

Draft Article 1: Purpose

The purpose of this Convention shall be to [ensure, protect and promote] (promote, protect and fulfill) the full, effective and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities.

Draft Article 2: Principles

The fundamental principles of this Convention shall be:

- a) respect for human dignity, individual self determination (autonomy) including the freedom to make one's own choices, and independence of persons;
- b) non-discrimination;
- c) full inclusion of persons with disabilities as equal citizens and participants in all aspects of life;
- d) respect for difference and acceptance of disability as part of human diversity and humanity;
- e) equality of opportunity
- f) equality between women and men

Draft Article 3 : Definition of Disability

1. States Parties to this Convention shall:

- a) seek to accommodate personal and cultural differences and to eliminate economic, social and material barriers experienced by persons with disabilities by measures that include implementation of this Convention;
- b) recognize that all ages and any population or group of people can experience disability;
- c) interpret broadly all clauses in this convention in order to assist people with disabilities who require its protection, taking into account their diversity and individuality;
- d) define a person with a disability as an individual whose ability to lead an inclusive life in the community of his/her choice is limited by the concomitant impact of physical, economic, social and cultural environments and personal factors that arise from physical, sensory, psycho-social, neurological, medical, intellectual or other conditions that may be permanent, temporary, intermittent, perceived or imputed;
- e) recognize that no individual shall be considered a person with a disability contrary to his or her own choice;

- f) ensure that any definition of disability that is applied in their countries' courts of law is at least as inclusive and broadly based as the definition contained in this Convention, and takes full account of the physical, economic, social and cultural environments and personal factors that create disabling conditions;
- g) recognise that an individual may claim rights under this Convention if she or he can be considered a person with a disability or has experienced a past disability, within the terms of the legal definition of disability that is applied in her/his country of residence, or if the person can be considered a person with a disability under Paragraph d) of this Article.

Draft Article 4: General State Obligations

1. States Parties undertake to ensure the full realisation of all human rights and fundamental freedoms for all individuals within their jurisdiction without discrimination of any kind on the basis of disability. To this end, States Parties undertake:
 - a. to adopt legislative, administrative and other measures to give effect to this Convention, and to amend, repeal or nullify any laws and regulations and to discourage customs or practices that are inconsistent with this convention;
 - b. to embody the rights of equality and non-discrimination on the ground of disability in their national constitutions or other appropriate legislation, if not yet incorporated therein, and to ensure, through law and other appropriate means, the practical realisation of these rights;
 - c. to mainstream disability issues into all economic and social development policies and programmes, including those related to development cooperation, this to be complemented with disability specific policies and programmes;
 - d. to refrain from engaging in any act or practice that is inconsistent with this convention and to ensure that public authorities and institutions act in conformity with this Convention;
 - e. to take all appropriate measures to eliminate discrimination on the ground of disability by any person, organisation or private enterprise;
 - f. to use public funds and public procurement to promote the objectives of this Convention;
 - g. to promote the development, availability and use of universally designed goods, services, equipment and facilities. Such goods, services, equipment and facilities should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities.
2. In relation to economic, social and cultural rights, States Parties undertake:
 - (a) to give immediate effect to the aspects of those rights which are capable of immediate implementation (including, but not limited to obligations of non-discrimination in the enjoyment of those rights); and
 - (b) in relation to other aspects of those rights, to take steps to the maximum of their available resources, when needed within the framework of international cooperation, with a view to achieving progressively the full realization of those rights by all appropriate means.
3. Each State Party to this Convention undertakes: (a) To ensure that any person or class of persons whose rights or freedoms recognized in the

Convention are violated shall have an effective and appropriate remedy (including as the right to just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination), whether the violation has been committed by persons or entities acting in an official capacity or by private persons or entities;

(b) To ensure that any person claiming such a remedy shall have his or her right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State,; and

(c) To ensure that the competent authorities shall enforce such remedies when granted.

4. States Parties recognize that access to effective remedies may require the provision of free legal assistance to persons with disabilities (, including sign language interpreters and communication assistance,) and the modification or flexible application of existing laws and practice regulating matters of procedure and evidence.

