

coface

CONFÉDÉRATION DES ORGANISATIONS FAMILIALES DE L'UNION EUROPÉENNE
CONFEDERATION OF FAMILY ORGANISATIONS IN THE EUROPEAN UNION

DISABILITY

The Family Dimension
of the United Nations
Convention on the Rights
of Persons with Disabilities

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A message from our Chair

“Today, we are moving towards inclusion, dreaming of a society where no-one is left by the wayside, where each individual is part of a whole, where everyone plays a full part in that whole. Some will say this is just an ideal world, others that it needs a reality check and that to entertain such fond imaginings is just typical of families who are living with a disability. Were one to meekly accept that, were no-one ever to have imagined that it could be otherwise, the idea of rights and of participation by people with disabilities and their families would have been dead in the water. So let us dream, let us be ‘ideal worlders’, let us move ever onwards, ever upwards. That is what family organisations did thirty years ago for the parents that we are today – it is their dream that we are living... so let us dream for tomorrow’s families”.

Chantal BRUNO,
coface-disability President.

Today, we can affirm that a first step towards this society, more inclusive and where the rights of people with disability and their families are more and more recognised, has been made. Indeed, by introducing an innovative understanding of the issue of disability, the UN Convention on the Rights of Persons with Disabilities (CRPD) represents a milestone for the promotion of human rights and equal treatment in Europe and worldwide. The Convention defines disability as

the product of interaction between long-term physical, mental, intellectual or sensory impairments and the physical/attitudinal barriers present in the environment: disability is therefore recognised as a social issue, rather than a sole individual characteristic, whose roots are ultimately residing in society.

The CRPD explicitly acknowledges the critical role played by families for the promotion of human rights and the inclusion of persons with disabilities in society. By voluntary will or obligation, families are particularly likely to undertake a caring role and remain the first and most immediate environment where people with disabilities can develop their potential and enjoy a fulfilling life. The concrete realization of the rights of persons with disabilities is strictly interdependent with the quality of life of their family members, and can be very much influenced by the circumstances affecting parents, partners, children and siblings living with them.

To address these challenges, various obligations arising under the CRPD implicitly or explicitly commit public authorities to put families in the conditions of contributing to the full and equal realisation of the rights enshrined in the text. Some articles make explicit reference to measures to sustain families, while other provisions implicitly require a mainstreaming of the family dimension in order to ensure an effective implementation.

This publication consists of the **coface** position on the family dimension of the UNCRPD, followed by the integral text of the Convention. The **coface** position is the outcome of the work done by its members within **coface-disability**. The first aim of this paper is to illustrate the main implications of the CRPD for the improvement of the rights and wellbeing of persons with disabilities and their families, recalling Member States' and EU's role in this regard. Moreover, this position intends to raise awareness on the scope and relevance of the Convention among family organisations, policy makers and other representatives of civil society, in order to promote advocacy activities and facilitate the dissemination of the CRPD at national and European levels.

Finally, we chose to publish the integral text of the Convention to support the dissemination of this document, which is a keystone for the human rights system in Europe.

Foreword

By **Yannis Vardakastanis**,
President of the European Disability Forum

With or without disability, a family network is something that few of us can do without. Family encourages and motivates us for big endeavours, while serving as a safety net when things get rough and acting as a voice of reason in times of doubt and big decisions.

The United Nations Convention on the Rights of Persons with Disabilities, formally concluded by the European Union on 23 December 2010, has firmly established the human rights-based approach to disability, reconfirming persons with disabilities as full citizens with the same rights and obligations as their non-disabled peers.

Living up to the Convention standards is unthinkable without reflecting on the involvement of all those who count and who are equipped to make the difference. The role of families of persons with disabilities is hard to overestimate – in today's far from perfect society, when the obstacles preventing disabled people from being fully included in the community life are vast and the economic crisis is hitting hard, it is the families that often serve as educators, service providers and carers (often, regrettably, without any compensation from the state). It is the families that stand by the person's dignity

and help maximise their independence. The Convention recognises the precious role of families in affirming the rights of persons with disabilities. Families themselves are right-holders as well, and it is up to us to ensure that this is recognised at all levels of policy making.

It is a multifaceted instrument, and opening up its full meaning from different perspectives is an invaluable exercise that will help build bridges between those whose job it is to fulfil its standards. It gives me an enormous pleasure and comfort to witness the profound involvement of the European Confederation of Family Organisations in the process of making real the rights of 80 million Europeans with disabilities and their families. We don't expect this journey to be short or entirely smooth, and uniting the forces is the way forward !

A. **The UN Convention : a milestone for the realisation of the rights of persons with disabilities and their families**

The UN Convention on the Rights of Persons with Disabilities (CRPD) represents a milestone for the promotion of human rights and equal treatment in Europe and worldwide. The CRPD recognises that 'disability is an evolving concept', resulting from 'the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society'. Above all, it identifies persons with disabilities as **right-holders** rather than **passive beneficiaries** of welfare and medical assistance: this paradigm shift in the understanding of disability – from a medical to a social and human rights model – remains one of the Convention's most innovatory aspects.

By addressing **de iure** and **de facto** discrimination, the CRPD introduces an unprecedented level of protection and foresees several measures for translating the entitlements of persons with disabilities into effective rights.

