

Report of the Working Group looking at  
the  
Protection  
of the Rights  
of  
Persons with Disabilities

This Working Group had people from Governments, Non-Government Organisations and Human Rights Groups from all over the world.

## INTRODUCTION

This information is a summary of a report of an International Working Group that is looking at a draft Convention on the Rights of Persons with Disabilities.

This is a plain language version of the draft Convention that is available on:

[www.un.org/esa/socdev/enable/rights/ahcwgreport.htm](http://www.un.org/esa/socdev/enable/rights/ahcwgreport.htm)

This draft report does not represent the ideas, views or position of any Government or any particular individual.

## WHAT IS AN INTERNATIONAL CONVENTION?

It is a law that is written in legal language.
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The protection and promotion of the rights of persons with disabilities is about:

- The rights and dignity of all people with or without disability.
- The rights to freedom and justice to all people with or without disability.
- The confirmation and support that persons with disabilities have the same rights as all other people.

## **What is Important?**

- That persons with disabilities have the same rights as all other people.
- That discrimination against persons with disabilities is not acceptable.
- That people are different and this should be recognised.
- That people with disabilities have freedom, justice and peace.

## **And that:**

- People with disabilities are involved in making decisions about policies and services about them.
- Persons with disabilities have freedom to make their own choices.
- Persons with disabilities are not discriminated against because of their race, colour, sex, language, religion, or political opinion.
- Persons with disabilities have accessible physical environments, social and economic opportunities.

**Questions:**

- Do you think all countries should work together to stop discrimination?
  
- How much focus should countries put on their individual situations compared to the world situation?

## **DRAFT ARTICLE 1**

### **Purpose**

The purpose of this Convention is to make sure persons with disabilities have the same human rights and freedoms as all other people.

## **DRAFT ARTICLE 2**

### **General Principles**

This Convention is about:

- Dignity.
- Freedom of choice.
- Independence.
- Non-discrimination.
- Full inclusion.
- Participation.
- Respect of difference.
- Acceptance of disability.
- Equality of opportunity.

**Question:**

- Are there any other principles that should be included?

## DRAFT ARTICLE 3

### Definitions

When thinking about these definitions, think about them in terms of persons with disabilities:

#### Accessibility

**Question:**

- Accessibility is a word used in draft Article 19. What definition do you think accessibility should have?



## Communication

### **Question:**

- Communication is a word used in draft Article 13. What definition of communication should be used?

## Disability

### **Question:**

- Should a definition of disability be included? If yes, what definition do you think it should be?

Persons with Disability**Questions:**

- Should a definition of persons with disabilities be included?
- What if the Convention already has a separate definition of disability?
- If yes, what definition of persons with disabilities should be used?

Discrimination because of a Disability

**Question:**

- Draft Article 7 outlaws discrimination based on a disability. What definition of discrimination should be used?

Language**Question:**

- Is a definition of language needed?
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
- If yes, what definition of language should be used?

## **DRAFT ARTICLE 4**

### **General Obligations**

The countries that agree to this Convention promise to make sure that all human rights apply to all people, without discrimination because of disability. To do this, they will:

- a) Take actions that meet the aims of the convention, such as make laws that support the convention, and change or get rid of laws that don't support the convention.
- b) Make sure there are laws that give persons with disabilities rights.
- c) Make sure that disability issues are included in all economic and social policies and programmes.
- d) Not do things that do not support the convention, and make sure others respect the rules of the convention.
- e) Take action to stop discrimination based on disability by persons or organisations.
- f) Support the use of goods, services, equipment and facilities that can be used by all persons with disabilities all over the world.

This will be done in close consultation, and with the involvement of, persons with disabilities and their organisations.

**Question:**

- Are there any other general obligations that should be included?
  
  
  
  
  
  
  
  
  
  
- Some countries might not be able to afford to provide all the help and support in this Convention straight away. How should we recognise this in the Convention?