5. In the planning, development, implementation and evaluation of policies, standards, guidelines and legislation to implement this convention, States Parties shall do so in close consultation, involvement and partnership of persons with disabilities through their representative organizations

(6. States Parties shall take all appropriate measures to ensure the application of the provisions of the present Convention to cultural, indigenous, migrant, ethnic, sexual and other minorities)

Draft Article 5: Promotion of Positive Attitudes to Persons with Disabilities

1. States Parties undertake to adopt immediate and effective measures to:

- a. Raise awareness throughout society regarding disability and persons with disabilities and foster respect for the rights of persons with disabilities
- b. Combat stereotypes and prejudices about persons with disabilities;
- c. Promote an image of persons with disabilities as capable and contributing members of society sharing the same rights and freedoms as all others and in a manner consistent with the overall purpose of this Convention.

2. These measures shall include, among others:

- a. initiating and maintaining an effective public awareness campaign designed to nurture receptiveness to the rights of persons with disabilities;
- b. promoting awareness, including in all children from an early age and at all levels of the education system, to foster an attitude of respect for the rights of persons with disabilities;
- c. encouraging all organs of the media to project an image of persons with disabilities consistent with the purpose of this Convention;

- d. working in partnership with persons with disabilities and their representative organisations in all measures taken to give effect to the obligations contained in this article.

Draft Article 7: Equality and Non-discrimination

1. States Parties shall prohibit any discrimination on the basis of disability, and guarantee to all persons with disabilities equal and effective protection against discrimination. States Parties shall take such measures as necessary, in accordance with their national judicial systems, to ensure that, when persons with disabilities who allege discrimination establish, before a court or other competent authority, facts from which it may be presumed that there has been discrimination, it shall be for the respondent to prove that there has been no discrimination.
2.
 - a. Discrimination shall mean any distinction, exclusion, restriction, or preference which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise by persons with disabilities, irrespective of the source or type of disability, on an equal basis, of all human rights and fundamental freedoms in the civil, political, economic, social, cultural or any other field, or a denial of reasonable accommodation.
 - b. Reasonable accommodation means necessary and appropriate modifications and adjustments to policies, programs or the environment, accepted by the person with a disability, which guarantee a person with a disability the enjoyment or exercise on an equal basis of all human rights and fundamental freedoms.
 - c. Discrimination shall include all forms of discrimination, including direct and indirect. It shall also include discrimination based on an actual, perceived, past, imputed or future disability, as well as discrimination based on association with a person with a disability.
 - d. Discrimination shall also include the interaction of disability with other grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, age or sexual orientation.
3. Affirmative action measures aimed at accelerating de facto equality of persons with disabilities shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards and shall not be imposed against the will of persons with disabilities; those measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
4. In order to achieve the equal and effective enjoyment of all human rights and fundamental freedoms, States Parties shall provide services and measures required by persons with disabilities (, and in consultation with the person with a disability,) and which relate to their disability. These measures shall in no way entail as a consequence the maintenance of unequal or separate standards and shall not be imposed against the will of persons with disabilities.

Draft Article 8: Right to Life, Survival and Development

1. States Parties recognize and protect the inherent right to life of all persons with disabilities, and shall take all necessary measures to ensure its effective enjoyment by girls and boys, women and men in all stages of life.
2. The right to life also includes the right to survive and to develop on equal basis with others.
3. Disability is not a justification for the termination of life.
4. States Parties shall undertake effective measures to the prohibition of compulsory abortion at the instance of the State based on the pre-natal diagnosis of disability.
5. States Parties shall also prohibit all medical, biological and other experiments reducing the quality of life of persons with disabilities, or seeking to remedy a disability against an individual's will.
6. In case of natural and humanitarian disasters, including wars and armed conflicts, states parties shall secure safety of girls and boys, women and men with disabilities on equal basis with others, taking into account each individual's needs.

