



REPORT 7TH UN AD HOC COMMITTEE MEETING
on
the 'DISABILITY' CONVENTION
by
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Lydia la Rivière Zijdel (born in the Netherlands in 1951) is active within the Women's Movement since the early seventies and the Disability Movement since the early eighties (since a car-accident in 1982). She studied psychotherapy in Amsterdam, has an MA in social science (disability studies and social and community studies) at the Universities of Leeds and Leicester. She further is a licensed feminist self-defence and martial arts teacher (3rd Degree Black Belt in Karate, Brown belt Aikido) and has a longstanding professional career in various countries and (academic) institutions, among which: working with women in Africa and the EU, at several EU universities and working on the issue of intersectional discrimination (gender, disability, sexual orientation, race) within various educational training centres and universities throughout Europe.



As Consultant on gender and diversity she works for a variety of governmental and non-governmental organisations.

Lydia is active with (disabled) women in practice, in sports, as in politics and science. She has taught over the past 20 years more than 7,000 disabled girls and women (some men/boys) self-defence, martial arts, empowerment and mobility and survival trainings in various countries around the world. Through her Teaching Training Programs she has trained hundreds of international martial arts and self defence teachers how to teach disabled women/girls and men/boys.

Politically Lydia was active in local, regional and national organisations and the past 18 years on European level. She was for four years the vice-president of Mobility International, and six years their executive committee member (vice-president). Since 1994 she was an executive and board member of the European Disability Forum and from 1996-2002 as currently again the Chair of the EDF's Standing Committee for disabled women's and girls issues. She is a board member of the European Women's Lobby (a platform of + 4,000 women's organisations) for which she was the President from 2002 to 2005, and she is a gender expert to the High Level Group on Disability of the European Commission.

She is actively involved in the Beijing Review and drafting of the UN Convention on the Rights and Dignity of People with Disabilities since it start with a specific focus on gender issues into the convention; co-ordinating the Women's International Disability Caucus at the UN Convention.

Since 2004 she is a board member and currently the interim Chair of the Dutch Coalition on Disability and Development.

She is further an ambassador for the national campaign against discrimination.

Lydia is author of many articles, books and researches related to disabled persons' issues, such as gender, (intersectional) discrimination, violence and advance- and empowerment of disabled girls and women.

She is a frequently asked speaker and trainer at international conferences on (disabled) women's issues, a guest-lecturer at several European Universities and she has made guest appearances on numerous international television programmes, including leading German, UK, Austrian, Swiss and Dutch programmes (speaking Dutch, English, German, French and Swahili) and has appeared in several films about Martial Arts and self-defence.

Introduction

Much progress has been made in the negotiations on the UN draft convention on the protection of the rights of persons with disabilities during the 7th meeting of the Ad Hoc Committee from 16th January till 4th February in New York.

Since 2001, the United Nations have been negotiating this new Convention and it is foreseen that in August the 8th and last meeting of the Ad Hoc Committee will take place.

The General Assembly had given a special mandate in allocating a three week session – that is, to complete a reading of the text prepared by the Chair on the basis of discussion at the previous sessions. It was a huge task but completed at the end of the three weeks. Some matters, however, remain controversial, specifically issues relating women with disabilities, differences between the Western countries and developing countries, but also interpretations of disability, and fundamental semantic differences.

The Convention is of great importance to people with disabilities because the text, for the first time in human history, will provide a legal framework laying down their rights. The Convention is a powerful instrument in the struggle for access to equal rights and will enhance the dignity of people with disabilities

More than 400 people attended the meeting of the 7th Ad Hoc meeting. Government delegations were present, but there were many organisations representing the interests of disabled people in particular too. On behalf the Dutch Coalition on Disability and Development and partly the European Women's Lobby I participated in the negotiations of this 7th session. I represented both organisations within the International Disability Caucus (IDC), the Women's IDC (W-IDC) and the International Disability and Development Consortium (IDDC).

State of play regarding persons with disabilities from the Third World

1. The Chair's text includes now a better reference to issues concerning persons with disabilities from developing areas. However the link to poverty and life-long poverty in these areas are still not really recognised within the entire text. The responsibility that the developed world should have towards the underdeveloped areas is a pre-requisite to guarantee true human rights for **all** disabled people.
2. Within the various articles in relation to women with disabilities, W-IDC has constantly focused on what the various articles imply for women with disabilities from the Third World areas.
3. Article 11 Situation of risk now focuses also on the elements of pandemics and other situations of risks such as AIDS/HIV outbursts and prevention programmes wherein (especially in countries like Africa, Asia, south America, but also many countries of East Europe) disabled people are the ones most left behind and at greater risks.
4. In article 24 a special focus on the position of disabled people in Third World is foreseen through strengthened text.
5. Also the principal of CBR is now proposed in the text under Habilitation and Rehabilitation, but could be included under article 19 living independently in the community as well.
6. Article 32 International cooperation is drafted on the basis of input of IDDC and is coming closer to what we want to achieve.

State of play regarding Women with disabilities

1. The chair's new text which includes now Article 6 and mentioning of women (and girls) in some of the other articles; but with the remarks to it that the text under Article 6 could still be moved under Article 4 General principles
2. The EU position (August 2005) which strongly opposes to Article 6 and rather has a similar text under Article 4 General Principles
3. The Facilitators text which has been partly integrated into the chair's new draft text
4. The Women's IDC reaction to the facilitator (to the draft chair's text of August 2005) that focuses on deepening of the text under Article 6 and reference to women (and girls) in various articles as will be discussed in the Analysis of the revised chair text and the way forward (see the next pages).
5. The IDC amendments to the latest Chair text (not or scarcely including Women's IDC suggestions)¹

Steps to undertake

1. A **lobby** strategy within all EU member states (a joint venture of women's disability organisations and mainstream women's organisations, through EWL and EDF) for a **strong support on Article 6**. Especially the new member states should become involved in this process and where applicable informed on the link between disability and gender. And a strong lobby with the now still opposing member states (the Netherlands, Sweden and the UK).
2. To lobby and **co-operate with the Disability and Gender Units** of the European Commission to influence and create understanding within member states for a twin-track approach to women with disabilities and creating understanding why Article 6 should remain and the current chair's text should be strengthened and NOT be moved under article 4 General Obligations.
3. The convention should **not lead to a greater split between the rich and poor countries** and the solidarity should be based on autonomy for the actors involved. Therefore a strong interaction between the IDDC members and those active in the process of IDC email correspondence is needed to realise our goals to have a strong art. 32, strong reference to persons with disabilities from the South and direct input from key stakeholders who are already active in this drafting process (from the South and the North).
4. **Lobby and co-operate with the Disability Unit, DG Development²**, the EU Parliament initiators of the *Resolution on Disability and Development³* **to have stronger text in relation to people with disabilities of Third World countries**. The recent answers of Minister van mevrouw Van Ardenne-van der Hoeven, minister of Development Co-operation on questions asked by Dutch Social Democrat Parliament Member Ms. Varina Tjon-A-Ten on disability and development and issues in relation to the UN convention on disability do not look promising at all regarding the Dutch position on this issue. Strong lobbying with all political parties is essential to get the Netherlands on board for the position of people with disabilities in developing countries..

¹ The IDC works mainly via yahoo mailing list and is not linked with the yahoo list of the W-IDC. Not all stakeholders are taking part in this redrafting process. Better co-operation between the two is essential!

² Stefano Manservigi, Director General DG Development (<http://www.europe-cares.org>)

³ http://www.europarl.eu.int/omk/sipade3?SAME_LEVEL=1&LEVEL=1&NAV=S&DETAIL=&PUBREF=-//EP//TEXT+TA+P6-TA-2006-0033+0+DOC+XML+V0//EN

5. Specific lobby is needed for the following issues/articles:

1. Lobby on **stronger text** for Article 6
2. For the issue of **reproductive rights and health** (either in Article 6 and/or under Article 25 Health)⁴
3. To have **forced sterilisation, abortion and genital mutilation** recognised under Article 16 Violence
4. The **inclusion of women (and girls)** under Articles 24 Education (no reference in the chair's draft text); Art 27 Work and Employment (also no reference) Art. 29 Participation in political and public life (no reference); Article 33 National implementation and monitoring (no reference)
5. Lobby on art 32 to have a strong text that includes real targeting at **all persons with disabilities** (i.e. women and men and girls and boys with disabilities).
6. On Art. 39 International Monitoring (no text yet available) A strong lobby within the EU is needed for a **monitoring body** consisting of disabled experts or experts on disability and not a body within the current structures of the UN where no understanding of disability is present and of course a **gender balance and gender sensitive approach** is a prerequisite. If the right instrument does not monitor the Convention, all its efforts are lost. The slow start of the Convention was partly due to lack of knowledge on disability from a human rights perspective among especially the UN permanent representatives and many government delegations. Still among some of the (including EU) delegates an understanding of the medical approach on disability is prevailing, which could jeopardise the monitoring system.
6. For the Women's IDC and all other organisations linked with the Convention and women's issues it is essential to closely work together with the IDC to create a joint reaction to the Chair's draft text. This enables us to make a strong fist and hold a firm position in August on some of the most critical issues. But also co-operate within W-IDC with women from the South.
7. It has been specifically difficult for many disabled women and their organisations to find funding for attending the Ad Hoc Committee meetings in New York. It is essential that current Women's IDC members, who have been part of the drafting process from the beginning and who attended most meetings have the opportunity to finalise the process in August. This means for the European Union that **funding should become available** to EDF Women's Committee, the European Women's Lobby and national women's and disability co-ordinations to subsidise female disability experts to take further part into this process and to attend the final and 8th Ad Hoc Meeting in August 2006.

The slogan of the Convention 'Nothing about us, without us', should be apparent to ALL persons with disabilities especially to women and girls.

⁴ See also the Declaration made at the hearing on sexuality education and reproductive rights that the European United Left/Nordic Green Left (GUE/NGL) group organised in the European Parliament on the 8th of March 2006

Analysis of the revised chair text and the way forward

This analysis and suggestions for the way forward does not pretend to be exhaustive and is merely focusing on the disabled women and girl's issues and will become a part of the overall IDC reaction to the revised Chair text of the Convention. It tries to identify areas to be improved, distinguishing those improvements, which are desirable, and those, which are of vital relevance (key issues).

PREAMBLE

The **(W-)IDC** got most of what it had proposed here, especially (o) and (q)
A reference to gender mainstreaming would be in the line of the European Union's strategy as well as of the United Nations

Adding

o bis) Recognising that women and girls with disabilities are often at greater risk to all forms of discrimination and violence as set forth in the Declaration on the Elimination of Violence against Women and adopted by the United Nations. (footnote: 48/104 20 Dec 1993)

Rationale:

Similar language is also suggested by the EU (position paper Aug. 2005) and the Facilitator on women (Jan/Feb 2006)

IDC :

The IDC got most of what it had proposed here, especially new paragraph (h) on people requiring intensive support, new paragraph (o) on women and girls with disabilities, new paragraph (p) on children with disabilities. Also, age and ethnic origin have been added as a ground to paragraph (n).

The proposed text on indigenous persons with disabilities received no support.

Finally, there is a paragraph on families which is bracketed at the end of the preamble. The wording of this paragraph has created some concerns among many, including some IDC delegates.

There are at least three paragraphs (one is new and two have been modified) which we need to revise:

- Amended paragraph (k) about the value and contributions to their communities
- Amended paragraph (s) which, although slightly, refers to prevention of disability
- New paragraph (u) about duties of the individuals

ARTICLE 1 PURPOSE

W-IDC:

The principle of equality between women and men as set out in Article 3 could be sufficient, but it should be in compliance with similar articles in CEDAW.

Does the IDC support the retention of the terms "and to promote respect for their inherent dignity", especially in view of the reference to "inherent dignity" in article 3.

We might also want to insist to use the word “all” before persons with disabilities.

ARTICLE 2 DEFINITIONS

Possible Definition of “Disability”: Discussion Text Suggested by the Chair

“Disability” results from the interaction between persons with impairments, conditions or illnesses and the environmental and attitudinal barriers they face. Such impairments, conditions or illnesses may be permanent, temporary, intermittent or imputed, and include those that are physical, sensory, psychosocial, neurological, medical or intellectual.

W-IDC:

***This is a key issue.** There are different opinions: from an academic perspective disability is seen as a social construct indicating the loss of opportunity to full participation in daily life on an equal level to others as a result of an impairment and/or chronic illness.*

From a gender perspective it is important to have a social construct approach to combine gender and disability or impairment and sex, but in whatever text comes available an indication to the two sexes in the text and a focus on the disability perspective is essential to include disabled women, girls, men and boys.

Further wording like "National laws of general application" are used throughout the text. Within this article it should be defined what is meant with this. E.g. National laws of general application means laws that apply to society as a whole and which do not differentiate in respect of women and men with disabilities regardless their age. Wording like "customs and traditions" should be deleted wherever possible. If not it should have the same meaning mutatis mutandis as meant here for national laws of general application.

IDC:

The key outstanding issue is definition of disability and person with disabilities (or person with a disability). No definition is proposed in the text, but the Chair has proposed the above definition of disability which the IDC might want to reflect whether it can be supported or not. We need to explore the different options to ensure that the Convention protects all persons with disabilities.

(KEY ISSUE)

The IDC might want to reflect also on how to protect persons who have a genetic predisposition to a certain impairment from being discriminated, employment and insurance being the most cited examples. Articles 2, 5 or 22 Respect for Privacy might be helpful in this respect.

The denial of reasonable accommodation has been accepted as a form of discrimination. The reference to it would be more correctly placed in the first sentence, but this is a minor issue. The reference to direct and indirect discrimination is in brackets and we should insist to keep the references.

Reasonable accommodation. It seems difficult to have the reference to “disproportionate burden” deleted, but there were many who proposed to replace “not imposing a disproportionate burden” by “unless imposing a disproportionate burden”, which seems to imply a shift in the burden of proof. IDC would prefer the term “hardship” instead of “burden”, as too often burden is used in a negative way in the disability context.

National laws of general application. We should insist on not using this term in the Convention. We could propose that the term “on an equal basis with others” should be used whenever it needs to be made clear that no rights are provided to persons with disabilities which others in the same country do not have.

Universal Design. IDC had suggested to delete this definition. However, the definition is still better than the words used in paragraph (f) (i) of article 4.

ARTICLE 3 GENERAL PRINCIPLES

W-IDC:

We have to stay alert not to loose

(g) equality between men and women or that it becomes a part of the non-discrimination (b) and/or equality of opportunity (e) as some states suggested.

We rather would like to see "between women and men"

IDC:

The article seems to be ok. There was a clear opposition to use the term “self determination”.

ARTICLE 4 GENERAL OBLIGATIONS

The EU has so far been very deterrent to include a strong reference in this article to ensure the full enjoyment of all human rights by disabled women and girls, instead of a separate article under 6. Argumentation: they should be included in the general parts so that they apply 'horizontally'; that text should only be included when not otherwise covered by CEDAW or this convention and sees not 'added value' in simply restating rights contained in CEDAW or other legal instruments. They are further afraid that disabled women could obtain more rights than e.g. Disabled men or non-disabled women. As to gender mainstreaming the EU indicated that there is no general state obligation to apply principles of gender mainstreaming in all policies and programmes and to attempt to create one would give a different standard for women with disabilities than for women without disabilities.

W-IDC argumentation contra the EU position:

Gender mainstreaming is a political strategy. Though it can't be yet considered to be part of international customary law and is not legally binding for national governments, there is a strong mandate for all entities of the United Nations, including the Ad Hoc Committee to consider proposals for the Disability Convention.

All resolutions, action plans and other efforts and activities of the UN and national and EU governments can't be ignored.

Gender mainstreaming became an indispensable guiding idea and strategy to achieve the equal rights of men and women to the enjoyment of all human rights and has been a guiding principle within EU policies and programmes.

The comparison of a stand-alone article with the attempt of post-introducing 'cross-cutting' - themes by recommendations indicates that both strategies lead to discontenting results. Therefore crosscutting topics have to be included into a convention.

Provisions in favour of disabled women in the Disability Convention have to be drafted not to contradict CEDAW or any other treaty or norm of international customary law. A duplication of international law without contradiction is not illegal. Sometimes it can be even reasonable.

The comprehensive and integral international convention to promote and protect the rights of persons with disabilities is to be a convention for both, men and women with disabilities. Therefore it is no appropriate argument to relegate issues of women with disabilities to CEDAW.

WAY FORWARD: To further lobby within the EU for a twin-track approach to women with disabilities.

- a separate strong article to create a legal binding basis and
- gender mainstreaming and/or women with disabilities specific argumentation where applicable throughout the text.

IDC:

There might be an issue to look at in the chapeau of the article 4, which is worded as if the Convention would be just about non discrimination. The list of areas is mainly taken from CEDAW, but the chapeau is worded differently.

In the paragraph c), there is a preference for using words like “include” instead of “take into account”.