## **DRAFT ARTICLE 5**

### **Promotion of Positive Attitudes to Persons with Disabilities**

The countries that agree to this Convention will:

- a) Help people in society to be aware of the issues and concerns facing persons with disabilities.
- b) Fight against stereotypes and prejudices about persons with disabilities.
- c) Promote positive images of persons with disabilities that show them as able and having the same rights as all people.

The countries that agree to this Convention will also:

- a) Have public awareness campaigns about the rights of persons with disabilities.
- b) Provide to all children who go to school information on the rights of persons with disabilities.
- c) Get television, newspapers and magazines to show positive images of persons with disabilities.
- d) Work together with persons with disabilities and their organisations.

## **DRAFT ARTICLE 6**

### **Statistics and Data Collection**

The countries that agree to this Convention will collect and look at statistics and information on disabilities and on the rights of persons with disabilities.

In collecting this information they should:

- a) Respect the right to people's privacy. The information should be given only if people agree.
- b) Keep information in a way that people cannot be identified, and in a way that the information cannot be used in a way it should not be.
- c) Make sure that how information is collected and stored is done in partnership with persons with disabilities and other representatives or organisations.
- d) Include information on age, sex, type of disability as well as information about:
  - Access to services.
  - Education.
  - Housing.
  - Employment.
  - Rehabilitation programmes.



**Questions:**

- What other information should be collected?
  
  
  
  
  
  
  
  
  
  
- Should information be shared internationally?

## **DRAFT ARTICLE 7**

### **Equality and Non-Discrimination**

The countries that agree to this Convention will agree:

- a) That all persons with disabilities are equal before the law and protected by the law like all other people.
- b) That discrimination based on disabilities will not be allowed.
- c) To protect people from discrimination based on disability.
- d) To also protect people with disabilities from discrimination based on other reasons like race, colour, sex, language, political opinion, poverty, birth, national or social origin, age, or type of disability.
- e) That no types of discrimination are acceptable.
- f) That “special measures”, or actions that positively discriminate until equality is gained, are allowed.

**Questions:**

- What do you think is a 'special measure'?
  
  
  
  
  
  
  
- Are there any risks to mentioning special measures? If yes, what are these?

## **DRAFT ARTICLE 8**

### **Right to Life**

The countries that agree to this Convention will:

- a) Agree to the right to life for all persons with disabilities.
- b) Take action to make sure persons with disabilities have this right.

#### **Question:**

- Should the convention also have a section about the rights of persons with disabilities during a time of war or armed conflict?

## **DRAFT ARTICLE 9**

### **Equal Recognition as a Person before the Law**

The countries that agree to this Convention will:

- a) Agree that persons with disabilities have the same rights as all other people before the law.
- b) Accept that persons with disabilities are capable like all other people on legal or financial issues.
- c) Agree that where persons with disabilities need help on legal or financial issues:
  - They get the help they need.
  - The help does not take away their right to make their own decisions.
  - The help is provided under the law.
- d) Ensure that persons with disabilities have the right to own property.
- e) Ensure that persons with disabilities have the right to control their money or other financial affairs.
- f) Make sure persons with disabilities have the same opportunities as other people to get bank loans, mortgages and credit.
- g) Make sure persons with disabilities are not deprived of their property unfairly.

**Question:**

- Should anything be written about protecting the rights of persons with disabilities who need assistance to understand and use their legal rights? If yes, what?

## **DRAFT ARTICLE 10**

### **Liberty and Security**

The countries that agree to this Convention will:

- a) Make sure that persons with disabilities have the same right to liberty and security as all other people.
- b) Make sure that persons with disabilities don't have this right taken away from them illegally, or just because they have a disability.
- c) Make sure that if a person has had their liberty taken from them, that the law will protect them.

