Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities
New York, 29 July-9 August 2002

Comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities

Working paper by Mexico

Preamble

The States Parties to this Convention:

a) Reaffirming the purposes and principles of the Charter of the United Nations;

b) Considering that the Charter of the United Nations reaffirms the value of the human person based on the principles of dignity and equality inherent to human beings and resolves to promote the social progress and better standards of living of all peoples within a broader concept of freedom;

c) Recognizing that the United Nations has proclaimed and agreed accored in the Universal Declaration of Human Rights and in the International Covenants on Human Rights that everyone is entitled to all rights and freedoms set forth therein without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status;

d) Recognizing also that discrimination against all persons for reasons of any disability is a violation of the principles of equality of rights and respect for human dignity and hinders the participation – under equality of conditions – of persons with disabilities in civil, social, economic, political, and cultural life;
e) Taking into consideration the international and regional instruments, declarations, norms, and programs adopted to promote human rights and non-discrimination against persons with disabilities, such as: the 1982 World Program of Action for Persons with Disabilities; the 1971 Declaration on the Rights of Mentally Retarded Persons; the 1975 Declaration of Rights of Disabled Persons; the 1991 Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Healthcare; the 1993 Standard Rules on the Equalization of Opportunities for Persons with Disabilities; the 1999 Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities; and the statutes and pertinent instruments from specialized agencies such as the 1983 International Labor Organization’s Convention no.159 on the Vocational Rehabilitation and Employment of Persons with Disabilities;

f) Reaffirming the outcomes of the major United Nations Conferences and Summits and their respective follow-up reviews, particular as they pertain to the promotion of the rights and well-being of persons with disabilities, on an equal and participatory basis;

g) Noting with great satisfaction that the Standard Rules on the Equalization of Opportunities for Persons with Disabilities have played an important role in influencing the promotion, formulation, and evaluation of the policies, plans, programs, and actions at the national, regional, and international levels to further the equalization of opportunities by, for, and with persons with disabilities;

h) Stressing the relationship that exists between the present Convention and the Covenants on Human Rights and other human rights instruments, as well as the usefulness of the Standard Rules for implementing the content of this international instrument;

i) Recognizing that, despite the numerous efforts made by governments, bodies and relevant organizations within the United Nations system and non-governmental organizations aimed at increasing cooperation and integration, as well as raising awareness about questions regarding disability since the adoption of the World Program of Action (1983-1992), these efforts have not been enough to eradicate violations and discrimination against persons with disabilities in different parts of the world;

j) Recognizing that in order to achieve equality of opportunities for persons with disabilities, the exercise of all political, civil, economic, social, and cultural rights established in the International Covenants and other instruments of Human Rights, must be guaranteed, as well as their accessibility to the physical environment;

k) Emphasizing the responsibility of States to eliminate obstacles and barriers for the full integration and participation in all spheres of social, economic, cultural, and
political life – under conditions of equality – for persons with disabilities and vulnerable to multiple or aggravated discrimination;

1) Concerned over the fact of the existence of social circumstances that contribute to increase the incidence of disability, which include extreme poverty, lack of healthcare attention, violence inside and outside the home, accidents, alcohol and drug abuse, inadequate administration in medical treatment, systematic violation of human rights, lack of proper care during the ageing process, and armed conflicts;

m) Committed to take the necessary steps to reduce the causes that originate or worsen certain disabilities;

n) Bearing in mind the importance of raising the development levels and quality of life of the world’s population and working toward the strengthening of international peace and security;

o) Conscious of the world movement in favor of persons with disabilities and the efforts undertaken by these organizations and their representatives in raising awareness and recognition of the rights of persons with disabilities;

p) Motivated by the principles of dignity and equality intrinsic to human beings and the values of dignity, independence, equality of opportunities, and solidarity with persons with disabilities;

Have agreed to the following:

Article 1

The object of this Convention is to:

a) Recognize, guarantee, promote, and protect the rights of persons with disabilities;

b) Eliminate all forms of discrimination against persons with disabilities in public and private spheres;

c) Promote the autonomy and independent lives of persons with disabilities and achieve their full participation in economic, social, cultural, civil, and political life, under conditions of equality;

d) Promote new forms of international cooperation to support national efforts in the benefit of persons with disabilities, and achieve the objectives of this Convention.
Article 2

