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September 1991

Dear Friend:

In response to your recent request, I am pleased to enclose a copy of the report N.O.D. commissioned on the attitudes of the American public toward people with disabilities.

Achieving our Year 2000 goal of expanding the participation and contribution to America of our nation's 43 million people with disabilities calls for commitment and purposeful action. And, the strategy necessarily requires both understanding and improving the attitudes of the public.

Thank you for your continuing support and help in reaching our goal.

Sincerely,

Alan A. Reich
President

Enclosure

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REMARKS OF LOUIS HARRIS
CHAIRMAN AND CEO
LOUIS HARRIS & ASSOCIATES, INC.
PRESS CONFERENCE
NATIONAL PRESS CLUB, WASHINGTON, D.C.
SEPTEMBER 11, 1991

It's a privilege for our firm to have conducted this landmark study of the public's attitudes toward people with disabilities for the National Organization on Disability. It is one of the most important studies our firm has ever conducted. Earlier, we conducted the first studies of how those with disabilities view themselves. These were revealing portraits of fellow human beings far too often overlooked, hidden by barriers of indifference.

Then, at the suggestion of N.O.D., in 1988, we measured the vote of persons with disabilities for the first time. We found that fully 10% of the entire electorate were people with disabilities. This vote shifted from an 11 point Dukakis lead early on to a 14 point margin for Bush on election day. Why? Because Bush took recognition of the problems of those with disabilities and Dukakis did not. This vote shift was noted well. Knowledge of it helped pass the Americans With Disabilities Act of 1990. Mark that well. Now, in this study, for the first time, we have probed in depth on how the American people view people with disabilities. Had this study been conducted for a group other than the National Organization on Disability, the study design, the questionnaire, and the findings I will report would not have been different. Our mission was to find out in unvarnished fashion what people really think of those with disabilities.

I am here today reporting on a study which was conceived by the able Alan Reich and Mark Lewis of N.O.D. and by my strong right arm, Humphrey Taylor, president of our firm. Nick Wurf was chief analyst. We thank the Annenberg, American Express and Exxon Foundations and E. John Rosenwald for their sponsorship.

Now let me report on the main findings of this historic study. But first I must make one observation, born of my experience in surveying what others think of many different minorities in our midst. These results are extremely heartening for those who want to see those with disabilities become part of the mainstream of the human race. Yet, in my view, the acid tests have yet to be faced. Equality is still far from achieved.

It is one thing for people without disabilities to feel sorry and to empathize with those who have disabilities. But the real test will come when disabled persons finally begin to achieve equal status in society. For only then will pity be replaced with full respect. Only until those with disabilities are on a level playing field, in fact, will America be whole on this matter. And then we will see how those with disabilities are finally viewed.

Now, we are at the beginning. So let me begin with how disabled people are perceived. A nearly unanimous 92% view those with disabilities with admiration because they have overcome so much. Next is the feeling of pity, because of their situation. Not that these two attributes are really opposites, one praise for getting over tough barriers, while the other evokes a sense of sadness and hopelessness. That is pity. Then 58% say they feel awkward or embarrassed when they see a person with a disability, because they don't know how to behave with them. And, in my view, this is little wonder, given the long years during which such people have been assiduously and deliberately kept out of the sight of mainstream society. It takes time to realize they are there and even longer to realize they are full members of the human race. Then, 47% more say their reaction is one of fear, mainly because they are not certain the same fate will befall them and they might be a person with disabilities. A smaller but still significant 16% say they react with anger, because they cause inconvenience. And 9% express resentment because they get special privileges. In the aggregate, this is not a pretty picture, but it accurately tells how far things have yet to go.

Obviously, these reactions are those of a society that is just at the onset, the beginning of learning how to deal with those with disabilities. Pity, embarrassment, fear, anger, and resentment are the marks of a people whose conscience is bothering them and who desperately need to learn how to treat those with disabilities with equality. The proof of this is contained in a simple test that reveals it all. A 54-44% majority of the American people told us that they feel embarrassed or awkward because they simply do not know when they want them to help them cross a road or perform some other task. This is blunt admission on the part of a majority that they are relatively ignorant about how those with disabilities live and the real problems they have.

This lack of ease runs through many other parts of this study. You will see that we and N.O.D. wanted the true picture drawn out and laid right on the table. One in seven say they would be concerned if someone with a disability was to sit next to them on a bus. Nearly one in five would feel the same if they were being served in a restaurant by a person with a serious disability. One in four would worry if their boss had a disability. Twenty-five percent would be concerned if their child brought a disabled child home. Three in 10 would be concerned if they worked closely with a seriously disabled person. One in three would feel the same if a close friend or relative married a person with a serious disability. One in two would feel that way if their child was to date someone with a serious disability. Fifty-nine percent of the entire public say they feel comfortable in the presence of a person in a wheelchair. However, this overall number does not tell the full story. Among those who actually know someone who uses a wheelchair, one in every two people, 70% feel comfortable, while among those who do not, a much lower 48% feel comfortable. Here's what it comes down to: familiarity breeds ease, while the lack of it breeds unease and doubt.

The type of disability makes a big difference. Forty-seven percent feel

comfortable in the presence of those who are blind. Thirty-four percent know a blind person. The comfort level among those who know a blind person is 38 points higher than those who do not know one. Thirty-nine percent feel comfortable with those who are deaf. Forty percent actually know a deaf person. These people feel 28 points more comfortable with a deaf person than those who do not know one. Thirty-three percent feel comfortable with someone who is mentally retarded, and 46% know such a person. The comfort gap between those who know a mentally retarded person and those who do not is a full 26 points. Thirty-two percent feel comfortable with a person who is senile. Forty percent report knowing such a person. The comfort gap between those who know one and those who do not is 28 points. Twenty-eight percent feel comfortable with someone who is facially disfigured. Thirty-two percent know such a person. The comfort gap in this case is 23 points. Finally, 19% feel comfortable being around someone who is mentally ill. The comfort gap between those who know one and those who do not is a full 20 points. These are startling results.

In the aggregate, 57% of those who know someone with a disability say they feel comfortable in their presence, while only 26% of those who do not feel the same. Clearly, familiarity breeds an empathy, an understanding, a sense of equality. Lack of familiarity breeds concerns, doubts, and even downright hostility. This finding must be put into its true historic context to be fully understood. For centuries, those with disabilities have been literally hidden from view, lest the non-disabled be shocked and troubled by seeing them. Now, in recent times, those with disabilities have come forth to full sunlight, to stand as fellow human beings. And, you know, the amazing thing is that the more they are seen, the more people are exposed to them, the more they say, "Why I feel fully comfortable with them." Note this well. That of the 49% who know someone with a disability, eight in every 10 say they feel comfortable in their presence. That may be better than most can say about those with no disabilities! This is a highly significant finding by any measure. For this means that making those with disabilities visible and in contact with the rest of the human race is clearly a critical component to integrating them into society, making them equal citizens. It makes it imperative that those with disabilities become, as fast as possible, part of the mainstream of life. Indeed, some will not like it at first, will even feel repelled by it.