If a person is deprived of their liberty, the countries that agree to this Convention will:

- a) Make sure that people are treated with respect, and in a way that recognises their disability and their needs.
- b) Make sure that persons with disabilities are provided with information in accessible formats that explains why their liberty has been taken away.
- c) Make sure that persons with disabilities get quick access to assistance and legal help to make sure their detention is allowed under the law.
- d) Make sure that people are provided with compensation if it turns out that the taking of their liberty was not allowed under this Convention.

**Questions:**

- Should anything be written about what legal safeguards should be in place? If yes, what?
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
- Should this section be divided into two sections:
  - one which describes the rights of people who have their liberty taken from them because of criminal actions; and
  - one which describes the rights of people who have their liberty taken from them because of non-criminal reasons, such as to protect them from danger?



## **DRAFT ARTICLE 11**

### **Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment**

The countries that agree to this Convention will:

- a) Take action to prevent persons with disabilities from being tortured, from being treated cruelly, or from receiving inhuman treatments or punishments.
- b) Protect persons with disabilities from medical or scientific experiments without the person's agreement.
- c) Protect people from being forced to have treatment to correct or improve their disability.

**Question:**

- Are there any other statements you would put in this article? If yes, what?

## **DRAFT ARTICLE 12**

### **Freedom from Violence and Abuse**

The countries that agree to this Convention will:

- a) Recognise that persons with disabilities are at greater risk in and outside their homes of violence, injury, abuse, neglect, poor treatment and sexual abuse.
  
- b) Take action to protect persons with disabilities from these risks. These actions should include:
  - Protecting persons with disabilities from being forced to have treatment to correct or improve their disability.
  - Providing information and support to protect persons with disabilities and their families from abuse.
  - Making sure that institutions or other facilities where persons with disabilities live are checked to make sure they are free from violence or abuse.
  - Supporting persons with disabilities to re-integrate into society if they have been victims of violence and abuse.
  - Investigating and punishing people who abuse or mistreat persons with disabilities.

**Question:**

- Should there be more information about legal options that could be in place to protect persons with disabilities? If yes, what?

## **DRAFT ARTICLE 13**

### **Freedom of Expression and Opinion and Access to Information**

The countries that agree to this Convention will make sure that persons with disabilities have the right to say what they think through Braille, sign language or other types of communication of their choice.

The countries that agree to this Convention will make sure persons with disabilities have the same right as other people to give and receive information, including by:

- a) Providing information to persons with disabilities, when they ask and without extra cost, in the formats they choose.
- b) Accepting the use of different ways persons with disabilities communicate in official situations.
- c) Educating persons with disabilities to use different ways of communicating.
- d) Supporting research into new ways of communication that are suitable to persons with disabilities.
- e) Promoting assistance and support to persons with disabilities to help make sure information is accessible.
- f) Encouraging private organisations that provide information for the public to make it more accessible for persons with disabilities.
- g) Encouraging media to make their information accessible to persons with disabilities.

**Question:**

- Should this Article include types of formats of accessible information?

## **DRAFT ARTICLE 14**

### **Respect for Privacy the Home and the Family**

The countries that agree to this Convention will:

- a) Make sure that persons with disabilities, including those in institutions, have the right of privacy in their home, family, communication, medical records and their choice to make decisions.
  
- b) Take action to stop discrimination against persons with disabilities when it comes to marriage and family relations, and make sure that:
  - Persons with disabilities have the same opportunities as other people to experience their sexuality, have sexual and other relations, and become parents.
  - Persons with disabilities have the same right as other people to marry and have a family.
  - Persons with disabilities have the same rights as other people to have children, to decide the number of children to have, and when to have them.
  - Persons with disabilities have access to information and education on reproduction and family planning and support to help them understand this information.
  
- c) Ensure the rights of persons with disabilities to become guardians and to adopt children, and help them to bring up their children.

- d) Make sure that a child shall not be separated from their parents against their will, unless it is in the best interests of the child and done by law. Make sure that a parent's disability cannot be used as a reason to do this.
  
