

ECLAC/CDCC Expert Group Meeting on the
Comprehensive and integral international
convention to promote and protect the rights
and dignity of persons with disabilities
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**REPORT ON THE EXPERT GROUP MEETING ON THE
COMPREHENSIVE AND INTEGRAL INTERNATIONAL CONVENTION
TO PROMOTE AND PROTECT THE RIGHTS AND DIGNITY
OF PERSONS WITH DISABILITIES**

Table of contents

Introduction.....	1
Agenda item 1: Opening of meeting	1
Agenda item 2: Adoption of agenda	4
Agenda item 3: Organization of work.....	4
Agenda item 4: Civil and political rights	4
Panel 1 - Discussion	8
Agenda item 5: Economic, social and cultural rights	9
Panel 2 - Discussion	13
Agenda item 6: Recommendations of the expert group.....	13
Agenda item 7: Other business.....	15
Annex I	16
Annex II	18

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Introduction

The Economic Commission for Latin America and the Caribbean/Caribbean Development and Cooperation Committee (ECLAC/CDCC) secretariat convened an expert group meeting on the "Comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities". The meeting was held on 10 June 2003 at the ECLAC/CDCC conference facilities in Port of Spain.

The main objective of the meeting was to present recommendations to the Ad Hoc Committee established by the United Nations to consider proposals and elements for inclusion in an international convention aimed at protecting and promoting the rights and dignity of persons with disabilities.

Attending the meeting were key stakeholders from the human rights and disabled community, public and private sector, the academic community, and members of the United Nations system. The list of participants is annexed to this report.

The keynote speakers at the opening of the meeting were Her Excellency, Senator The Honourable Christine Kangaloo, Minister in the Office of the Prime Minister, Social Services Delivery; Ms Joy Brathwaite, Communication & Coordination Support Specialist, United Nations Development Programme (UNDP); and Ms. Helen McBain, Officer-in-Charge, ECLAC/CDCC secretariat.

**Agenda item 1:
Opening of meeting**

In her welcoming remarks, Ms. McBain noted that persons with disabilities accounted for over 600 million persons worldwide or 10% of the global population and that approximately two thirds of these persons lived in developing countries. She explained that while current data on the incidence of disability was not available for the entire Caribbean, data from the 1990/1991 population and housing census for selected Caribbean countries suggested that the proportion of persons with disabilities in the subregion was very diverse - ranging from 2.6% and 2.5% in the Bahamas and Guyana, respectively, to 12.3% and 10.9% in Dominica and Montserrat.

Ms. McBain pointed to several resolutions arising out of conferences and meetings at the global level that spoke to the social integration of all groups in society in general, and the protection and promotion of the rights and dignity of persons with disabilities, in particular. In this regard, she explained that the General Assembly, in its resolution 56/168 established an Ad Hoc Committee, open to all member and observer States of the United Nations, to consider proposals for a comprehensive and integral international convention. The second meeting of the Ad Hoc Committee is set to take place on 16-27 June 2003, in New York prior to the fifty-eighth session of the General Assembly.

Ms. McBain expressed her pleasure that the ECLAC/CDCC secretariat was able to provide a forum to discuss these proposals and assured participants that a final report would be forwarded to ECLAC/CDCC member States for their consideration and information in a timely manner, so that it could inform the deliberations that would take place at the United Nations Headquarters.

Minister Kangaloo began her address by acknowledging that for the past 35 days, several citizens of Trinidad and Tobago with disabilities had mounted an ongoing protest in an attempt to highlight the difficulties and challenges they faced in society on a daily basis, chief among them being gainful employment. She stated that as discomfiting as the protest was, it had served the useful purpose of bringing into clearer focus the need to fully accommodate persons with disabilities in the workplace and the requirement that such persons should have equal access to academic and technical qualifications.