But the evidence we have in our study is that the public will get used to seeing people with disabilities, and when they know them, become accustomed to them. Why the rate of antipathy can be literally cut in half. So there are two distinct phases of this coming-out process. One is the shock of seeing disabled persons after they have been carefully made invisible these many years. The second phase is getting-to-know you time. And that is overwhelmingly a highly positive experience. It holds out realistic hope that in time, those with disabilities can be viewed as human beings by those without disabilities. Let me be more blunt about this. You know, most people are not really that attractive in the end. They are funny-looking, have all kinds of idiosyncracies, personality flaws, and the like. Yet, in the end people not only get to understand others, but they even get to like them and to enjoy their company. It is

nonsense to assume that there should be any semblance of permanence about those with disabilities to expect to be treated differently forever. There are other hopeful signs. Ninety-seven percent feel there are the right number or too few parking spaces set aside for those with disabilities.

Fellow workers tend to say those who have disabilities are more productive than others. By over two to one, they say they don't have problems working side by side with them. The same decisive margin also say that they favor increasing the number of disabled people working with them. This is a powerful message to the employers of this nation. Note that 41% of the employees give their bosses poor marks on employing those with disabilities. A high 53% say they have a social friend with a disability. And six in 10 say they have seen movies or TV shows portraying disabled persons. Twenty-five percent say that the TV show "Life Goes On," about a boy with Down Syndrome, changed their minds about people with disabilities. Twenty-four percent felt the same about the movies, "Rainman," about an autistic man. Seventeen percent felt the same about the mentally retarded person in "L.A. Law" on TV. Fifteen percent had their minds changed by the movie "Born on the Fourth of July," about a Vietnam veteran in a wheelchair. Thirteen percent changed their minds about those with disabilities from the movie "Children of a Lesser God." And eight percent changed their minds after seeing the movie "My Left Foot" about a writer who had cerebral palsy. The evidence here is strong enough to convince me that these media have had a very positive impact.

A substantial 78-20% majority feel that those with disabilities are being discriminated against in equal access to employment, to public transportation, to theater and sports events, to public places such as stores, restaurants, and places of worship. And in equal pay for equal work. Six in 10 feel those with disabilities are worse off financially. Three in four say they have a worse social life. Nine in 10 say it's harder to find a job. Yet, three in four nonetheless also know that most disabled people prefer to live right in the mainstream with the general population. Eight in 10 know those with disabilities reject the notion they stay at home and live on disability payments. No, indeed. They know they want to get out and earn a living by holding down a job. The American people are finally getting the message: those with disabilities are determined to be mainstream all the way!

Now let's talk in the remaining minutes about specific remedies for the discrimination that most admit exists against disabled persons in this land of the brave. Listen carefully to this agenda from the American people. Seventy-eight percent say those with disabilities have an "underused potential to contribute by working and producing and in not being a burden supported through government payments, paid for in taxes." Over eight in 10 add this: if they are brought into the workforce in higher numbers, it will be a boost to the nation. Highly important is that 81% support affirmative action programs for those with disabilities. Fully 95% say that in view of the difficulties faced by disabled people, the least society can do is to make an extra effort

to improve things for them. Nine in 10 also feel the nation should spend more on these key areas. To make schools, transportation, workplaces, and other public facilities more accessible to disabled people. And 85% feel more access will benefit — not cost — society. Mark that well. They spell out clearly in near unanimity that society is the beneficiary because once those with disabilities are allowed to be more productive, then the whole country is richer by far.

A 10-1 majority also backs government programs such as social security, medicare, and veterans benefits which provide assistance to disabled persons. Six in 10 offer the caveat that some take advantage of false claims, which should be stopped. And by a narrow 52-45%, a majority oppose giving disabled veterans more than non-veterans who have disabilities.

The reaction to the Americans With Disabilities Act passed last year is overwhelming. Between 83% and 96% support key provisions that employers will be prohibited from discriminating against a qualified person for a job because he or she is disabled; that employers must provide accommodations for employees with disabilities; that new public transportation vehicles must be accessible to disabled persons; that public places such as restaurants, hotels, theaters, and museums may not discriminate against customers on the basis of disability. Nine in 10 favor all this fully knowing some of it will be expensive, indeed.

Finally, 89% back Jim Brady's call. That, of course, is for the "Calling on America" campaign of the National Organization on Disability to get full acceptance and participation in all aspects of life for 43 million Americans with disabilities. As many as 41% want to volunteer in their own communities for the campaign, most of all the young, blacks and hispanics. You can see the makings of an interesting coalition right there. What this adds up to is a new and potent minority is now moving to the fore. They are on the front lines in the battle for equal rights. This has profound implications for the future of affirmative action.

Most of all, it means that those with disabilities are finally coming out of the shadows of active neglect to a new day of demanding equal footing with the rest of the human race. It means a new day for America ahead. Those who tab disabled people as different better watch out! An inexorable force has been set loose; the American people are ready for this march for equality. And, make no mistake about it, it will succeed.

The Harris Poll

THE HARRIS POLL 1992 #76

For release: Sunday, November 29, 1992

PRESIDENT BUSH DID POORLY AMONG DISABLED VOTERS IN SPITE OF PASSING MAJOR NEW LAW TO HELP DISABLED PEOPLE

by Humphrey Taylor

Despite all the support he gave to legislation to help the disabled, President Bush was badly beaten by Bill Clinton among disabled voters. The president championed the Americans with Disabilities Act, a new law giving disabled people important new rights, pushing it through Congress and referring to it repeatedly during the campaign.

In the election, Clinton enjoyed a 24 percent lead among disabled voters, which was 19 percentage points better than his 5 point margin of victory. In 1988, George Bush lost the disabled vote by 5 percentage points to Michael Dukakis, which was only 13 points worse than Bush's 8 point margin of victory.

In 1988, Harris surveys tracking the voting intentions of the disabled showed Bush making strong gains among this group before the election. In that campaign, Bush spoke to the concerns of disabled voters in several appearances, including his acceptance speech at the Republican convention, which seemed to help him.

Disabled people form a large, but often overlooked, block of voters. There are more disabled voters than black voters, for example, but they received much less attention from the candidates, the parties and the media. In total, disabled people comprise at least 13 percent of the population and about 10 percent of those who actually vote.

During the 1992 campaign, President Bush made repeated references to the Americans with Disabilities Act, which he pushed through the Congress, presumably with a view to attracting disabled voters. Even though this was a major piece of legislation that gave disabled people very important new rights, Mr. Bush failed to do well among disabled voters this time. X

In 1992, it seems likely that disabled voters -- who are much poorer and are much more likely to be unemployed than other voters -- were particularly badly hit by the nation's economic problems for which George Bush was generally blamed.

Furthermore, they were more concerned about health care reform, an issue where Clinton enjoyed a clear advantage. For these and possibly other reasons, disabled voters did not vote to support a president who has pushed very hard for their rights, harder than many Conservatives and Republicans would have liked.

Humphrey Taylor is the President and CEO of Louis Harris and Associates, Inc.

(NOTE TO EDITORS: This is the last Harris Poll that will focus on the 1992 election.)