- e) Promote information that has positive images of sexuality, marriage and parenthood of persons with disabilities.

**Question:**

- Should this article include more about assistance to help people with disabilities be parents?

## **DRAFT ARTICLE 15**

### **Living Independently and Being Included in the Community**

The countries that agree to this Convention will help persons with disabilities to live independently and be fully included in their community.

This includes making sure that persons with disabilities:

- a) Have the same opportunities as other people to choose where they live.
- b) Do not have to live in institutions or in living arrangements that they do not want to.
- c) Have a range of service options available in the community, including personal assistance that helps to include them in the community, and stops their isolation from the community.
- d) Have the same access as other people to general community services.
- e) Have access to information about support services.



**Question:**

- How important is it that this article includes point b) about people not having to live in institutions?

## **DRAFT ARTICLE 16**

### **Children with Disabilities**

The countries that agree to this Convention will:

- a) Make sure that children with disabilities are not being discriminated against because of their disability.
- b) Make sure that children with disabilities have the same rights as other children.
- c) Make sure that children with disabilities are treated with dignity and supported to be self-reliant and to participate in their community.
- d) Make sure children with disabilities have the right to inclusive care which includes:
  - Services are available at an early age.
  - Extra help and assistance, where resources are available, that meets the needs of the child, their parents or others caring for the child.
- e) Make sure that assistance is free when possible.
- f) Make sure that information, referrals and counselling is available to parents of children with disabilities.

**Question:**

- Should this article recognise that children with disabilities who are orphans or refugees are at greater risk of sexual abuse and abuse?

## DRAFT ARTICLE 17

### Education

The countries that agree to this Convention will:

- a) Recognise the right of all persons with disabilities to education. The education of children with disabilities shall:
  - Aim to develop their full potential, their sense of dignity and self worth, and their respect for human rights, freedoms and diversity.
  - Aim to make sure all persons with disabilities can participate in society.
  - Aim to develop the child's personality, mental and physical self to their full extent.
  - Put the best interest of the child first by having individualised education plans.
  
- b) To do this, the countries that agree to this Convention will make sure:
  - All persons with disabilities can choose inclusive and accessible education in their own community.
  - Support is provided, including specialist support if needed (for example: counsellors, psychologists, accessible teaching and communication approaches).
  - That no child with disabilities is excluded from free and compulsory primary school education because of their disability.

- c) If the general education system does not meet a child's needs, other special options should be available. But they must:
- Have the same standards and objectives as the general education system.
  - Be provided so children can also be part of the general education system as much as possible.
  - Allow real choice between general and special education systems.
  - Not stop or limit the continuing efforts to meet children with disabilities' needs in the general education system.
- d) Countries that agree to this Convention will make sure that children are able to be taught in sign language or Braille, and that they have the same quality education as other children.
- e) Countries that agree to this Convention will make sure that persons with disabilities should have the same access as other people to vocational training, tertiary education and lifelong learning, and help should be given to make this happen.

**Question:**

- Are there any other statements you think should be made about education? If yes, what?

## **DRAFT ARTICLE 18**

### **Participation in Political and Public Life**

The countries that agree to this Convention recognise the political rights of persons with disabilities without discrimination, and will:

- a) Promote opportunities for persons with disabilities to be fully involved in political and public life, including the right to vote and be elected. To do this they should be sure:
  - That voting is easy to understand and accessible.
  - To protect the right of citizens to vote by secret ballot.
  - That help to vote is allowed for disabled citizens who want it.
  
- b) Encourage persons with disabilities to be involved in public administration and to participate in public affairs, including by:
  - Being involved on an equal basis in the activities of political parties and civil society.
  - Forming and joining organisations of persons with disabilities to represent persons with disabilities, nationally, regionally and locally.
  
- c) Make sure persons with disabilities and their organisations can take part in decision making on the same basis as other people, especially on issues relating to disabilities.