Paragraph (f) (i) continues to use an inappropriate definition of Universal Design. The reference to the minimum possible adaptation and the least cost to meet the specific needs of persons with disabilities, should be removed.

Paragraph 2 on progressive implementation. The wording which has been retained is the one proposed by the EU. We need to reflect whether this covers the immediate application of non discrimination as suggested by the IDC.

Paragraph (3). The word “relating” should be replaced by “affecting” (or similar) to ensure that the consultation with DPOs should be on all matters, not just those directly relevant to persons with disabilities.

Remedies. There was support from some States and opposition by others to a paragraph on remedies. The IDC should insist, but probably with a more streamlined version. Costa Rica, Chile, Argentina, Mexico, Guatemala, Colombia, Peru, Uruguay, Brazil, Trinidad and Tobago, Panama and El Salvador, proposed the following text to be either added as a general obligation in article 4 or a new article 12 bis: “To ensure legal protection of the rights of persons with disabilities on an equal basis with others and ensure an effective remedy by the competent national tribunals for acts violating their fundamental rights.”

The issue of privatisation of services got some support from the EU, but no other State referred to it.

ARTICLE 5

W-IDC:

The principle of equality between women and men as set out in Article 3 could be sufficient, but it should be in compliance with similar articles in CEDAW.

IDC:

The IDC would need to reflect whether we should insist on qualifying the specific measures foreseen in paragraph 4. The IDC had proposed to add “accepted by persons with disabilities”, which was supported by the US.

ARTICLE 5 BIS SPECIFIC POPULATION GROUPS

W-IDC:

Australia has presented a proposal (only on the website, but not in Plenary) to several population groups, but also including women.

We should stay very alert that women with disabilities are not referred back to as a group as we might lose our argumentation on equality between women and men as a fundamental issue. When separate articles for all groups mentioned in the Australian proposal would be created (indigenous people with disabilities, persons with disabilities from racial, ethnic and religious minorities, elderly persons with disabilities etc.) we would lose the rationale behind the separate article on women, or at least diminish its authentic character. To include a reference to multi-ethnicity as a(n extra) ground for discrimination is of great importance but should be seen in the light of intersectional aspects of a person as ground of discrimination. Inequality between women and men can be an intrinsic aspect of all these groups.

IDC:

Australia had presented a proposal (only on the website, but never in Plenary) to several population groups, including indigenous people with disabilities, persons with disabilities from racial, ethnic and religious minorities, elderly persons with disabilities (El Salvador had proposed a specific article on this group) and persons with disabilities from rural and remote areas and small islands.

The proposal is not perfect (it also includes women, children and persons with severe and multiple disabilities), but it is probably the best opportunity to include a reference to these or at least some of these groups either as a stand alone article or as a paragraph in article 4.

ARTICLE 6 WOMEN WITH DISABILITIES

W-IDC:

Although the chair removed the brackets in the last version it is still not sure that there will be a stand-alone article. If so, the suggested Facilitator's text should be amended and read as follows:

1. State Parties recognise that women and girls with disabilities are subject to multiple discrimination and **to this end shall undertake** focused **empowering** and gender sensitive measures necessary to ensure the full and equal enjoyment by women and girls with disabilities of all human rights and fundamental freedoms **without discrimination on the basis of sex.**

1. Bis

States Parties shall ensure that women with disabilities can exercise their reproductive rights on an equal basis with others and that exercising these rights are not used to perpetuate inequality.

2. State Parties shall **assess the implications for women and girls with disabilities of any planned action concerning** all rights set out in this Convention, **as a strategy so that women and men with disabilities benefit equally.**

Rationale:

Article 6 as proposed by Women's IDC follows the objective to fulfil the obligation of gender equality for women and men with disabilities.

To achieve this objective Women's IDC considers following elements indispensable which derive from the human rights standard-setting efforts of the United Nations relating to women:

1. *The formal affirmation that human rights and fundamental freedoms apply to women with disabilities as they do to men with disabilities - art. 6 (1);*
2. *the recognition of multiple-discrimination of women with disabilities and in particular the discrimination based on sex - art. 6 (1);*
3. *positive measures to achieve equal treatment and equal opportunities for women with disabilities – art. 6 (1);*
4. *the use of a gender mainstreaming approach when implementing all rights set forth in this Convention by identifying and addressing obstacles that are based on the gender of a person with disability – art. 6 (2).*

The way paragraph 2 is currently drafted is not comprehensively covering the strategy of gender mainstreaming.

5. *the recognition that women with disabilities have equal reproductive rights and the exercise of these rights shall not lead to inequality – art. 6 (1bis).*

The exercise of their reproductive rights has strong implications for the equal rights of women in all areas of life, e.g. for the women's role in the family and community, their participation in education, work, public and political life, their needs in the health sector, their participation in rehabilitation etc. On the same time, women with disabilities are often denied their reproductive rights on the basis of their disability.

Therefore, this important issue can only be addressed in the general part of the Convention and in relation with insuring equal rights to women with disabilities.

IDC:

It is not yet for sure that there will be a stand alone article, but it is becoming more likely.

The analysis of this article is to be done by the IDC women's caucus. In terms of gender mainstreaming, an important step forward has been made, but still references in education, employment and statistics are missing. The issue of sterilisation also seems not to be well addressed as it can only be found as an indirect reference in article 23 (the equal opportunity to retain fertility).

ARTICLE 7 CHILDREN WITH DISABILITIES

W-IDC:

We should stay aware that children are not interlinked with women and that were gender-based discrimination is apparent or foreseen girls are linked with women.

IDC:

Similar to article 6, it also seems that there will be a stand alone article on children with disabilities. The mainstreaming of children issues in the Convention text is remarkable.

The analysis made by **CHILDREN-IDC** shows that the key outstanding issue is the sterilisation of children with disabilities. The reference to “preserve their identities” in article 3 was not supported by IDC, but is probably not harmful.

ARTICLE 8 AWARENESS RAISING

W-IDC:

To include a reference to gender as suggested in the facilitator's text:

1 (b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities **including those based on gender and age** in all areas of life;

2. (d) Promoting awareness training programmes regarding people with disabilities and their rights **taking into account gender and age specific aspects of disability.**

Article 9 Accessibility

The principle of equality between women and men as set out in Article 3 could be sufficient.

IDC:

The article is a bit long and repetitive, but acceptable in general terms. Paragraph 2 (a) (ii) is the one that seems a bit patronising (wording was proposed by the Holy See and replaced a negative approach which seemed preferable)

ARTICLE 9 ACCESSIBILITY

IDC:

Although the work done by some delegations (and IDC) on this article, no major changes have been made to this article. The fact that IDC had prepared a completely new proposal, proved not to be a good idea and we need to remember this.

There are a number of issues which seem to be missing:

- The denial of access to a facility on the basis of disability. This was supported by the EU and perhaps we need to find a better place for this (some suggested article 5), as it is an access issue but not an accessibility issue.
- The prevention of barriers should be made explicit by adding the word “prevention” alongside “identification and elimination of obstacles” in the chapeau of the article.
- It seems unlikely that we will obtain a recognition that the non compliance with accessibility standards amounts to discrimination.
- We have not managed to get the copyright issue to be moved either to this article or to article 21 (it continues to be placed in article 30 which limits it to cultural products)
- While most of the article refers to facilities and services open to the public (not making a distinction between private or public ownership), paragraph 2 (b) seems to imply a different standard for private entities than for public ones. We need to reflect whether this paragraph should be removed.
- No support was obtained for the request for free postal services for products of blind and visually impaired persons.

The main weakness of article 9 as redrafted post aHC7 is the use of the phrase 'appropriate measures' in the chapeau. This could imply the application of the concept of reasonable accommodation. Whilst this is correct for ensuring access when practicable to existing buildings, transport, the physical environment etc., it is not correct for new provision in these and other areas.

New provision should be designed, built and maintained to standards that will ensure access for PWD. Textural change is needed in the body of the article, not only in the chapeau. The article problem needs to be re-structured to some extent to make this differentiation apparent.

Reference to emergency services in 1(b) is too narrow, as it only relates to information and communication services. Emergency services should include for example, ambulance, paramedical emergency evacuation procedures.

Paragraph 2(a) refers only to standards for facilities and services. Standards must also be applied to new provision in, for example, the built environment, transport, buildings used by the public.

Assuming that standards are only to be applied to new provision, then paragraph 2(b) needs to remain, but be redrafted to indicate applies to both private and public, that it refers only to existing provision and is subject to the application of reasonable accommodation.

The word 'promote' in paragraph 2(g) is weak. We are talking here about new provision and the verb should be 'provide'.

Paragraph 2(h) is probably redundant if paragraph 2(g) is amended as above.

A less substantive issue is paragraph (h) which seems to overlap with paragraph (f) of article 4.

ARTICLE 10 RIGHT TO LIFE

W-IDC:

States Parties **recognise** that every human being **in all stages of life** has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by **women, girls and men, boys** with disabilities on an equal basis with others.

It is essential to specifically mention here women and girls as the right to life is too often granted to men and boys with disabilities and not to girls and women on the basis of gender based discrimination.

IDC:

It seems that this article will not be changed.

ARTICLE 11 SITUATIONS OF RISK

W-IDC:

States Parties recognize that in situations of risk to the general population persons with disabilities are especially neglected and shall take all feasible measures for **the protection of their human rights, according to international law on an equal basis with others"**

Rationale:

This article, to remind States Parties, that in natural disasters, wars, armed conflicts, but also pandemics and other situations of risk (e.g. AIDS/HIV outbursts) persons with disabilities are often forgotten and left behind.

As women and girls with disabilities are even more at risk resulting from gender based discrimination and/or gender based violence it is essential to include on an equal basis with others, or to make an implicit reference to gender based discrimination.

IDC:

A much politicised article with a strong insistence from many Arab countries to include a specific reference to foreign occupation. The IDC should insist that the article should cover (explicitly or not) all possible situations of risk.

ARTICLE 12 EQUAL RECOGNITION BEFORE THE LAW

W-IDC:

The Chair text includes two alternative options. Civil society has a preference for the second option as a better basis for future work and has presented amendments to this text.

*Within the proposed new text under 3. The element of **gender bias** should be included*

New 3. States Parties shall ensure that persons with disabilities are entitled to use support to exercise legal capacity, and that such support meets the person's requirements, does not undermine the rights or freedoms of the person, respects the will and preferences of the person and is free from conflict of interest and undue influence **and gender bias.**

New 7. "States Parties shall include a separate reference to the protection of the rights of women with disabilities in laws pertaining to women and to persons with disabilities to ensure that women with disabilities are able to live with dignity in freedom, safety, and autonomy.

IDC:

The Chair text includes two alternative options. The IDC had stated its preference for the second option as a better basis for future work and has already presented amendments to this text, specifically paragraph 2 ter. Definitely, a **KEY ISSUE.**

ARTICLE 13 ACCESS TO JUSTICE

W-IDC:

The principle of equality between women and men as set out in Article 3 could be sufficient, but it should be in compliance with similar articles in CEDAW.

IDC:

The article seems ok, but are all relevant accommodations procedural?

ARTICLE 14 LIBERTY AND SECURITY OF THE PERSON

W-IDC:

The principle of equality between women and men as set out in Article 3 could be sufficient, but it should be in compliance with similar articles in CEDAW.

IDC:

While the IDC would favour a stronger wording than "in no case shall the existence of a disability justify a deprivation of liberty", it seems unlikely to get any improvement.

Paragraph 2 is based on the IDC text.

ARTICLE 15 FREEDOM FROM TORTURE OR CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

W-IDC:

To add here

New 3 (Insert redrafted par moved from Article 17: Protecting the integrity of the person)

Every person with a disability has the right to have his or her physical, mental and moral integrity respected.

The principle of equality between women and men as set out in Article 3 could be further sufficient, if the reference to his or her remains here.

IDC:

The IDC has insisted to include also the prohibition of forced intervention and institutionalisation aimed at correcting, alleviating a disability” in this article. As this paragraph is located in article 17, it seems unlikely to get it here, but perhaps it would be good to continue to insist.

ARTICLE 16 FREEDOM FROM EXPLOITATION, VIOLENCE AND ABUSE

W-IDC:

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities both **in private and public settings** from all forms of exploitation, violence and abuse, **injury, abuse, neglect, negligent treatment and/or maltreatment, including their gender based manifestations. Violence encompasses also forced sterilisation, abortion and female genital mutilation.**

Rationale:

Compare also rationale to preamble. As stated there, forms of violence that specifically occur to women with disabilities have to be included in art. 16.

According UN sources women with disabilities are twice as much victims of gender-based violence as women without disabilities. Furthermore, they are subject to forced sterilisation, abortion and genital mutilation.

Forced sterilization and abortion, as all forms of (medical) treatments that are perpetrated without a person's consent, have to be defined as violence. Regarding the practice in many countries this has to be specifically stated.

Genital mutilation has to be included as it forms a bigger life risk to women and girls with disabilities.

2. States Parties shall also take all appropriate measures to prevent **all forms of** exploitation, violence and abuse by ensuring, inter alia, appropriate forms of **gender and age sensitive** assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. **States shall ensure that protection and prevention services are disability, gender and age sensitive on an equal basis with others.**

Rationale:

We appreciate the input of the wording as suggested by the facilitator and would like to emphasise in the last sentence the necessity to add prevention services. The addition of on 'equal basis with others' is necessary in order not to create specific protections services for women with disabilities on the basis of gender or disability.

The facilitators suggestion to put disability and gender before age is welcomed, as gender affects both women and men with disabilities at all stages of their life and disability is the rational behind this convention.

3. In order to prevent the occurrence of **all forms of** exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.
4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person **and takes into account gender and age specific needs.**
5. States Parties shall put in place effective **gender and age sensitive** legislation and policies to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

Rationale:

It is a pity that in the Chair's new text the suggestions of the facilitator (bold in the above three paragraphs) are not taking into account. We feel that they add up specifically to the risks that women and girls with disabilities face.

IDC:

The article has been strengthened with references to women and children. A minor (almost drafting) issue might be the last sentence of paragraph 2 which would probably better read "States Parties shall ensure that protection services for persons with disabilities are age and gender sensitive". This could also be achieved by including protection services in the first sentence.

ARTICLE 17 PROTECTING THE INTEGRITY OF THE PERSON

W-IDC:

We feel that parts of the proposed text in this article should be moved to Article 15 Freedom from torture or cruel, inhuman or degrading treatment or punishment, and the facilitator's proposal to add another paragraph on protecting children from sterilisation should be moved to Article 16, Freedom from exploitation, violence and abuse and/or Article 15, with a separate reference to women with disabilities.

The need for a separate article 17 becomes than questionable.

IDC:

Paragraph 3 and especially the reference to "issues of risk to public health" is of great concern. The IDC has insisted on its deletion, but we might need to consider to find a wording which is both acceptable to us and to States as a fallback position. Work has already started on this issue.

Paragraph 4 needs to be deleted. **KEY ISSUES**

ARTICLE 18 LIBERTY OF MOVEMENT

W-IDC:

The principle of equality between women and men as set out in Article 3 could be sufficient, but it should be in compliance with similar articles in CEDAW.

IDC:

The article seems to be ok. The Russian Government had pushed for a separation in two articles: one on liberty of movement and one on nationality.

ARTICLE 19 LIVING INDEPENDENTLY AND BEING INCLUDED IN THE COMMUNITY

W-IDC:

(d) NEW (d) “resources required to realize this right are allocated, based on the Individual’s choice, in a fair, equitable and free of gender bias manner

The principle of equality between women and men as set out in Article 3 could be sufficient, but we have to stay aware that gender bias does not play a role in the community services and other facilities offered. Women with disabilities should be equally entitled to living independently and being included in the community on the same basis as others.

IDC:

The article seems to be ok. The IDC had insisted to remove the word “independently”, but the wording of the article seems to address the concerns that were behind this proposal.

ARTICLE 20 PERSONAL MOBILITY

W-IDC:

The principle of equality between women and men as set out in Article 3 could be sufficient, but it should be in compliance with similar articles in CEDAW.

IDC:

An issue which might have been overlooked by the IDC up to now is the provision of special transport, when this is needed. This should not be an excuse for not making the general transport system accessible, but there will always be some persons with disabilities requiring special transport. It is not sufficiently covered by paragraph 8a), but it is not sure if we can get anything better than this.

A less substantive issue relates to paragraph (d). It is not very clear, what this paragraph is trying to achieve and what it adds to paragraph (b) which already refers to quality mobility aids.

ARTICLE 21 FREEDOM OF EXPRESSION AND OPINION, AND ACCESS TO INFORMATION

W-IDC:

The principle of equality between women and men as set out in Article 3 could be sufficient, but it should be in compliance with similar articles in CEDAW.

IDC:

A minor issue is the title, which seems not very correct wording.

The IDC had insisted on a paragraph directly relating to freedom of expression. This gained no support. A new approach might be tried being more disability-specific.