Several articles in the CRPD also affect, directly or indirectly, the rights and well-being of family members of persons with disabilities. The Preamble states that ‘persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities’. This reference departs from an important recognition: persons with disabilities do not live in a social vacuum, just as every other human being they have family bounds and more than every one else can require assistance as a consequence of physical, mental, intellectual or sensory impairments. Family members of persons with disabilities are particularly likely to undertake a caring role, for voluntary will or lack of public support, and families remain the first and most immediate environment where children with disabilities can develop their potential and enjoy a fulfilling life.

A comprehensive realization of the rights of persons with disabilities, therefore, is unavoidably linked with the quality of life of their families. The circumstances affecting parents, children and siblings can have a strong impact on the wellbeing of persons with care needs living with them: the psychological and physical exhaustion of family carers, for instance, might increase the risk of neglect and abuse, while the absence of preventing measures targeting poverty and social exclusion can be detrimental for the entire household. The quality of life of each family member is essential, and must be preserved – inter alia – by ensuring a good level of physical and psychological health, the maintenance of normal family bonds (between parents and children or between partners) and an adequate standard of living.

To address these challenges, various obligations arising from the CRPD – implicitly or explicitly – require public authorities to undertake a wide range of measures to **put families in the conditions** of contributing to the full and equal realisation of the rights of persons with disabilities. The following articles make **explicit reference** to the role of families and recall the obligation of all contracting parties to provide them with help and support:

› **Preamble**

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

› **Article 8**

(‘**awareness-raising**, throughout society, including at the family level, regarding persons with disabilities’);

› **Article 16**

(‘**prevent all forms of exploitation, violence and abuse** by ensuring, inter-alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers’);

› **Article 22**

(**respect for privacy**, including protection against unlawful interferences with privacy, family, home or correspondence);

› **Article 23**

(**respect for home and the family**, intended as the right of children to family life, but also as the right of adults with disabilities to found a family);

› **Article 28**

(**adequate standard of living and social protection**, in particular 'access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care').

Other provisions, although not explicitly mentioning families as beneficiaries of State policies, would require the **mainstreaming of the family dimension** across all concrete measures adopted for the implementation of the UN CRPD:

› **Article 5**

(**equality and non-discrimination**: State Parties 'shall prohibit all discrimination on the basis of disability');

› **Article 6**

(**women with disabilities**, since 'women and girls with disabilities are subject to multiple discrimination');

› **Article 7**

(**rights of children with disabilities**, given the fundamental role of families for the development and well-being of the child);

› **Article 9**

(**accessibility**, to avoid the risk of isolation and withdrawal by the family as a whole);

› **Article 12**

(**equal recognition before the law**: with 'appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity');

› **Article 18**

(**liberty of movement and nationality** – which should concern measures directed not solely at persons with disabilities, but also their families; right of children with disabilities to know and, as far as possible, be cared for by their parents);

› **Article 19**

(**living independently and being included in the community**, since persons with disabilities shall have 'the opportunity to choose their place of residence and where and with whom they live on an equal basis with others');

- › **Article 24**
(**education**, through the provision of inclusive education policies encompassing a number of measures directed at parents);
- › **Article 25**
(**health**, need to integrate family carers in the debate on the healthcare workers);
- › **Article 30**
(**participation in cultural life, recreation, leisure and sport**, which will benefit not only the person with disabilities, but also his/her family);
- › **Article 33**
(**national implementation and monitoring**, since ‘civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process’).

B. From rights to policies : recommendations for a family approach in the implementation of the CRPD

Since the wellbeing and empowerment of family members of persons with disabilities is an important pre-requisite for the full realisation of the rights enshrined in the text, family policies must form an integral part of the States’ obligation to fulfil their human rights commitments : families must receive support, information and advice in order to be able to accomplish their fundamental role. In particular, the rights of family members of persons with disabilities shall be appropriately taken into account in all measures relating to the concrete implementation of the CRPD, with special focus on the following areas :

› Equality and non-discrimination (art. 5)

Fight against discrimination by association

Family members of persons with disabilities are particularly at risk of ‘discrimination by association’, i.e. to be detrimentally treated by reason of their connection with a person with disabilities¹. Discrimination may arise in a wide variety of fields, from education to employment, from freedom of movement to access to goods and services, from health to cultural life: in all these circumstances parents, partners, children and siblings of persons with disabilities risk to be excluded from the enjoyment of human rights and fundamental freedoms protected under the Convention by reason of their family bound.

Discrimination by association is likely also to cause a double-harm to the person with disabilities or multiple disabilities: some families might be pushed, or forced, to the extreme of hiding the presence of the person by keeping him/her at home, or even ask for institutionalization. A family victim of discrimination might feel unable to keep ensuring an adequate quality of life for the person with disabilities and/or other members of the family, it can suffer, isolate itself and eventually not be able to provide an adequate support.

To avoid discrimination and achieve *de facto* equality, specific measures – including positive actions – should be implemented to the benefit of persons with disabilities and their families alike. Discrimination between different forms of disability should also be prevented.

› Women with disabilities (art. 6)

Disability and the family: recognise the gender dimension

Several significant links can be established between gender and disability: the Convention recognises that women and girls are often subject to multiple discrimination by reason of gender and disability, to the detriment of their rights and fundamental freedoms. According to UN sources, 'women with disabilities face significantly more difficulties – in both public and private spheres – in attaining access to adequate housing, health, education, vocational training and employment, and are more likely to be institutionalized'².