For the purposes of this Convention, the following definitions shall apply:

a) “Disability” means a physical, mental (psychic), or sensory impairment, whether permanent or temporary, that limits the capacity to perform one or more essential activities of daily life, and which can be caused or aggravated by the economic and social environment.

b) Discrimination against persons with disabilities means any distinction, exclusion, or restriction based on a disability, record of disability, condition resulting from a previous disability, or perception of disability, whether present or past, which has the effect or objective of impairing or nullifying the recognition, enjoyment or exercise by a person with a disability of his or her human rights and fundamental freedoms.

Article 3

States Parties agree to adopt legislative, judicial, administrative, and any other kind of measures aimed at achieving the objectives of this Convention. To this end, they shall:

1. Include in their legislation, policies and programs aimed at promoting the full participation of persons with disabilities.

2. Adopt the necessary measures to eliminate all forms of discrimination against persons with disabilities and promote and protect the exercise of their rights. Among others, these measures shall include the following:

   a) Incorporate in their national legislations the principle of equality and non-discrimination for all people and abolish or amend any legislation that permits the contrary.

   b) Establish measures to prevent and sanction any practice which constitutes discrimination against persons with disabilities.

   c) Ensure that the rights contained in this Convention and other related international instruments have the legal protection of the competent national courts.

   d) Establish in their national legislations the necessary positive actions to promote the autonomy and independent lives of persons with disabilities and to achieve their full participation, under conditions of equality, in all activities of economic, social, cultural, civil, and political life.
3. In the elaboration and evaluation of legislation and policies adopted for persons with disabilities, special circumstances and needs of persons with disabilities, shall be taken into account and shall secure their participation and that of their families.

4. Promote the elaboration national census-taking of the population with disabilities and their access to public services, rehabilitation, education, and employment.

Article 4

1. In order to guarantee equality of rights and opportunities for persons with disabilities, States Parties shall promote, among others, positive or compensatory measures.

2. States Parties shall adopt specific measures to protect persons with disabilities who are in special situations of vulnerability.

Article 5

States Parties shall promote the changing of stereotypes, socio-cultural patterns, customary practices, or of any other nature which constitute an obstacle for persons with disabilities or their families in the exercise of their rights. To this end, States Parties shall:

1. Adopt measures to raise society’s awareness regarding the rights and needs of persons with disabilities, including the creation of awareness programs at all levels of formal education.

2. Encourage the mass media to project a positive and non-stereotype image of persons with disabilities and their families.

3. Guarantee the participation of disabled people’s organizations in the execution of these measures.

4. Promote dissemination campaigns to raise the awareness of society and training courses for public officials regarding the rights contained in this Convention.
Article 6

States Parties recognize the right of persons with disabilities to freedom of movement and to have an accessible environment to guarantee their autonomy, independence, and full participation in all activities.

States Parties shall legislate or take steps to ensure that:

a) Urban outfitting and public services and facilities for public use have the adaptations necessary to facilitate access, use, and circulation for persons with disabilities.

b) Vehicles and public transport services allow the access and mobility of persons with disabilities.

c) The existence of adaptations, signposting, and basic forms of communication for the freedom of movement and access to all public services and those available to the public.

d) The construction and adaptation of housing comply with regulations governing accessibility for persons with disabilities.

Article 7

States Parties shall promote access to different forms of alternative communication for persons with sensorial disabilities, as well as promoting the linguistic rights of persons who use such forms.

Article 8

States Parties shall guarantee the right to information of persons with different kinds of disabilities. To this end, they shall adopt, among others, the following measures:

1. Ensure that public information services are accessible, using appropriate technologies.

2. Encourage the mass media to make their services accessible to persons with disabilities.

3. Promote through information campaigns, awareness of the rights intrinsic to persons with disabilities and the means by which to enforce these rights.
Article 9

States Parties recognize that persons with disabilities are particularly vulnerable to different forms of violence, as well as torture and other cruel, inhumane or degrading treatment or punishment, in public and private spheres. Therefore, States shall guarantee respect for the dignity and integrity of persons with disabilities.