The reference to recognizing and promoting the use of sign language is probably the best we can expect.

ARTICLE 22 RESPECT FOR PRIVACY

W-IDC:

The specific reference in this article's text to his or her is sufficient to guarantee equality between women and men.

IDC:

The article was approved as it was. However, a reference to the genetic data in paragraph 2 might be one of the ways to address the issue of protection of genetic data.

ARTICLE 23 RESPECT FOR THE HOME AND THE FAMILY

W-IDC:

1.

(b) That the right of all **men and women** with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;

[(c) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to information, reproductive and family planning education, the means necessary to enable them to exercise these rights and the opportunity to retain their fertility **on an equal basis with others, with respect to gender.**

As to several other suggestions (by the facilitator on children and the facilitator on women) as well as the new draft text of the chair we have to stay aware that new text formulated or redrafted regarding the care for children the gender dimension is brought into this or not neglected. Girls with disabilities are often differently (on the basis of customs and practices) treated from boys with disabilities (e.g. earlier placed outside the home, not entitled to certain services etc.). Some of the IDC proposals on children still need careful examining from a gender perspective.

IDC:

The reference to "national laws, customs and traditions" in the chapeau might be problematic.

In paragraph (a), the IDC had proposed to delete the words "experience their sexuality", which continue to be in brackets. The whole paragraph is opposed by many countries, because of the reference to sexual and other intimate relationships.

ARTICLE 24 EDUCATION

W-IDC:

1. States Parties recognise the right of people with disabilities to education. With a view to achieving this right without discrimination, on the basis of equal opportunity, States Parties shall ensure an inclusive **gender-sensitive system** at all levels and life-long learning, **including access to education beyond primary education, following national educational plans and curriculums, that do not perpetuate social and cultural patterns of conduct of men and women**, directed to:
 - a) 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;
 - b) the development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
 - c) enabling persons with disabilities to participate effectively in a free society;

ADD:

(d) ensuring women and girls with disabilities the right to access and enjoy education on an equal basis in a violence free environment.

2. In realising this right, States Parties shall ensure:
 - (a) that persons with disabilities are not excluded from the general education system on the basis of their disability **and sex**, and that children, **especially girls**, with disabilities are not excluded from free and compulsory primary and secondary education on the basis of their disability;

Rationale:

Neither the chair's new text, nor the facilitator's text (even though some delegates stipulated the importance on this in the plenary) includes a reference to women and girls in this article. Therefore a redrafting of the text is essential.

Education is the most crucial area for women and girls with disabilities.

The education levels and literacy rates of women with disabilities are significantly lower than those of men with disabilities. Girls with disabilities are less often sent to school than boys with disabilities and seldom follow further education.

But only education can enhance autonomy, empowerment and economic independence of women and girls with disabilities.

We therefore again strongly underline the need for references to women and girls with disabilities in article 24 as suggested above.

IDC:

Paragraph 2 (d) presents two possible options. Neither of the two seem strong enough to ensure inclusive education. The consistency of this paragraph with paragraph 3 c) also needs to be looked at, as both refer to "environments which maximise academic and social development".

ARTICLE 25 HEALTH

W-IDC:

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

Facilitator's suggestion:

b) bis) develop and disseminate policies and programs in fields such as family-planning and parenthood, pregnancy, childbirth and the post-natal period, that are inclusive of women with disabilities and protect them against any form of coercive treatment, including forced sterilization and abortion.

(...)

(e) require health professionals to provide care of the same quality to persons with disabilities as to others **and to enhance their knowledge and understanding of the combined element of disability and sex** and on the basis of free and informed consent by, **inter alia**, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities, through information, training, and the promulgation of ethical standards for public and private healthcare;

or IDC proposal

(e) require health professionals to provide care of the same quality to persons with disabilities as to others and on the basis of free and informed consent by, **inter alia**, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities **including gender, life-cycle and age requirements**, through **information**, training, and the promulgation of ethical standards for public and private healthcare;

Rationale:

The proposal b bis put forward by the Facilitator is essential.. Disabled women are not included in the mainstream health care programs, particularly maternal and gynaecological issues. "Forced" sterilisation and "abortion" have to be added to clarify that women with disabilities are not "protected" from their equal rights concerning sterilisation and abortion. Furthermore, regarding the immense lack of knowledge of the interactive effects of disability and sex in the medical community, the Women's IDC regards the proposed amendments in subparagraph (d) as essential, but could also find consensus on the proposal made by the entire IDC.

IDC:

A very conflicting issue (highlighted in the final statement of the Chair as one of the three key outstanding issues) is the reference in paragraph (a) to "sexual and reproductive health services". The footnote 3 is important as it reminds that all health services are provided on an equal basis with others. Some States argue against any reference to health services. General Comment 14 to the ICESCR on the right to the highest attainable standard of health speaks about health and health-care facilities, goods and services.

The IDC should also consider to propose a reference to "prohibit any withholding of treatment based on disability" to this article.

Paragraph b) still includes the reference to "prevent further disabilities" which is opposed by IDC.

The paragraph d) which refers to “free and informed consent” would benefit perhaps from being divided in two, in order to reaffirm the issue of “free and informed consent” in a stronger way. **A KEY ISSUE**

ARTICLE 26 HABILITATION AND REHABILITATION

W-IDC:

1. States Parties shall take effective and appropriate measures to enable persons with disabilities to attain **and maintain** their maximum **individual** independence, fullest physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organise, strengthen and extend comprehensive **gender-sensitive** habilitation and rehabilitation services, **and programs, applying to all persons with disabilities irrespective of gender, culture, age, covering all stages in life, degree, duration and complexity of disability and place of residence**, particularly in the areas of health, employment, education and social services in such a way that:
 - (a) habilitation and rehabilitation services and programmes begin at the earliest possible stage, and are based on the multidisciplinary and assessment of individual needs **and are in accordance with the individual's informed consent**;
 - (b) habilitation and rehabilitation services and programmes support participation and inclusion in the community and all aspects of society, and are available to persons with disabilities as close as possible to their own communities, including **the concept and strategy expressed in the policy of community based rehabilitation (CBR) including** in rural areas;

Rationale:

Habilitation and rehabilitation services must be individualised and targeting the specific need of a disability, “one size does not fit all”. If this is not expressed the states may create habilitation and rehabilitation services that are not generic and many not fit anybody.

Gender, age, cultural and other factors related to persons with disabilities must also be considered when planning for such programs. If not there will be a risk that the programs will favour one group (young men) and not reach out to others.

Women with disabilities are underrepresented in all areas of habilitation and rehabilitation. This is the case in developed as well as in developing countries.

Developing countries have successfully provided habilitation and rehabilitation services through CBR programs, which must be promoted and developed, but from a gender aware perspective. If CBR is not recognised in the convention, no further development of the concept will be seen.

IDC:

Not all IDC proposals have been accepted and we need to reflect whether to insist or not on these.

ARTICLE 27 WORK AND EMPLOYMENT

W-IDC:

ADD new:

- (j) ensure that women with disabilities enjoy their rights to work, have access to micro-enterprise opportunities for self-employment initiatives and development of own businesses, facilitating access to subsidized credit and technical advice, on a basis of equality, including equal protective rights concerning pregnancy and maternity leave, and that women and men with disabilities are protected from sexual and other harassment at the workplace.

Rationale:

Three quarters of women with disabilities world-wide and up to 100% in some developing countries are excluded from the workforce. Micro-enterprise opportunities for self-employment targeted at non-disabled women did not come available for disabled women. It is further more difficult for women with disabilities to obtain loans or (financial) support to start their own businesses in comparison to men with disabilities and non-disabled women.

Additionally, when working both women and men with disabilities are often subject to (sexual) harassment.

Depending on the work place general employees protection law is not always implemented. Furthermore, trade union protection is often lacking. Therefore, the needs of women with disabilities are often not met when being pregnant or having a child, which affects them in their equal enjoyment of their right to work.

IDC:

The IDC has managed so far to prevent an explicit reference to alternative forms of employment (as proposed by Israel). However, the risk is that persons with disabilities who work in these employment forms are not covered by the Convention, as the IDC proposal to include “in all forms of employment “ has not been accepted. Moreover, there is no reference to measures targeting persons with disabilities who require a more intensive support to enter the labour market, beyond what could be considered as reasonable accommodation.

The addition of the words “including for those who acquire a disability during the course of employment” in the chapeau is misleading and unnecessary, as paragraph (k) already includes measures for this group. Moreover, it is not clear whether this means persons with disabilities who acquire their disability due to a work accident or during working life.

The IDC should continue to oppose the reference “in accordance with national laws of general application” in paragraph c).

The IDC might also want to reflect whether a better placement (perhaps a stand alone article) could be found for paragraph 2 on protection from slavery, servitude, forced and compulsory labour. However, the inclusion of this reference is in itself a great success.

ARTICLE 28 ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION

W-IDC:

3.b. ensure access by persons with disabilities **particularly women and girls with disabilities** and the aged with disabilities to social protection programmes **including adequate income maintenance schemes** and poverty reduction strategies.

Rationale:

Poverty reduction is very essential to women and girls with disabilities as they are among the poorest groups in the world. Women with disabilities should have equal access to social protection programmes without means tested thresholds. Only than economic independence can be guaranteed free of gender bias.

IDC:

The IDC should continue to oppose the wording in paragraph c) and especially the reference to “in situation of poverty”. Merging paragraphs 8a) and c) might be a possible approach to this, as they seem to overlap.

ARTICLE 29 PARTICIPATION IN POLITICAL AND PUBLIC LIFE

W-IDC:

States Parties shall guarantee to persons with disabilities their political rights and the opportunity to enjoy them on an equal basis with others **and shall take effective measures to ensure equal enjoyment of these rights by women with disabilities,**

and **to this end** undertake to:

- (a) ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others in accordance with national laws of general application, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, **inter alia**, by:
 - (i) ...
 - (ii) protecting the right of persons with disabilities to vote by secret ballot in elections and public referenda, without intimidation, and to stand for elections and to hold office and perform all public functions at all levels of government, **including representation at the international level and participation in the work of international organisations⁵;**

(...)

ADD:

- (c) **ensure that women with disabilities are empowered to participate in political and public life, including where appropriate through the use of positive measures.**

Rationale:

The manner in which the right is presently drafted it makes it seem like that lack of access is the only reason for depriving persons with disability of the right to vote. Accordingly, the last sentence of article 29 (a) could be reworded as follows " including the right and opportunity of persons with disability to vote and be elected INTER ALIA by" The inclusion of inter alia underscores the fact that the initiatives are only illustrative and not exhaustive.

Amendments for women with disabilities in this article are very crucial. Women with disabilities are underrepresented in all areas of political and public life, including the areas of disability policy ad well as gender policy.

Issues of women with disabilities are mostly only associated with social and sometimes with economic rights, but hardly ever with political and civil rights. Also in its General Recommendation No. 18 and No. 24 the CEDAW Committee referred only to the social, economic and cultural rights of women with disabilities.

But Empowerment and participation in political and public life are crucial to enhance capacity building of women with disabilities.

Women with disabilities need equal opportunities in comparison to women without disabilities and to men with disabilities to participate in political and public life on national, regional and international level.

IDC:

The IDC should oppose the reference to "in accordance with national laws of general application" in the paragraph (a).

⁵ cp. Art. 8 CEDAW

The proposal made by Chile and others to include a reference to campaign materials and events has not been included in the text, but should probably be supported by the IDC.

ARTICLE 30 PARTICIPATION IN CULTURAL LIFE, RECREATION, LEISURE AND SPORT

W-IDC:

The principle of equality between women and men as set out in Article 3 could be sufficient, but it should be in compliance with similar articles in CEDAW.

IDC:

The only major issue with this article is paragraph 3 which IDC would prefer to see in article 9 or article 21.

ARTICLE 31 STATISTICS AND DATA COLLECTION

W-IDC:

1. Where necessary, States Parties undertake to collect appropriate information, including statistical data, to enable them to formulate and implement policies to give effect to this Convention. The process of collecting and maintaining this information should:

2.

(add before a)

(0) involve both men with disabilities and women with disabilities and their organisations in the design of relevant indicators and the collection and analysis of the data;

(0.1) enable States Parties to desegregate all data on the basis of sex and age and ensure that the data provides information on issues that may affect differently women and girls with disabilities and men and boys with disabilities

Rationale:

The Facilitator's proposals as suggested above are an asset to the draft convention text and need to be included. We have however to stay aware that figures are not misused and that indicators only presuppose that the lives of disabled men and women have less value than those of men and women without disabilities and lead therefore to discrimination of persons with disabilities.

IDC:

A reference to breakdown of statistics by sex, age and ethnicity is missing.

ARTICLE 32 INTERNATIONAL COOPERATION

Chair's Text, on the basis of the last discussions.:

1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:

(a) Ensuring that international cooperation, including international development programmes, are inclusive of, and accessible to, persons with disabilities;

- (b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
- (c) Facilitating cooperation in research and access to scientific and technical knowledge; and
- (d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.

[2. States Parties recognize further that while international cooperation plays a supplementary and supportive role, each State Party undertakes to fulfil its obligations under the present Convention.]

[2. Each State Party undertakes to fulfil its obligations under the present convention, irrespective of international cooperation.]

W-IDC to add:

2bis (NEW:) “Ensure that resources are dedicated to eradicate the extreme poverty that face persons with disabilities, especially women with disabilities, their exclusion and the difficulties they face to obtain access to services.

Rationale:

A choice is still foreseen between the two bracketed 2), although we still feel that the entire text could be strengthened. Civil society underlines both, the necessity of the mainstreaming of all International Cooperation policies and programs, and the need of having specific programs that address the needs of people with disabilities, but with a gender awareness as well. Extreme poverty is existing in many countries in respect of persons with disabilities and particularly of women with disabilities.

IDC:

The key political issue in this article is how to find a wording that establishes the relationship between the primary State responsibility to comply with the obligations under the Convention and the existence of international cooperation. Two alternative proposals are included in the text (paragraph 2) and also the reference to the “national efforts” in the first sentence of the chapeau has to be considered. A clear North-South issue where the IDC would need to find a way to avoid that this political (and not disability specific) issue impacts negatively on the Convention.

KEY POLITICAL ISSUE

The other key issue (currently well covered) is that all international cooperation programmes, including development programmes, are inclusive to persons with disabilities.

ARTICLE 33 NATIONAL IMPLEMENTATION AND MONITORING

W-IDC:

2. States Parties shall, in accordance with their legal and administrative system, maintain, strengthen, designate or establish at the national level a **national monitoring body** to promote, protect and monitor implementation of the rights recognized in the present Convention **including focusing on gender and age specific issues.**

The establishment, composition and operation of the national monitoring body shall be in compliance with the highest international standard regarding national monitoring bodies.

3. Civil society, in particular **men and women** with disabilities and their representative organizations, shall be involved and participate fully in all levels of the monitoring process.

Membership of the national monitoring body shall include persons with disabilities who reflect equitable representation of persons with disabilities with a diverse disability experience and reflect a gender balance.

Rationale:

The dual roles are important to keep, i.e. a) a focal point in Government and b) an independent national mechanism.

With respect to c) there needs to be a significant role for DPOs in national monitoring, that is not just limited to liaison. 17(3) of the Standard Rules state “Organizations of persons with disabilities should have considerable influence in the national coordinating committee in order to ensure proper feedback of their concerns. A specific reference to a gender balance is needed to ensure equal participation of women with disabilities.

IDC:

It will be difficult to get more than this and even the reference to the Principles will be opposed by many.

ARTICLE 34 INTERNATIONAL MONITORING

W-IDC:

Text is not yet drafted but the monitoring and reporting should be done with a gender focus and stipulating the various positions of men, boys, women and girls with disabilities in the various stages of their life and with a respect of their differences.

IDC:

The IDC has a very developed and complete proposal on this issue, which will continue to be our basis for advocacy.

No text has been included by the Chair in his revised text and work will need to happen inter sessionally and Mexico has been asked to lead this work. The discussion in the Plenary on the last Friday showed that some countries continue to oppose the establishment of a specific Treaty body, something which IDC needs to insist strongly. **KEY ISSUE**

Final clauses

The Chair mentioned two “political” issues related to the final clauses:

- The number of countries required for the entry into force of the Convention. The previous Chair draft had 20 countries as the threshold.
- Allowing or not States Parties to include reservations when ratifying the Convention.

The IDC would need to have a position at least on these two issues.

Liechtenstein has been asked to lead the work inter sessionally on these clauses.

REPORT OF IDC MEETING(S)

&

DAILY PLENARY MEETINGS AD HOC COMMITTEE

SUNDAY, JANUARY 15TH IDC MEETING - BRIEF MINUTES -

With nearly 100 disabled participants and their colleagues and PA's the first IDC meeting started at 10 AM at the Helmsley Hotel with 10 agenda items, multiple language interpretations to be finished today at 18.00 hours.