TABLE 1
HOW DISABLED PEOPLE VOTED IN '88 AND '92
COMPARED TO ALL VOTERS

	1988		1992	
	<u>Disabled</u>	<u>All</u>	<u>Disabled</u>	<u>All</u>
	%	%	%	%
Bush	47	54	27	37
Dukakis/Clinton	52	46	41	42
Perot ('92 only)	-	-	21	19
Other Candidates	1	1	1	1
Bush Lead	-5	8	-24	-5
Difference in lead between All Voters and Disabled Voters	13%		19%	
	(More Democratic)		(More Democratic)	

TABLE 2

DISABLED AND ALL VOTERS COMPARED AT FIVE POINTS IN CAMPAIGN

	<u>DISABLED LIKELY REGISTERED VOTERS</u>				<u>ALL LIKELY VOTERS</u>			
	<u>Bush</u>	<u>Clinton</u>	<u>Perot*</u>	<u>None/ Other/ Not Sure</u>	<u>Bush</u>	<u>Clinton</u>	<u>Perot</u>	<u>None/ Other/ Not Sure</u>
<u>Between Conventions</u>	%	%	%	%	%	%	%	%
Aug. 17-19	29	63	N/A	8	36	60	N/A	4
<u>After Republican Convention</u>								
Aug. 26-Sept. 1	34	40	23	3	35	38	22	5
Oct. 2-4	20	61	14	6	36	53	9	3
Oct. 20-22	25	51	16	8	32	46	18	4
Oct. 30-Nov. 1	26	50	18	6	37	43	16	4

*Where asked.

TABLE 3

CLINTON LEAD OVER BUSH AT FIVE POINTS IN CAMPAIGN

	<u>Among Disabled Likely Voters</u>	<u>Among All Likely Voters</u>	<u>Difference*</u>
	%	%	%
Aug. 17-19	34	24	10
Aug. 26-Sept. 1	6	3	3
Oct. 2-4	41	17	24
Oct. 20-22	26	14	12
Oct. 30-Nov. 1	24	6	18

*More Democratic.

METHODOLOGY

This column was based on several Harris Polls conducted by telephone within the United States between Aug. 17-Aug. 19, Aug. 26-Sept. 1, Oct. 2-Oct. 4, Oct. 20-Oct. 22 and Oct. 30-Nov. 1, among a nationwide cross section of 1,256 adults, 904 likely voters, 1,015 likely voters, 1,021 likely voters and 2,169 likely voters respectively from a sample of 1,256 adults, 1500 adults, 1,583 adults, 1600 adults and 3,197 adults respectively. Figures for age, sex, race and education were weighted where necessary to bring them into line with their actual proportions in the population.

In theory, with a sample of this size, one can say with 95 percent certainty that the results have a statistical precision of plus or minus 3 percentage points of what they would be if the entire adult population had been polled with complete accuracy. Unfortunately, there are several other possible sources of error in all polls or surveys which are probably more serious than theoretical calculations of sampling error. They include refusals to be interviewed (non-response), question wording and question order, interviewer bias, weighting by demographic control data and screening (e.g., for likely voters.) It is difficult or impossible to quantify the errors which may result from these factors.

This statement conforms to the principles of disclosure of the National Council on Public Polls.

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Contact Louis Harris and Associates, Inc., Information Services, 630 Fifth Avenue, New York, N.Y. 10111, (212) 698-9697, for complete demographic details for the questions in this release.

The Council believes that while such domestic legislation is important and should not be superseded by potentially counterproductive international treaties, that many countries require the guidance of international compact in order to secure the human rights of PWD.

Since then approximately 60 countries around the world have enacted domestic laws which are as the other are modeled after the ADA.

and was signed and enacted by former President Bush on July 26, 1990.

In 1988, congress accepted the ICD recommendation and launched a grant proposal which was passed with houses of congress by overwhelming majority.



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My name is Jay Tridion.
I am chairperson of the US National ...
The National ... is an independent federal
agency. The Council is composed
of 15 people appointed by the President
and confirmed by the US Senate.
A majority of council members are PWD.
We have a small staff in Washington DC
supporting our work.
The Council's main responsibility is
according to law, is to provide
recommendations to the President and
congress about policy issues which
affect PWD in the United States.

in 1986 the Council recommended that the U.S. government enact a law ~~to make~~ prohibit discrimination on the basis of disability and to ensure equal opportunity for PwD in all aspects of life including employment, education, health care, transportation and more.

The Council has studied the status of PwD in the U.S. and in other countries throughout the world since it was established as an independent agency in 1984.

any purpose here today is to convey the Council's view of the current UN initiative to have a convention on the rights of PwD.



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Further, the Council believes that to the world truly evolve into a global society it is important to have meaningful standards and structures in place to protect our from discrimination and abuse and to ensure that their rightful opportunity to live full and happy lives, integrated and fully involved in an inclusive society



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Talking Points for Voice of America

June 16, 2003

People with disabilities represent an enormous global population - an estimated 600 million men, women and children.

In all countries, including the United States, people with disabilities experience poverty at a rate severely disproportionate to the rest of the population.

Many public goods, such as education and public transportation, which are supposed to be available to everyone, are often not available to people with disabilities. This puts them at a serious disadvantage in terms of employment and generally taking part in the life of their communities. Stereotypes and misperceptions of people with disabilities as helpless - as people who need charity and welfare - are a large part of the problem. They are both a cause and effect of lack of opportunities. If society thinks people with disabilities can't work and don't have a role to play in the community, then society does not bother to ensure that workplaces, public buildings, streets and sidewalks, etc. are accessible. As a result, people with disabilities ARE often dependent on charity, because lack of accessibility makes it impossible for them to earn a living or otherwise participate in society.

At the heart of the issue lies the fact that human rights belong to all people. Every human being has a claim to the rights outlined in international human rights law.

These rights include, education, employment, free movement in society, participation in political life and in decision-making that affects them. These rights include the right to be free from involuntary detention - unless, of course, a crime has been committed. People with disabilities - especially mental disabilities - are institutionalized all over the world for no reason at all besides the fact that they have a disability.

International human rights law has not adequately protected these rights for people with disabilities. The convention and covenants that are supposed to apply to all people are consistently ignored and systematically violated for this particular population.

National laws to protect the rights of people with disabilities are extremely important. Unfortunately, fewer than 50 countries around the world have anti-discrimination law for people with disabilities.

The US has excellent national legislation in the Americans with Disabilities Act. But that is not always enough. The ADA is constantly challenged by people who don't seem to understand that we - people with disabilities - are only seeking EQUAL ACCESS to what is freely available to everyone else. We just want to be able to compete for the same jobs, to attend the same schools, to take the same busses and trains, to live in our homes instead of in hospitals or institutions. These are NOT special privileges - these are simply the rights everyone else takes for granted.

Change is needed. It is needed everywhere - in every country - and an International Convention on the Rights of People with Disabilities is a critical step in the right direction.

Such a convention will:

- provide a statement of international legal accountability regarding disability rights
- serve as an authoritative global reference point for domestic law and policy initiatives
- improve monitoring and reporting on the human rights of people with disabilities

Similar treaties have been developed on the rights of women, racial minorities, children and refugees.

If we look at one of the more recent international human rights movements - the efforts by women to have their rights recognized as a matter of human rights law - we see that the benefits of this go far beyond just the resulting treaty. The movement itself created an enormous amount of visibility for women's issues AND a critical shift in thinking and perception globally about the nature of women's rights. And, of course, now there is a convention that provides an international legal standard of human rights for women.