Draft Article 9: Equal Recognition as a Person Before and Under the Law

States Parties recognize the inherent nature of legal capacity. States Parties further recognize that individuals may make decisions in the context of interdependent relationships as well as independently, and that persons receiving support in decision-making retain their legal capacity, rights and freedoms. To this end, States Parties shall:

1. Recognize persons with disabilities as subjects of rights and obligations before and under the law, on an equal basis with others.
2. Recognize that persons with disabilities have legal capacity identical to that of other persons and shall accord them equal opportunities to exercise that capacity.
3. Recognize that legal capacity may be exercised with support, and to that end:
 - a. provide for legal mechanisms to recognize supported decision-making relationships between individuals, based on one person's expression of trust in another person or persons, and to create and implement advance directives and powers of attorney;
 - b. ensure that such mechanisms are not imposed on any person against his or her will;

c. establish legal standards for the above mechanisms, which shall include the obligation to respect the will and preferences of the individual concerned and to be free from any conflict of interest;

d. establish procedural safeguards to ensure the proper carrying out of obligations by a person providing support in decision-making; the person receiving support is entitled to be a party to such proceedings which in no case will make any determinations about him or her or over his or her objection;

e. provide to the public accessible information and education concerning the rights of persons receiving support in decision-making, and the obligations of persons providing support in decision-making, and about the use of advance directives and powers of attorney;

f. provide persons with disabilities with adequate resources to develop networks for supported decision-making.

4. Take appropriate and effective measures to eliminate physical, language and communication barriers, and to make all efforts to identify and utilize alternative means of communication and sign language interpretation, to support a person with a disability to make their decision, choices and wishes known.

5. Take all appropriate and effective measures to ensure the equal right of persons with disabilities to conclude contracts, to own or inherit property, to control their own financial affairs, and to have equal access to bank loans, mortgage and other forms of financial credit.

6. Take all appropriate and effective measures to ensure the equal right of persons with disabilities to participate in all stages of procedure in courts and tribunals.

Draft Article 10

States Parties shall ensure that no one is deprived of liberty based in whole or in part on disability, and that compensation is provided to persons with disabilities who are deprived of their liberty in contravention of this article.

Draft Article 10bis

States Parties shall take appropriate and effective measures to ensure:

a) accessibility of judicial proceedings to persons with disabilities, including modification of evidentiary or other procedures so that persons with disabilities can serve as witnesses, jurors, and in other roles;

b) elimination of physical, social, informational and communicational barriers to the effective exercise of rights and participation in all official proceedings concerning the person or in which the person has an interest;

- c) substantial equality and humane treatment of persons with disabilities under arrest or detention, including
- i. prompt notification of the reasons for arrest or detention by accessible means;
 - ii. accessibility to persons with disabilities of all programs available to detainees;
 - iii. reasonable accommodation for individual persons with disabilities in the arrest and detention settings;
 - iv. measures to ensure that persons with disabilities have access to their support networks;
 - v. availability of rehabilitation and support services, assistive devices, and medical or other health services; and
 - vi. ensuring that conditions of detention do not have a disproportionately harsh effect on persons with disabilities;
- d) effective training of law enforcement, judicial and corrections personnel to respect the rights and dignity of persons with disabilities; and
- e) reform of laws and procedures that indirectly result in arrest or detention of persons on the basis of disability.

Suggested supplementary definitions necessary for proper application of this article:

“Persons with disabilities” is understood to refer to all persons with disabilities, irrespective of the nature of the disability or the dependency needs associated with it.

“Accessibility” is understood to include all types of accessibility: informational, communicational, physical and social.

“Informational accessibility” includes understanding of information.

“Communicational accessibility” includes mutual understanding of communications.

The obligation to ensure accessibility includes allowing and making available human assistance from guides, interpreters, support persons, advocates or personal assistants.

Accessibility has a systemic component, i.e. designing the human environment to be used by people with and without a variety of disabilities, and an individualized component, i.e. allowing use by a person with a disability in a specific situation.

Draft Article 11: Freedom from Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment

1. States Parties shall take all effective legislative, administrative, judicial, educational or other measures to prevent persons with disabilities from being subjected to all forms of torture or other cruel, inhuman or degrading treatment or punishment.
2. In particular, States Parties shall prohibit, and protect persons with disabilities from, medical or scientific experimentation without the free and informed consent of the person concerned, and shall protect persons with disabilities from forced interventions, forced institutionalisation or abduction aimed at correcting, improving, or alleviating any actual or perceived impairment.
3. States Parties shall apply international instruments where appropriate, including the Optional Protocol to the Convention Against Torture, for the purpose of ensuring compliance with obligations under this article.