1. *Introduction and welcome. Presentation by all participants.*

2. *IDC delegations met with the Chair last Friday.*

The Chair was happy that the IDC and the EU made amendments to his text. It was not his text but a reflection of what had been discussed in his opinion. We can pass notes to the chair for compromised text as solution to the problems (as fall back positions or negotiable possibilities). Delegations could bring in alternative text. He advises us to be careful when talking about issues that could be perceived by some delegations as a liberal western culture. I.e. transgender issues.

We have to be sensitive. We can convene a meeting on any issues where there is controversy to bring parties together (this is delegations, the chair and the IDC and other NGO's) On the basis of this the chair can produce new text and is referred to as rolling text and is open to further deliberations. There has to be a drafting committee at the end of the meeting. It is a technical committee (if a delegate says it is substantial it has to remain that way). The Chair is determent to have the text all discussed at the end of the 3 weeks. In August we will only discuss the last percentage of the difficult one. The chair was very pleased with the fact that the civil society kept to their time limits in interventions (government delegations does not always do that).

3. *Evaluation of the intersessional activities*

Two IDC members gave an overview of the work done by the IDC over the internet in the past months, which lead to a very good document named IDC amendments to the Chair's text (www.unbeginners.com)

3.a. *Caucus reaction to Luis Fernando situation* The Costarican friend has been held in co-study for 18 hours in a room without support at the airport and than send back out of the country without reason. Suggestion is to make an IDC declaration and to ask the Chair tomorrow to read it out in the plenary. Another suggestion is that the Costarican delegation should make a statement and to call the USA ambassador and to ask for clarification.

4. *The IDC manual for newcomers and other actions planned for newcomers.*

(www.advancednewcomers.com)

Information from the South project

A two-day conference has finished yesterday to focus on the newcomers to the UN from the South (developing countries). This conference was with disabled people from the developing world only. Most people involved were from Latin America. It was stated that it is essential to include the position of the developing world. It should not only be sustainable but also inclusive. Poverty should be focused at specifically.80 to 90% of disabled people in Latin America are unemployed. 70% of blind people are unemployed in Europe. The poverty line should include the amount of money that people need to live on a similar basis as non-disabled poor people. I added to this that solidarity is essential. That it is a disgrace that such a project comes to the end of the process that says something about inclusiveness. A pity that disabled women and men from Africa and Asia were not so much involved in this process. Advised not to talk only about employment as the only solution for DP but specifically on economic independence, as employment is not a solution for all or only a small solution to the problem. The selection of people attending was on the basis of who had money. The draft IDC value statement was read out and discussed. It is meant for internal use and is a very good and inclusive document.

5. *The IDC value statement is handed out and discussed.*

6. *Background information on methodology to be followed during the 7th Ad Hoc Committee meeting: proposed organisation of work, NGO interventions in Plenary*

7. *IDC strategy during the 7th Ad Hoc Committee*

- The chair text as amended by the IDC
- IDC article working groups: advance lobbying, reactions in Plenary, and work with country facilitators
- Systematic IDC lobbying to Governments and regions
- The non negotiable issues
- The IDC input to the monitoring session
- IDC steering group and Assembly: responsibilities and timing for its meeting
- Proposal to produce a daily news page

All issues were discussed in length and decided was that each article co-ordinating would identify the non-negotiable issues. In Geneva a meeting was held with the Human rights monitoring responsible. The same procedure as in August to meet every morning before the plenary. Because of the large plenary of the IDC a steering committee has been formed out of all regional organisations, some large international organisations and the women's caucus en the caucus of children. One person within the steering committee will be the complaints person (Lex Grandia of the Deaf/Blind movement has volunteered to listen to people who's opinions are or feel neglected).

8. *Identification of issues, which continue to require reflection within IDC Agreement on procedure on how to advance these issues*

9. *Meeting with the Chair on Monday*

A proposed list of questions for the chair:

1. We need to raise the issue of putting indigenous people on the agenda as well as the distribution of Braille at this session.
2. There is talk of an alternative proposal to the Chair text and we should ask the Chair what is the support this proposal has from the state delegations.
3. Women and children and the mainstreaming of these two issues
4. International cooperation
5. What are his feelings on the plans for the future?
6. Where do we go from here assuming that the convention is finished? How do we implement this globally and what are McKay's thoughts on the disability movement pushing governments to actually implement the convention? How can the disability movement address this issue of real implementation?
7. If within the UN structures, is there a possibility of a High Commissioner to follow-up on the implementation of the convention?
8. We need to raise the issue of putting indigenous people on the agenda
9. Someone from the IDC should thank McKay for the work that he has been doing on the convention.
10. We should mention what happened to Luis Fernando.

10. *Committee of Singular Organisations*

One person stepped forward to represent the Committee of Singular Organisations; a group dedicated to people that feels they are not represented in the IDC steering committee. This is a group for people who do not feel they are networked currently into one of the groups represented at the steering committee. The principle of this

organisaation is that everybody belongs. They do a lot of their work over the internet. If anyone would like to report an issue to the steering committee, please contact this committee to address your issue. Their objective is to make sure that everyone has a voice in this process and representation within the steering committee.

It was stated that in principle the IDC steering committee should be formed by people representing organisations. Everyone should have a voice but it should be the voice of many within the IDC.

As of today the **European Women's Lobby** and the Dutch Coalition on Disability and Development, both organisations that I represent here, have become a member of the IDC.

FIRST WEEK PLENARY SESSION OF THE UN CONVENTION ON THE RIGHTS AND DIGNITY OF PEOPLE WITH DISABILITIES

The 1st day of the convention started quite sad for the International Disability Council as we found out that IDC delegate **Luis Fernando Astorga**, one of the stimulators behind the Project South, was refused entry into the US

Several delegations expressed their concern regarding the treatment of our colleague Luis Fernando of Costa Rica, who was denied entry to the U.S. without explanation after being detained and interrogated for 18 hours. The Chair offered to inquire into this situation. Especially the many people present from the Project South were very disappointed not to celebrate the opening of the 7th Ad Hoc Meeting on the Convention together with Luis. The Project South was created to invite people from developing countries to participate in this meeting and to give voice to their specific wishes and demands regarding the Convention.

MONDAY, JANUARY 16TH PLENARY DISCUSSIONS

Article 5: Equality and Non-Discrimination:

The Chair, Ambassador MacKay from New Zealand, concluded that there was sufficient consensus on Article 5 to enable him to capture delegates' concerns in a redraft of this article, which he will circulate later this week. The IDC reminded the chair about the following key issues:

Article 5 needs to be read in conjunction with article 2, as this latter article includes the definition of "discrimination based on disability" and "reasonable accommodation".

In that respect, it is vital for the IDC to ensure that the "denial of reasonable accommodation" is a form of discrimination.

On paragraph, some delegations suggested beginning this paragraph with the word "specific" (to modify the word "measures"). While we prefer this word to "special," IDC's position is that no adjective is necessary.

The Chair questioned whether our proposal to add that such measures must be accepted by persons with disabilities required acceptance by individuals with disabilities or organizations of persons with disabilities. IDC responded that if the measure at issue was one of general application, it required acceptance by disabled persons' organizations. If the measure was specific to an individual, then it required acceptance by that individual.

Article 8: Raising Awareness Regarding Disability:

Throughout this article, IDC proposed that the phrase "people with disabilities" be used instead of the word "disability," because this Convention should refer to us as people, not as objects⁶. IDC therefore support shortening the title to "Raising Awareness".

The concern of some delegations that the language in this article is patronizing can be resolved by expressing opposition to negative perceptions rather than suggesting the promotion of positive perceptions.

⁶ Although this is accepted language now by the IDC, I am still not convinced from the academic justification for using it in this way. I still go for disable as a social construct that hampers people on the basis of their impairment, but within the context of this convention the fight is however lost on my and other disability scientists side

Paragraph 1: IDC stressed the importance to keep the word “immediate” because the civil society believes that States should adopt such measures as quickly as possible, and because other conventions (such as the Convention to Eliminate Racial Discrimination) include similar mandates.

Paragraph 2(a) (ii): IDC proposed to resolve the concern that paragraph 2(a) (ii) not be limited to personal and family status or relations by making it non-exhaustive through the use of “including but not limited to matters concerning”

Paragraph 2(d): It was further proposed to resolve the issue that was raised regarding this article by changing the language to read “. . . promoting awareness training programs regarding people with disabilities and their rights.”

EWL input: EWL has become a member of the IDC and on behalf of the Women's IDC (WIDC) I am the representative in the Steering Committee as of this day. This means I can have more caps on within the Steering Committee in reference to international cooperation and women's issues. I made close contact to the women in the project South to incorporate their opinions into the WIDC to have the voice of women from the South too. Met further today with the European delegation members and spoke in length with Siliva Moor (from the Austrian Government), on the standpoint of the EU regarding women and girls. Silvia explained that it is very difficult to get all member states present on one line on these matters. She will keep contact with me on this issue. Most of the day was spend with lobbying, drafting (new) text, and listening in the plenary session. Every day starts with the IDC plenary at 8.45 en ends with the Steering Committee from 6-8.30 pm. Every day side events are organised by civil society members and/or UN organisations, important to divide roles and to support new coming members. Today was a welcome of the IDC to all new NGO participants and Bizchut, The Israel Human Rights Center for PwD organised an event on Justice for All? Making the legal process accessible for PwD.

TUESDAY JANUARY 17TH PLENARY DISCUSSIONS

Article 12 Equal Recognition as a person before the Law

IDC delegates were extremely concerned and disappointed about most of the interventions that were made in the discussion held so far on this article.

Using the Chair's words, the IDC will not be able to live with many of the proposals made by Government delegates, which are based on the maintenance of a system of guardianship as implied in paragraph 2 b).

Especially proposals by Canada were awaited, in its role of article facilitator, and others which hopefully would be closer to the IDC position. If this article is not drafted right, the Convention could become useless for many people with disabilities, but even harmful as it will perpetuate a system that will prevent the paradigm shift which this Convention is to promote.

Article 9: Accessibility

When drafting a new version of this article, the IDC reminded delegates that the following key points should be taken into account:

1. The Convention should contain a broad concept of accessibility that includes accessible information and communication technology (ICT).
2. People with disabilities must have the right of equal access to services, buildings, mass transport and other areas. This should also include (in this article or somewhere else) the

prohibition that people with disabilities are denied their access to any facility, service, etc because of their disability, a similar provision as foreseen in article 5 f of CERD.

3. All buildings and services which are open to the public must be accessible to people with disabilities, independently whether these are publicly or privately owned.
4. People with disabilities must be provided with increased access to all materials protected by copyright, while respecting international law.
5. Emergency services must be accessible to people with disabilities.
6. Accessibility standards are a vital tool as they define what is considered accessible and what not.
7. Accessibility should be compulsory for all new buildings, facilities and services, while elimination of existing barriers will need to be addressed progressively.

Article 10: Right to Life

The IDC insisted on the relevance of this article for people with disabilities reminding about the risks that many people with disabilities are faced in this respect, especially newly born children and elderly people with disabilities. This had led IDC to propose the addition of “all stages in life” which was felt as redundant by Government delegates and covered by the reference to “inherent”. On the term “shall recognize” to complement “reaffirm” the Chair promised to come back to this at a later stage of the process.

Article 11: Situations of Risk

The IDC welcomed the agreement to have this article in the Convention. The final wording should be such that all situations are covered (natural disasters, armed conflicts, pandemics) and that people with disabilities are taken into account in all measures, including those that are put in place in anticipation of some of these situations and those foreseen in international humanitarian law.

IDC welcomed the efforts made by the Chair in terms of avoiding any reference to people with disabilities as vulnerable, as this does perpetuate negative stereotypes. One possible way of achieving this is by focusing just on the measures and avoiding the part of the sentence that recognizes that persons with disabilities are “more vulnerable” in these situations.

EWL input: Especially on article 11 we lobbied strongly to have new wording in to cover natural disasters, armed conflicts and pandemics, as this issue is crucial to women and girls. Besides this lobbying today we were involved in various meetings on different text on women and girls, but also working closely together with Safe the Children on the issue of children (in particular those of developing countries). Delegate lobbying had to be done with various countries on article 10. I have been chosen as liaison person on behalf of WIDC with the European Union presidency delegation (Austria; Civil Society liaison officer is Silvia Moor) and had a long (in)formal meeting with her and we will have daily contact. Through these various functions our input becomes (for a small organisation) rather large. Today also the facilitators of the Children's and women's articles met in a joint meeting. The Chair had proposed to deal with these issues in a combined meeting, even though IDC opposed to this as they do not wish women and children to be merged into one phrase, as children belong both to men and women. During the meeting however the government delegates strongly opposed to this combination and decided to have separate meetings following from today. The World Network of Users and Survivors of Psychiatry of Inclusion International organised an event on Exercising legal capacity through supported decision-making. An issue very close connected with the problems of persons with mental health problems. The World Committee on disability was talking on the Franklin Delano Roosevelt International Disability Award.

WEDNESDAY, JANUARY 18TH PLENARY DISCUSSIONS

PARADIGM SHIFT ON LEGAL CAPACITY: WHAT ABOUT LIBERTY?

While many delegations spoke with approval of a paradigm shift in legal capacity, the paradigm shift necessary in liberty went ignored. The Chair's text, which was left unchanged on this day's negotiations, allowed a lower threshold for the deprivation of liberty of people with disabilities, than for other people. What is the presumption of competence, without freedom?

Article 12: Equal Recognition as a Person before the Law

The IDC remains concerned about this article, which we believe is fundamental to the Convention's mission of ensuring the equal rights of people with disabilities. The IDC supported Canada's proposal, and looked forward to working with delegates to strengthen it.

The definition of legal capacity must incorporate the ability to exercise legal capacity by making one's own decisions, which means the capacity to act. To protect this crucial right, people with disabilities must have access to supported decision making. This principle recognizes that the level and type of support will vary according to each individual's needs, and may change over time. States Parties should facilitate access to supported decision making in a manner which prevents abuse. The IDC opposed substituted decision making, which allows a third party to make decisions on behalf of a person with a disability, and thereby violates the basic human right to make one's own decisions.

The Voice of the Self Advocates

Self advocates need to be supported to make decisions in their lives. It should be their choice and their decision. Self Advocates present within the IDC expressed their feelings and ideas strongly on this issue.

Article 13: Access to Justice

The IDC's position that effective access to justice for people with disabilities requires states to provide reasonable accommodations at each stage of the justice system was supported by many delegations, including the Israeli Delegation, which fully endorsed the IDC's proposed text. There was broad support for including examples of procedural accommodations to ensure such access, and to provide training to police and judges on this issue.

Article 14: Liberty and Security of the Person

The IDC wants the same rights and obligations vis a vis liberty guaranteed under the ICCPR to apply equally to people with disabilities – including the same, and not lower, grounds for any deprivation of liberty. Furthermore, States Parties must provide the reasonable accommodations necessary to achieve this goal by ensuring people with disabilities access to all relevant information, communication, services, procedures, and facilities on an equal basis with people without disabilities.

EWL input: Today also 6 children with disabilities addressed the audience. They were supposed to address the audience yesterday, but the Chinese delegation did not allow the young girl to speak with text she had prepared. After some diplomatic negotiation she was allowed and it was postponed to the next day and the morning started with these emotional contributions (realising

what had happened with the Chinese girl the day before). It made very clear why this convention is needed. The Chinese girl however, only used parts of her original text. Today I chaired the Side-event of the WIDC on the theme 'Visibility of women with disabilities in the UN Convention'. The WIDC process, the Role of CEDAW for this convention; The most effective way to include women's issues into the convention; Gender sensitive implementation and monitoring of the convention and Strategies to support each other in the way forward were discussed. Among the speakers were Mijoo Kim from Korea, Dinah Radtke DPI vice chair, Sigrid Arande & Sabine Haefner from the German Council and Dr. Heisoo Shin, Expert Committee member UN CEDAW. Especially the latter contribution (CEDAW experts were meeting here) from Korea was valuable to make sure that not only a single reference is made to CEDAW, but to include special referenced to women and girls with disabilities. As many government delegates were present (nearly 90 participants!) this was taken up in later discussions and references in the text. It was a pity this was organised at the same time as the Raising the voices of Children and Young People with Disabilities from RI, Save the children.

THURSDAY, JANUARY 19TH PLENARY DISCUSSIONS

Articles 15 and 17: PARADIGM SHIFT IS NOT ABOUT PROCEDURES

The paradigm shift is not about procedures to regulate violations of people with disabilities integrity. Regulating abuse only looks at whether the rules were followed, and does not make the abuse stop. The IDC is interested in working with delegates to merge articles 15 and 17, or any other solution that would ensure that the right to respect for physical, mental and moral integrity, including freedom from medical procedures is done without our consent, is respected unequivocally, without any exceptions or derogations.

