

October 7th, 2005

Chairman's Text (please see accompanying explanatory letter)

**Draft Comprehensive and Integral International Convention on the
Protection and Promotion of the Rights and Dignity of Persons with
Disabilities**

The States Parties to this Convention,

- (a) *Recalling* the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity 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 and interdependence of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,
- (d) *Reaffirming also* 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 International 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* the importance of the principles and policy guidelines contained in the United Nations 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,
- (f) *Recognizing also* that discrimination against any person on the basis of disability is a violation of the inherent dignity of the human person,
- (g) *Recognizing further* the diversity of persons with disabilities,
- (h) *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 to their human rights in all parts of the world,
- (i) *Recognising* the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries,
- (j) *Emphasizing* the 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 significant advances in the human, social and economic development of their societies and the eradication of poverty,

- (k) *Recognizing* the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,
- (l) *Considering* that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, especially those directly concerning them,
- (m) *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 or social origin, property, birth or other status,
- (n) *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,
- (o) *Recognising* that a disproportionately large number of persons with disabilities live in conditions of poverty, and mindful of the need to alleviate the negative impact of poverty on persons with disabilities,
- (p) *Concerned* that situations of armed conflict have especially devastating consequences for the human rights of persons with disabilities,
- (q) *Recognizing* the importance of accessibility to the physical, social and economic environment and to information and communication, including information and communication technologies, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,
- (r) *Convinced* that a convention dealing specifically with the human rights 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:

PART I

Article 1 PURPOSE

The purpose of this Convention is to promote, protect, and fulfil the full and equal enjoyment of all human rights and fundamental freedoms of persons with disabilities.

Article 2 DEFINITIONS

For the purposes of the present Convention:

“Communication” includes oral-aural communication, communication using sign languages, and Braille, and tactile communication, large print, audio, accessible multimedia, human reader and other augmentative or alternative modes of communication, including accessible information and communication technology.

[“Disability”...]

[“Persons with disabilities”...]

“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 a basis of equality 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 direct and indirect discrimination.

“Language” includes oral-aural languages and sign languages.

“National laws of general application” means laws that apply to society as a whole and which do not differentiate in respect of persons with disabilities. “National laws and procedures of general application” and “national laws, customs and traditions of general application” shall have the same meaning, *mutatis mutandis*.

“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on a basis of equality with others of all human rights and fundamental freedoms.

“Universal design” and “inclusive design” mean the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

Article 3 GENERAL PRINCIPLES

The fundamental principles of this Convention shall be:

- (a) 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 on an equal basis with others for persons with disabilities;
- (d) Respect for difference and acceptance of disability as part of human diversity and humanity;
- (e) Equality of opportunity;
- (f) Accessibility;
- (g) Equality between men and women.

Article 4

GENERAL OBLIGATIONS

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

- (a) to adopt legislative, administrative and other measures to give effect to this Convention, and to amend, repeal or nullify any laws and regulations and to discourage customs or traditions that are inconsistent with this Convention;
- (b) to embody the rights of equality and non-discrimination on the basis of disability in their national constitutions or other appropriate legislation, if not yet incorporated therein, and to ensure, through law and other appropriate means, the practical realization of these rights;
- (c) to mainstream disability issues into all economic and social development policies and programmes;
- (d) to refrain from engaging in any act or practice that is inconsistent with this Convention and to ensure that public authorities and institutions act in conformity with this 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 the development, availability and use of:
 - (i) universally designed goods, services, equipment and facilities, to meet the specific needs of persons with disabilities, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, and to promote universal design in the development of standards and guidelines;
 - (ii) new technologies, including information and communication technologies, mobility aids, devices, assistive technologies, suitable for persons with disabilities, giving priority to affordably priced technologies;
- (g) 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.

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 co-operation, with a view to achieving progressively the full realisation of these rights, except where achieving progressively the full realisation of these rights would result in discrimination on the basis of disability.