The process involved several years of national, regional and international meetings that included not only women's groups but many other groups from society and, very importantly, the mainstream human rights movement - groups like Human Rights Watch that have an enormous influence the international community.

A convention on the rights of people with disabilities - and the important process of its development - would serve as a similar political catalyst and educational tool for the global disability community to promote a change in the way disability rights are perceived.

QUESTIONS TO ANTICIPATE:

Q: How did this process begin?

A: The disability community has been pushing for a treaty for many years. Finally, in November 2001, an initiative by Mexico was successful in getting the UN to begin consideration of a treaty. An Ad Hoc Committee was appointed to begin this process and met last July for two weeks to get the views of UN Member States on this matter. The Committee decided to recommend that regional meetings be held to get regional consensus on whether a convention is necessary and then reconvene again this year to see what next steps to take. Regional meetings have taken place in most regions and the outcomes of those meetings have been very supportive of a convention. So, the Ad Hoc Committee is reconvening today and will spend the next two weeks deciding whether or not to move ahead with the drafting of a convention.

Q: If the Committee decides to move ahead with the drafting of a convention, how long will it take?

A: Some treaty processes take many years to complete. We hope that this process could be completed in 5 years. We don't want this to take forever, but at the same time, the process itself is so valuable, so educational, that we don't want to see it rushed. The most important thing in this process is that people with disabilities be included in all stages of negotiations. We are the experts. We are the ones who know how our rights are not being fulfilled. The disability community is mobilizing on a global scale to participate in this process. But that can't be achieved overnight. We want people with disabilities from all parts of the world to have a voice in this.

Q: What is the US position on a convention?

A: The US government has decided that it will not take a particular position on this convention. The argument is that the US has such excellent national disability legislation that a convention is not needed for Americans and that the US would not be likely to sign such a treaty. And, although the White House believes that national legislation is the best vehicle for all countries to ensure disability rights. So, the US is not supporting a convention, but at the same time, the US has decided it will not oppose a treaty if that is what other countries decide they want. In

addition, the US has said that it will offer technical assistance and expertise to the Ad Hoc Committee, if this is requested.

Q: Is that the position of the National Council on Disability?

A: NCD - and the US disability community generally - have encouraged the US government not only to support the convention but to take a leading role in its development. We believe that the US has much to offer in this and that our experience in developing our national legislation could be extremely valuable to this process.

Furthermore, a convention would be a useful tool for Americans with disabilities. Yes, we have good national legislation, one that has brought sweeping positive changes for the integration of people with disabilities into our society. However, formidable barriers to the full and effective implementation of the ADA remain. The realization of the promise of the ADA would be enhanced by international human rights law that carries with it a level of moral authority and global credibility. A convention would help to change the notion that disability rights are special rights that infringe on the rights and freedoms of others. Disability rights are human rights and this needs to be recognized for people with disabilities in every country around the world.

We will continue to encourage the US to consider taking a positive stance toward this convention.



Rehabilitation International

A worldwide network of people with disabilities, service providers and government agencies working to improve the quality of life of people with disabilities

EC, Helsinki, agenda item 14.2

Towards a UN Disability Convention - input from Rehabilitation International to the Second Ad Hoc Meeting

The primary goal for the second ad hoc meeting should be to achieve a clear recommendation by the ad hoc meeting to the General Assembly that there should be a Convention. All kinds of texts opening the door to other alternatives should be resisted.

Many resolutions and interventions at the first ad hoc meeting make reference to 600 million people with disabilities in the world. We need to know who those people are and what are their living conditions. In addition it is time to verify the accuracy of the 10% estimation. Most industrialized countries estimate the proportion of their population who has a disability to be between 12 – 20 %. Developing countries on the other hand mostly report 2 – 5%. Many people consider the figures from developing countries to be underestimations.

The resolution produced by IDA on July 28, 2001 and presented to the States participating in the first ad hoc meeting reflects well Rehabilitation International's position regarding priorities for a Disability Convention.

Rehabilitation International would like to see the following principles guiding the work for a Convention:

- Disability is a Human Rights issue.
- People with disabilities should have opportunities equal to those of other citizens
- Physical and attitudinal barriers in society cause serious discrimination and social exclusion
- An inclusive society is of benefit not only to people with disabilities but also to other groups in society.
- Because disabled children and adults are among the "poorest of the poor" in the vast majority of countries, the socio-economic realities should be an important consideration.

Particular challenges for the international disability community

A disability convention needs to take into account the needs of people with a variety of different disabilities. Rehabilitation International would like to emphasize the needs of large groups of people with disabilities whose voice is not (often or so much) heard. Many disabilities are not so well known and their needs therefore not put forward.

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Among the following examples figures are given from Sweden and USA. They are likely to be relevant also for other countries:

- * Rheumatoid arthritis is a disease that makes many people, in particular women disabled. Out of a population of 9 million, more than half a million Swedes have some form of rheumatic disease. 0.75% of the total population is estimated to have some form of rheumatoid arthritis. Rheumatism also affects children. (Source: Reumatikerförbundet)
People with rheumatism often have pain and limitations in body functions. They require assistive technology and physical access to society.
- * Some 1,400 women die every day in pregnancy and childbirth. Almost all of them live in developing countries. For each woman who dies, at least 30 and an estimated 100 women survive childbearing but suffer from serious disease, disability, or physical damage caused by pregnancy-related complications or by genital mutilation. Millions of women living in Sub Saharan countries and in a few countries in Asia become disabled every year. (Source: UNFPA update 1998 –1999)
Women with disabilities caused by childbearing are often incontinent. They face social exclusion. Their primary requirements are acceptance in society, assistive technology and medical care.
- * More and more often, adults are surviving cancer, heart attacks and strokes for lengthening periods. Although in some countries, there is appropriate medical and therapeutic support for them to resume an active life, in most countries these populations are left to isolate within their families. They need peer support and rehabilitation services to remain connected to their work and community life.
- * Diabetes is becoming common not only in industrialized countries but also in countries in the South. An estimated 6% of the population in USA has diabetes. Diabetes is responsible for 8% of legal blindness, making it the leading cause of new cases of blindness in adults 20-74 years of age in USA. Subsequently secondary prevention is of crucial importance. (Source: American Diabetes Association).
People with diabetes require assistive technology – insulin and equipment to take the insulin – which can be very costly for the individual. In addition counseling and information about content in food is essential to people with diabetes.
- * Another neglected group are people with speech impairment. About 125,000 people in Sweden have a speech-impairment out of which 40,000 can't speak at all. (Sources: Talhandikappades Forening and ISAAC) Children and adults with speech impairments often have multiple disabilities.
People with speech impairments require understanding of their needs, interpreter service and assistive technology.
- * People living with HIV/AIDS, as well as those suspected of being HIV positive, are very often discriminated against because they are wrongly perceived as being unable to perform; they are wrongly perceived as being a threat to public health; or they are perceived as being, or indeed are, a member of some group already suffering discrimination, such as homosexuals. Thus, if they are not actually disabled by HIV-related conditions, they are often disabled by the

discriminatory treatment they receive because of their HIV status. The result is that they are denied the possibility of being productive, self-reliant, full and equal members of society.

The conditions of HIV and AIDS should be viewed as disabilities. A person who is HIV positive but who has no symptoms or illness is able to perform any task or accept any service for which she or he is qualified. Millions of the 21 million people presently living with HIV experience many productive years in such a healthy state, and the length of this period is ever increasing with medical advances.