The IDC was interested in exploring the New Zealand proposal that “*States Parties shall protect the integrity on a basis of equality with others and ensure that in no case shall the existence of a disability justify an involuntary intervention or institutionalization,*” which, however, would need to be strengthened to ensure that disabled people's right to respect for integrity is guaranteed unequivocally.

Article 16: Freedom from Exploitation, Violence and Abuse

The IDC was pleased, and specifically the Women's caucus of IDC, that there was broad support for the proposal to include recognition that women with disabilities are at particular risk to exploitation, violence, abuse, and the threat of violence, and that child protection services should be age and disability appropriate, and fully accessible to children with disabilities.

Article 18: Liberty of Movement

The IDC opposed dividing Article 18 into two different articles. NGOs were pleased that the Republic of Syria supported the IDC's proposed changes to Article 18. The chapeau of this article should state that States Parties recognize that people with disabilities have the right to freedom of movement. Article 18 must also recognize that people with disabilities have the right to obtain nationality, should not be deprived of their nationality on the basis of their disability, and must have the same right as people without disabilities to enter and immigrate to other countries.

EWL input: W-IDC has appointed me as one of the IDC spokespersons in the plenary session, especially on women's and girls with disabilities issues. Today I spoke on Article 16 and sit in and listened to all reflections to this article. Through my plea, and also lobbying strategies with

the various government delegations the issues were touched upon and will lead to new drafting of the text as mentioned above under art. 16. Especially reiterating what government delegates were mentioning in the debate and complimenting them for their valuable input was valuable to have our points into the text. But at the same time bringing in the issue of reproductive rights as an answer to forced sterilisation and abortion and regarding genital mutilation as an extra risk to disabled women were not easy topics. It was an exiting, but also tiring day, moreover as after the Steering Committee we also attended the reception held by the Austrian EU presidency delegation and used it to lobby among EU members. To-days' side events: the South Project by Interamerican Institute on Disability & Handicap International could unfortunately not be chaired by one of its initiators Luis Fernando Astorga as he was refused access to the USA (the Chair is working on this!). It was wonderful to meet with our friends from the South (most of them from Latin America), it was however expressed that a wider spread among all countries of the South would make the Ad Hoc meetings more inclusive of all. Yad Sarah, Israel's major Humanitarian Organization hold the theme Yad Sarah goes global.

FRIDAY JANUARY 20, 2006 PLENARY DISCUSSIONS

Strong support was given by the various government delegates to recognize the right of people with disabilities to live in the community

Article 19: Living Independently and Being Included in the Community

The IDC was very pleased with the proposal from Israel and Kenya to strengthen this article by including the principle that people with disabilities have the right to live in the community. We appreciated the European Union's willingness –which was not always present, despite the efforts made by the Austrian delegation- to consider adding its support to this crucial change.

The IDC also supports changing the title of this article to "Living and Being Included in the Community with Choices Equal to Those of Others," to make clear that the rights under this article apply to people with disabilities whether or not they choose to live with their families. NGOs will work closely together with delegates in the course of this meeting to further strengthen this article by adding language that requires States Parties to provide the supports necessary to enable people with disabilities to live in the community and enjoy civic life on an equal basis with others.

(W)IDC's⁷ revised texts were constantly made available through the DESA website, as well as handed out in Braille and hard copy in the plenary session.

The IDC was content with the overwhelming support from states parties to recognize the right of people with disabilities to live in the community.

While there was vast backing from states parties to recognize the right of people with disabilities to live in the community, this can only be realized if choice on an equal basis with others is recognized in the context of this article. The IDC supports states that proposed this addition because the freedom of choice on an equal basis with others within independent living ensures the concepts of autonomy and self-determination.

We are hopeful that the IDC proposal on choice on an equal basis with others will help resolve some of the concerns raised by states parties in regards to living with ones family.

⁷ Women's IDC = WIDC produced daily revised text, but also the various article co-ordinators of IDC produced daily revisions based on the deliberations within the IDC plenary and steering committees, as well after discussing with the various article facilitators of the government delegations

The importance of children with disabilities in this article:

The IDC stipulated that the particular needs of children should be addressed in this particular article. In many places, children with disabilities continue to be at a higher risk for institutionalization than children without disabilities. Therefore, it is imperative to challenge the presumption that institutional care is most appropriate for children with disabilities.

Article 20: Personal Mobility

The IDC supported the European Union's proposal, which focuses this article on personal mobility rather than liberty of movement. NGOs proposed to strengthen this article by requiring States Parties to facilitate public awareness raising about the use of mobility devices.

The overwhelming number of states supported that personal mobility should be retained in a separate article. This clarified the confusion that personal mobility could be either merged with accessibility in Article 9 or liberty of movement in Article 18. Personal mobility is about the individual while accessibility about the external environment. *For example, a wheelchair user cannot move in an accessible environment without a wheelchair.* Therefore, they are conceptually and practically different issues. In addition, liberty of movement is about ensuring that the state does not interfere with one's movement within and outside of a territory and is not about facilitating that mobility.

The IDC's particular addition to the Chair's text was in paragraph (e) stating that there are three key elements necessary to ensure safe and effective personal mobility of people with disabilities. They include:

The need for people with disabilities to have training in personal mobility

The equipment that is necessary (live assistance, or mobility device)

The world needs to understand issues of mobility in the environment in which we live. For example, it is necessary to recognize that a white cane is used by a blind person, it is necessary to be aware that an assistant dog must be able to enter public places, and it is necessary that people know how to assist a person in a wheelchair entering a bus.

Article 21: Freedom of Expression and Opinion and Access to Information

The IDC supports strengthening this article by adding new language that requires States Parties to:

1. provide training in communication and language skills to people with disabilities and to interpreters, assistants, and other aides,
2. facilitate access at an affordable cost to people with disabilities to communication aids, assistive technologies, and interpreters, and
3. respect the freedom of expression, opinion and belief of people with disabilities.

Many states supported the inclusion of alternative and/or augmentative communication modes and means which is a way of including known and future communication methods of people with disabilities.

Though there was support from states parties to include many types of communication the concept of choice must be included in the context of this article in order to ensure the concepts of autonomy and empowerment. If a person with disabilities is denied the right to choose a

mode or means of communication, the notion of self-determination that is paramount to this convention would be undermined.

The IDC strongly supports the need to recognize Braille as an official script for blind persons. Many states supported this addition to the Chair's text by stating that unlike Sign language, Braille is a script which is helpful for clearing up the confusion of differentiating between the two.

Article 22: Respect for Privacy

The IDC supported fully the chair's text for this article.

EWL input: On the basis of the suggestions made at the plenary on article 16, during the facilitators meeting on the issue of women and girls we (re)drafted the text and the justification of the various articles of the (W)IDC. In between I met with the IDDC members to discuss our strategy to international cooperation and our lobbying plan on this issue. In the morning I meet nearly every day the facilitators of children (Josephine Sinyo) and women and girls (Theresia Degener) to discuss text and lobbying strategies to discuss this with my colleagues within the (W)IDC. Further we had a side meeting with the delegate from Costa Rica, who is a strong ally and opposes to parts of suggestions. As he is the UN representative here for Costa Rica for a long time, a lawyer and member of the bureau, I felt it was wise to talk with him. We went over his opposing views on some of our articles and listened careful to his suggestions on (re)drafting text. He opposes strongly towards a separate article (i.e. the twin track approach) but also had very valuable contributions and legal suggestions to the text. We further work closely together with Safe the Children Alliance, as they have similar wishes towards the text and we do not want to work counter productive on the various issues. It was a rewarding, exiting but tiring week. But the excitement is prevailing because I am aware of two things all the time:

- 1. The privilege to be able to be here, while so many women and men with disabilities do not have the possibility to be here in person because of living in developing countries or have not the physical ability or language skills to be able to be here.*
- 2. That I am witnessing a Historical momentum in the lives of millions of people with disabilities of all ages and their families around the world. As this is the first convention on people with disabilities and to be able to say later I worked on that fills me with gratitude and humbleness.*

The World Bank hold a side event on Alliances for Inclusive Development and Inclusion Intenational on Self-Advocacy: Unique Perspectives on Inclusion (especially here we see the importance of being inclusive of all pwd those from the south as well as from the north with equality between women and men).

SECOND WEEK PLENARY SESSION OF THE UN CONVENTION ON THE RIGHTS AND DIGNITY OF PEOPLE WITH DISABILITIES

After a full first week, many side-events and conferences (among which from DPI for newcomers to the second week) were held in hotels and buildings surrounding the UN. I spend most of my time on Sunday on the internet communicating with my colleagues both from the IDC as from the Women's IDC (W-IDC) on drafting and re-drafting new texts. Every day self-advocates made a statement in the IDC (which I did not capture in the 1st week), that I will include in this report.

MONDAY JANUARY 23, 2006 PLENARY DISCUSSIONS

Article 19: Living Independently and Being Included in the Community

The IDC was pleased with the overwhelming support from states parties to recognise the right of people with disabilities to live in the community.

While there was vast backing from states parties to recognise the right of people with disabilities to live in the community, this can only be realised if choice on an equal basis with others is recognised in the context of this article. The IDC supports states that proposed this addition because the freedom of choice on an equal basis with others within independent living ensures the concepts of autonomy and self-determination.

We hope that IDC's proposal on choice on an equal basis with others will help resolve some of the concerns raised by states parties in regards to living with ones family.

The importance of children with disabilities in this article:

The IDC feels that the particular needs of children (and keeping a gender focus in mind) should be addressed in this particular article. In many places, children with disabilities continue to be at a higher risk for institutionalisation than children without disabilities. Therefore, it is imperative to challenge the presumption that institutional care is most appropriate for children with disabilities.

Article 20: Personal Mobility

The overwhelming number of states supported that personal mobility should be retained in a separate article. This clarified the confusion that personal mobility could be either merged with accessibility in Article 9 or liberty of movement in Article 18. Personal mobility is about the individual while accessibility about the external environment. *For example, a wheelchair user cannot move in an accessible environment without a wheelchair.* Therefore, they are conceptually and practically different issues. In addition, liberty of movement is about ensuring that the state does not interfere with one's movement within and outside of a territory and is not about facilitating that mobility.

The IDC's particular addition to the Chair's text was in paragraph e) stating that there are three key elements necessary to ensure safe and effective personal mobility of people with disabilities. They include:

- The need for people with disabilities to have training in personal mobility
- The equipment that is necessary (live assistance, or mobility device)
- The world needs to understand issues of mobility in the environment in which we live. For example, it is necessary to recognise that a white cane is used by a blind person, it is necessary to be aware that an assistant dog must be able to enter public places, and it is necessary that people know how to assist a person in a wheelchair entering a bus.

Article 21: Freedom of Expression and Opinion and Access to Information

Many states supported the inclusion of alternative and/or augmentative communication modes and means, which is a way of including known and future communication methods of people with disabilities.

Though there was support from states parties to include many types of communication the concept of choice must be included in the context of this article in order to ensure the concepts of autonomy and empowerment. If a person with disabilities is denied the right to choose a mode or means of communication, the notion of self-determination that is paramount to this convention would be undermined.

The IDC strongly supports the need to recognise Braille as an official script for blind persons. Many states supported this addition to the Chair's text by stating that unlike Sign language, Braille is a script, which is helpful for clearing up the confusion of differentiating between the two.

Self-advocate's statement:

Let's celebrate togetherness

Let's celebrate family and friends

Let's celebrate diversity

EWL input: We worked closely with IDC's co-ordinators on the above point and raised together with our friends of the South what the implications are specifically for pwd from that area. Specifically the issues of Braille and Sign Language needed strong support. From an economic concept these facilities are hardly available in developing countries, which makes a strong legal binding essential, moreover as many countries of the North provide development aid but not always taking into consideration the human rights related needs for sensory impaired persons. We further worked on the text of the international co-operation and text for the inclusion of girls and women with disabilities. In the break two Side events were attended: Links between HIV/AIDS, Poverty and Disability by Rehabilitation International and Health (not just medical) as a Fundamental Right of the Disabled by the World Health Organisation. The latter side-event was not a very empowering one in regard of autonomy and ethical choices, but the first side-event had a larger focus on disabled people from the 3rd World and also focusing on people with HIV/AIDS as part of the disability movement and was therefore more interesting for DCDD.

TUESDAY JANUARY 24, 2006 PLENARY DISCUSSIONS

Presentation by the Office of the High Commissioner for Human Rights on Monitoring:

The Office of the High Commissioner for Human Rights presented their paper on options for a monitoring mechanism, which was followed by an extremely helpful and constructive discussion on monitoring before the negotiations on Article 33 and 34, took place. IDC was satisfied to see that the discussion on international monitoring is starting in earnest. It was clear at yesterday's session that the negotiations of this Convention will be finalised prior to the treaty reform process and thus agreement on a treaty body is necessary at this stage.

The IDC supports the establishment of a treaty body that will be part of the core human rights system but which at the same time foresees improvements based on lessons learned from the shortcomings of existing Committees. There are several ideas, which seem very interesting in this respect:

- The option to undertake action when a State does not report, including the realisation of country visits

- A good link between national and international monitoring on the basis of what is foreseen in the Optional Protocol to the Convention against Torture
- The organisation of Conference of States Parties on matters relating to the implementation of the treaty, particularly international co-operation
- A reference to the role of NGO's of persons with disabilities both in national and international monitoring
- A gender balance and gender awareness throughout the process

Also, the IDC strongly supports the establishment of a United Nations Disability Rights Ombudsperson/Disability Rights Advocate alongside the treaty body with clearly distinguished roles, this has now been taken up in the Chair's discussion proposal on the international monitoring, as well as other proposals put forward by the OHCHR and IDC.

Article 23: Respect for the Home and the Family

We cannot have a convention that includes customs and tradition in the text. It is often tradition and customs including religion that have led to oppression and discrimination of people with disabilities throughout the world.

The IDC suggested strongly the deletion of the phrase on laws, customs and traditions of general application because we fear its discriminatory use towards persons with disabilities. This is because Article 4 (a) has a higher threshold of tolerance for customs and traditions than Article 2(f) of CEDAW.

In-line with the national human rights institutions, the (W-)IDC strongly advocates for an explicit prohibition of forced sterilisation and abortion.

There was widespread state support for the IDC proposal on Article 23 paragraph 4 underlining the importance of education and support to parents of children with disabilities in order that they can protect and promote the rights of children with disabilities in the family. This paragraph prepared by IDC on training to parents was formulated in close consultation with children with disabilities as improved education and children with disabilities urgently ask for support to parents.

Self-advocate's statement: On education

Education is not a gift – it is my right.

Everyone needs an education – we must have the right to learn together. With education you are somebody – without it you are nobody.

EWL input: Today's contribution of the High Commissioners' office was very valuable. I have spoken in length with their top staff member from the Geneva office, who stayed in my hotel and during the Site Event of the OHCHR (Briefing on current discussions of treaty body reform). She feels that it is essential to focus on specific issues in relation to developing countries (such as education, employment, political involvement) and to push governments more to incorporate a human rights approach to disability in their mainstream development programs. She also would insist in a gender focus within such programs (not only from governments but also from the World Bank, ILO projects etc.). Provisions and articles according to the Customs and Traditions stipulated by states from specific regions (Arab world, some African countries, etc.) is one of the elements we fight for not to have into the convention. It would be detrimental especially to the rights of girls and women with disabilities. Cautionary I have debated these issues with friends from the South, and finding wording that is not jeopardising their human rights, but respect their different traditions. The women with disabilities are more articulate in abandoning these types of phrases than some men with disabilities (own interest!?)

WEDNESDAY JANUARY 25, 2006 PLENARY DISCUSSIONS

Article 24: Education

A very long discussion took place on this extremely important right. Education is a fundamental human right and there should be no exception for persons with disabilities.

Education is fundamental for persons with disabilities and their full participation in society. People with disabilities must benefit from the same quality education as all other people. The reality is that most children with disabilities are excluded from education in many countries, and even more so in the case of girls and women with disabilities.

Many states parties supported the two key elements of the IDC proposal for Article 24. The first is that the general education system (one Ministry of Education) is responsible for the education of all children and second, that individualised support measures are available in particular to persons who are blind, deaf and deafblind.

The IDC supports the Panamanian modification to the Canadian proposal on 2 (d): “that persons with disabilities receive the support required, within the general education system, to facilitate their effective education. States parties shall ensure that effective individualised support measures are provided consistent within the goal of full inclusion.”

Professionals and teachers must be trained in Sign languages, alternative and augmentative modes, means and formats as well as the human rights of persons with disabilities. Some groups of persons with disabilities (deaf, blind and deafblind) support maintaining the option of education in own learning environments. This is why the IDC supports the retention of paragraph 4.

The IDC rejects proposals from some states to the use of the term special education. The new paradigm for education that the IDC is proposing builds on the notion that there is one ministry of education and one school system responsible for educating all children and that individualised supports need to be provided as mentioned above.

The IDC also recommends the inclusion of highlighting gender references in this article given the overwhelming exclusion of girls and women with disabilities from education. No government raised this issue during the debate.

