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Agenda item 14 (d)

**SPECIFIC GROUPS AND INDIVIDUALS:
OTHER VULNERABLE GROUPS AND INDIVIDUALS**

Albania*, Algeria*, Angola*, Argentina, Australia, Austria, Bangladesh*, Belarus*, Belgium*, Bolivia*, Bosnia and Herzegovina*, Brazil, Bulgaria*, Burkina Faso, Cameroon*, Canada*, Chile, Colombia*, Costa Rica, Croatia, Cyprus*, Czech Republic*, Denmark*, Dominican Republic, Eritrea, Ethiopia, Finland*, France, Germany, Greece*, Guatemala, Hungary, Iceland*, Ireland, Italy, Japan, Liechtenstein*, Lithuania*, Luxembourg*, Mexico, Morocco*, Mozambique*, New Zealand*, Norway*, Panama*, Paraguay, Peru, Poland*, Romania*, San Marino*, Sierra Leone, Slovenia*, South Africa, Spain*, Swaziland, Sweden, Switzerland*, Thailand*, Tunisia*, Turkey*, United Kingdom of Great Britain and Northern Ireland, Uruguay*, Venezuela*: draft resolution

2004/... Human rights of persons with disabilities

The Commission on Human Rights,

Recalling that all persons with disabilities have the right to protection against discrimination and to full and equal enjoyment of all human rights, as laid down, inter alia, in the provisions of the Universal Declaration of Human Rights, the International Covenant on

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the 1983 Convention concerning vocational rehabilitation and employment (disabled persons) (No. 159) of the International Labour Organization,

Recalling and reaffirming commitments relating to the human rights and fundamental freedoms of persons with disabilities made at the major United Nations conferences and summits since 1990 and their follow-up processes and stressing the importance of mainstreaming the disability issue in their implementation,

Reaffirming its resolution 2003/49 of 23 April 2003 on human rights of persons with disabilities,

Recalling General Assembly resolutions 48/96 of 20 December 1993, by which it adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, and 58/132 of 23 December 2003 on the implementation of the World Programme of Action concerning Disabled Persons,

Recalling also General Assembly resolution 56/168 of 19 December 2001, in which the Assembly established an Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities,

Recalling further General Assembly resolution 58/246, of 23 December 2003, in which the Assembly decided that the Ad Hoc Committee will start the negotiations on a draft convention at its third session,

Taking note of the resolutions adopted by the Commission for Social Development on 13 February 2004 on a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, and on the further promotion and equalization of opportunities by, for and with persons with disabilities and protection of the human rights of persons with disabilities,

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, and convinced of the contribution that a convention can make in this regard,

Welcoming the contributions made thus far by all stakeholders to the process of elaborating an international convention,

Recognizing the considerable contribution of civil society, including non-governmental organizations, especially organizations of persons with disabilities, as well as national human rights institutions, in promoting the full and equal enjoyment of all human rights by persons with disabilities, and welcoming in this regard their active participation in the work of the Ad Hoc Committee,

Recalling the study on human rights and disability presented at the fifty-eighth session of the Commission on Human Rights,

Concerned that persons with disabilities face discrimination and may be affected by multiple discrimination,

Emphasizing the need to include a gender perspective in all efforts to promote and protect the full and equal enjoyment of all human rights by persons with disabilities,

Expressing grave concern that situations of armed conflict have especially devastating consequences for the human rights of persons with disabilities,

Concerned at the extent of disabilities caused by the indiscriminate use of anti-personnel mines and other weapons which may be deemed to be excessively injurious or to have indiscriminate effects, and at the long-lasting impact of these weapons which prevent the full and effective enjoyment of human rights, particularly among civilian populations, and welcoming increased international efforts to address this issue,

Reaffirming its commitment to ensuring that the human rights of persons with disabilities and their concerns for full participation in all aspects of society continue to be addressed in all of its work,