A person living with HIV who has symptoms of HIV-related disease may be somewhat disabled in fulfilling job-related functions. However, as with other disabilities, reasonable accommodations, such as flexible working hours, may enable full participation of that individual.

(Source: UNAIDS)

One consequence of the international focus on immunization campaigns has been less attention to those already disabled by, for example, polio. There are millions of children, adolescents and adults around the world who have survived the infection but have mobility and other resultant disabilities. In addition, many mobility impairments are caused by war, landmines and other forms of political violence. With the assistance of assistive technology, such as crutches, wheelchairs and other mobility equipment, they could attend school or take up employment. One estimate by Whirlwind Wheelchairs International is that around 20 million people in the world could use assistance in mobility. A study by RI & UNICEF determined that for various cultural and other reasons, women and children are the least likely to receive mobility aids and rehabilitation from the many emergency services that have been set up to respond to injuries caused by political violence.

A special challenge for IDA is to take into consideration the view from many people and organizations in the South that a convention will have to address the socio economic realities in the world.

Rehabilitation International (RI) has among its members in developing as well as in industrialized countries member organizations representing many groups of people with a variety of different disabilities. We would like to encourage that the voice of those groups be heard in the elaboration of a comprehensive and integral convention to promote and protect the right and dignity of people with disabilities.

New York, February 2003

Mr. Chairman.

Thank you for the opportunity to address the Ad Hoc Meeting

I have been asked to speak on behalf of IDA the International Disability Alliance which is a network comprising seven disability organisations.

IDA represents more than 600 million people world-wide and all forms of disability, that is to say blind people, deaf people, deaf-blind people, people with a physical disability, users and survivors of psychiatry and people who are called intellectually disabled because they have a learning disability.

I am Robert Martin from New Zealand and I have an intellectual disability. I am also a self-advocate and have served for the last eight years on the Council of Inclusion International, fighting for the rights of the more than 60 million people with an intellectual disability.

In some countries we have succeeded in organizing ourselves as self advocates and our groups often use the slogan "people first". However in many countries we are still the underdogs. People use negative language to describe who and what we are. Terms such as Mongol, stupid, worthless and even swear words are used to describe us as people. This negative labeling destroys who we are and our value as a person.

We who have a disability believe that an International Convention that affirms our importance and value as people and protects our individual and civil rights is absolutely essential. It is time for all of us who are disabled, to be recognized and valued for who we are and what we bring to our communities.

So many of us belong to the most vulnerable groups in our own communities and we need help to overcome the barriers we face. Many of us still suffer from abuse, neglect, and degrading treatment. Many of our friends still live in institutions without any privacy, often with their heads shaven and some are even locked up in cages.

They may also be badly fed and have no contact with their family or the outside world. Even when we are not so badly treated we still find we are not equal to others as citizens in our own country.

We are often denied the opportunity to be educated and we may find there are special laws that are said to be there to protect us but they really take our rights away.

Many countries ban us from entering their country to attend conferences or even as a tourist. We may be required to have special passports stamped with "must be accompanied by a responsible adult". I used to have such a passport even when I was over 38 years old and had travelled around the world many times.

Many people with an intellectual disability are really suffering from old fashion guardianship laws. These laws force them to live in places they do not wish to live. Such laws have been used in my own country to keep people in institutions against their will. I don't believe that any country is free from such restrictive laws. These laws may be made with the best of intention but are then used to restrict where and how we can live.

I ask you to join us who are disabled, in fighting for the adoption of an International Convention that will be a legally binding human rights instrument that will help us gain our rights so we can live alongside you all with the dignity and respect we deserve. The International Convention will help convince people in all parts of the world to respect us who are disabled as full citizens in our own countries with equal rights.

My personal wish is that such a convention should be written in plain language. It must be easy to read and to translate into all languages including Braille and sign language. We must remember that as the Convention will be written to promote the rights of all people who are disabled, the document must be fully accessible to all people. An easy to read Convention will also encourage people who are not very familiar with our issues, I mean the so called average people, to accept and reflect on our rights.

We do not want other people writing a Convention without our participation. In the past others have decided what our needs are without even consulting us. This devalued us as people. Again I must stress the slogan you have all heard many times over the past few days, "Nothing about us – without us".

We have a great knowledge of the world of disability as we live in it every day of our lives. However we often have problems following the complicated and sometimes rather technical language used in human rights instruments.

Lets try to make use of the plain but beautiful language used in the 1948 Universal Declaration of Human Rights. I ask on behalf of all of us who are disabled and especially those of our friends, who cannot even dream of being here today, that you support the development of an International Convention.

It must be in plain language. It must help us all to become free and valued citizens, regardless of our disability, place we are born or where we choose to live.

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Draft

Convention on the Fundamental Rights of Persons with Disabilities

Preamble

The States Parties to the Convention

Considering that in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

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

Recalling General Assembly resolutions 37/52 of 3 December 1982, by which the Assembly adopted the World Programme of Action concerning Disabled Persons, and 48/96 of 20 December 1993, by which it adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities,

Recalling also Commission on Human Rights resolutions 1998/31 of 17 April 1998 and 2000/51 on the human rights of persons with disabilities,

Reaffirming the outcome of the major United Nations conferences and summits and their respective follow-up reviews, in particular as they pertain to the promotion of the rights and well-being of persons with disabilities as well as their full participation and equality,

Noting with great concern that persons with disabilities are still often among the poorest of the poor and continue to be excluded from the benefits of development, such as education and access to gainful employment and still lack access to the built environment as well as to information and communication,

Noting with equally great concern that many intellectually disabled persons and persons with psychiatric disabilities are still kept in institutions subjected to indignities and inhuman treatment,

Noting with satisfaction that the Standard Rules on the Equalization of Opportunities for Persons with Disabilities play an important role in influencing the promotion, formulation and evaluation of policies, plans, programmes and actions at the local, national, regional and international levels,

have agreed as follows

Chapter 1

Object and scope of the convention, definitions and principles

Article 1

Human rights are for all

Human rights are universal and according to their nature thus include all human beings, among them persons with disabilities.

All people, disabled and nondisabled, are born equal and have the same inalienable rights to life and welfare, education and work, and the right to self-determination, independent living, self-representation, inclusion and access to active participation as equal citizens in all aspects of society.

Article 2

Fundamental rights and principles

The World Programme of Action concerning Disabled Persons, General Assembly resolutions 37/52 of 3rd December 1982, and the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities, General Assembly resolution 48/96 of 20th December 1993, are the fundamental principles on which this convention is founded. The convention shall be read and understood, interpreted and delimited in accordance with these international instruments wherein the fundamental rights of persons with disabilities are enshrined, among them the following fundamental disability rights:

The right to full participation and equality, medical care, rehabilitation, vocational training, support services, adequate shelter, accessibility (access both to the built environment and to information and communication), education, employment, income maintenance and social security, family life and personal integrity and to full integration and participation in all aspects of culture, leisure, recreation, sports and the religious life.

These fundamental rights are an integral part of the human rights of persons with disabilities.

Article 3

The concept of disability

Disability: A physical, psychiatric, intellectual, or sensory impairment (whether permanent or temporary, provided that it lasts for a significant period of time), that limits the capacity to perform one or more essential activities of daily life, and which can be caused or aggravated by the economic and social environment.