Women and children facilitators' meetings:

While there is still no consensus on a stand-alone article among the delegations (and especially not among the EU delegation!) on either women or children the IDC welcomes the constructive support of many governments in recognising the importance of appropriate inclusion of the rights of both women and children in the text of the convention.

The voice of self-advocates:

Inclusion is education for all, now and forever

Governments must support education for all.

We are who we are - our education will acknowledge this.

EWL input: The entire debate on education is on the one hand a very ideological one and on the other a practical one as well. It nearly looks that there is a clear split coming between the North and the South. The latter doing everything possible to get education of any kind and access to such, and the North refining and returning what is already existing. It is not easy to enter these – often emotional- debates on experiences of persons with disabilities themselves. Those who had been objected to special education and did not like it and those pleading for it as it brings children too much in isolation when they are in mainstream education (especially blind, deaf and deafblind children). I have only contributed in this debate by stipulating the position of women

and children in the South from a non-luxury position, by stipulating the importance of education in the developing world, and especially that of girls with disabilities and further education of women with disabilities. The illiteracy rate of women with disabilities is enormous in these countries and will keep women with disabilities in to (life-)long poverty. The Human Right to education on an equal level with others seems to become contradictory for some with the right to diversity. Also the lifelong learning for women should be incorporated as it is not yet.

Further we participated, as one of the leaders in the W-IDC in the facilitators meeting and as we are not allowed to speak anymore (as the negotiation part has started now) we limited ourselves to listening, noting and planning in our heads strategies with whom to talk. I had a heavy debate with EU delegates from Sweden and the UK afterwards (all young female lawyers who do not understand the combination of gender and disability).

At the site-event organised by DPI on International Co-operation, I was able to stipulate DCDD's and EWL's interest and work in the discussions with men and women from the South. It was an interesting event that highlighted the importance of solidarity of disability organisations in particularly the richer (more developed) countries and strategies were discussed how to reach out to these organisations to show solidarity in a dignified way.

THURSDAY JANUARY 26, 2006 PLENARY DISCUSSIONS

Article 25: Health

The wide support for a stronger text on free and informed consent was very much appreciated, as it is crucial to ensuring that people with disabilities are in control of their own health services and have the necessary information to support our choices.

However, the IDC expressed their great concern about the confusion of some states parties over the issue of health services vs. health care. The problem is that some state delegations want to change the term health services to health care but health services is a broader term while the word 'care' narrows the concept and has paternalistic connotations. As long as health service is not meant to be abortion other states said they could support the word 'service' instead of 'care'. The IDC has never discussed the issue of abortion in connection to health service, although the W-IDC had, but they see it more as an issue to be covered under violence, as there is a remit for it in relation to disability.

There was wide support to take away the explicit reference to 'physical' and 'mental' in the chapeau. The IDC prefers a broad concept of health rather than separating out only two components, which can be misunderstood.

It is important when discussing health to avoid any reference to the prevention of disability. The IDC proposal on paragraph 1 (b) takes out this explicit reference without losing the meaning of the Chair's text.

Support was asked for a reference to training and awareness raising of health professionals.

On the issue raised by Qatar, the IDC would suggest to include a reference to the prohibition to withhold treatment of persons with disabilities. There have been many cases where persons with disabilities are not provided with the adequate health treatment based on wrong presumptions about quality of life of persons with disabilities.

Article 26: Habilitation and Rehabilitation

There needs to be a paradigm shift from a medical to a social model concerning habilitation and rehabilitation. Habilitation and rehabilitation must be viewed from a human rights perspective, as they are one of the pre-conditions for participation of persons with disabilities in an inclusive society.

There was overwhelming support for the addition of fully informed consent, which is a vital for maintaining the integrity of this article. Far too often, people with disabilities are forced to follow programmes against their wishes and there is a lot of national legislation requiring people with disabilities to follow specific rehabilitation programmes that might be irrelevant to their needs. The IDC feels that the proposal to add 'maintain maximum individual independence' will strengthen this article. The IDC proposal to add 'irrespective of gender, age and all stages of life, complexity of disability and place of residence' strengthens this notion. It is imperative that we include a gender dimension into this article as culture and tradition give men and women different roles and this must not come into habilitation and rehabilitation.

In order to sustain the independence of people with disabilities within habilitation and rehabilitation services and programmes, they must have the right to assess and change the programmes over the course of a lifetime as well as be included in the development of these plans.

Finally, the IDC stipulated the importance of including text on the free or affordable provision of habilitation or rehabilitation. There will be flexibility on IDC's side in moving the text on communication and assistive technology to Article 4.

Article 27: Employment

Inclusion in the general labour force is fundamental for the full participation of people with disabilities and one of the main tools for ensuring a sustainable livelihood above the poverty line.

Like New Zealand, we had thought that the question of sheltered employment was settled at the 6th Session of the Ad Hoc Committee, and are concerned about the re-emergence of a paternalistic approach to the right to work of people with disabilities. We remind the Ad Hoc Committee of the urgent need to ensure that all people with disabilities who want to work will find opportunities, not only to enter the workforce, but to pursue careers and professions of our choosing, start our own enterprises, and generally exercise our initiative to emerge from poverty and to contribute to society through our efforts. Supported employment in inclusive settings is a key component of ensuring such opportunities, and this is provided for in paragraph d of the Chair's text, which addresses "assistance in finding, obtaining, maintaining and returning to employment".

The IDC generally supports the Chair's text, with amendments in the following areas:

- A strong non-discrimination component for this article, that would apply to all forms of employment, including in public, private, not-for-profit, and informal settings, and which would also apply to "sheltered employment". This is the best protection that people who currently work in "sheltered employment" can have in order to move out of segregated settings where equal rights with other workers have been expressly deprived, often by statutory exceptions.
- A strengthening of the provisions on public employment and self-employment, since these are important in ensuring equal opportunities for people with disabilities.
- Address to the gender dimension in this article by ensuring non-discrimination, protection from sexual and other harassment, and ensuring rights in relation to pregnancy and maternity.
- And addressing the situation of people with disabilities who are being subjected to forced labour, by including text based on article 8 of the ICCPR. We want to strengthen the Chair's text by providing for measures to assist, as well as encourage, employers to hire people with disabilities.

Article 28: Adequate Standard of Living and Social Protection

The issue with this article is that there is a large gap between the reality of the situation of people with disabilities and the provisions covered in this article. According to the World Health Organisation, 400 million people with disabilities are living with an income under 1 dollar a day and these are people with disabilities living in developing countries, especially women with disabilities who are even poorer than men with disabilities. Therefore, people with disabilities must have a means to ensure they live above the poverty line.

The IDC supports that disability related extra costs should be covered. Not doing so, will most often bring persons with disabilities and their families into poverty. See our proposed text under paragraph (a). On the other hand, we want to ensure that the way that the service is provided respects the independence of persons with disabilities. See our proposal for this in paragraph (c).

The Voice of Self-Advocates on Health

We all have the right to good health
It is the key to our well-being
It is the key to us being free

EWL input: The debates were very intense to-day and our interest focused specifically on the issue of employment, that was only touched upon and will be further discussed tomorrow. As to health there is a big divide between the developing countries and the other countries as health is regarded completely different in Africa for instance than in the EU, Japan or the USA. The same goes for (re)habilitation. As too often health care is dumped on the developing world's market from a western concept and often disabled people are victims of this dumping, autonomy and really learning to work from a health demand seems often like a luxury. We therefore lobbied to include a specific reference to developing countries and their wishes and demands. The debate however is not over yet, as some countries bring in the right to life (e.g. ending disabled people's lives in high tech medical centres) or issues like cancer treatments etc., and others pandemics, hygiene related diseases and so on. Also the issue of HIV/AIDS was touched upon, but only by one or two (African) countries and I emphasised on the feminisation of AIDS. Today's side-event was organised by the Office of the High Commissioner for Human Rights to Discuss possible options for the monitoring mechanisms. Another side event organised by Arab Organisation of Disabled People focused on Disabled People in the Arab World: Future Outlook. The first one was very important as a good monitoring mechanism is the key to success of the entire convention and the session was packed with people. The time was too short to really all have a chance to discuss the issue in-depth.

FRIDAY JANUARY 27, 2006 PLENARY DISCUSSIONS

Today was the International Day of Commemoration in Memory of the Victims of the Holocaust. Although many organisations pleaded to have an open statement in relation to this day, IDC-steering committee decided to only include a reference in their daily newsletter, as an open statement could be controversial to the entire Middle East debate.

So the following statement was written: On the 27th of January, we commemorate the practices of the Nazi regime of eliminating persons with disabilities. Persons with disabilities were also victims of so-called scientific experiments. Persons with disabilities were not considered as human beings. This should never happen again.

Article 27: Work and Employment

Further to yesterday's discussions IDC reiterated the concern on paragraph j of the Israeli proposal, which refers to alternative forms of employment. We repeated that we want persons with disabilities who work in these situations to be provided with the same rights as all other workers. This is precisely why we proposed to add in all forms of employment in paragraph (a). IDC strongly opposes to a reference to these alternative forms of employment, which include among others sheltered employment.

The EU's stand against sheltered workshops is widely welcomed by the IDC.

Article 28: Adequate Standard of Living and Social Protection

New Zealand and Israel's support to the IDC's proposal on a new paragraph (c) was welcomed. The proposal includes a paragraph that ensures that autonomy is preserved in the delivery of social assistance and participation in social insurance scheme, including by prohibiting provision of any service or benefits contingent on acceptance of any other service, and that services always contribute to the full participation of people with disabilities in the community and their families as this paragraph adds value to the text.

Affordability of services is of vital importance to people with disabilities especially to ensure adequate standard of living.

The IDC strongly backs the reference to women and girls with disabilities in paragraph 2.

IDC insists on the importance of including reference to income maintenance schemes in the context of this article.

We are interested in the proposal some states parties made on the addition of text to ensure access on an equal basis as others of persons with disabilities to pension and retirement programs.

The reference to clean water should be retained and the Chair has proposed to move it out of the chapeau. We don't want to lose the reference in the context of this article because most families, and especially women, spend most energy on finding water than finding food. The idea that food goes with water is not realistic.

Article 29: Participation in Political and Public Life

This article must ensure that states guarantee the right to vote of people with disabilities and don't discriminate on this right based on disability. Therefore, there is a need to add 'inter alia' to paragraph 1 (a) to ensure this does not happen.

We could not get rid of the secret ballot, as it is a concept in the ICCPR.

The IDC insists on retaining the text on assistance to vote by the person of one's own choice. The support for our paragraph C was welcomed and we could look at the incorporation of this dimension of participation whilst discussing paragraph 3 of Article 4.

We also supported a gender dimension to the chapeau of this article.

Voice of self-advocates on work:

Having a job gives meaning to my life.

Having a decent job should be my right.

We all need a job – we may need support to keep our job.

Article 30: Participation in Cultural Life, Recreation, Leisure and Sport

The IDC stressed the need to mention access to culture and the right of persons with disabilities to use their potential and be an artist or perform in media, for example.

Indigenous persons and tribal persons with disabilities need to be included in the text of this convention and the IDC supports their inclusion in the context of this article.

IDC strongly supported the reference to international copyright but considers that this is perhaps better placed in Article 9.

In addition, we proposed to add the full inclusion of persons with disabilities in mainstream sports.

The IDC supported the paragraph 4 of the Chair's text. Deaf cultures and sign languages are part of the cultural and linguistic diversity in the world, because language and culture are closely interrelated. Deaf culture meets all five sociological criteria for defining a culture: language, values, traditions, norms and identity. The right of an individual to enjoy culture and to advance culture and science without interference from the state is a human right stated in international human right law. A Deaf person has the right to enjoy his/her Deaf culture and practice and develop it. S/he has also right to enjoy other cultures in the society.

The IDC wants drew the attention of the Ad Hoc committee to the situation of indigenous persons with disabilities, members of cultural minorities and persons living in tribal conditions who are victims of multiple discriminations and whose voice is generally ignored. For that concern, the IDC supported the reference to these persons in the context of the article 30 and article 4 (general obligations).

The IDC reiterated its proposal to move the paragraph 3 of article 30 to the article 9 on Accessibility as it is about access to information of all kind. It is necessary to remind delegates that international laws on copyrights are important obstacles for accessing alternatives forms of information and therefore have a discriminatory effect on people with disabilities.

Article 31: Statistics

The IDC proposal to add that disability statistics should be desegregated by sex, age and ethnicity, an addition we feel is vital for this article because data on disability is most often looked at from a medical model perspective not taking into account the social aspects of disability such as being a man or a woman but also environmental circumstances, age, ethnicity etc. On the other hand, the IDC opposed to desegregate statistics by category of disability. We think that as long as this kind of information does not describe the living conditions of persons with disabilities, it is therefore irrelevant. In other words, statistics should document situations of persons with disabilities and be a basis for compliance with the Convention.

We expressed our concern regarding the misuse of statistics indicators that presuppose that the lives of disabled people have less value than those of people without disabilities and can be used to discriminate people with disabilities from public and other services, such DALYs (disability adjusted life years). We welcomed the support from states parties to add the IDC proposed paragraph 4 on the dissemination of statistics in an accessible form.

EWL input: Today was a very important day in relation to Article 28: Adequate standard of living and social protection. DCDD as part of the W-IDC lobbied specifically on the inclusion of a reference to clean water. This is in developing countries one of the hottest issues, and has a

major impact on the daily lives of families and the burden on the shoulders of women. The entire issue on adequate standard of living seems again a splitting issue in regard to what developing countries want and need in comparison with others. We lobbied with many of the southern delegates to come forward with questions and suggestions to the chair on this topic from a southern viewpoint, including a gender based one, and we did the same for participation in political and public life where we found an ally in South Africa.

During the lunch EWL was –among other organisations – invited to a special lunch meeting organised by the Landmine Survivors Network with the High Commissioner on Human Rights Louise Arbour. Every table had approx 7 minutes to discuss their issues with the HC and our table focused on the monitoring and the inclusion of DPO's in the process, but I was able to cling in with the earlier statement by the Commissioner on Women and Girls issues and the gender dimension in the Convention. It was very well organised; Adnan Al Aboudi, network director from Jordan, who has been involved in the convention process from the beginning, gave a short presentation and thanked everyone for attending the lunch (which was held on the executive floor of the UN building). This was a welcome and positive ending of the second week.

THIRD WEEK PLENARY SESSION OF THE UN CONVENTION ON THE RIGHTS AND DIGNITY OF PEOPLE WITH DISABILITIES

The weekend was full of side-events and meetings. On Saturday DPI organised a seminar for new NGO delegates coming to the Convention and tuning in with the last issues on the agenda (international co-operation, monitoring etc.). On Sunday the W-IDC met – with new members too – to discuss the facilitators proposal (children and women) that had come out on Friday and scheduled for discussion in the plenary on Sunday. Especially having new members into our W-IDC made the discussion not an easy one. Not everyone is as involved as the core-group of the W-IDC, and cultural and regional differences among the new and old members made it a challenging experience for all.

MONDAY JANUARY 30, 2006 PLENARY DISCUSSIONS

The Chair indicated that today the articles 1 to 4 would be shortly discussed and the afternoon would be spend on article 6 women with disabilities and article 7 children with disabilities.

Article 33 National implementation and monitoring

The discussion on article 33 was a bit confusing, as delegations had to handle with two different texts. Civil society supported the substance of article 52 of the facilitator's text as a basis for including additional references on the role and functioning of independent national monitoring bodies as foreseen in paragraph 2 of article 33.

We also reiterated the need to distinguish clearly between the three elements that are needed for implementation and monitoring:

- one or more Government focal points in charge of implementation;
- a national co-ordinating committee as foreseen in the UN Standard Rules;
- an independent monitoring body, which should comply with the highest international standards governing national mechanisms.

Article 34 International monitoring

The IDC's proposal includes at a minimum a Treaty Body, composed of persons with disabilities with relevant expertise and with a gender balance. The Treaty Body would need to have relevant functions such as issuing general comments and individual communications and inquiries. In addition, it should have a transparent election process with the participation of disabled peoples' organisations. Additionally, we supported a global disability rights advocate or ombudsperson (with a clearly distinguished role) and an expanded role for a conference of state parties to encourage co-operation. These tools would ensure a more holistic monitoring process.⁸

IDC especially welcomed the text provided by the Chair, which includes most of the proposals made in the document presented by the OHCHR, which received wide support.

Voice of self-advocates:

This was the last message of the self-advocates who were leaving this day.

"Together we can do anything"

With their statement the following self-advocates present thanked their colleagues:

Haydee Beckes, Panama

Mia Farah, Lebanon

⁸ Further details on the IDC: <http://www.un.org/esa/socdev/enable/rights/ahc7docs/ahc7idcart33-34.doc>

Robert Martin, New Zealand
Quincy Mwiya, Zambia

Article 1 Purpose

The relevance of this article has been questioned, arguing that the title of the Convention itself may cover the topics addressed in this article, so a purpose may not be required. The IDC, although W-IDC strongly lobbied to have women and men with disabilities in the topic, supports the retention of this article for many reasons. First, the title of the Convention may evolve into a different, shorter one. Moreover, the title of the Convention alone is not legally binding, whereas the text within it is. Furthermore, the IDC has consistently argued that this Convention should be clear and accessible and a purpose helps in that direction.