Article 10

1. States Parties shall promote respect for the human rights of persons with disabilities in all legal proceedings and, therefore, likewise commit to:

   a) Provide legal counsel and interpretation or translation services, free of charge, to all persons with disabilities.

   b) Prohibit all forms of discrimination during legal proceedings or the serving of a prison sentence.

   c) Consider or categorize such discrimination as aggravated criminal behavior when committed against persons with disabilities.

   d) Ensure that protection services are offered and compensation measures are established in favor of persons with disabilities who have become victims of crime.

2. States Parties shall adopt measures to comply with these dispositions which, among other things, shall include the sensitizing and training of public officials responsible for law enforcement and administration, with regard to the rights contained in this Convention.

Article 11

States Parties to this Convention recognize the political rights of persons with disabilities and pledge to take steps to guarantee their full participation in political life, adopting, among others, the following measures:

1. Guarantee exercise of the right to universal and secret suffrage of all persons with disabilities and for that purpose, include in election mechanisms the use of instruments and specialized technologies for each type of disability.
2. Guarantee the right to information of persons with disabilities so as to assist them in the decision-making process and in participating in political affairs.

3. Promote the participation, under conditions of equality, of persons with disabilities in positions of popular election, political parties, social organizations, and in public administration.

4. Guarantee the right of persons with disabilities to freedom of association and to form their own organizations.

5. Promote the participation of persons with disabilities and their organizations in the design of government policies relating to disability.

Article 12

1. States Parties recognize that persons with disabilities have the right to receive an education of quality that furthers their integral development, independence, and participation, under conditions of equality, in public and private spheres.

2. States Parties shall include the specific educational needs of persons with disabilities in national education policies, plans, and programs and shall provide the resources needed to allow their inclusion in the formal education system.

3. States Parties shall guarantee the presence of other methods of quality teaching, with curricula common to formal education, solely for persons with disabilities who choose to enter another educational system such as integrated, special, and open schools, as well as interactive learning systems.

In order to attain the above-mentioned objectives, States Parties shall:

a) Ensure that students with disabilities have access to information regarding the education options available so they may exercise their right to select the appropriate teaching model.

b) Guarantee that persons with disabilities will receive a public education, free of charge, in all education methods and levels, giving priority to those living in situations of extreme vulnerability.

c) Ensure the provision and ongoing training of specialized human resources that support the teaching process of persons with disabilities in formal and other education methods, promoting the training and hiring of teachers, instructors, and specialists with disabilities.
d) Include information and communications technologies in learning processes.

e) Ensure that regular programs with the necessary adaptations are the referent for the education of persons with disabilities in other education methods, and, that specialists and persons with disabilities and their families are involved.

f) Ensure that students with disabilities receive the equipment, technical assistance, and teaching and learning materials that will enable them to access and participate in curricular and extracurricular activities.

g) Promote access for students with disabilities to scholarships and financing resources.

Article 13

States Parties shall promote access for persons with disabilities to the medical and rehabilitation services they require so as to guarantee their right to health and to foster their autonomy and independent lives. To this end, States Parties shall:

a) Ensure that all medical and nursing staff, as well as other healthcare professionals, are properly qualified and have access to the appropriate technologies and methods for the treatment of persons with disabilities.

b) Ensure that persons with disabilities are able to decide on their treatment by providing them with the information necessary to do so.

c) Guarantee that persons with disabilities, especially breastfeeding mothers, children, and the elderly, receive quality medical attention within state healthcare systems.

d) Ensure that persons with disabilities give their consent prior to being subjected to any kind of research or medical or scientific experiment and likewise ensure that the genetic research and the biomedical and biotechnological advances are intended for their improvement.

e) Adopt all measures necessary to guarantee that the medical, rehabilitation, and assistance services provided to persons with disabilities include the following:


2. Modern medical assistance and treatment that include the use of new technologies.
3. Counseling, as well as social, psychological and other assistance for persons with disabilities and their families.