This definition is only applicable on a person if the person views him- or herself as a person with a disability.

A limitation of activities of daily life is essential if a person is unable to do what other comparable persons can do, that is, other persons of the same age and gender belonging to the same cultural group.

If a disability is invisible or visible shall make no difference in relation to this convention.

Article 4 Compensation and equal opportunities

It is the ultimate goal of this convention to secure inclusion and equal opportunities for persons with disabilities in all areas of society.

Persons with disabilities have a right to be compensated for their functional limitations. Without such compensation equal opportunities cannot be obtained in accordance with this convention.

Article 5 The principle of sector responsibility

The disability issue is not only a question of social welfare but a general human rights issue that shall be respected and applied at the international as well as at the national level and by all sectors of society public and private.

Article 6 Principle of progressive measures

Fulfilment of the obligations under this convention calls for constant and steady progress.

Rights which the States Parties cannot realize without significant allocation of resources shall be executed in accordance with the principle of progressive measures which means that retrogressive measures are forbidden, standstill are only legal temporarily and for special reasons.

Retrogressive measures are to be considered a prima facie evidence of violation of this convention unless a State Party can prove that such measures has had to be taken to avoid violation or protection of other human rights and when the situation of the most vulnerable groups at the same time are duly taken care of.

Article 7 The right to an equal share in growth

The States Parties shall provide persons with disabilities with an equal share of growth in the G NP as well as the general economic and social development in society to equalize their economic opportunities despite age and sex. As a part of this process it is incumbent

upon the States Parties also to make good for the lagging behind which disabled persons are suffering from. Compensating poor persons with disabilities for low income and other loss of comparability with the average citizen should be overcome step by step within reasonable time.

Article 8

Disabled peoples right to enjoyment of and protection by human rights

The States parties shall secure that persons with disabilities are able to enjoy and be fully protected by all human rights, human rights instruments, standards, declarations and especially the Universal Declaration of Human Rights (1948) and the six core human rights conventions, The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) - 1965, The International Covenant on Economic, Social and Cultural Rights (ICESCR) - 1966, The International Covenant on Civil and Political Rights (ICCPR) - 1966, The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) - 1979, The Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment - 1984, and The Convention on the Rights of the Child (CRC) - 1989.

Chapter 2

Non-discrimination and rules of interpretation.

Article 9

No discrimination

Discrimination of persons with disabilities is an offence to human dignity and a denial of the principles and meaning of the United Nations Standard Rules on Equalization of Opportunities for Persons with Disabilities and the six core Human Rights Conventions mentioned in article 8.

Persons with disabilities have as part of their legal rights the right to an effective remedy and protection against any discrimination.

Any violation of the fundamental principle of equality or discrimination or other negative differential treatment of persons with disabilities inconsistent with the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities is an infringement of the human rights of persons with disabilities.

It is incumbent upon anyone who does not respect, comply with or act in conformity with the words and meaning of the United Nations Standard Rules of Equalization of Opportunities for Persons with Disabilities to substantiate that such treatment does not constitute discrimination against persons with disabilities.

Article 10

The right to organize and the role of organizations of persons with disabilities

Persons with disabilities have a right to formation and membership of free, independent and democratic organizations consisting of disabled people, family members and advocates. Such organizations have a right to speak for and act as the only legitimate representatives of persons with disabilities.

The role of organizations of persons with disabilities should be to identify needs and priorities, to participate in the planning, implementation and evaluation of services and all other measures concerning disabled people.

The States Parties shall encourage and support economically and in other ways organizations of persons with disabilities and secure that all relevant matters are submitted to the organizations of persons with disabilities before any governance action is taken. Before the budget is adopted it is incumbent on the government to negotiate with the organizations of persons with disabilities about which measures should be taken in the period covered by the budget to enhance and realize full participation and equalization of opportunities for persons with disabilities in accordance with this convention.

Article 11

Rule of interpretation no. one - No less protection than the non-disabled

No national or international legal instrument, provision of declarations or conventions or part of any such provision or any other legal text should be interpreted in a restrictive sense or in any other way that places persons with disabilities at a disadvantage in any context or offer them less protection than other persons.

Article 12

Rule of interpretation no. two - No exclusion of persons with disabilities

Whenever a particular group of vulnerable, marginalized or impoverished persons is mentioned in any convention or Human Rights instrument dealing with refugees, displaced persons, migrant workers, ethnic, national or religious minorities, children, women, elderly people, the unemployed or other disadvantaged groups the text shall be read to include persons with disabilities belonging to such a group of persons.

Chapter 3

The fundamental and special rights of persons with disabilities

Article 13

The right to universal suffrage

Persons with disabilities are equal citizens with the same rights to participate in the political life in society as all other citizens including:

- The right and the facilities to vote in secret in all public elections
- The right to the provision of the necessary instruments and technologies to enable disabled persons and especially blind, partially sighted and deaf blind persons to cast their vote independently and in secret.
- The right to the provision of accessible information about political parties and candidates' manifestos.

Article 14

The right to judicial equality and protection

Persons with disabilities have the right to equality before the law and to equal justice under the law. This includes:

- The right to protection from all violence, torture, inhumane or degrading treatment or punishment at the hands of the law or institutions of the state. Persons with disabilities in general, are especially vulnerable to such abuse.
- The right to the same legal protection for disabled children, old people, refugees, asylum seekers, and other displaced, nomadic or transient people as that given to other citizens without disabilities.
- The right to the provision of legal documents in a format accessible to blind and partially sighted people (such as Braille, large print or electronic information) in a timely manner and without any additional cost.
- The right to sign language interpretation for deaf people.
- The right to legal proceedings and treatment in prison, free from all forms of discrimination.
- The right to victims' protection and compensation that is sensitive to the special circumstances arising from being disabled.
- The right to the opportunity to be a practicing lawyer, judge or juror and to be given any assistance that may be necessary to enable these tasks to be performed.

- The obligation for all public officials responsible for law enforcement and administration, including police, prison and court officials, to attend disability equality training that incorporates appreciation of the rights of persons with disabilities.

Article 15

The right to access to the built environment and public transport

Persons with disabilities have a right to access to the built environment. To fulfill this right the states parties shall in accordance with the United Nations Standard Rules remove obstacles preventing access and make the built environment and public transport accessible.

This includes:

- The right to accessible pedestrian environments, public buildings and facilities for public use that are designed and maintained to enable disabled persons to make use of them and to move around safely and independently.
- The right to fully accessible public transport vehicles, stations, stops and services, and to audible announcements to include stops, destination and route number.
- Recognition in legislation that the white cane is a symbol, which indicates that the carrier is blind or partially sighted, and the red and white striped cane which, indicates that the carrier is deaf blind.
- The right to free access to all public places, public buildings and public transport for guides of blind and partially sighted people and assistance dogs.

Article 16

The right to communication

Persons with disabilities have a right to communicate. Sign language is the original language of deaf persons. The States Parties shall recognize the right of deaf persons to communicate by means of sign language and provide interpretation services and other facilities to make communication between deaf persons and others so smooth and efficient as possible.

Other communication disabilities shall also be surmounted appropriately by a combination of assistive devices, technical aids, support services, personal assistance and guides.