3. In the development and implementation of legislation and policies to implement this 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 and their representative organizations. Such issues shall include standards and guidelines for accessibility, the formulation of health, habilitation and

rehabilitation legislation and the planning, delivery and evaluation of health, habilitation and rehabilitation services, and the design and implementation of data collection.

4. Nothing in this Convention shall affect any provisions which are more conducive to the realisation 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.

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 any discrimination on the basis of disability and guarantee to persons with disabilities equal and effective protection against discrimination. States Parties shall also prohibit any discrimination and guarantee to persons with disabilities equal and effective protection against discrimination on any other grounds.

3. States Parties undertake to take all appropriate steps to ensure that reasonable accommodation is provided.

4. Measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination on the basis of disability.

[Article 6 WOMEN WITH DISABILITIES]

[Article 7 CHILDREN WITH DISABILITIES]

Article 8 RAISING AWARENESS REGARDING DISABILITY

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

- (a) raise awareness throughout society regarding disability and persons with disabilities, and to foster respect for their rights;
- (b) combat stereotypes and prejudices about persons with disabilities in all areas of life;
- (c) 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 to:
 - (i) nurture receptiveness to the rights of persons with disabilities;

- (ii) change negative perceptions and social prejudices towards persons with disabilities in all matters of [sexuality,] marriage, parenthood and family relations of persons with disabilities;
 - (iii) promote recognition of the skills, merits, abilities and contributions of persons with disabilities 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 this Convention;
- (d) promoting disability-sensitive awareness training programmes.

Article 9

ACCESSIBILITY

1. States Parties to this Convention shall take appropriate measures to ensure accessibility for persons with disabilities by identifying and eliminating obstacles to the built environment, to transportation, to information and communications, including information and communications technologies, and to other services, in order to ensure the capacity of persons with disabilities to live independently and to participate fully in all aspects of life. These measures shall apply to, inter alia:

- (a) the construction and renovation of public buildings, roads and other facilities for public use, including schools, housing, medical facilities, indoor and out-door facilities and publicly owned workplaces;
- (b) the development and remodelling of public transportation facilities, communications and other services, including electronic services.

2. States Parties shall also take appropriate measures to:

- (a) provide in public buildings and facilities signage in Braille and easy to read and understand forms;
- (b) provide forms of live assistance and intermediaries, including guides, readers and sign language interpreters, to facilitate accessibility to public buildings and facilities;
- (c) develop, promulgate and monitor implementation of minimum national standards and guidelines for the accessibility of public facilities and services;
- (d) ensure that private entities which provide public facilities and services take into account all aspects of accessibility for persons with disabilities;
- (e) provide training for all stakeholders on accessibility issues facing persons with disabilities;

- (f) promote access for persons with disabilities to the new communication technologies and systems, including the Internet;
- (g) promote the design, development, production and distribution of accessible information and communication technologies at an early stage, so that the information society becomes inclusive at minimum cost;
- (h) promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information.

PART II

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

States Parties recognize that in situations of risk to the general population persons with disabilities are especially vulnerable and shall take all feasible measures for their protection.]

Article 12 EQUAL RECOGNITION AS A PERSON 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 have [legal capacity] on an equal basis with others in all fields and shall ensure, to the extent possible, that where support is required to exercise [that capacity] [the capacity to act]:
 - (a) the assistance provided is proportional to the degree of support required and tailored to the person's circumstances, that such support does not undermine the legal rights of the person, respects the will and preferences of the person and is free from conflict of interest and undue influence. Where appropriate, such support shall be subject to regular and independent review;
 - [(b) where States Parties provide for a procedure, which shall be established by law, for the appointment of personal representation as a matter of last resort, such a law shall provide appropriate safeguards, including regular review of the appointment of and decisions made by the personal representative by a competent, impartial and independent tribunal. The appointment and conduct of

the personal representative shall be guided by principles consistent with this Convention and international human rights law.]