4. Training in self-care activities, including aspects of mobility, communication, and skills for everyday living.

5. The provision of medication, technical assistance with mobility, and other special devices they may require.

f) Ensure that public as well as private healthcare institutions, particularly psychiatric ones, are monitored by the health and human rights authorities to ensure that the living conditions and treatment administered therein to persons with disabilities grant respect for their human rights and dignity.

Article 14

States Parties recognize the right of persons with disabilities to work and to freely choose their professions and jobs, and will adopt all measures necessary for their participation, under conditions of equality, in the labor market. For this purpose, States Parties shall:

a) Guarantee that individual and collective labor agreements and regulations protect persons with disabilities in regard with employment, job promotion, and working conditions, and, ensure the exercise of their labor rights.

b) Prohibit and abolish any discriminatory regulations and practices which restrict or deny persons with disabilities access to, and continuance and promotion within the labor market.

c) Guarantee the right of persons with disabilities to an equal wage for work of equal value.

d) Promote the adoption of positive measures that allow persons with disabilities access to and continuance in employment.

e) Promote workplace training, instruction, and updating for persons with disabilities.

f) Promote the adaptation of workplaces, work instruments, and working hours to make them accessible for persons with disabilities.

g) Grant incentives for companies that hire persons with disabilities and facilitate their freedom to attend medical appointments and undergo therapy.
h) Implement awareness campaigns to overcome negative attitudes and prejudices that affect persons with disabilities in the workplace.

Article 15

States Parties pledge to eliminate all norms and practices which restrict access for persons with disabilities to the benefits of social security and to this end, they shall adopt the following measures:

a) Guarantee that social security systems and other social welfare programs for the public in general do not exclude persons with disabilities, particularly in cases of unemployment, pregnancy, illness, elderly, and retirement.

b) Develop social security programs and measures that cater to the specific needs of persons with disabilities.

c) Take steps to facilitate access for persons with disabilities to the technical equipment and assistance necessary to raise their level of independence and the exercise of their rights.

d) Ensure that the lack of formal or permanent employment on the part of persons with disabilities does not curtail their access to social security services.

e) Promote the establishment, under governmental housing programs, of specific percentages of housing to be earmarked for persons with disabilities and their families.

f) Ensure that people who assist or look after persons with disabilities, including their relatives, have adequate training support and financial assistance, particularly in the case of persons with low incomes.

g) Establish norms whereby persons with disabilities are not discriminated against regarding the access to social security and public and private medical insurance.

Article 16

States Parties shall ensure that persons with disabilities have access to and the enjoyment of:

a) Recreational, cultural, and sports activities through adaptations which facilitate them the use of related facilities and services.
b) Their integration into routine sports activities and national as well as international competitions.

c) A system of scholarships or special incentives for cultural, artistic, and sports activities.

Article 17

In accordance with their legal systems, States Parties shall promote the establishment and strengthening of national institutions responsible for safeguarding the rights and dignity of persons with disabilities.

Article 18

States Parties agree to consult and collaborate with each other, regarding the putting into practice the content of this Convention, as well as to work together in a spirit of cooperation to achieve its objectives. To this end, they commit to:

a) Design programs which facilitate the implementation of the Convention, based on the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and other instruments which promote their human rights and dignity.

b) Exchange the latest advances in scientific research and the development of technology pertaining to the treatment and rehabilitation of persons with disabilities and the elimination of obstacles that restrain their autonomy, independent life, and full enjoyment of their rights, as well as the development of national capacities.

c) Exchange information and best practices on measures and legislation for persons with disabilities.

d) Encourage the study of issues and research of common interest, including the problems and special needs of States Parties.

e) Promote courses, seminars, and workshops for training and research.

f) Promote the harmonization of criteria regarding alternative forms of communication used by persons with visual or hearing disabilities.
g) Incorporate the rights of persons with disabilities into the mandates of the bodies and relevant organizations of the United Nations, as well as in the elaboration of programs to take care of their needs.

h) Promote the elimination of import duties on technical equipment and aid materials for persons with disabilities.