There was overwhelming support for the IDC proposed title as well as for the many of the elements of the IDC proposed changes to Article 1 including the addition of the words “ensure” and “all”.

IDC warning on the use of the word “dignity” was also taken up by the Chair who provisionally proposed to add the words “promote the respect for their dignity” at the end of Article 1. Now in the new draft the word dignity is no longer in the title of the working text.

Article 3 General principles

For paragraph (a), the IDC promotes the addition of the word “Respect for” dignity as it is a matter of ensuring that one’s dignity throughout life is recognised and respected. Moreover, the IDC points its preference for the wording “self determination” instead of autonomy. Self determination highlights the struggle of adult human-beings to move away from a situation of deprivation and subordination.

The IDC strongly suggested the addition of a paragraph (h) ensuring equal respect for children with disabilities with all other children, in respect of their evolving capacities and the right to express views. Without such addition, children would be completely excluded by the general principles, because unlike adults, they do not have legal capacity or autonomy.

The IDC welcomes the nearly unanimous support for our proposal to use “respect for dignity” which was improved by the Chair when he proposed the following formulation: “respect for the inherent dignity” in paragraph (a).

We reiterate our demand to retain paragraph (d) as it stands for it clearly and adequately reflects the paradigm shift. The IDC suggested caution in merging different paragraphs within this article and would prefer if they are kept as they are. In light of what many delegates have said, civil society supported the deletion of the words “on an equal basis with others”

We reiterated the need for a reference to the evolving capacities of children with disabilities as otherwise they would be excluded from this article. The IDC welcomed the support from a number of governments for the IDC the addition of a new paragraph (h) respecting the evolving capacities of children with disabilities. Evolving capacities of children is an essential provision in Article 3 because without it, the principle of autonomy, essential to the rights of persons with disabilities, will effectively serve to exclude children who do not have independent decision making rights. We do not feel that the proposal for a paragraph on the best interests of children would be appropriate in Article 3. Rather, we would support the proposal of the Children’s facilitator that this issue is addressed in a dedicated article on children.

We strongly support the equality of women and men and do not wish to downgrade this principle by putting gender under non-discrimination; objective equality between women and men is already recognised in other UN human rights conventions. Non-discrimination is only one part of the UN concept on how to fulfil human right and fundamental freedoms for women.

We did not support the inclusion of cultural and traditional diversity in this article.

Article 4 General obligations

A very long article for which the IDC has several proposals for additions:

- *The IDC suggests including a paragraph on national remedies, as foresee in ICCPR article 2.*
- *The IDC supports a reference to the use of public funds and public procurement in this article as relevant tools to achieve the objectives of the Convention.*
- *The IDC also wants to strengthen the reference in paragraph 1a which refers to “discourage” customs and practices. Compared to this, CEDAW states “modify or abolish”.*

A very important paragraph is the one relating to consultation with representative NGOs of persons with disabilities. The IDC proposed to delete the list of areas, as persons with disabilities demand to be consulted on all issues. Moreover, we suggested a new line on provision of support for the establishment and strengthening of these organisations. Finally, the IDC proposed to refer to indigenous persons with disabilities and other specific groups (persons with disabilities from racial, ethnic, linguistic and religious minorities) in this article.

The IDC is pleased with the support received for our proposed change to paragraph 1c.

Many Government delegates have supported the addition of a paragraph on legal remedies. The IDC considers that in order to ensure the rights of persons with disabilities, remedies need to be provided. The IDC could accept a reference to this in the implementation section, as proposed by Japan.

On the issue of consultation with persons with disabilities, the IDC suggests a wording that will ensure that persons with disabilities are consulted through their representative organisations on all matters affecting persons with disabilities, not just those which concern them directly. In that sense, the wording which IDC had proposed in article 29 seemed to be a good basis. Children with disabilities through their organisations shall also be part of the consultation process.

We agreed with those delegates which have proposed a rewording of paragraph f) on the basis of the definition of Universal Design to be found in article 2. The references to minimum adaptation and least cost seem inappropriate in this paragraph.

Also, the IDC supported a reference in this article (or in a separate article as proposed by Australia) to several groups of persons with disabilities: indigenous people with disabilities, people with disabilities from racial, ethnic and linguistic minorities, elderly persons with disabilities, persons with disabilities from rural and remote areas and small islands.

Finally, the IDC would like to reiterate its proposal to include a reference to the use of public funds and public procurement to promote the objectives of the Convention.

EWL input: It was a very long day today with many topics and very important ones especially for our focus on women and girls, third world needs and implications of certain articles such as

national implementation and monitoring. At the lunch-break two side events took place 'Media is the Message: Creating a Disability Media Alliance' organised by the Victor Pineda Foundation and 'Disabled Women in the Arab World' organised by Arab Organisation of Disabled People. I attended this last event. One of the speakers was a member of the W-IDC, Heba Haggras from Egypt who gave together with other women a good picture of the situation of women with disabilities in the Arab World and the importance of joint ventures, creating mutual understanding. They are working on a large conference on disabled women in the Arab World at the end of this year or next year. Here we see again the essence of women's needs and the importance of the convention.

TUESDAY JANUARY 31, 2006 PLENARY DISCUSSIONS

Article 4: General obligations (continuation)

The outcome of this very long discussion was rather positive, as several of the IDC proposals received wide support.

One of the key issues brought back to the agenda is national level remedies. It was not in the Chair's text but was supported by many Government delegates. It is hoped that delegates might be able to reach a compromise solution using the well accepted models in the Convention on the Elimination of All Forms of Racial Discrimination (Articles 5 and 6) and the Convention on the Elimination of All Forms of Discrimination Against Women (Article 2 (c)).

The IDC is satisfied with the reference to consultation with persons with disabilities through their representative organisations which many states parties supported. The IDC reminds everyone that this consultation needs to happen on all issues affecting persons with disabilities. The IDC looks forward to a re-worded paragraph (f) based on the definition of Universal Design currently to be found in Article 2.

We also look forward to a re-wording of paragraph 1 (a) in-line with the CEDAW Article 2 (f) which deals with customs and practices in a much stronger way.

Preamble

The IDC has proposed a number of changes to the preamble:

- *a new paragraph on children with disabilities*
- *a new paragraph on persons with disabilities requiring intensive support*
- *a reference to indigenous persons with disabilities in paragraph (m)*

The IDC has also looked at the new proposed paragraph on families and will propose an alternative wording.

Article 2 Definitions

The IDC has proposed a definition of a person with a disability, in order to ensure that the population to be protected by the Convention is defined.

The IDC also proposed, as already mentioned during the discussion under Article 5 that the "denial of reasonable accommodation" is seen as a form of discrimination and should be placed in the text with discrimination on the basis of disability as it appears in the definition of General Comment no. 5 of the CESCR.

We also reiterated the difference between reasonable accommodation and general accessibility. Reasonable accommodation is an adaptation made for a specific person with a disability by her/his employer, school, etc.

This difference is important in respect to the concept of discrimination and the concept of progressive realisation. While general accessibility is clearly something that will be achieved progressively, the provision of reasonable accommodation is something that can be done from the outset.

We remind delegates of our position on the definition of communication and language as it is not properly defined in the Chair's text. Our proposal would be to differentiate between Sign and spoken language as well as to define communication in a more extensive way to include systems of symbols, sounds, Braille, tactile communication etc.

IDC restated the importance of a definition within the text of the Convention. In the absence of a definition, certain groups of people with disabilities will not be covered in certain countries which use restrictive definitions in national legislation. People with psycho-social disabilities who are not usually considered to be persons with disabilities are one of the groups at risk of not being covered by the Convention without a definition.

We welcomed support for our proposal to use the definition of "person with a disability" from the Inter American Convention on the Rights of Persons with Disabilities rather than defining disability itself. The IDC does not want a definition on disability as such as it would be counter productive to define different types of disability using a medical approach. Instead we have proposed a definition using the social model relating disability to the social environment.⁹

The IDC was pleased with the overwhelming support from states parties to have the denial of reasonable accommodation included in the definition accepted as a form of discrimination.

The very clear explanation provided by the National Human Rights Institutions which articulated the difference between reasonable accommodation which applies to an individual and general accessibility was an added value to the debates.

We drew delegates' attention to our proposal for a new definition of inclusion which would clarify the debate, among other things, about inclusive education: "the full and equal participation in public social and private life of a person with disabilities with a focus removal of social and physical barriers and with support and service including respect for human diversity".

We thanked governments for their support of IDC text on communication.

EWL input: The entire debate on definition is something that will keep the disability movement and academics alike going for the next three to four generations I feel. In this I have the feeling that the anglofonic influence is huge as well as the larger movements influence (USA, EDF, DPI). It is a pity that a distinction is not made between impairment and chronic illness as the physical component leading to disability (the social construct), defining dis-abled as the social, environmental and societal obstruction to fully participate in society. I am afraid that those involved in the academic discourse is going to lose it from the disability movement's discourse (which is more based on personal experience, not mistaking this with narrative research, than on open discourse and acknowledging the paradigm shift from medical to social (human rights) model). As the discussion within the developing world is still moving around the medical model

⁹ I have a clear different vision on this as I still have the feeling that IDC is mixing the medical and social model in this context. This has everything to do with the fact that IDC is a disability movement and not basing their thinking on an academic discourse on disability. Moreover linguistic problems of defining the wording in the different languages is adding up to the confusion.

(as this is a prerequisite for their daily survival!) they are not as far as some of the western world participants are.

Today's side events: 'Implementation of the UN Convention' by Rehabilitation International and 'Work on CEDAW on Women with Disabilities' by DESA (the bureau on women of the UN). I attended the last one and we discussed explicitly the importance of demanding states to include disabled women within their reports and researches in the evaluation of CEDAW. Also we indicated the importance of disabled women's experts within the CEDAW expert group and the direct involvement of the UN rapporteur on disability. Much support came from the Portuguese expert and the Korean expert. It was shocking to experience how opposing some of the CEDAW experts were to our W-IDC.

WEDNESDAY FEBRUARY 1, 2006 PLENARY DISCUSSIONS

In the afternoon a fire drill was held (although not everyone was informed that it was a drill and not a serious alarm) and it proved many inadequacies and left some people in distress. The fire drill exposed the lack of accessibility and many people in wheelchairs after exiting the building could not get out of the garden (fences around the entire building and no exits and very close to the building!) and could not leave the premises, and were left in the cold weather without coats, blankets etc.. In addition, there were no lighted signs to signal for deaf people that there is a fire or emergency. Furthermore, the people co-ordinating the drill firstly separated people with disabilities from people without disabilities and some of the non-disabled were personal assistants. In reality, having all people exiting **together** will in fact improve the chances of getting everyone out more safely.

Article 6 Women with disabilities

To clarify the complex and unique discrimination against women with disabilities and identify their unique needs, which were unmet, by existing international law, the IDC strongly suggested the inclusion of a separate article for women with disabilities, to be inserted as Article 6 (as part of a twin-track approach on gender and women's issues).

This will ensure that governments recognise the significance of the issue of women with disabilities before other articles. This will make certain that governments realise the significance of gender perspectives and equality between women with disabilities and men with disabilities, non-disabled women and men. The article also specifies that these perspectives will be applied throughout the text.

The inclusion of an Article 6 on women with disabilities will help to focus attention in implementation and monitoring on the specific obligation to address issues of importance to women (and girls) with disabilities.

The IDC supports a combination of a specific article in part I of the Convention (article 6), focusing on equality of women with disabilities, and specific references to women's issues in various relevant articles of the Convention (twin track approach).

The IDC was very pleased with the fact that there was so much recognition for bringing women and girls with disabilities into the text of the Convention as a specific article as well as integrating specific references in other relevant articles. The facilitator's strong role in bringing delegates together has proven valuable to this initiative. The UN Special Rapporteur on Persons with Disabilities Sheika Hessa al Thani has sent a strong message in favour of specific references to women and girls throughout the text and also stipulated again why CEDAW is not enough and why cross-reference is needed and does not jeopardise either convention or discriminate on either groups involved.

We feel however that the text in Article 6 needs strengthening as the proposed text by the facilitator is not enough as a legal base. Article 16 should have more mentioning of the various forms of violence that persons with disabilities are subjected to specifically mentioning gender-based manifestations, forced sterilisation, abortion and female genital mutilation to recognise the specific forms of violence that women with disabilities can be exposed to. Furthermore, we appreciated that many delegates supported a reference to women and girls in Article 24 on education as this is one of the most crucial area for women and girls with disabilities, especially for those living in poorer areas or within male dominated cultures. Education level and literacy rates of women with disabilities are significantly lower than men with disabilities. The same could be said for Article 27 on work and employment. Empowerment and independence most of the time is achieved through employment. We will keep working on the various articles that need further reference and also stipulating the importance of this approach.

Article 7 Children with disabilities

There is a powerful case for explicit inclusion of children with disabilities in the text of the Convention. Children have a different legal status from adults and there are many issues which effect children exclusively. Unless these issues are properly addressed then the opportunity to address the continued and widespread violations of the rights of children with disabilities in this Convention will be wasted. The facilitator for children highlighted these issues in her proposed amendments and the IDC strongly recommends that governments lend their support to these proposals.

Some of the key issues include:

- Respect for the evolving capacities of the child
- Measures to ensure birth registration
- Age appropriate accommodations to promote access to justice
- Respect for children's right to express views and obligations to consult with children when developing legislation and services that affect them
- Disability sensitive child protection procedures
- Support and information for families with a child with disabilities
- Prohibition on sterilisation of children
- An end to institutionalisation and promotion of the right of children to live in the community

The IDC welcome the very strong support for the proposals from the facilitators' on children. However, we have some outstanding concerns:

- We feel that in the proposed amendments to Article 7 by the EU which we support in principle, the issue of providing age and disability appropriate support to ensure that children are able to express their views also needs to be included.
- We want a strong text on child protection making explicit reference to the need for such services to be sensitive, accessible and available to children with disabilities
- We are unhappy with the facilitator's text for the preamble and would like to see it substitute it with the EU's proposal.
- There is a need for explicit reference for protection of children with disabilities from sterilization as the current text on forced sterilization and on the right to retain a family are not sufficient to protect children.

We do not support the paragraph 4 of Article 7 in the facilitator's text. Instead we would like a paragraph stressing the need for all children services to be adapted and available to children

with disabilities on equal basis with other children. Only through such mainstreaming will the exclusion of children with disabilities be challenged.

EWL input: As I have put a lot of energy in specifically focusing on the gender issue in particular to women from the Third World, and until the 6th Ad Hoc Committee meeting last year women's issues were not incorporated as a stand-alone article, neither within most of the articles, as EWL we can be very proud that we have achieved so much in such a short time in relation to the gender and women's issue. If things are not taken out in the next and last (8th) Ad Hoc Committee in August this year, we have had specifically a major contribution to the largest group of disabled people in the Third World, namely women and girls and those from the new EU member states.

*To-days' side-events were organised by The Cambodia Trust in relation to 400 Million R, a campaign launched during this UN meeting by Chris Moon (initiator) and Caroline Casey. The number 400 stands for the estimated number of disabled people living in developing countries; the biggest definable disadvantaged group of people in the world. The R stands for **R**ights, **R**espect, **R**ehabilitation, **R**eintegration and **R**esources for disabled people in developing countries. It was taking place at the same time as Disabled People's International side event on Disabled Women and the UN Convention with the title: 'Empowerment of Women with Disabilities: Let's get into Action: Strategies for the follow-up" I was one of the workshop leaders offering those attending a short introduction to empowerment training and info on how to become a trainer in your own country. As for the follow-up we made decisions on the way forward: who would be the co-ordinator of the various articles, how to prepare for the next meeting in August.*

THURSDAY FEBRUARY 2, 2006 PLENARY DISCUSSIONS

Most of the debate of the day was devoted to the preamble of the Convention.

Some of the IDC proposals were taken up in the discussion and will most likely be reflected in the revised Chair's text:

- *a new paragraph on persons with disabilities requiring more intensive support*
- *a new paragraph on the support to families to ensure that they contribute to the rights of persons with disabilities*

Unfortunately, the proposal to include a reference to indigenous people with disabilities did not make it.

The Plenary debate then moved to Article 32 International Co-operation.

The most delicate issue in this article is how to find a way to make it clear that the absence of international co-operation can not be used as an excuse for inaction. It was a very ideological North-South debate, not really related to disability but influenced by the general North-South issues.

The key issue seems to be to ensure that all international co-operation programmes are inclusive of persons with disabilities, and above all sex specific.. This seems to be getting support in regard to persons with disabilities at large, but with a sex specific approach delegates are still struggling (this is specifically important for women in the developing world!)