Draft Article 12: Freedom from Violence and Abuse

States Parties recognize that persons with disabilities may be at greater risk, both within and outside the home, of all forms of violence and abuse. Violence and abuse is understood to include hate, bias, harassment, victimization, violence, injury, physical or mental and emotional or sexual abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual and economic exploitation. States Parties shall, therefore:

1. Take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms violence and abuse.
2. Secure the equal rights of children to protection from all forms of violence and abuse.
3. Prohibit, and protect persons with disabilities from abduction, and any forced interventions or forced institutionalisation aimed at correcting, improving, or alleviating any actual or perceived impairment.
4. Reaffirm that persons with disabilities have the right to make choices about their own bodies and shall prohibit forced sterilization or abortion.
5. Prevent all forms of violence and abuse, by providing information and education to persons with disabilities, their families, and persons working with persons with disabilities about how to avoid, recognize, report, and seek protection from instances of the above.
6. Ensure that facilities and programmes, both public and private, where persons with disabilities live or receive services, are effectively monitored by independent authorities, which shall include persons with disabilities, to prevent the occurrence of violence and abuse.
7. Where persons with disabilities are the victim of any form of violence and abuse, States Parties shall take all appropriate measures to promote their physical and psychological recovery and social reintegration which shall at all times respect personal autonomy and dignity of the persons concerned.

8. Ensure the identification, reporting, referral, investigation, treatment and follow-up of instances of violence and abuse, and the provision of protection services and, as appropriate, judicial involvement.

Draft Article 13: Right of freedom of thought, freedom of expression and opinion, access to information and communication

1. STATES PARTIES SHALL take appropriate actions to ensure that:

- a) all persons with disabilities enjoy the same entitlement to freedom of expression and opinion as that enjoyed by their other citizens.
- b) persons with disabilities enjoy the right to self-determination through full access to information and effective communication.
- c) persons with disabilities can exercise their right to freedom of expression, thoughts and opinion through languages, modes and means of communication of their choice, including sign languages, tactile communication techniques, plain and easy understood texts, large print and Braille, in order to seek, receive and impart information on the basis of equality with others.

2. STATES PARTIES SHALL take actions to:

- a) ensure that all documents produced by government, departments, their agencies and other public bodies are written in plain language that is easily understood by people with intellectual disabilities and are printed in accordance with standards of legibility appropriate to the needs of people with partial sight;
- b) provide public and official information to persons with disabilities in a timely manner and without additional cost to persons with disabilities in appropriate and accessible formats and languages;
- c) accept and promote the use of a variety of modes and means of communication and languages by persons with disabilities in official interactions;
- d) provide education and learning programmes aimed at teaching persons with disabilities, their families and the general public to use a variety of augmentative and communication modes and means, sign languages, tactile communication techniques, Braille and other communication techniques;
- e) undertake and promote the research, development and production of new information and communication technologies and systems that are suitable for, accessible to, and affordable by persons with disabilities in consultation with organisations of persons with disabilities;
- f) promote the adoption of universal design principles in the field of information and communications technologies to ensure that their application can fully benefit persons with disabilities;

- g) provide accessible information to persons with disabilities about communication aids and other forms of assistive devices and technologies;
- h) ensure the provision of appropriate personal communications support services to persons with disabilities;
- i) provide training of assistants, intermediaries, interpreters, including sign language and tactile communication interpreters, note takers and readers to ensure that persons with disabilities have access to information and the facility to communicate;
- j) ensure that private entities, including mass media and other agencies providing services to the general public also provide information, entertainment and other services in accessible and usable formats and languages for persons with disabilities of all ages;
- k) recognise national sign languages in legislation and make them available for all deaf persons, their families, teachers and the general public;
- l) ensure access for persons with disabilities to new information and communications technologies and systems.