Article 19

1. The object of the Conference of States Parties (hereinafter, “the Conference”) shall be to:

   a) Evaluate the operation and status of this Convention.

   b) Promote international cooperation and assistance, as provided for in the previous Article.

   c) Consider the recommendations and suggestions put forward by the Committee of Experts.

   d) Elaborate a final report on the agreements reached at the Conference and submit it to the Secretary General of the United Nations.

2. The first Conference shall be convened by the Secretary General within a period of one year following the entry into force of this Convention. Subsequent meetings shall be convened by the Secretary General every three years, or whenever he deems necessary, and shall be held at the headquarters of the United Nations.
3. The Conference shall establish its own rules of procedure which, among other, shall stipulate that:

a) Two thirds of the States Parties shall constitute quorum.
b) Conference decisions shall be adopted by a majority of votes from the members present.

4. States not Party to this Convention, specialized bodies and competent agencies of the United Nations system, and regional and non-governmental organizations may be invited to attend these meetings as observers, in accordance with the agreed rules of procedure.

5. The Secretary General shall provide the resources, personnel, and services required to hold the Conferences of States Parties.

Article 20

In order to monitor the implementation of this Convention, a Committee of Experts on the Rights of Persons with Disabilities (hereinafter, "the Committee") shall be established, the functions of which shall be as follows:

a) Evaluate the national reports submitted periodically by States Parties on the progress and problems encountered in implementing this Convention.

b) Make recommendations of a general nature to States Parties to further advance the implementation of this Convention.

c) Invite specialized bodies, other competent agencies, and non-governmental organizations to participate in studying the implementation of this Convention.

d) The Committee may invite specialized bodies and other agencies of the United Nations to submit reports on the implementation of the provisions of this Convention which apply to their particular sphere of competence.

e) Identify areas of cooperation among States Parties, and between these and specialized bodies and competent agencies, that facilitate implementation of this Convention. To this end, the Committee shall submit its recommendations to the Conference.

f) The Committee may recommend technical assistance from United Nations agencies at any stage of the report evaluation process or during the implementation of its final recommendations.

g) Submit an annual report to the United Nations General Assembly on its activities pursuant to this Convention and make suggestions and
recommendations based on the study of the reports and data provided by States Parties.

Article 21

1. States Parties undertake to submit to the Secretary General of the United Nations, to be examined by the Committee, a report on the legislative, judicial, administrative, or any other measures they have adopted to give effect to the provisions of this Convention.

2. Reports submitted by States Parties must specify advances as well as limitations affecting the degree of fulfillment of the obligations under the present Convention. They must likewise contain sufficient information regarding difficulties encountered in its implementation.

3. In their periodic reports, States Parties commit to include a chapter on the situation of persons with multiple disabilities and groups of disabled persons that are vulnerable to multiple or aggravated discrimination. They must also specify steps taken by the State Party to deal with their particular situation.

4. States Parties shall submit their reports for evaluation by the Committee within a term of two years following the entry into effect of this Convention for the State Party in question, and, thereafter, every four years, or whenever requested by the Committee.

Article 22

1. The Committee shall consist of 12 experts (men and women) chosen from among prominent national leaders of organizations of persons with disabilities, scholars, specialists, scientists, and doctors of recognized high moral integrity and competence in the protection and promotion of the rights and dignity of persons with disabilities and who shall serve in their personal capacity. These experts shall be elected by States Parties, taking into consideration an equitable geographic distribution and specialization in the different types of disabilities.

2. Members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may propose one person from among its own nationals.

3. Committee members shall be elected at biennial meetings of the States Parties convened by the Secretary General of the United Nations and held at the
latter's headquarters. At these meetings, quorum for which shall be constituted by the attendance of two thirds of the States Parties, candidates to the Committee shall be considered elected based on the highest number of votes and on absolute majority of votes from States Parties' representatives present and voting.

4. The initial election shall be held, at the latest, six months following the date of the first Conference and, thereafter, every two years. At least four months prior to the date of each election, the Secretary General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within a period of three months. The Secretary General shall then prepare a list, in alphabetical order, of the persons nominated, indicating the States Parties they were proposed by, and notifying States Parties to the present Convention.