1. *Urges* Governments to take active measures to:
 - (a) *Ensure* the full and equal enjoyment by persons with disabilities of all human rights and fundamental freedoms;
 - (b) *Prevent* and prohibit all forms of discrimination against persons with disabilities;
and
 - (c) *Ensure* equal opportunities for their full participation in all spheres of life;
2. *Welcomes* the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/58/118 and Corr.1);
3. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on progress in the implementation of the recommendations contained in the study on the human rights of persons with disabilities (E/CN.4/2004/74) and requests the Secretary-General to make it available to the Ad Hoc Committee;
4. *Calls upon* the Office of the High Commissioner for Human Rights to continue to consider in its activities implementing the recommendations that relate to it in the study on human rights and disability, as well as to continue to strengthen collaboration with other United Nations agencies and bodies;
5. *Calls upon* the Office of the High Commissioner to report to the Commission on Human Rights at its sixty-first session on progress in the implementation of the recommendations contained in the study on human rights and disability presented at the fifty-eighth session of the Commission and on the achievement of the objectives set forth in the programme of work of the Office in relation to the human rights of persons with disabilities;
6. *Welcomes* the contributions and support of the Office of the High Commissioner to the work of the Ad Hoc Committee, and requests the Office to continue to do so in close collaboration with the Department of Economic and Social Affairs of the United Nations and also with other relevant bodies and agencies of the United Nations through, inter alia, the provision of information to assist in the formulation of a draft convention;

7. *Also welcomes* the work accomplished by the Working Group established by the Ad Hoc Committee in preparing a draft text which will be the basis for negotiations on a draft convention in the Ad Hoc Committee, taking into account all contributions;

8. *Encourages* Member States and observers to participate actively in the Ad Hoc Committee in order to present to the General Assembly, as a matter of priority, a draft text of a convention;

9. *Reaffirms* its commitment to continue to contribute to the process of elaboration of an international convention by, inter alia, providing its recommendations on the full and effective enjoyment of all human rights of persons with disabilities;

10. *Urges* that further efforts be made to ensure the active participation of non-governmental organizations in the Ad Hoc Committee, in accordance with General Assembly resolution 56/510 of 23 July 2002 and based on the decision of the Ad Hoc Committee on the modalities for the participation of non-governmental organizations in its work;

11. *Urges* Member States, observers, civil society and the private sector to continue to contribute to the voluntary fund established by the General Assembly in resolution 57/229, to support the participation of non-governmental organizations and experts from developing countries, in particular from the least developed countries, in the work of the Ad Hoc Committee;

12. *Invites* all special rapporteurs, in carrying out their mandates, to take into account the full and equal enjoyment of all human rights by persons with disabilities;

13. *Underlines* the importance of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities for the promotion and protection of the full and equal enjoyment of all human rights by persons with disabilities and invites the Special Rapporteur on disability of the Commission for Social Development to address the Commission on Human Rights at its sixty-first session on his/her experience in disability and human rights related issues,

drawing from the experience gained by him/her and the panel of experts through monitoring the Standard Rules, and looks forward to a continued involvement of the Special Rapporteur in issues relating to disability within the Commission on Human Rights in order to mainstream a disability perspective;

14. *Invites* human rights treaty monitoring bodies to take into account the concerns of persons with disabilities in their lists of issues and concluding observations, to consider drafting general comments and recommendations on the full enjoyment of human rights by persons with disabilities and to integrate a disability perspective into their monitoring activities;

15. *Urges* Governments to address fully the question of the human rights of persons with disabilities in complying with their reporting obligations under the relevant United Nations human rights instruments and welcomes the efforts of those Governments that have begun to do so;

16. *Invites* national human rights institutions and non-governmental organizations to strengthen their work on human rights and disability, including by participating actively in the work of the Ad Hoc Committee in elaborating a draft convention, and to enhance their level of contributions to the work of the treaty monitoring bodies;

17. *Calls upon* all United Nations organizations and specialized agencies and all intergovernmental institutions for development cooperation to integrate a disability and human rights perspective into their activities, including by addressing the problems that exist in creating equal opportunities for persons with disabilities at all levels, and to reflect this in their activity reports;

18. *Requests* the Secretary-General to include in relevant reports to the General Assembly information on the progress of efforts to ensure the full recognition of and the full and equal enjoyment of all human rights by persons with disabilities;

19. *Decides* to continue its consideration of this question at its sixty-first session under the same agenda item.