3. STATES PARTIES SHALL protect the freedom of thought of persons with disabilities, including:

- a) the freedom of choice whether to consider oneself a person with a disability;
- b) the freedom to adopt and hold opinions and beliefs about the experience of disability;
- c) the freedom to choose practices of support for well-being, based on personal opinions and beliefs;
- d) the freedom from medical or related interventions that interfere with the capacity to freely produce or sustain thought.

Draft Article 14: Respect for Privacy, the Home and the Family

1. States Parties to this Convention shall take effective measures to protect the privacy of persons with disabilities, their home, family, communications of all kinds and medical records and their choice to make decisions on personal matters. No person with a disability shall be subjected to arbitrary or unlawful interference with their privacy, and shall have the right to the protection of the law against such interference.
2. States Parties shall recognize that persons with disabilities have the right to choose and direct caregivers and service workers in their homes or other places of residence.
3. States Parties to this Convention shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to personal relationships, and in particular shall ensure:

- a. that persons with disabilities are not denied the equal opportunity to experience their sexuality, have sexual and other intimate relationships, and experience parenthood;
 - b. the right of all men and women with disabilities who are of marriageable age to marry on the basis of free and full consent of the intending spouses, and to found a family;
 - c. the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children on an equal basis with other persons and to have access to information, reproductive and family planning education, and the means necessary to enable them to exercise these rights;
 - d. the rights of persons with disabilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation. For the purpose of guaranteeing these rights, States Parties shall provide appropriate assistance to parents with disabilities in the performance of their child-rearing responsibilities;
 - e. that a child shall not be separated from his or her parents on the basis, either directly or indirectly, of their disability, or against the will of the parents except when in the best interests of the child.
 - f. the promotion of awareness and the provision of information aimed at changing negative perceptions and social prejudices towards sexuality, marriage and parenthood of persons with disabilities.
4. In cases where an adult with a disability is living with their family, States Parties shall take progressive measures to support the family to include their family member with a disability in all aspects of community life.

Draft Article 15: Living Independently and Being Included in the Community

1. Persons with disabilities have the right to choose where and with whom they live.
2. States Parties shall take effective and appropriate measures to enable persons with disabilities to live independently and be fully included as members of the community. States Parties shall ensure that:
 - a. compulsory institutionalisation is prohibited;
 - b. persons with disabilities have access to a range of in-home, and community-based supports, including personal assistance, peer support, and those supports necessary to support them to live where they choose, to participate in the community, and to prevent isolation or segregation from the community;
 - c. persons with disabilities have the freedom to choose whether to accept any support, and if so, how those supports shall be provided and by whom. For persons with communications disabilities, States Parties shall ensure the necessary augmentative communications devices are provided for this purpose;
 - d. children with disabilities live with their own family, or, where that is not possible, live in another family situation;
 - e. community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs;

- f. persons with disabilities are provided information about community services, including support services, and about their rights to access such services.
- g. persons with disabilities have access to fair appeals processes to challenge denial to them of government-funded supports and services.

Draft Article 16: Children with Disabilities

1. States Parties shall ensure that children with disabilities enjoy a full and decent life, in conditions that ensure dignity, promote self-reliance and autonomy, and facilitate the child's active participation and achievement of his or her full potential in society.
2. States Parties recognise the evolving capacities of children with disabilities in the exercise of their rights, and the right of children with disabilities to express their views freely on all matters affecting them, their views being given due weight in accordance with the child's age and maturity, and without any discrimination based on the child's disability.
3. States Parties shall ensure that children with disabilities are included in all basic services provided to children. States Parties shall provide special services for children with disabilities to prepare them for inclusion in daily life activities. States Parties shall also ensure that basic services are structured to support the inclusion of children with disabilities in all aspects of child life.
4. States Parties shall ensure that children with disabilities have access to quality education as laid out in Article 17 of this Convention.
5. States Parties shall ensure no child with disability shall be required to undergo any medical treatment or intervention to correct, improve or alleviate any impairment, any actual or perceived disability as a condition of inclusion, and that the child is consulted about any such proposed interventions and given the opportunity to exercise the right to informed consent and to have his or her preferences given due weight, in accordance with paragraph 2 above.
6. States Parties shall ensure that children with disabilities enjoy inclusive care within their community relevant to their daily life, which shall include the early provision of appropriate and comprehensive supports and services to the child and those responsible for his or her care.
7. Recognising the rights and needs of children with disabilities, assistance extended in accordance with paragraph 6 of the present article shall be provided free of charge, or a sliding scale whenever possible, taking into account the financial resources of the parents or others caring for the child.
8. States Parties shall ensure that appropriate information, referrals and counselling are made available in ways that provide children with disabilities, parents, families and caregivers with a positive view of the child's potential and right to live a full and inclusive life. State Parties shall also endeavour to