3. 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

States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, facilitating their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including the investigative and other preliminary stages.

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 in no case shall the existence of a disability justify a deprivation of liberty.
2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through a civil, criminal, administrative or other process, they have at least the following guarantees:
 - (a) to be treated with humanity and respect for the inherent dignity and worth of the human person, and in a manner that respects their human rights, conforms with the objectives and principles of this Convention, and reasonably accommodates their disability;
 - (b) to be provided promptly with adequate accessible information as to their legal rights and the reasons for the deprivation of their liberty;
 - (c) to be provided with prompt access to legal and other appropriate assistance to:
 - (i) challenge the lawfulness of the deprivation of their liberty and to receive a fair hearing, including the right to be heard before a court or other competent, independent and impartial authority (in which case, they shall be provided with a prompt decision on any such action);
 - (ii) seek review on an equal basis with others of the deprivation of their liberty, including periodic review as appropriate;
 - (d) to have an enforceable right to compensation in the case of unlawful deprivation of liberty.

Article 15
**FREEDOM FROM TORTURE OR CRUEL, INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT**

1. No person with disabilities shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, States Parties shall prohibit, and protect persons with disabilities from, medical or scientific experimentation without the free and informed consent of the person concerned.
2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities 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.
2. States Parties shall also take all appropriate measures to prevent exploitation, violence and abuse by ensuring, inter alia, appropriate forms of 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 violence and abuse.
3. In order to prevent the occurrence 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.
5. States Parties shall put in place effective legislation and policies to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

Draft article 17
PROTECTING THE INTEGRITY OF THE PERSON

1. States Parties shall protect the integrity of the person with disabilities on a basis of equality with others.

2. States Parties shall protect persons with disabilities from forced interventions or forced institutionalisation aimed at correcting, improving or alleviating any actual or perceived impairment.

3. In cases of medical emergency or issues of risk to public health involving involuntary interventions, persons with disabilities shall be treated on an equal basis with others.

[4. States Parties shall ensure that involuntary treatment of persons with disabilities is:

- (a) minimized through the active promotion of alternatives;
- (b) undertaken only in exceptional circumstances, in accordance with procedures established by law and with the application of appropriate legal safeguards;
- (c) undertaken in the least restrictive setting possible, and that the best interests of the person concerned are fully taken into account;
- (d) appropriate for the person and provided without financial cost to the individual receiving the treatment or to his or her family.]

Article 18

LIBERTY OF MOVEMENT

[States Parties to this Convention shall take effective measures to respect and ensure the rights of persons with disabilities to liberty of movement on an equal basis with others, including by ensuring that persons with disabilities:

- (a) have the right to acquire a nationality and are not deprived of their nationality arbitrarily on the basis of disability;
- (b) are not deprived, on the basis of disability, of their ability to 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) have the right to leave any country, including their own.]

Article 19

LIVING INDEPENDENTLY AND BEING INCLUDED IN THE COMMUNITY

States Parties to this Convention shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of their freedom of choice, living independently and 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 to this Convention shall take effective measures to ensure liberty of movement with the greatest possible independence for persons with disabilities, including:

- (a) facilitating the freedom of movement 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 high-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 private 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 their 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 sign languages, and Braille, and augmentative alternative communication and all other accessible means, modes and formats of communication of their choice, including by:

- (a) providing information intended for the general public in a timely manner and without additional cost to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities;
- (b) accepting and facilitating the use of sign languages, and Braille, and augmentative 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) urging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
- (e) [[developing] [recognizing] [promoting] a national sign language.]

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 THE HOME AND THE FAMILY

1. States Parties to this Convention shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family and personal relations, and in particular shall ensure, on an equal basis with others:

- (a) that persons with disabilities are not denied the equal opportunity to [experience their sexuality,] have sexual and other intimate relationships and experience parenthood [in accordance with national laws, customs and traditions of general application];
- (b) that the right of all [men and women] [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 [and that spouses should be equal partners];
- (c) the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children [and to have access to information, reproductive and family planning education, the means necessary to enable them to exercise these rights and the equal opportunity to retain their fertility to the extent that these are permitted by national laws of general application].