5. Committee members shall be elected for a period of four years. They may be reelected, if their candidatures are put forward once again. Notwithstanding, the mandate of six of the members elected in the first round shall expire after a period of two years. Immediately following the initial elections, the Committee chairperson shall chose the names of these six persons by lot.

6. In order to cover unexpected vacancies, the State Party whose expert has terminated his/her functions as a Committee member may appoint another expert from among its own nationals, subject to the approval of the Committee.

Article 23

1. The Committee shall elect its Board for a period of two years. Members of the Board may be reelected for a like period.

2. The Committee shall establish its own rules of procedure.

3. The Committee shall normally meet annually at United Nations headquarters for a period not to exceed two weeks to evaluate reports submitted in compliance with the previous Article. The duration of these meetings shall be determined and, if necessary, subject to review by the Conference of the Parties.

4. The Secretary General of the United Nations shall provide the resources, personnel, and services necessary for the effective performance of the functions of the Committee, under the present Convention.

5. Mindful of the importance of the functions of the Committee and subject to prior approval of the United Nations General Assembly, the members of the Committee shall receive emoluments from United Nations resources on such terms and conditions determined by the Assembly.
Article 24

A State Party to this Convention may, at any time, declare that it recognizes the competence of the Committee to receive and consider communications submitted by persons subject to its jurisdiction or, on their behalf, claiming to be victims of a violation by the State Party of any of the rights set forth in this Convention. The Committee will not accept any communication relating to a State Party which has not made this declaration.

Article 25

All States Parties to this Convention may propose an amendment and deposit it with the Secretary General of the United Nations. In such case:

a) The Secretary General shall inform States Parties regarding the proposed amendment, asking them to notify him should they wish to convene a Conference of States Parties to examine the proposal and put it to a vote.

b) If within the four months following receipt of this notification at least one third of the Party States come out in favor of convening, then the Secretary General shall convene an amendment conference, under the auspices of the United Nations.

c) Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary General to the United Nations General Assembly for its approval.

d) Any amendment adopted pursuant to paragraph 1 of this Article shall come into force once it has been approved by the United Nations General Assembly and accepted by a two-thirds majority of the States Parties.

e) When amendments come into force, they shall be obligatory for the States Parties that have accepted them, in as much as the other States Parties shall be bound by the dispositions of this Convention.

f) States not Party to this Convention, as well as specialized bodies, non-governmental organizations, and other competent agencies may be invited to attend the Amendment Conference as observers, in accordance with the agreed rules of procedure.
Article 26

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

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

3. Reservations may be withdrawn at any time by virtue of notification to the Secretary General of the United Nations who shall, in turn, notify all States to the same effect. The notification shall take effect as of the date of its reception.

Article 27

Any dispute arising between two or more States Parties with respect to the interpretation or implementation of this Convention that is not settled by negotiation, shall, be referred to arbitration at the request of one of the parties to the dispute. If the parties fail to reach an agreement on the form of arbitration within a term of six months following the request, any of the parties may put the dispute before the International Court of Justice, in conformity with its statutes.

Article 28

Each State Party commits to widely disseminate this Convention and its periodic reports, and publicize them.

Article 29

1. The Secretary General of the United Nations is designated as the depository of this Convention.

2. This Convention shall be open for signature to all United Nations Member States.

3. This Convention shall be open for ratification or accession to all United Nations Member States.

4. The Secretary General shall periodically deliver information on the number of signatures, ratifications, and accessions to this Convention, as well as on the efforts made and steps taken for its promotion and dissemination.
Article 30

This Convention shall enter into force on the thirtieth day after the date the tenth instrument of ratification or accession has been deposited with the Secretary General of the United Nations.

For each State ratifying or acceding to this Convention after the tenth instrument of ratification or accession has been deposited, the Convention shall enter into force on the thirtieth day following the date on which the State in question has deposited its own instrument of ratification or accession.

Article 31

1. This convention, whose texts in Arabic, Chinese, Spanish, French, English, and Russian are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary General of the United Nations shall send certified copies of this Convention to all States Parties.