change social and cultural attitudes thereby protecting the child, and family, especially the mother, from negative attitudes and exclusion.

9. States Parties shall take all appropriate legislative, administrative, social, educational and measures to provide assistance, training and education to children with disabilities, families, caregivers and persons working with children with disabilities to prevent all forms of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including economic and sexual exploitation and abuse.
10. States Parties shall recognize the high incidence of crimes, especially crimes of violence, against children and young people with disabilities, and shall take all appropriate measures to ensure that children and young people with disabilities enjoy, on an equal basis with other children and without discrimination, the right to have crimes against them dealt with appropriately. This should include, but not be limited to, law reform and adaptation of policies and procedures appertaining to evidence and investigative, prosecutorial, and court room procedures.
11. Children with disabilities shall not be obliged to live in institutions; where children with disabilities are unable to live with their parents, State Parties shall make every effort to provide respite-, day- or alternative family care in the community, the best interest of the child being paramount consideration.
12. Nothing in this article shall be construed as limiting or derogating from any of the rights provided in the Convention on the Rights of the Child and to which States Parties of this Convention may be subject.

Draft Article 17: Education

1. STATES PARTIES SHALL recognize the right to quality education of all girls, boys, young people, women and men with disabilities.
2. With a view to achieving this right progressively and on the basis of equal opportunity for all, the education of people with disabilities shall aim to:
 - a) Build a society that is inclusive to all persons, including all girls, boys, young people, women and men with disabilities;
 - b) Recognize the full development of the human potential and sense of dignity and self worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
 - c) Enable all persons with disabilities to participate fully and effectively in a free and inclusive society;
 - d) Support the development of the individual's personality, talents and abilities to his or her fullest potential;
 - e) Recognize and supporting individual learning needs;

3. STATES PARTIES SHALL ensure that:
 - a) all (girls, boys, young people, women and men) with disabilities have access to inclusive and accessible education in their own community, including access to early childhood intervention and pre-school education;
 - b) the full and effective participation of persons with disabilities, through the provision of required support, including the specialized training of teachers and other educational means and staff, pre- and in-service training of regular, specialized and support teachers, an accessible curriculum, accessible teaching medium and materials, appropriate assistive devices, alternative and augmentative communication means and modes, sign language, alternative learning strategies, universally accessible built environment or other reasonable accommodations;
 - c) no child with disabilities is excluded from free and compulsory primary education on account of his or her disability;
 - d) all persons with disabilities shall have access to secondary education, vocational training, higher education, adult education and lifelong learning on an equal basis with all others, and to that end appropriate assistance and reasonable accommodation needs to be provided;
 - e) no person with disabilities shall be required to undergo any medical treatment or intervention to correct, improve or alleviate any impairment, or any actual or perceived disability, as a condition of inclusive and full quality education;
 - f) Students with disabilities are explicitly included in all national education and implementation plans, and that the same standards, objectives and curriculum are provided for persons with disabilities as for all other students in the general education system;
4. STATES PARTIES SHALL ensure quality education for deaf, deafblind, blind, and partially sighted children and young persons:
 - a) Deaf and deafblind children and young persons have the right to receive education in their own language, in their own groups and to become bilingual in sign language and their national spoken and written language, learn additional foreign languages, both signed and spoken/written, have legislative, administrative, political and other measures taken by States' Parties to provide quality education using sign language, thereby ensuring the employment of deaf teachers and hearing teachers who are fluent in sign language;
 - b) Blind, partially sighted and deafblind children and young persons, have the right to receive education in special schools or special classes for blind, partially sighted or deafblind children, to gain literacy skills, and to study a wide curriculum, including mathematics, geography and chemistry, with learning materials in Braille and/or through alternative formats including assistive devices, be provided with daily life skills and mobility

training parallel with the class room education, in order to gain full independence and freedom, to receive an education provided by teachers with competence to teach communication skills and who have received training relevant to the specific needs of blind, partially sighted and deafblind children and young persons.