On whether there will be or not a specific article, no decision has been made so far, but it seems that finally there will be a separate article.

Final statement

A statement has been prepared which was handed out (as news page) to the delegates when entering the Plenary today.

PREAMBLE

The preamble will set the context for the convention. It is important that it provides a thorough overview of the need for the convention and address overarching themes. The IDC is calling on States Parties to support the insertion of additional paragraphs on women, children, families and indigenous populations.

Article 32 International cooperation

An urgent appeal from the civil society to the delegates was done at the beginning stating that International Cooperation is absolutely needed!

Especially IDDC members had been active in the preparation of this article. We made an appeal for a good and strong article 32 underlining:

There is a need to mainstream disability issues across all International Cooperation programmes and projects (this should include both development cooperation as well as emergency and humanitarian aid)

There is need to have specific International Cooperation programmes that address people with disabilities.

International Cooperation is not only a matter of economic support, it is mainly technical assistance, knowledge exchange, capacity building, and good practices sharing. International Cooperation is not only North – South but also South- South cooperation. Even more, we believe that the good lessons learnt in the South can be shared with the North. No public money should be spent to create barriers for people with disabilities. More resources within existing aid efforts must be allocated for disabled people. Humanitarian and other emergency aid efforts should also be inclusive of persons with disabilities.

We should be included and recognized at all levels of designing, planning, implementing, monitoring and evaluating programs created and funded in the realm of international cooperation;

A gender approach to the article is essential to accommodate especially the 58 to 63% women with disabilities in the Thrid World.

The Facilitator promised to its utmost best to include all these issues in Article 32 and we thanked the Committee for including this important issue in the draft Convention.

Article 12 Equal recognition as a person before the law

Civil society emphasized that legal capacity and the freedom to exercise it are fundamental to the support model and to the inherent dignity of people with disabilities. We are concerned that paragraph 4 of the proposal elaborated by EU, Canada, Australia, Norway, Costa Rica, USA and Liechtenstein does not meet this requirement. Our amended paragraph 4 retains the provision for effective safeguards for support, and avoids the implication that the exercise of legal capacity itself is subject to safeguards.

IDC version of paragraph 4 of the new proposal:

"States Parties shall ensure that legislative or other measures are taken to establish effective safeguards to prevent abuse of support in exercising legal capacity. Such safeguards shall ensure that support in the exercise of legal capacity respects the rights,

will and preferences of the person, is free of conflict of interest and undue influence, and is proportional and tailored to the person's circumstances”.

Article 17 Protecting the integrity of the person

In article 17, the IDC emphasizes deletion of paragraphs 3 and 4 of the Chair's text.

The right to physical, mental and moral integrity of people with disabilities has to be respected on an unequivocal basis. This means that we have the right to be ourselves without interference - whether from medical interventions or anything else.

The IDC also notes that article 25 provides in general for free and informed consent in health care services and the chapeau of this article makes clear that all rights contained therein are on a basis of non-discrimination. This is as it should be, and any proposals to limit free and informed consent should be rejected, whether in article 25 or elsewhere in the Convention.

EWL input: W-IDC worked closely together with the IDDC members present and especially Marianne Schulze (Light for the World), who co-ordinated the work around this article lobbied a lot with the Austrian delegation to get/keep the EU on our side. We amended the text every night when it was send to us and Marianne lobbied again around the plenary. If this article with the strong text proposed, and here and there edited with even stronger text, a major step is made in this process. The fact that during this same period the EU came out with a strong resolution on disability and development¹⁰, could not have been chosen better. One side-event was organised by Persons with Pain International on Partnering between Persons with Disabilities and supportive allies, Sharing experiences in Tunis. Especially recognition for persons (particularly women) with disabilities that are constant under medical/psychological discussion (pain, fatigue disease, etc.) need to be included in this convention (basis for inclusion could be describing within the definition people who regard themselves as disabled on the basis of not yet medically accepted diseases or chronic illnesses). The second event was held by Center for International Rehabilitatin on Improving accessibility: Governmental and Civil Society perspectives with some good contributions of Renato Boreto Ministry of Cities in Brazil and others.

FRIDAY FEBRUARY 3, 2006 PLENARY DISCUSSIONS AND CLOSING STATEMENT

Plenary debate

The AHC 7 ended with a very interesting last day.

The Plenary discussion continued with the article 32 on International Cooperation. When the summing up of the Chair had finalised, a rather unpleasant discussion started with Sudan and China, who were arguing that the Chair had not correctly summed up the discussion.

The conflicting point was how to word the relationship between the primary obligations of a State to comply with their obligations under the Convention and the complementary role of international cooperation. This will clearly remain as a conflict area for the next meeting between some Governments from the South and from the North.

When this discussion finished, the Plenary debate moved to article 12 Equal Recognition as a Person Before the Law. The reason for reopening this article was that there was a new text

¹⁰ See webpage

http://www.europarl.eu.int/omk/sipade3?SAME_LEVEL=1&LEVEL=1&NAV=S&DETAIL=&PUBREF=-//EP//TEXT+TA+P6-TA-2006-0033+0+DOC+XML+V0//EN

which had been prepared over the last two weeks by different Governments, including the EU, Canada,. GRULAC (Latin America and Caribbean), New Zealand and Australia.

The text is a move in the right direction (supported decision making) but still not good enough. The discussion in fact proved to be more positive than expected and showed the positive work done by the IDC on this issue. The IDC interventions were very balanced. Definitely, this will be a key area for the August meeting.

The final issue discussed in the Plenary was International Monitoring. Rather surprisingly, Russia, US (this was not a surprise), China and Australia spoke against a specific Treaty body and in favour of a mainstreaming approach. The EU and others spoke in favour of a new Treaty body, which is also clearly the strong view of the IDC.

The IDC intervention at the end provided the very good reasons for an independent body.

This discussion has shown that this will be one of the key issues in August.

The Plenary then proceeded to adopt the final report and the IDC read its final statement.

Chair final statement

The final statement of the Chair to be found on the ENABLE website¹¹ is a very important document as it highlights his plans (basically, **to adopt the Convention in August**) and the issues which seem to be the most complex ones for the August meeting. **These are articles 12, 17 and 25 (the issue of sexual and reproductive health services being very contentious), article 6 on women and 7 on children, issues within article 16 on violence.**

I would add to this list the issue of international monitoring and also international co-operation, especially in line with the Plenary discussion of the last day, and the issues still outstanding in relation to women and girls with disabilities articles, 24 (education), 27 (employment), 29 (partic. in political life), 32 (int cooperation), 34 int. monitoring.

*IDC were the last speakers with the following statement (half of the statement read out by a **Hebba Hagra** (from Egypt, member of W-IDC) and the other half by **Luis Fernando Astorga** (from Costa Rica), who was refused entry to the USA in the first week..*

WE HAVE A DREAM

Access to information being an essential issue in this Convention, we would like to thank DESA for ensuring that Braille text was available in a timely manner to blind delegates thereby facilitating their full participation.

Dear Chairman, dear delegates

The IDC would like to start by thanking you and all the state delegates for your commitment and hard work during these last three weeks.

Without a doubt, this meeting represents a huge step forward in the negotiation process and the IDC is particularly pleased by the fact that many of our proposals received wide support from delegates and are reflected in the text.

¹¹ <http://www.un.org/esa/socdev/enable/rights/ahc7chairclose.htm>

Delegates can appreciate the increasing richness of our contributions due to the involvement of men, boys, women and girls with disabilities from around the world.

We thank countries who contributed to the UN Voluntary Fund which is used to finance the participation of DPOs from developing countries.

During these final stages of process, we continue to urge states to include persons with disabilities from national organisations of people with disabilities in their delegations.

We make a plea to all the countries to contribute to this Fund and ask the Secretary General to urge all states to do so for the 8th Ad Hoc Committee.

The IDC is fully committed to maintaining the momentum of the process and is hopeful that soon there will be a Convention which will ensure the human rights of women, men, boys and girls with disabilities.

We support the approach proposed by the Chair to focus at the August meeting on specific key issues and avoid reopening articles on which we seem to have reached language on which we can all live with.

We would like to communicate to you some of the outstanding issues which we believe require focused attention in August.

The complexities surrounding the issue of definitions persist especially relating to the definition of a person with a disability. The IDC insists that we need a broad definition to avoid excluding huge groups of persons with disabilities from being covered by this Convention.

A good basis for a twin track approach regarding women with disabilities as well as children with disabilities was established during this Ad Hoc session. Further elaborations are necessary to ensure that issues like education, employment and political participation will include references to women and girls with disabilities.

We are concerned that no reference has been made by delegates to indigenous people with disabilities and other groups of people with disabilities. We urge you to include a reference to these groups in the Convention text to ensure that they are not overlooked and forgotten.

We need a Convention that secures full legal capacity constructed within a supported decision-making model.

Free and informed consent is a necessary basis for this convention. Further, there is a need for an unambiguous protection from all forms of forced treatment or intervention based on disability.

We are aware of the progress made during this meeting on the provisions related to international cooperation but we still have not reached a conclusion on this matter.

The discussions so far on international monitoring provide a good basis for reaching agreement but concluding this issue will obviously require more time and attention.

It has often been said that nothing is settled until everything has been settled. It is necessary therefore that these outstanding issues should be resolved in accord with the rights and aspirations of persons with disability for us to have a Convention we can all own.

The term “paradigm shift” has been used by many of us during these three weeks. A paradigm shift implies a rethinking and reformulation of the way governments and society in general address the human rights of persons with disabilities.

As with any paradigm shift, this will require changes in national laws and regulations and a significant rethinking of the way in which certain situations are addressed. This is the very purpose of a Convention, to promote change at national level.

We are aware that this will not happen overnight, but the Convention is needed in order to put this process in motion.

Only when we have a Convention text which produces a real paradigm shift will the Convention be accepted and welcomed by the IDC and girls, boys, women and men with disabilities worldwide. Let's continue to work together until we reach this goal.

NOTHING ABOUT US WITHOUT US

IDC strategy between now and August

The IDC Assembly discussed and agreed its strategy for the work from now until August 2006. The final version of the strategy is now available for participants to the yahoo.discussion email list.

IDC preparing for the future work

The IDC steering committee has discussed a possible strategy for the work from now onwards until the August meeting.

Some of the key issues of the new strategy are:

- to focus on priority issues
- to reduce the number of working groups to focus on issues which are outstanding.
- To do work intersessionally on some of the most conflictive areas, especially on legal capacity and protection from forced intervention (articles 12 and 17 of the current Chair's text)

EWL input: We were actively involved in the drafting of the final statement read out today at the plenary by two people from the South. Especially reinforcing the gender dimension and the aspects related to women and girls (still a difficult issue even among IDC members) was incorporated. Today no side events were scheduled and the exhaustion of so many over the past three weeks gave a bit of a relief today. As one of the leaders of the W-IDC I will be involved to work closely with all article co-ordinators to have the text included of women and gender issues and especially references to (wo)men of the South.

The coming months will be important as the final draft Chair's text will be answered with IDC proposals and we will have to give our input not too loose all the work done so far. The presence of EWL is not foreseen for budget reasons, therefore budgets have to be find to finalise this work, otherwise we might loose everything won so far in relation to women and girls within the convention.

WEBSITE LINKS

All documents regarding the 7th Ad Hoc Committee meeting

<http://www.un.org/esa/socdev/enable/rights/ahc7.htm>

Chair's Closing Remarks

<http://www.un.org/esa/socdev/enable/rights/ahc7chairclose.htm>

Daily reports convention

<http://www.conventionyes.org/content.cfm?ID=5B5876&memberMenuID=0&>

DCDD <http://www.dccd.nl>

Disabled People's International <http://www.dpi.org/>

European Disability Forum <http://www.edf-feph.org/>

European Women's Lobby <http://www.womenlobby.org/>

UN Disabled Women's website on the convention www.un-disabledwomen.org

IDDC webpage <http://www.iddc.org.uk/index.htm>

Manual for beginners Ad Hoc Committee NGO members

<http://www.unbeginners.com/>

Manual for advanced Ad Hoc Committee NGO members

<http://www.advancednewcomers.com/>

Office of the High Commissioner for Human Rights

<http://www.ohchr.org/english/>

Yahoo Group Link to the IDC

http://groups.yahoo.com/group/AdHoc_IDC/

Yahoo Group Link to the Women's IDC

<http://groups.yahoo.com/group/womenIDC>

UN Working Text between 7th and 8th Ad Hoc Committee meeting

http://groups.yahoo.com/group/AdHoc_IDC/

8th Session of the UN Ad Hoc Committee meeting 14-25th August 2006 New York

<http://www.un.org/esa/socdev/enable/rights/ahc8.htm>

Proposal for IDC work between now and August 2006

Introduction

There is general consensus that we are approaching the final stages of the process.

The Chair of the AHC would like to finalize the process at the August meeting.

The Chair needs the IDC agreement on the final text and there are a number of limited areas where the position of IDC and Member States are still very distant.

The IDC needs to adjust its strategy to this new scenario.

The unity of the IDC in this final stage of the process will become more vital than ever and attempts might be made to break our unity, attempts which we need to confront.

- Focusing on key priorities and lobbying back home
- Preparing a new IDC text amending the revised Chair text

The preparation of an IDC text with proposals for amendments of the Chair text proved to be a very effective tool at AHC 7.

However, IDC should make a few changes to this approach:

- reduce the number of amendments.
- determine clearly which are our vital issues (changes that need to be made and without which we can't accept the text) and which are "technical" suggestions (to make the text more consistent and coherent) or suggestions for improvement which are desirable but not vital.

Reducing the number of working groups

In order to focus the resources on the key areas, it is proposed to slightly modify the way of work by reducing the number of working groups which should focus on priority areas and other areas which remain open.

It was also agreed not to reopen debates which were held in length within IDC in the past.

A possible proposal for a new organization of the work is to have working groups on the issues/articles are in a separate document in attachment.

Lobbying back home on the key priority issues

While the "technical issues" and the less substantive amendments can be achieved during AHC 8 with our on site work in New York, changes to the key substantive issues will require our intensive advocacy work intersessionally.

For this to happen, we need very soon to have clearly drafted documents which explain the key issues and our proposals.

It is also vital that the work on these issues is supported by the whole disability movement and not only by those organizations which represent the groups mostly affected. We need to insist that these are demands from the whole disability movement and that we are not going to approve the Convention text if no adequate solution is found.

Key substantive issues

The following issues seem to be the issues which require priority attention and intensive lobbying work intersessionally: (Leaders extracted from groups, just to unify global strategy and make sure that all the issues get our attention and advocacy)

- Legal capacity – Main contact Tina
- Protection from forced treatment – Main Contact Tina
- Definition of person with a disability – Main Contact Kicki
- International cooperation (political key issue) – Main Contact Maria
- International Monitoring – Main Contact Adnan

AHC 8 ARTICLE GROUPING AND COORDINATORS

Group 1: Articles 12, 14, 15, 16, 17, 19 and 25 (the part related to full and informed consent). Coordinators: Tina and Anna. Main contact: Tina tminkowitz@earthlink.net

Group 2: Article 4, 33, 34, 35-onwards (International and national monitoring, legal remedies, progressive realization as the key issues and final provisions as well as non regression provisions). Coordinator: Adnan lsnjo@lsnjo.org

Group 3: Articles 11, 31 and 32 (International cooperation, statistics and situations in risk). Coordinators: Maria and Philippe (focusing on 31 and 32) and Adnan (focusing on article 11). Main contact Maria mreina@cinetwork.org

Group 4: Article 2 and 5 (Definitions of person with disability, discrimination and reasonable accommodation, communication). Coordinator: Kicki kicki.nordstrom@iris.se

Group 5: Article 4 (paragraph f), 9, 20 and 26 (Accessibility, "Universal Design" and personal mobility). Coordinators: Michael, Adnan (linking to article 18) and Tony. Main contact Michael accessaustralia@ozemail.com.au

Group 6: Women with disabilities (specific article/ article 4 and mainstreaming). Coordinators: Mi Joo (specific article), Lydia (mainstreaming) Main contact Mi Joo kim_mijoo@yahoo.com

Group 7: Children with disabilities (specific article/ article 4 and mainstreaming). Coordinator: Gerison gerison@blueyonder.co.uk

Group 8: Indigenous people with disabilities and other specific population groups (mainstreaming approach). Coordinator: Huhana/Ros and Kicki. Main contact Huhana huhanas_consultancy@hotmail.com

Group 9: Articles 24, 25 and 27 (education, employment and health issues not related to full and informed consent). Coordinator: Kicki (focusing on education and health) and Tony (focusing on employment) Main contact Kicki kicki.nordstrom@iris.se

Group 10: All other issues (preamble and remaining articles. Not so much to prepare new proposals but to prevent negative changes). Frank M and Stefan. Main contact Stefan stromel@fundaciononce.es