This includes:

- The right to the provision, in a timely manner and without additional cost, of all information in the public domain in formats that are accessible to blind and partially sighted people, such as Braille, audio, large print and electronic text, regardless of

any copyright laws. This is to include all correspondence and information from public services, such as hospitals, public utilities and government departments, as well as those providing an essential service such as banks.

- The right to literacy through free instruction in methods of reading by touch such as Braille, and in methods of communication for deaf blind people.
- The right to the provision of adapted equipment to enable blind and partially sighted people to access the internet and other electronically stored information.

Article 17 The right to information

Persons with disabilities have a right to access to information. The States Parties shall make information accessible in different forms. Braille, tape services, large print and other appropriate technologies shall be used to provide access to written information and documentation for persons with visual impairments. Similarly, appropriate technologies shall be used to provide access to spoken information for persons with auditory impairments or comprehension difficulties.

The media, especially television, radio and newspapers shall make their services accessible. Computerized information and service systems offered to the general public shall also be made accessible.

Article 18 The right to shelter, food, clean water and clothing

The States Parties shall provide poor persons with disabilities who cannot earn their own living with economic support as well as other forms of assistance and social services so that no disabled person shall lack adequate and accessible shelter, sufficient food, clean drinking water and suitable and decent clothing that offers protection against weather and climate.

Article 19 The right to education

Persons with disabilities have the same right to education as all other citizens. The States Parties shall offer equal primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities in integrated settings. Deaf persons, blind and deaf/blind have a right to decline education in integrated settings and choose schools for such persons or special classes and units in mainstream schools. Education should be provided by teachers who have received training relevant to the specific needs of the pupils and with competence to teach communication skills such as Braille and sign language. In situations where the general school system does not yet adequately meet the needs of all persons with disabilities, special education should be considered. The quality of such education should reflect the same standards and ambitions as general education and should be closely linked to it. Students with disabilities should be afforded at least the

same portion of educational resources as other students. Gradual integration of special education services into mainstream education shall be the aim.

Article 20
The right to work

Persons with disabilities have a right to work and shall have equal opportunities for productive and gainful employment. The States Parties shall support vocational training and enhance integration of persons with disabilities into open employment. Discrimination must not take place and all obstacles to equal job opportunities for persons with disabilities shall be removed. The States Parties shall in accordance with the United Nations Standard Rules empower persons with disabilities to exercise their right to work.

Article 21
The right to social security and financial support

Persons with disabilities have despite age and sex the same right as the rest of the population to income, maintenance and social security. Any lower standard or less social protection for persons with disabilities is a prima facie evidence of discrimination and shall be considered a breach of the obligations which the States Parties have undertaken according to this convention.

This includes:

- The right of equal access to all statutory benefits and pensions.
- The right to the provision of allowances to persons with disabilities, regardless of their age, to compensate for the additional costs arising from their disability.
- The right to statutory allowances to provide for the financial and material needs of careers, when persons with disabilities are living in their own homes.
- The right to statutory allowances which do not penalize persons with disabilities should they take up employment.
- The right of persons with disabilities in paid employment to receive allowances to compensate them for the additional costs arising from their disabilities.
- The right to financial support to meet the costs of residential and nursing care.

Article 22
The right to inclusion, integration and participation in all spheres of life

Persons with disabilities have a right to participate fully in all spheres of life and activities in the society to which they belong and where they live among their co-citizens and thus be included in the social, political, cultural, religious and recreational life.

The States Parties shall make plans and realize such plans, which enable persons with disabilities to live full and productive lives on an equal footing with other members of society.

The States Parties shall in their planning follow the United Nations plan of action and forward looking strategies (1995).

Article 23

The right to dignity, tolerance, privacy and to form and raise a family

Persons with disabilities have the same right to respect, tolerance and dignity as all other human beings.

State-sponsored abortion based on pre-natal diagnosis without consent from the woman is an infringement of her human rights and should be strictly prohibited.

The right to privacy shall be fully respected and no assistance should be given without accept from the disabled person.

Persons with disabilities have the same right to a sexual relationship, marriage and parenthood as all other human beings and a right to raise a family of their own.

Article 24

Disability policy is a human rights issue. Progress is a legal obligation. Fulfillment shall be based on a multi-track approach

The States Parties shall always enhance and protect the human rights of persons with disabilities by adopting and implementing a policy based on a multi-track approach to disability issues. The main components that shall be reflected and respected in such national policy are:

- Fulfillment of the World Programme of Action Concerning Disabled Persons (1982).
- Realization of the United Nations Standard Rules on Equalization of Opportunities for Persons with Disabilities (1993).
- Elaboration of plans at the national, regional and local level based on the UN long term strategy to further the implementation of the World Programme of Action Concerning Disabled Persons with the goal of creating "a society for all" (1994) and with rehabilitation, vocational training, accessibility, education, employment, and social services and social safety as a part of the priority policy issues.
- Mainstreaming of disability issues into all areas of protection and monitoring of human rights and in particular in the administration of the six major human rights conventions mentioned in article 8.

- Fulfillment of all obligations and duties under this convention in accordance with its wording and meaning in the spirit of the convention and with full respect of its intentions.

Chapter 4

Monitoring of the convention

Article 25

For the purpose of examining the progress made by the States Parties in achieving the realization of the obligations undertaken in the present convention and especially to end all discrimination against persons with disabilities and to guarantee full respect of their human rights, there shall be established a Committee on the Rights of Persons with Disabilities, which shall carry out the function hereinafter provided.

The Committee shall consist of 12 disability experts of high moral standing and recognized competence. The members of the committee shall be elected by the States Parties from among their most prominent national leaders of organizations of disabled persons, scholars and scientists and shall serve in their personal capacity, consideration being given to gender and equitable geographical distribution as well as to various kinds of impairment.

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

The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. 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 their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties, which have nominated them, and shall submit it to the States Parties, which have nominated them, and shall submit it to the States Parties to the present Convention.

The elections shall be held at meetings of the States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two-thirds of the 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.

The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of 6 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 6 members shall be chosen by lot by the Chairman of the meeting.

If a member of the Committee dies or resigns or for any other cause can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

The Committee shall establish its own rules of procedure.

The Committee shall elect its officers for a period of two years.

The meetings of the Committee shall normally be held at the United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

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.

or

(The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to this Article.)

(With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from the United Nations resources on such terms and conditions as the Assembly may decide.)

(States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.)

Article 26

States Parties to the present Convention undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

- (a) within two years of the entry into force of the Convention for the State Party concerned,
- (b) thereafter every five years.

Reports made under this Article shall indicate factors and difficulties, if any, affecting the degree of fulfillment of the obligations under the present Convention. Reports shall also

contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in that country.

A State Party, which has submitted a comprehensive initial report to the Committee, need not in its subsequent reports repeat basic information previously provided.

The Committee may request from the State Parties further information relevant to the implementation of the Convention.

The Committee shall submit to the General Assembly of the United Nations through the Economic and Social Council, every two years, reports on its activities.

The States Parties shall make their reports widely available to the public in their own countries.