Families have an essential role to play for the education, development and empowerment of girls with disabilities. States must encourage and assist families in order to combat gender discrimination and promote active inclusion, inter-alia by involving parents and siblings of girls with disabilities in programmes and policies promoting gender equality and empowerment of women.

According to recent studies, women with disabilities do not yet 'fully enjoy the right to marry and form a family, decide freely on the number and spacing of their children, have access to family planning information and retain their fertility on an equal basis with others'³. All contracting parties to the Convention must ensure that women with disabilities are protected against discrimination in all matters relating to the right to marriage, family, parenthood and relationship. All persons with disabilities must have access to age-appropriate education on sexual and reproductive health and rights.

Finally, the issue of family care and disability has an evident gender dimension due to the predominance of women among informal carers. The realisation of appropriate work/life balance represents a key challenge for the attainment of wider gender equality, and acquires even stronger importance for women providing care to dependent family members. State policies must encourage the equal sharing of private and family responsibilities between women and men, introduce effective mechanisms for the reconciliation of work, private and family life (leave schemes, flexible working time arrangements and services), and protect the rights of all family members taking care of persons with disabilities by ensuring, *inter alia*, official recognition of their carer status.

The access of children with disabilities to inclusive childcare services, in a larger framework of early childhood intervention, is also essential to allow women to maintain a professional activity or continue their education⁴.

› Children with disabilities (art. 7)

The right of children with disabilities to family life

The UNCRPD commits all States Parties to 'ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children'⁵, and explicitly recognised the right of children with disabilities 'to know and be cared for by their parents'⁶. The Preamble of the United Nations Convention on the Rights of the Child recognises, moreover, that 'the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding'⁷.

States must ensure that the family – one of the first and best places in which children with disabilities can be assured personal growth, well-being and self-fulfilment – is given a central place in all policies regarding disability and childhood. Families may be encouraged to take an active role and provide a bridge towards the full realization of the right of children with disabilities to active citizenship, thus contributing to their involvement in the society.

Obviously, one of the first and foremost obligations of contracting parties to this regard is to ensure that all children with disabilities have equal rights with respect to family life. The mainstreaming of the family dimension of disability, however,

includes several other aspects where the participation of – and support to – the family is fundamental for the realisation of the rights of children with disabilities, such as health care, education, inclusion in the society or fight against poverty and social exclusion. In relation to all actions concerning children with disabilities, the Convention clearly states that 'the best interests of the child shall be a primary consideration'⁸.

› Awareness-raising (art. 8)

Information and training

Awareness on the special needs of persons with disabilities must be raised first and foremost at the family level, in order to foster a culture of respect for their rights starting from the inner circle.

Parents must receive professional counselling as to how to address the multiple aspects of a child's disability, and be helped to familiarise with the new circumstances and settings required by their caring role. Such information and counselling shall be provided to parents since the very moment of the announcement of the child's disability, a very delicate step that must be object of particular regard.

The brothers and sisters of a disabled child must also benefit of information and training, adapted to their age and maturity⁹.

› Accessibility (art. 9)

Prevention of isolation and withdrawal by the family as a whole

Persons with disabilities, independently from the type of disability (intellectual, sensorial, physical, multiple disability...) have the right to access, on an equal basis with others, to the physical environment, transportation, information and communication technologies and to other facilities and services open or provided to the public.

Clearly, access to goods and services concerns not only the inclusion in society of persons with disabilities, but also their relatives. When a disabled child faces exclusion, his/her parents and siblings are also affected and the inaccessibility of places, transport, cultural events etc. may lead to the withdrawal from society of the family as a whole.

› Equal recognition before the law (art. 12)

The role of families in supported decision-making

The Convention reaffirms the right of all persons with disabilities to recognition everywhere as persons before the law and to enjoy legal capacity on an equal basis with others in all aspects of life. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they require in exercising their legal capacity.

Parents and siblings may be requested to undertake this role: this may often be an onerous and difficult duty, giving rise to concerns, dilemmas and tensions, for which families require assistance and specific preparation.

An initial stage of information, before taking any decision concerning supported decision-making, is essential so that families fully understand the interests of the person with disabilities. The person with disabilities shall remain as much as possible free to question the choice and to choose his/her support person- who could also not be a member of the family. A third party could intervene to accompany the person and his/her family in this choice, also to understand the mechanisms and implications of different forms of support. It is essential, therefore, to develop forms of training for families in supported decision-making, for instance through specialised networks or services.

› Prevention of all forms of exploitation, violence and abuse (art. 16)

Prevention of exhaustion of family carers

The prevention of psychological and physical exhaustion of families is key to avoid extreme circumstances such as neglect or violence. The wellbeing of persons with disabilities and their carers are in fact strictly interdependent: appropriate preventive policies must focus on avoiding all those negative factors (such as illness, weariness, excess work load, exhaustion, etc.) that would make it impossible for the family carer to fully meet the needs of the assisted person or – even worse – lead to abuse.

To this purpose, both the carer and the person with disabilities must benefit from the support of approved and quality community-based infrastructures and community-based services, while appropriate supporting measures must provide family carers with the concrete possibility to reconcile work and private/family life.