## **DRAFT ARTICLE 19**

### **Accessibility**

The countries that agree to this Convention will stop barriers for persons with disabilities to physical buildings, outdoor environments, transport, information, communication and services, so people are assisted to live independently and participate fully in life.

This should include:

- a) Construction and renovations of public buildings, roads, schools, housing, medical facilities, indoor and outdoor facilities and publicly owned work places.
- b) Development and fixing of public transport, communication and other services.

The countries that agree to this Convention will also take action to:

- a) Have signs in Braille and easy to read and understand information.
- b) Provide other help like readers, sign language interpreters and guides.
- c) Develop, put in place, and monitor minimum national standards for accessibility.

- d) Encourage private organisations and people who provide public services and facilities to make them accessible.
- e) Undertake research and development to help with new technology and systems, and making sure that these are affordable.
- f) Promote international cooperation and designs that are the same all over the world.
- h) Consult with and involve persons with disabilities when standards or guidelines for accessibility are being developed.
- i) Provide training for all on the accessibility issues facing persons with disabilities.

**Question:**

- Does this Article require further information to explain accessibility in a clearer way? If yes, what?

## **DRAFT ARTICLE 20**

### **Personal Mobility**

The countries that agree to this Convention will make sure that persons with disabilities can move with the greatest possible independence, including by:

- a) Assisting persons with disabilities to access mobility aids and technology, including by making sure they don't cost a lot.
- b) Designing aids and technology that is the same all over the world.
- c) Doing and supporting research into developing new mobility aids and technology.
- d) Providing training in mobility skills to persons with disabilities and staff working with them.
- e) Assisting people to get around in the way they choose and at a cost that they can afford.
- f) Providing information about mobility aids and technology, help and services available for persons with disabilities.
- g) Promoting awareness about the mobility issues for persons with disabilities.

**Question:**

- Instead of having this article should its parts be put under other articles? (For example a) and b) could go in the accessibility article)

## **DRAFT ARTICLE 21**

### **Right to Health and Rehabilitation**

The countries that agree to this Convention recognise that all persons with disabilities have the same rights to a standard of health as other people, without discrimination because of their disability. No person with a disability should have this right taken from them.

The countries that agree to this Convention will make sure that health and rehabilitation services are available, including by:

- a) Making sure that persons with disabilities have the same opportunity to health and rehabilitation as all other people.
- b) Making sure that the health and rehabilitation services needed by persons with disabilities are available.
- c) Having health and rehabilitation services provided in peoples' own communities.
- d) Providing programmes and services that provide time out on a voluntary basis for persons with disabilities, including counselling and support groups.
- e) Providing programmes and services to protect people from further disability.
- f) Encouraging research and development to help benefit persons with disabilities.

- g) Making sure that there are enough health professionals who are trained to meet the health and rehabilitation needs of persons with disabilities.
- h) Making sure that all health and rehabilitation professionals respect the rights and dignity of persons with disabilities.
- i) Making sure that people working in the areas of health and rehabilitation have a code of ethics that includes quality care, openness, respect, dignity and independence.
- j) Making sure that health services are provided to persons with disabilities, or that their information is shared, only if the person agrees and has been told about their rights.
- k) Preventing persons with disabilities from having unwanted medical treatment.
- l) Protecting the privacy of health and rehabilitation information of persons with disabilities the same way other people are protected.
- m) Involving persons with disabilities and their organisations in developing health and rehabilitation legislation and policy.

**Questions:**

- Is more information required about peoples' rights? If yes, what?
- Should the Article have anything about the prevention of disability?
- Does the issue of Privacy need to be mentioned in this Article or it is best covered in Article 14?

## **DRAFT ARTICLE 22**

### **Right to Work**

The countries that agree to this Convention recognise the right of persons with disabilities to work, including the opportunity to earn a living from work they choose. Persons with disabilities should be protected from poverty.