Article 27

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

- (a) the specialized agencies and UNICEF 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, UNICEF 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 activities.
- (b) the Committee shall transmit, as it may consider appropriate, to the specialized agencies, UNICEF and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance along with the Committee's observations and suggestions, if any, on these requests or indications.
- (c) the Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of persons with disabilities.
- (d) the Committee may make suggestions and general recommendations based on information received pursuant to Articles of this Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

Chapter 5

Signature and ratification

Article 28

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

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

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

The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 29

Any State Party to the present Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to the present Convention with a request that they indicate whether they favor a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that within four months from the date of such communication at least one-third of the States Parties favor such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

An amendment adopted in accordance with paragraph (1) of this Article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to this Convention.

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

Article 30

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

For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 31

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

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

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

Article 32

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 33

The Secretary-General of the United Nations shall inform all States Members of the United Nations and all States which have signed this Convention or acceded to it of the following

- (a) signatures, ratifications and accessions;
- (b) the date of entry into force of this Convention and the date of the entry into force of any amendments;
- (c) denunciations.

Article 34

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

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

IDA

INTERNATIONAL DISABILITY ALLIANCE

Member organizations:

Disabled Peoples' International, Inclusion International,
Rehabilitation International, World Blind Union,
World Federation of the Deaf, World Federation of the Deaf-Blind,
World Network of Users and Survivors of Psychiatry

Towards a UN Disability Convention

Statement for 2nd Ad Hoc Committee Session, June 2003

I: Ensure that there will be a Disability Convention

Following extensive consultation with our members representing more than 600 million people in the world with a disability the IDA strongly recommends that the UN adopt a convention to protect the human rights of people with disabilities. In that respect IDA recommends that the Ad Hoc Committee establish a task force composed of experts in the field to develop a draft text for the convention. This draft shall recognize disability as a part of human diversity rather than as a medical problem. While IDA acknowledges the World Program of Action and the Standard Rules as important milestones in recognizing the right of disabled persons, we assert that a convention should be a comprehensive Human Rights Treaty, which goes beyond existing instruments in order to manifest the paradigm shift from disability as a social welfare/medical issue to disability as a human rights issue.

II: Fundamental Principles for the Drafting Process

The proposed UN Disability Convention shall build on existing human rights norms and interpret those in the context of disability. The convention shall recognize the obstacles faced by people with disabilities. Based on input from people with disabilities and their organisations a convention shall clearly rest on the fundamental human rights values of the International Bill of Human Rights:

dignity and self-determination, equality and social justice. Rather than having a programmatic focus the convention shall provide people with disabilities judiciable human rights. The convention shall have a strong monitoring mechanism in order to give standing to disabled people.

III: Fundamental Rights

1) Civil and political rights:

Right to live

The lives of people with disabilities are threatened *e.g. by* denial of the necessities of life such as food and water, shelter, medical treatment (or conversely by the imposition of unwanted medical treatment) and eugenic threats.

Freedom from torture and inhuman and degrading treatment

Because disabled people are treated as objects they experience inhuman and degrading treatment in their everyday life, including sexual exploitation, physical violence and forced treatment. Disabled women are especially victimized.

Bodily and psychic integrity

Disabled people's right to refuse treatment is often denied and they are frequently subjects of medical experimentation.

Liberty

Disabled people's liberty rights are frequently infringed by institutionalization and exclusion. Thus, disabled people are denied the right to independent living and self-determination.

Equality

The main obstacle facing people with disabilities is discrimination not impairment. But disabled people can only enjoy full equality rights if governments adopt a structural equality approach and firmly base their policies on the principle of social inclusion.

Association

Disabled people are often prevented from forming their own organisations or *joining* political parties to protect their interests and are denied access to social organisations and existing political parties.

Family/privacy rights

Disabled children are often denied the right to grow up as a part of a family and disabled adults are often denied the right to marry and have and raise children. In particular, disabled women are often victims of forced sterilization and forced abortion.

Recognition as a person before the law

Persons deemed legally incapacitated are systematically denied their citizenship rights such as decisions about medical treatment, ability to sign contracts and to manage their finances. Because of the need for assistance in one area of their life disabled people are often deprived of rights in all areas of life. Because children with disabilities are devalued they are often not registered at birth and are denied a legal name and citizenship.

Freedom of expression

People with disabilities are often foreclosed from mainstream communication and thus are denied the right to freedom of thought, conscience and religion as well as freedom of speech and expression. In particular deaf persons' human rights are violated by denial or prohibition of sign language.

Vote and stand for elections

Disabled people are often denied the right to participate in democratic process by lack of access to voting and prohibition of standing as candidates for election. Blind people in particular are denied the right to secret voting. In addition institutionalized people are deemed incapable of voting.

Citizenship

People with disabilities are often denied full citizenship rights e.g. unequal treatment before the law or denial of effective legal remedies. They are often subjected to arbitrary arrest, detention or exile. Immigration laws often discriminate against people with disabilities.

Recognition of people with disabilities as a minority

Because people with disabilities are not recognized as an insular discrete minority they are foreclosed from democratic processes.

2) Economic, social and cultural rights

Traditionally attempts to recognize the economic, social and cultural rights of people with disabilities have been based on a model of charity and welfare. A convention must enshrine these rights as a basis for liberty and empowerment

Education

Most children with disabilities are denied access to any education and most who receive an education do so in inadequate and/or segregated settings. For example deaf, blind and deafblind children are denied the right to education in sign language or Braille.

Work

Most disabled persons are excluded from the workforce. The right to free choice of employment, to just and favorable conditions of work is denied among others by being relegated to sheltered workshops. In addition most disabled people do not get adequate vocational training.

Health

Most disabled people have no access to basic healthcare.

Access

Disabled people's right to freedom of movement and information is being violated through architectural, communicational and attitudinal barriers. A convention must oblige state parties to build inclusive systems.

Standard of living

The majority of disabled people live in poverty. They have no access to adequate food, clothing, housing and necessary social service such as rehabilitation. Having a disability should not mean having a lower standard of living, or having to accept unwanted services to obtain the necessities of life.

Culture

Disabled people's right to culture is often violated by being foreclosed from cultural life. In addition, elements of the culture of disabled people, such as sign language and Braille are not recognized and valued. Disabled people are stigmatized by the presentation of false images in popular culture, which creates prejudices and superstition.

3) Right to development

The IDA would welcome the application of so-called 3rd generation human rights in the Disability Convention. Since there is a strong link between poverty and disability, disabled people need to benefit without discrimination from a right to development.

IV: Monitoring Mechanism

Since the Disability Convention shall be a human rights instrument the monitoring mechanism should be similar to that for the existing six core Human Rights Treaties (especially CEDAW and CRC). This will entail state reports, complaint mechanisms (individual/group and state), NGO involvement and investigation powers of the treaty monitoring body. In addition the monitoring process should have the benefit of the involvement of the Special Rapporteur and the panel of experts throughout the monitoring process.

V: Process of Elaboration of Treaty

IDA urges the Ad Hoc Committee to work towards the instalment of a secretariat to facilitate the drafting process. This secretariat should be firmly based within the Human Rights regime of the United Nations. Throughout the process of the elaboration of the convention IDA recommends that the involvement of disabled persons be secured. This means active input of disability and human rights NGOs and inclusion of people with disabilities in government delegations. In addition we recommend that the OHCHR hire disabled staff to facilitate the process.

Almåsa, Sweden, March 2, 2003