The **right to respite** must be recognised for all family members taking care of persons with disabilities and implemented through the provision of support, occasional and/or emergency assistance, substitution services and/or top-quality temporary care centres in case of particular circumstances (holiday, rest, health problems, etc.)¹⁰.

› **Liberty of movement and nationality (art. 18)**

Harmonisation of legislations

In order for the right to free movement to be effective, harmonisation and coordination should not concern solely measures directed at persons with disabilities, but be directed also at their families, for instance by ensuring a harmonisation of work/life balance legislation between EU Member States.

› **Living independently and being included in the community (art. 19)**

Community-based services and support for carers

Persons with disabilities and their families have the right to live in society: they must have the freedom to choose their place of residence and where and with whom to live, and not be forced to live in a particular setting. They also must

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'¹¹.

In no case the process of transition from institutional to community-based care¹² should lead to the overburdening of families: family solidarity cannot absolve States or public authorities of their duty to provide the necessary appropriate help for people with care needs.

The process of de-institutionalisation must entail first of all the development of a wide net of specialised facilities and community-base services, as well as global policies to support family carers¹³. Among these, States should make progress on the recognition of a statute of family carers and the deployment of quality support services (ranging from information and training to respite opportunities).

› **Respect for privacy (art. 22)**

Privacy in family life

Persons with disabilities and their families must be protected against any arbitrary or unlawful interference with their privacy and family life, home and correspondence. This includes also all personal, health and rehabilitation information (e.g. personal medical dossier).

› Respect for home and the family (art. 23)

Right to found a family and right of children to family life

The Convention clearly provides for the right of persons with disabilities to found a family and decide freely on the number and spacing of their children. Persons with disability must have access to education and age-appropriate reproductive and family planning information, and be informed about their rights.

All persons with disabilities and their partners/spouses must be able to maintain their full roles as sexual partners. National policies have to set up the necessary psychological, social and medical measures to preserve a relationship which must not be distorted by the disability. A place must be given to sexual and emotional life of persons with disabilities in the sexual education of children and young people, in order to counter ignorance and taboos.

Children with disabilities have the right 'to know and be cared for by their parents'¹⁴. The right of children with disabilities to family life shall always be protected, with the aim of obtaining the maximum quality of life and wellbeing. The CRPD explicitly foresees the provision of comprehensive information, services and support to children with disabilities and their families in order to prevent concealment, abandonment, neglect and segregation. In no case, according to the CRPD, shall a child be separated from parents on the basis of a disability of either the child or of one or both of the parents.

› Education (art. 24)

The role of families in inclusive education

The CRPD clearly states the right of persons with disabilities to inclusive education and life-long learning at all levels. Not only does inclusive education contribute to the self-actualisation and development of children with disabilities, by maximising their inclusion into society: it is fundamental also for the quality of life of the family as a whole. By giving the right to raise a child 'like other children', in the same places and same way as other families, inclusive education helps parents to be involved in the social network and to engage more with the educational aspect of their child, working in partnership with professionals. By dispelling the marginalising effect of disability, it also contributes to its acceptance by siblings and the extended family, establishing a culture of inclusion.

Inclusive education policies must allow the right for children with disabilities to express their own wishes and choices concerning study options. Parents should be fully involved in the drawing of the individual educational plan of their child in partnership with education, medical and welfare professionals so as to offer the most appropriate and efficient responses for an inclusive study option. In this perspective, associations representing parents should actively participate in the elaboration of new legislation, policies and measures in the field of inclusive education.

It is unacceptable that the choice between specialised and ordinary education systems for a child with a disability is determined by financial reasons or the parent's educational background. Inclusive education in ordinary schools must provide for

the same care that children with a disability would benefit from in the specialized education system. Today, those parents who wish for their child to grow up in an ordinary schooling environment have to pay too high a price to obtain the necessary adapted responses to their child's needs. Ensuring access to a high quality education system for all children shall always remain a primary concern.

› Health (art. 25)

Recognition of the role of family carers in the health systems

The Convention recognizes that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability.

It is essential to recognize the role played by family carers in the health system, and to take it into account for all policies concerning health and long-term care – including those relating to health personnel. There is a need both for harmonisation of conditions between family carers and the professional workforce and for increased and better cooperation and coordination between them, in particular through awareness raising and training of professionals.

The harmonisation of conditions is needed in terms of continuous training (e.g. as regards the use of new technologies), periodical free medical check ups, psychological support, and right to respite, but also in terms of assessment of the quality of care.

› Adequate standard of living and social protection (art. 28)

Support to families to prevent poverty and social exclusion

Families of persons with disabilities (in particular, children with disabilities) face a higher risk of poverty compared with other households. Social protection systems must aim at ensuring an adequate standard of living and the continuous improvement of living conditions of persons with disabilities and their families, taking into account their fundamental needs in terms of resources, time and services.

Anti-poverty strategies directed at families of persons with disability may encompass a wide variety of measures, including:

- › compensation of the expenses related to the disability of a child;
- › support for the access to housing;
- › provision of care services financially accessible;
- › favourable tax policy;
- › increase in the number and quality of jobs;
- › close-to-home workplaces and flexible working hours;
- › systems of leave for care provision (splittable on different periods according to carer's specific requirements, and maintaining rights to social security);
- › recognition of the status of carer in the pensions systems¹⁵;
- › protection against discrimination at work and arbitrary dismissal;
- › free movement within the EU with preservation of the right to personal assistance;
- › EU-level harmonization and convergence to improve services and help achieve balance between professional and caring role.