Draft Article 18: Participation in Political and Public Life

States Parties recognize the political rights of persons with disabilities, including the right to participate in political and public life directly or through freely chosen representatives, without discrimination, and undertake to:

- (a) take active measures to protect the right of persons with disabilities to vote in all elections and public referenda, and the right to be eligible for election to all publicly elected bodies. In particular States Parties shall guarantee to adult citizens and any other eligible persons, without distinction based on disability, the right to vote by universal and equal suffrage and the right to stand for election, and shall ensure that procedures and facilities:
 - i. are appropriate, accessible to persons with disabilities and easy to understand;
 - ii. protect the right of persons with disabilities to vote by secret ballot;
 - iii. and allow, where necessary and desired by the person with a disability, the provision of appropriate assistance in voting to persons with disabilities
- (b) take all appropriate measures to ensure that people with disabilities can effectively and fully participate in the conduct of public affairs and the conduct of public administration without discrimination, including to:
 - i. hold public office and perform public function at all levels of government
 - ii. participate in activities and administration of political parties and civil society,
 - iii. form and join organisations of persons with disabilities to represent persons with disabilities at international national, regional and local levels;
- (c) ensure that persons with disabilities and their organisations can participate, on an equal basis to others, in all decision-making processes, and are afforded an appropriate leading role concerning issues relating to persons with disabilities.

Draft Article 22: Right to work

States Parties recognise the right of persons with disabilities to work. State Parties shall take appropriate steps to safeguard and promote the realisation of this right, including measures, which apply both to public and private employers as well as to all forms of employment, to:

- a. protect through legislation persons with disabilities, from discrimination with regard to
- access to employment and self-employment, including selection criteria, recruitment conditions and promotion;

- vocational guidance and training, including practical work experience;
 - employment and working conditions, including dismissal and pay, based on the principle of equal pay for work of equal value;
 - membership of an organisation of workers or employers.
- b. ensure through legislation that the denial of reasonable accommodation is considered as discrimination and that public funding is available to finance these accommodations. Reasonable accommodation would include the adaptation of premises and workplaces, the change in patterns of working time, the provision of support workers and redistribution of tasks.
- c. ensure that all mainstream employment, placement, self employment and vocational and continuing training services are accessible to persons with disabilities.
- d. provide a wide range of employment supports to allow persons with disabilities of working age to participate in the labour market.
- e. ensure through legislation and other measures the retention of employment by those who acquire a disability.
- f. undertake actions to encourage the employment of persons with disabilities, like awareness raising campaigns and financial incentives.

Draft Article 23: Adequate standard of living

States Parties recognize the right of all persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing, shelter and housing and access to clean water, and to the continuous improvement of living conditions, and will undertake appropriate steps to safeguard and promote the realization of this right, including measures that:

- a. Ensure equitable access by all persons with disabilities, particularly women and girls with disabilities and aged persons with disabilities, and their families to governmental poverty eradication strategy and program, including international aid programs and ensure the participation of people with disabilities in the definition and implementation of such programs.
- b. Ensure the access by all persons with disabilities to housing or shelter owned or administered by public authorities, public agencies and private entities without any discrimination on the grounds of disability and ensure the participation of people with disabilities in the definition and implementation of programs and policies related to shelter and housing.
- c. Ensure that persons with disabilities can freely exercise and enjoy their right to shelter and housing, which includes:
- i. security of tenure and freedom from forced eviction
 - ii. the shelter and housing are constructed and maintained to provide for physical safety of occupants and protection from environmental threats to health, structural hazards and disease vectors,
 - iii. the shelter and housing are affordable and do not compromise the ability of persons with disabilities to secure other basic needs,

iv. persons with disabilities are not required to accept unwanted treatment or services as part of the housing or shelter program or as a condition for security of tenure.

d) States Parties shall develop programs to ensure that persons with disabilities have access to affordable water, including for persons who require additional quantities of water for personal and domestic needs and for those with difficulties in physically accessing sanitation and water supply points and facilities.

