Means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. "Universal design" shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Annex VI – Acronyms

AHC	Ad Hoc Committee
AIFO	Associazione Italiana Amici di Raoul Follereau
CBR	Community Based Rehabilitation
CRPD	Convention on the Rights of Persons with Disabilities
DPI	Disabled Peoples' International
DPO	Disabled People Organization
ECOSOC	Economical and social Council
ICF	International Classification of functioning, disability and health
IDC	International disability Caucus
IE	Inclusive Education
ILO	International Labour Organisation
MDGs	Millennium development goals
NGO	Non-Governmental Organization
OAS	Organization of American States
OHCHR	Office of the High Commissioner for Human Rights
PHC	Primary Health Care
PRSP	Poverty Reduction Strategy Paper
RUDs	Reservations, Understandings and Declarations
UN	United Nations
UNDESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WHO	World Health Organization