› Participation in cultural life, recreation, leisure and sport (art. 30)

Promote the inclusion in society of the family as a whole

The Convention specifically recognises the right of persons with disabilities to take part in cultural life and recreational, leisure and sporting activities. This will benefit not only the person with a disability, but also his/her family as a whole, helping to avoid segregation and fostering inclusion in society.

Public authorities must provide for the necessary conditions to concretely implement this right, by ensuring not only access to leisure facilities, cultural and sporting events, but also their economical affordability. For example, it is important to access to holidays for persons with disabilities and their families through accessible amenities and touristic venues and income-related financial allocations.

› National implementation and monitoring (art. 33)

Involvement of organisations representing families of persons with disabilities in the monitoring mechanisms

One of the Convention's overarching aims is to achieve the empowerment of people with disabilities and their representative organisations, as a fundamental step for ensuring full enjoyment of the rights enshrined in the text.

Family organisations shall be involved and participate in the awareness-raising, policy planning and decision-making processes relating to the implementation of the UNCRPD: specific measures shall be dedicated to their empowerment, with

particular emphasis on families of children with disabilities or families of persons with disabilities who might require assistance in representing themselves.

In particular, the organisations representing persons with disabilities and their families must take full part in the monitoring process foreseen by the Convention in article 33.3, and actively contribute in the elaboration of the reports submitted by State Parties to the Committee on the Rights of Persons with Disabilities¹⁶.

The organisations representing family carers can also play a fundamental role for elaborating communications under art. 1 of the Optional Protocol ('from or on behalf of individuals or groups of individuals subject to [the State] jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention')¹⁷.

C. Ratification by EU Member States

All Member States of the European Union signed the Convention, and some of them signed also the Optional Protocol: however, several Member States have not yet ratified the CRPD. **coface** urges all EU countries to complete as soon as possible the international procedure of ratification for both the Convention and the Optional Protocol, and to put in place the necessary steps for the incorporation of the text within their national legislations.

In the implementation of the obligations foreseen by the Convention, EU Member States must take into account the family dimension and provide concrete measures in order to put families in the conditions of contributing to the full and equal realisation of the rights enshrined in the text.

D. The European Union's role

The European Union, following its formal ratification of the Convention on the 23 December 2010, has the same responsibility as the Member States to promote the measures outlined above. These lie within the ambit of many of the European Union's policy spheres – social affairs and equal opportunities, public health, education and training, transport, new technologies, standardization, etc. – where it either has specific competence or just a facilitating role. The domains of actions identified by the European Disability Strategy 2010-2020 can also all be put in correlation with the articles of the United Nations Convention recalled above.

In addition, in many of the fields at stake, several important disparities remain among national situations, and in particular between 'old' Member States and 'new' Member States. The EU's role is therefore to help Member States where support to families is scarcely developed to implement such measures, taking inspiration from best practices existing in other Member States.

Finally, the EU shall mainstream the issues affecting persons with disabilities and their families in all EU initiatives on disability (in particular, in the implementation

of the EU Disability Strategy 2010-2020), but also beyond that, in all initiatives relating to the **EU-2020 Strategy**.

coface addresses therefore the following **recommendations** to the European Union, in line with the areas for action identified by the European Disability Strategy 2010-2020.

Accessibility

- **Ensure accessibility to goods, services – including public services – and assistive devices** for people with disabilities and their families, independently from the type of disability (intellectual, sensorial, physical, multiple disability,...), including through a 'European Accessibility Act'; make use of the relevant Europe 2020 Flagship initiatives, such as 'Innovation Union', 'A Digital Agenda for Europe' and 'An Industrial Policy for the Globalisation Era'.

Participation

- Promote **autonomy of living and inclusion in society** for all persons with disabilities and their families, particularly through relevant Europe 2020 Flagship initiatives such as 'Innovation Union' and 'An agenda for new skills and new jobs';
- **Support Member States' efforts towards deinstitutionalisation** by making efficient use of the Structural Funds, and foster the development of a quality framework for community-based services for persons with disabilities and their families;

- › Enable family carers, in the framework of the Strategy for Equality between Women and Men 2010–2015, to better balance their work and family responsibilities, in particular by proposing a **EU directive introducing a leave to care for a dependent family member**, and by developing EU targets for availability of quality long-term care (building up on the model of the Barcelona targets for childcare);
- › Address the persisting problems of **intra-EU mobility** for persons with disabilities and their families, also in view of the full right to free movement foreseen by the Stockholm Programme, in particular by exploring the possibility of a mutual recognition of disability cards and related entitlements and the portability of rights such as the right to personal assistance;
- › Ensure **participation in cultural life, recreation, leisure and sport**, by addressing the issue of accessibility of sports, leisure, cultural and recreation organisations, activities, events and venues – also in the framework of the European Platform against poverty – in order to fight social exclusion;
- › Take into account the special needs of **children with disabilities and their families** in the EU Strategy on the Rights of the Child, also in view of preventing all forms of mistreatment or violence.