To do this, the countries that agree to this Convention will:

- a) Encourage a labour market and work environments that are open and inclusive, and accessible to all persons with disabilities.
- b) Make sure that there is access to services, assistance programmes, placements, vocational and continuing education.
- c) Promote employment, career advances, self-employment, and business opportunities, and help persons with disabilities to find and keep employment.
- d) Encourage and support employers to hire persons with disabilities.
- e) Make it easy for persons with disabilities to be in the work place and work environment by making sure reasonable allowances for them are made.



- f) Promote persons with disabilities to gain work experience in the labour market.
- g) Promote vocational and professional rehabilitation and programmes to support persons with disabilities to return to work and keep their jobs.
- h) Make laws to protect persons with disabilities' employment, equal pay for equal work, equal opportunity, ability to complain, and their trade union rights.
- i) Make sure that persons with disabilities have the same opportunities to find jobs in the government as other people do.
- k) Promote recognition of the skills and abilities of persons with disabilities in the workplace to change prejudices against them.

**Questions:**

- Should the words open, inclusive, and accessible be defined?
  
  
  
  
  
  
  
  
  
  
- Do you think transportation is covered in this Article?

## **DRAFT ARTICLE 23**

### **Social Security and an Adequate Standard of Living**

The countries that agree to this Convention recognise the right of persons with disabilities to social security, without discrimination because of their disability. The countries that agree to this Convention will protect this right, including by making sure that:

- a) Persons with disabilities have access to necessary services, equipment and help for disability related needs.
- b) Persons with disabilities have access to social security programmes and assistance, and that their needs as persons with disabilities are taken into account.
- c) People with severe or multiple disabilities and their families have help from the government, and are not living in poverty.
- d) Persons with disabilities have access to government housing programmes.
- e) Persons with disabilities have access to tax benefits in respect to their income.
- f) Persons with disabilities can get life and health insurance without discrimination based on their disability.

The countries that agree to this Convention also recognise the right of persons with disabilities to an adequate standard of living for themselves and their families. This includes adequate food, clothing, housing, access to clean water, and to always improving their living conditions.

**Question:**

- Are there any other things that could help persons with disabilities standard of living? If yes, what?

## **DRAFT ARTICLE 24**

### **Participation in Cultural Life, Recreation, Leisure and Sport**

The countries that agree to this Convention recognise the right of persons with disabilities to take part in cultural life. They will take action to make sure that:

- a) Persons with disabilities have a chance to develop and use their creative, artistic and intellectual potential.
- b) Persons with disabilities have access to literature and writing in formats such as Braille, sign and audio.
- c) Persons with disabilities have access to television programmes, film, theatre and other cultural activities, including with captioning and sign language.
- d) Persons with disabilities have access to cultural performances and services such as libraries, museums, theatres and sites of national importance.
- e) People who are deaf have the support and recognition of their culture and language.

The countries that agree to this Convention also recognise that persons with disabilities have the same right as others to take part in recreation, leisure and sports. They will take action to:

- a) Encourage and promote involvement of persons with disabilities in mainstream sports at all levels.
- b) Make sure that persons with disabilities have a chance to organise and participate in sport activities, and to receive the same training and support as other people.
- c) Make sure that persons with disabilities have the same access as other people to sports and recreation venues, and also that children with disabilities have the same access as other children to sports at school.

**Question:**

- Are there any other areas of cultural life, recreation, leisure and sports that should be mentioned?

## **DRAFT ARTICLE 25**

### **Monitoring**

The countries that agree to this Convention will have a national plan for putting in place the Convention, including by:

- a) Making sure there is someone who is responsible for putting in place the rules in the Convention, and that person will help to put it in place in all parts of society.
  
- b) Putting in place, maintaining, or strengthening a national system to promote, protect and monitor the actions taken in relation to the Convention

**Question:**

- What other monitoring should occur?
  
  
  
  
  
  
  
  
  
  
- How much monitoring should be international rather than self monitoring by each country?