2. States Parties to this Convention shall ensure the rights and responsibilities of persons with disabilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where

these concepts exist in national legislation; in all cases the interests of the children shall be paramount. States Parties shall render appropriate assistance to disabled persons in the performance of their child-rearing responsibilities.

3. States Parties shall ensure that a child is not separated from his or her parents against their will, except when competent authorities determine, in accordance with national laws and procedures of general application and subject to judicial review or other forms of administrative review as established by law, that such separation is necessary in 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.

Article 24 EDUCATION

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

- (a) the full development of the 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 realising this right, States Parties shall ensure:

- (a) that persons with disabilities are not excluded from the general education system on the basis of their disability, and that children with disabilities are not excluded from free and compulsory primary and secondary education on the basis of their disability;
- (b) that persons with disabilities can access inclusive, quality, free primary and secondary education to the extent possible in the communities in which they live;
- (c) reasonable accommodation of the individual's requirements;
- (d) that persons with disabilities receive the support required, within the general education system, to facilitate their effective education. In exceptional circumstances where the general education system can not adequately meet the support needs of persons with disabilities, States

Parties shall ensure that effective alternative support measures are provided, consistent with the goal of full inclusion;

- (e) the development of initial and continuing training, which incorporates disability awareness, the use of appropriate communication means and modes, educational techniques and materials to support persons with disabilities, for all professionals and staff who work at all levels of education.

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:

- (a) facilitate the learning of Braille, alternative script, orientation and mobility skills, and facilitate peer support and mentoring;
- (b) facilitate the learning of sign language and the promotion of the linguistic identity of the Deaf community;
- (c) ensure that the education of children who are blind, deaf, and deaf/blind is delivered in the most appropriate languages and modes of communication for the individual, and in environments which maximise academic and social development.

4. States Parties shall take appropriate measures to ensure quality education to students with sensory disabilities through the employment of teachers who are fluent in sign language or Braille, including teachers with disabilities.

5. States Parties shall ensure that persons with disabilities may access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on the basis of equality of opportunity. To that end, States Parties shall render appropriate support to persons with disabilities.

Article 25 HEALTH

States Parties recognise that persons with disabilities have the right to the enjoyment of the highest attainable standard of physical and mental 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, including health-related rehabilitation. In particular, States Parties shall:

- (a) provide persons with disabilities with the same range and standard of affordable health services as provided other persons, [including sexual

and reproductive health services] 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 minimise and prevent further disabilities including amongst children and the elderly;
- (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 and on the basis of free and informed consent by, where necessary, 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 healthcare;
- (e) prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where permitted by national law, which shall be provided in a fair and reasonable manner.

Article 26

HABILITATION AND REHABILITATION

1. States Parties shall take effective and appropriate measures to enable persons with disabilities to attain their maximum independence, fullest physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organise, strengthen and extend comprehensive habilitation and rehabilitation services, particularly in the areas of health, employment, education and social services, in such a way that:

- (a) habilitation and rehabilitation services and programmes begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs;
- (b) habilitation and rehabilitation services and programmes support participation and inclusion in the community and all aspects of society, 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.