Equality

- › Legislate further on **non-discrimination**, including discrimination by association, by adopting the directive proposal on equal treatment beyond the workplace;
- › Encourage Member States to promote the conformity of their legislation on legal capacity with the UN Convention, and sustain families in their role of assistance to the exercise of legal capacity by persons with disabilities, encouraging the exchange of good practices and training for family carers.

Education and Training

- › Promote **inclusive education** for students with disabilities within the strategic framework for European cooperation in education and training, focusing more on disabled children’s inclusive education within the **Open Method of Coordination (OMC) in education and training**; make use of EU 2020 Flagship initiatives such as ‘Youth on the move’ and ‘An agenda for new skills and jobs’ to develop partnerships between the worlds of education/training and work; support the work of the European Agency for Development in Special Needs Education;
- › Promote **training for family carers** through the European Commission’s Lifelong Learning Programme and **validation of non-formal learning** (European Qualifications Framework).

Social Protection

- › Ensure an **adequate standard of living** for all persons with disabilities and their families, by mainstreaming the issue of disability within the relevant Europe 2020 Flagship initiatives such as the 'Platform against poverty'; promote social inclusion of persons with disabilities and complex needs through EU programmes;
- › Enhance the exchange of good practices and the promotion of policies on assistance to family carers within the **OMC on social protection and social inclusion** (OMC SP/SI).

Health

- › Ensure better access to **health care systems**, in particular within the framework of the flagship initiative 'Platform against poverty'; promote harmonisation, cooperation and coordination between family carers and the professional workforce.

Awareness Raising

- › Ensure that persons with disabilities and their families are informed about their rights and of relevant Commission activities, by promoting **information and awareness raising** campaigns.

Financial Support

- › Optimise use of EU funding instruments for accessibility and non-discrimination for persons with disabilities and their families;
- › In particular, make use of the **Structural Funds** and the **Rural Development Fund** for ensuring availability of quality community-based services and for offering support to families and informal carers, in the framework of the process of de-institutionalisation; reinforce the targeted support of the **European Social Fund** for promoting training and social inclusion for family carers, as well as harmonisation, cooperation and coordination between family carers and professional workforce.

Statistic and data collection and monitoring

- › Integrate the family dimension of disability among the indicators and statistics used to monitoring the situation of persons with disabilities with reference to key Europe 2020 targets.

Mechanisms required by the UN Convention

- › Encourage participation of organisations representing persons with disabilities and their families in the monitoring process foreseen by the Convention in article 33.3.

Optional Protocol

- › Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

Notes

- 1 The discrimination by association of family carers has been recognised by the Court of Justice in the 'Coleman' judgement of 17 July 2008.
- 2 United Nations, 'Gender perspectives on disability and the disability perspective on the situation of women and girls with disabilities'.
- 3 Study on the situation of women with disabilities in light of the UN Convention for the Rights of Persons with Disabilities (VC/2007/317), A Final Report for the DG Employment, Social Affairs and Equal Opportunities of the European Commission, p. 10.
- 4 *Idem*.
- 5 UNCRPD, art. 7.1.
- 6 *Ibid*, art. 18.2.
- 7 United Nations Convention on the Rights of the Child, Preamble.
- 8 UNCRPD, art. 7. 2.
- 9 See **coface** position 'Siblings and persons with care needs'.
- 10 See **coface** position 'Respite: a need and a right for family carers'.
- 11 CRPD, art. 19, b.
- 12 See Report of the Ad Hoc Expert Group on the Transition from Institutional to Community-based Care, which defines institutional care as 'any residential care where users are isolated from the broader community and/or compelled to live together; these users do not have sufficient control over their lives and over decisions which affect them; and the requirements of the organisation itself tend to take precedence over the users' individualised needs'. Also, care institutions are not defined by their size, but by the characteristics of the 'institutional culture' they display (depersonalisation, rigidity of routine, group treatment, social distance and paternalism), from the perspective of the human rights and dignity of the users, their quality of life and health, their autonomy and social inclusion.
- 13 See **coface-handicap**, European Charter for Family Carers.
- 14 CRPD, art. 18.2.
- 15 See **coface** Response to the European Commission Consultation on the Green Paper on Pensions, October 2010.
- 16 UNCRPD, art. 34.
- 17 Optional Protocol to the Convention on the Rights of Persons with Disabilities, art. 1.



Convention on the Rights of Persons with Disabilities

› Preamble

The States Parties to the present Convention,

- a) Recalling the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world;
- b) Recognizing that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind;
- c) Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination;
- d) Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child,

and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

- e) Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others;
- f) Recognizing the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities;
- g) Emphasizing the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development;
- h) Recognizing also that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person,
- i) Recognizing further the diversity of persons with disabilities;
- j) Recognizing the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support;
- k) Concerned that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world;
- l) Recognizing the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries;

- m) Recognizing the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty;
- n) Recognizing the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,
- o) Considering that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them;
- p) Concerned about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status;
- q) Recognizing that women and girls with disabilities are often at greater risk, both within and outside the of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation;
- r) Recognizing that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalling obligations to that end undertaken by States Parties to the Convention on the Rights of the Child;