Draft Article 23bis: Rights to social security

1. States Parties recognize the right of all persons with disabilities to social security, including social insurance and social assistance, 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 to:

a) Ensure access by persons with disabilities to necessary services, devices and other assistance for disability-related needs;

b) Provide assistance to people with disability and their families to meet the extra costs they each incur because of disability (including adequate training, counseling, financial assistance, tax exemption, housing adaptation, transportation and respite care).

c) Ensure that autonomy is preserved in the delivery of social services, including by prohibiting the bundling of services (making provision of any service contingent on acceptance of any other service) and that services always contribute to the full participation of people with disability in the community.

d) Ensure that persons with disabilities are able to access life and health insurance without discrimination on the basis of disability in public agencies and private companies.

2. States Parties shall undertake periodic reviews of their systems of social security, including employee compensation, to ensure that adequate support is provided and that no undue obstacles are inadvertently placed in the way of persons with disabilities in entering employment, retaining their job or occupation, or returning to the open labor market and paid employment.

Draft Article 24: Participation in Cultural Life, Recreation, Leisure and Sport

1. States Parties recognise the right of all persons with disabilities to take part in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

(a) have the opportunity to develop, exercise and utilise their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of their community and society as a whole;

(b) enjoy access to literature and other cultural materials in all accessible formats, including in electronic text, sign language and Braille, and in audio and multi-media formats;

(c) enjoy access to television programmes, films, theatre, and other cultural activities, in all accessible formats, including audio description, captioning and sign language;

(d) enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, (mobile)libraries and the hospitality industry, and, as far as possible, enjoy access to monuments and sites of national cultural importance;

2. States Parties shall take all appropriate steps to ensure that laws protecting intellectual and artistic property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

3. Persons with disabilities, including Persons who are deaf and deafblind shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and/or linguistic identity.

4. States Parties recognise the right of persons with disabilities, on an equal basis with others to participate in recreational, leisure and sporting activities and shall take appropriate measures to:

(a) encourage and promote the participation, to the fullest extent possible, of persons with disabilities in all sporting activities at regional, national and international levels on equal basis with others;

(b) ensure that persons with disabilities have an opportunity to organise and participate in sporting activities, including disability specific sports, and to receive the same instruction, training and resources in support that is available to other participants;

(c) ensure that persons with disabilities have access to sporting and recreational venues equal to others, and that children with disabilities have equal access to participating in sporting activities with and as a part of the education system;

(d) ensure that persons with disabilities have access to services from those involved in the organisation of recreational, leisure and sporting activities equal to others.

(e) ensure that all recreational areas are equally accessible for persons with disabilities.

Draft Article: International Cooperation

States parties recognize that the international cooperation is a fundamental element contributing to the inclusion of People with disabilities and for the effective implementation of this treaty. In a spirit of solidarity, state parties undertake to:

- Promote and ensure among themselves the exchange of information and the dissemination of the best practices, experiences, knowledge related to the effective implementation of this treaty.
- Encourage the technical cooperation that could contribute to build capacities of the parties to design and implement policies that allow the full enjoyment of their human rights by people with disabilities.
- Ensure that resources are dedicated to eradicate the extreme poverty that face some people with disabilities, their exclusion and the difficulties they face to access to basic services.
- Ensure the inclusion of disability issues as described in this convention in any of their program, tool and policies of cooperation and development. In case of bilateral cooperation, this should engage both the donors and recipient of the support.
- Contribute to the availability of specific resources dedicated to disability and development, especially regarding the empowerment of disabled people organizations and the enhancement of the disability movement.

(Draft Article:

The provisions of this Convention should always be interpreted in the most favourable sense to persons with disabilities, to avoid impediments to their rights.)