Article 27

WORK AND EMPLOYMENT

States Parties recognise 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 set an example through employment of persons with disabilities in the public sector, and shall take other appropriate steps to safeguard and promote the realisation of the right to work, including measures to:

- (a) protect through legislation persons with disabilities with regard to conditions of recruitment, hiring and employment, continuance of employment, career advancement, working conditions, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, and the redressing of grievances;
- (b) ensure that persons with disabilities are able to exercise their labour and trade union rights in accordance with generally applicable national legislation;
- (c) enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services, and vocational and continuing training;
- (d) promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining and maintaining and returning to employment;
- (e) promote opportunities for self-employment, entrepreneurship and starting one's own business;
- (f) encourage employers to hire persons with disabilities through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- (g) ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
- (h) promote the acquisition by persons with disabilities of work experience in the open labour market;
- (i) promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

Article 28

ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION

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

2. States Parties recognise 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 realisation of this right, including measures to:

- (a) ensure access by persons with disabilities to appropriate and affordable services, devices and other assistance for disability-related needs;
- (b) ensure access by persons with disabilities, [particularly women and girls with disabilities and the aged with disabilities,] to social protection programmes and poverty reduction strategies;
- (c) ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State to cover disability-related expenses (including adequate training, counselling, financial assistance and respite care), which should not become a disincentive to develop themselves;
- (d) ensure access by persons with disabilities to public housing programmes.

Article 19

PARTICIPATION IN POLITICAL AND PUBLIC LIFE

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

- (a) ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others in accordance with national laws of general application, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, 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 referenda, without intimidation, and to stand for elections and to hold office and perform all public functions at all levels of government;
 - (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) actively promote 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 organisations and associations concerned with the public and political life of the country, including the activities and administration of political Parties;
- (ii) forming and joining organisations 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 recognise 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 all accessible formats;
- (b) enjoy access to television programmes, films, theatre, and other cultural activities, in all 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 utilise 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 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, while respecting the provisions of international law.

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 as others in recreational, leisure and sporting activities, States Parties shall take appropriate measures to:

- (a) encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;

- (b) ensure that persons with disabilities have an opportunity to organise, 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) ensure that persons with disabilities have access to sporting and recreational and tourism venues;
- (d) ensure that children with disabilities have equal access to participation in play, recreation, and leisure and sporting activities, including those in the school system;
- (e) ensure that persons with disabilities have access to services from those involved in the organisation of recreational, tourism, leisure and sporting activities.

PART III

Article 31 STATISTICS AND DATA COLLECTION

1. Where necessary, States Parties undertake to collect appropriate information, including statistical data, to enable them to formulate and implement policies to give effect to this Convention. The process of collecting and maintaining this information should:

- (a) comply with legally established safeguards to ensure confidentiality and respect for the privacy of persons with disabilities, including legislation on data protection;
- (b) comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles of statistics.

2. The information collected in accordance with this Article shall be used to assess the implementation of States Parties obligations under this Convention, and shall also be used to identify and address the barriers faced by persons with disabilities in exercising their rights.

[Article 32 INTERNATIONAL COOPERATION]

Article 33 NATIONAL IMPLEMENTATION AND MONITORING

[1. States Parties shall designate a focal point within government for matters relating to the implementation of the present Convention, and give due consideration to the establishment or designation of a coordination mechanism to facilitate related action in different sectors and at different levels.

2. States Parties shall, in accordance with their legal and administrative system, maintain, strengthen, designate or establish at the national level a framework to promote, protect and monitor implementation of the rights recognized in the present Convention.]

3. Civil society, in particular persons with disabilities and their representative organisations, shall be involved and participate fully in all levels of the monitoring process.

Article 34 INTERNATIONAL MONITORING

PART IV

Article XX SIGNATURE

The present Convention shall be open for signature by all States.

Article XX RATIFICATION

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article XX ACCESSION

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article XX ENTRY INTO FORCE

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article XX AMENDMENT

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting 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 States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article XX RESERVATIONS

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

Article XX DISPUTE SETTLEMENT

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention that is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of the present article. The other States Parties shall not be bound by that paragraph with respect to any State Party that has made such a declaration.

3. Any State Party that has made a declaration in accordance with paragraph 2 of the present article may at any time withdraw that declaration by notification to the Secretary-General of the United Nations.

Article XX DEPOSITARY

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article XX AUTHENTIC TEXTS

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

The Secretary-General of the United Nations shall transmit certified copies of the present Convention to all States.

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