- s) Emphasizing the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities;
- t) Highlighting the fact that the majority of persons with disabilities live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on persons with disabilities;
- u) Bearing in mind that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of persons with disabilities, in particular during armed conflicts and foreign occupation;
- v) Recognizing the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms;
- w) Realizing that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Bill of Human Rights;
- x) Convinced that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities;

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

Have agreed as follows:

› Article 1 Purpose

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

› Article 2 Definitions

For the purposes of the present Convention:

'Communication' includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language,

human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology; 'Language' includes spoken and signed languages and other forms of non-spoken languages; 'Discrimination on the basis of disability' means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation; 'Reasonable accommodation' means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms; 'Universal design' means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. 'Universal design' shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

› Article 3

General principles

The principles of the present Convention shall be:

- a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;

- b) Non-discrimination;
- c) Full and effective participation and inclusion in society;
- d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- e) Equality of opportunity;
- f) Accessibility;
- g) Equality between men and women;
- h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

› Article 4

General obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:
 - a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
 - b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
 - c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;

- d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;
- e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
- f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;
- g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;
- h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;
- i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in this Convention so as to better provide the assistance and services guaranteed by those rights.

2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.
3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.
4. Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.
5. The provisions of the present Convention shall extend to all parts of federal states without any limitations or exceptions.

› **Article 5**

Equality and non-discrimination

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

› **Article 6**

Women with disabilities

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

› **Article 7**

Children with disabilities

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

› Article 8

Awareness-raising

1. States Parties undertake to adopt immediate, effective and appropriate measures:
 - a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;
 - b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;
 - c) To promote awareness of the capabilities and contributions of persons with disabilities.
2. Measures to this end include:
 - a) Initiating and maintaining effective public awareness campaigns designed:
 - › To nurture receptiveness to the rights of persons with disabilities;
 - › To promote positive perceptions and greater social awareness towards persons with disabilities;
 - › To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;
 - b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;
 - c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;
 - d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

› Article 9

Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:
 - a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
 - b) Information, communications and other services, including electronic services and emergency services.
2. States Parties shall also take appropriate measures to:
 - a) Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
 - b) Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
 - c) Provide training for stakeholders on accessibility issues facing persons with disabilities;

- d) Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- e) Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- f) Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- g) Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- h) Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

› Article 10

Right to life

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

› Article 11

Situations of risk and humanitarian emergencies

States Parties shall take, in accordance with their obligations under

international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

› Article 12

Equal recognition before the law

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

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

› **Article 13**

Access to justice

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

› **Article 14**

Liberty and security of the person

1. States Parties shall ensure that persons with disabilities, on an equal basis with others:
 - a) Enjoy the right to liberty and security of person;

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

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

› **Article 15**

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

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.
2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

› **Article 16**

Freedom from exploitation, violence and abuse

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the, from all forms of exploitation, violence and abuse, including their gender-based aspects.
2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.
3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.
4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that

fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.

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

› **Article 17**

Protecting the integrity of the person

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

› **Article 18**

Liberty of movement and nationality

1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:
 - a) Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;
 - b) Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration

proceedings, that may be needed to facilitate exercise of the right to liberty of movement;

- c) Are free to leave any country, including their own;
 - d) Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.
2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

› Article 19

Living independently and being included in the community

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

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

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

› Article 20

Personal mobility

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

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

› Article 21

Freedom of expression and opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on

an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

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

› 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, or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.

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

› Article 23

Respect for home and the family

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:
 - a) The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;
 - b) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;
 - c) Persons with disabilities, including children, retain their fertility on an equal basis with others.
2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.
4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.
5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

› **Article 24**
Education

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

- a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
 - b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
 - c) Enabling persons with disabilities to participate effectively in a free society.
2. In realizing this right, States Parties shall ensure that:
 - a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
 - b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
 - c) Reasonable accommodation of the individual's requirements is provided;
 - d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
 - e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:
 - a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
 - b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
 - c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.
4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

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

› **Article 25**
Health

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

In particular, States Parties shall:

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

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

› Article 26

Habilitation and rehabilitation

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

- a) Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;
 - b) Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.
2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.
 3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

› Article 27

Work and employment

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

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

- j) Promote the acquisition by persons with disabilities of work experience in the open labour market;
 - k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.
2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

› **Article 28**

Adequate standard of living and social protection

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

- a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;
- b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;
- c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;
- d) To ensure access by persons with disabilities to public housing programmes;
- e) To ensure equal access by persons with disabilities to retirement benefits and programmes.

› Article 29

Participation in political and public life

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

- a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:
 - › Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy

to understand and use; › Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate; › Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

- b) Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:
 - › Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
 - › Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

› Article 30

Participation in cultural life, recreation, leisure and sport

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:
 - a) Enjoy access to cultural materials in accessible formats;

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

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

› Article 31

Statistics and data collection

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:
 - a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;
 - b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.
3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

› Article 32

International cooperation

1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:
 - a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;
 - b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
 - c) Facilitating cooperation in research and access to scientific and technical knowledge;

- d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.
2. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

› Article 33

National implementation and monitoring

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

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

› **Article 34**

Committee on the Rights of Persons with Disabilities

1. There shall be established a Committee on the Rights of Persons with Disabilities (hereafter referred to as 'the Committee'), which shall carry out the functions hereinafter provided.
2. The Committee shall consist, at the time of entry into force of the present Convention, of twelve experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of eighteen members.
3. The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention. When nominating their candidates, States Parties are invited to give due consideration to the provision set out in article 4.3 of the present Convention.
4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities.

5. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
7. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of six of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.

8. The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.
9. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.
10. The Committee shall establish its own rules of procedure.
11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention, and shall convene its initial meeting.
12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
13. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

› **Article 35**

Reports by States Parties

1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.
2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.
3. The Committee shall decide any guidelines applicable to the content of the reports.
4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4.3 of the present Convention.
5. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

› **Article 36**

Consideration of reports

1. Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.
2. If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. Should the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.
3. The Secretary-General of the United Nations shall make available the reports to all States Parties.
4. States Parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports.

5. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, funds and programmes of the United Nations, and other competent bodies, reports from States Parties in order to address a request or indication of a need for technical advice or assistance contained therein, along with the Committee's observations and recommendations, if any, on these requests or indications.

› **Article 37**

Cooperation between States Parties and the Committee

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

› **Article 38**

Relationship of the Committee with other bodies

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

- a) The specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities ;
- b) The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

› **Article 39**

Report of the Committee

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

› **Article 40**

Conference of States Parties

1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.
2. No later than six months after the entry into force of the present Convention, the Conference of the States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General of the United Nations biennially or upon the decision of the Conference of States Parties.

› **Article 41**

Depositary

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

› **Article 42**

Signature

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

› **Article 43**

Consent to be bound

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

› **Article 44**

Regional integration organization

1. 'Regional integration organization' shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by this Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.
2. References to 'States Parties' in the present Convention shall apply to such organizations within the limits of their competence.
3. For the purposes of article 45, paragraph 1, and article 47, paragraphs 2 and 3, any instrument deposited by a regional integration organization shall not be counted.

4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

› **Article 45**

Entry into force

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

› **Article 46**

Reservations

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

› **Article 47**

Amendments

1. Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.
2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.
3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of this article which relates exclusively to articles 34, 38, 39 and 40 shall enter into force

for all States Parties on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.

› **Article 48**

Denunciation

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

› **Article 49**

Accessible format

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

› **Article 50**

Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic. In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

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

The States Parties to the present Protocol have agreed as follows:

› Article 1

1. A State Party to the present Protocol ('State Party') recognizes the competence of the Committee on the Rights of Persons with Disabilities ('the Committee') to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention.
2. No communication shall be received by the Committee if it concerns a State Party to the Convention that is not a party to the present Protocol.

› **Article 2**

The Committee shall consider a communication inadmissible when:

- a) The communication is anonymous;
- b) The communication constitutes an abuse of the right of submission of such communications or is incompatible with the provisions of the Convention;
- c) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;
- d) All available domestic remedies have not been exhausted. This shall not be the rule where the application of the remedies is unreasonably prolonged or unlikely to bring effective relief;
- e) It is manifestly ill-founded or not sufficiently substantiated; or when
- f) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.

› **Article 3**

Subject to the provisions of article 2 of the present Protocol, the Committee shall bring any communications submitted to it confidentially to the attention of the State Party. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

› **Article 4**

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.
2. Where the Committee exercises its discretion under paragraph 1 of this article, this does not imply a determination on admissibility or on the merits of the communication.

› **Article 5**

The Committee shall hold closed meetings when examining communications under the present Protocol. After examining a communication, the Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

› **Article 6**

1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end submit observations with regard to the information concerned.

2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.
3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.
4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.
5. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.

› **Article 7**

1. The Committee may invite the State Party concerned to include in its report under article 35 of the Convention details of any measures taken in response to an inquiry conducted under article 6 of the present Protocol.

2. The Committee may, if necessary, after the end of the period of six months referred to in article 6.4, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.

› **Article 8**

Each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 6 and 7.

› **Article 9**

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

› **Article 10**

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

› **Article 11**

The present Protocol shall be subject to ratification by signatory States of this Protocol which have ratified or acceded to the Convention.

It shall be subject to formal confirmation by signatory regional integration organizations of this Protocol which have formally confirmed or acceded to the Convention. It shall be open for accession by any State or regional integration organization which has ratified, formally confirmed or acceded to the Convention and which has not signed the Protocol.

› **Article 12**

1. 'Regional integration organization' shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the Convention and this Protocol. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by the Convention and this Protocol. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.
2. References to 'States Parties' in the present Protocol shall apply to such organizations within the limits of their competence.
3. For the purposes of article 13, paragraph 1, and article 15, paragraph 2, any instrument deposited by a regional integration organization shall not be counted.

4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the meeting of States Parties, with a number of votes equal to the number of their member States that are Parties to this Protocol. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

› **Article 13**

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

› **Article 14**

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

› **Article 15**

1. Any State Party may propose an amendment to the present Protocol and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a meeting of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a meeting, the Secretary-General shall convene the meeting under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.
2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

› **Article 16**

A State Party may denounce the present Protocol by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

› **Article 17**

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

› **Article 18**

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Protocol shall be equally authentic. In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Protocol.



CONFEDERATION OF FAMILY ORGANISATIONS IN THE EUROPEAN UNION

coface a.i.s.b.l.

Rue de Londres 17

1050 Brussels

T+32 2 511 41 79

F +32 2 514 47 73

secretariat@coface-eu.org

www.coface-eu.org

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