The Minister further stated that ensuring equality to persons with disabilities was not an act of social charity but a vindication of their inalienable rights and must involve a multisectoral approach. In this regard, she informed participants that Trinidad and Tobago had already drafted a policy on "Persons with Disabilities", the main objective of which was the integration of persons with disabilities into the mainstream of society. In addition, the Government of Trinidad and Tobago had formed a Disability Affairs Unit and a National Coordinating Committee on Disability as called for in the policy document. She pointed to several projects that were implemented since the formation of the Disability Affairs Unit. These included:

- (a) A survey of secondary schools to identify the population of children with disabilities and their needs;
- (b) A sensitization of the corporate sector to the needs and abilities of persons with disabilities;
- (c) A public awareness programme via television and radio to sensitise the public regarding the needs and concerns of persons with disabilities;

- (d) Access to information via the electronic media;
- (e) Conduct of sign-language classes for the staff of the Disability Unit, Social Services Delivery;
- (f) Continuous lobbying with public sector agencies to create a society that was more aware of the plight of persons with disabilities and to make services of these agencies accessible; and
- (g) The launch of a booklet entitled "Social assistance available for persons with disabilities".

The Minister ended her address by stressing the necessity of obtaining commitment from all policy makers, programme planners, technical experts and other stakeholders in order to promote a society for all persons without discrimination or prejudice.

Ms. Joy Braithwaite gave the welcome remarks on behalf of the Resident Coordinator of the UNDP, Dr. Inyang Ebong-Harstrup. Ms. Braithwaite stated that the time was right for stocktaking of the current use and future potential of the United Nations Human Rights Instruments in the context of disability since there were six human rights treaties in which issues of disability were addressed:

- (a) The International Convention on Economic, Social and Cultural Rights;
- (b) The International Convention on Civil and Political Rights;
- (c) The Convention against Torture;
- (d) The Convention on the Rights of the Child;
- (e) The Convention on the Elimination of All Forms of Discrimination Against Women; and
- (f) The International Convention on Elimination of All Forms of Racial Discrimination.

She felt that greater and more targeted use of these instruments was needed to influence the change process in addressing the spectrum of issues concerning disability. She also noted that within the past two decades, there had been a dramatic shift in perspective from an approach motivated by charity towards the disabled, to one based on rights. This shift, she said, located the challenge outside of persons with disabilities and addressed the manner in which various economic and social processes accommodated or did

not accommodate the difference of disability. She pointed out that the debate about rights of the differently abled was therefore connected to a larger debate about the place of difference in society. Ms Braithwaite was also of the view that the term 'disability' connotes 'inability', and noted with interest that the concept of "Persons with disabilities" was redefined to "Persons who are differently abled" - a more positive connotation. She also noted that in the strike by the differently abled in Trinidad, which has lasted for 35 days, the members were beginning to frame their long-felt sense of grievance and injustice into the language of rights.

In this context, she lauded the meeting for being very timely, and urged participants to go beyond the data and treat with the issues affecting people who happened to be differently abled. She urges participants to make recommendations that would positively impact the lives of the differently abled.

**Agenda items 2 and 3:
Adoption of the agenda and organization of work**

The provisional agenda and programme of work were presented to the meeting for approval. A number of issues were raised for clarification by the meeting. Key among those raised was the suggestion that the final report should be forwarded to governments. The ECLAC/CDCC secretariat assured participants that copies of the report of the meeting would be forwarded to all member and associate member States. It was intended that the report could inform member States' discussion at the Ad Hoc Committee Meeting scheduled to take place during the period 16-27 June 2003 at United Nations Headquarters in New York.

The agenda was adopted as presented.

**Agenda item 4:
Civil and Political Rights**

The representative of the ECLAC/CDCC secretariat opened the discussion by noting that at the core of the United Nations Charter since 1948, was the assertion of the dignity and equality inherent to all human beings and the obligations of States to ensure the widest possible enjoyment of fundamental rights and freedoms. Since then, special forms of exclusion had received particular attention in the United Nations Universal Declaration of Human Rights. These included race, sex, indigenous rights and, more recently, the rights of persons with disabilities.

She explained that at the national level many countries in the subregion did not deal with the issue of discrimination against people with disabilities in their Constitutions. In Guyana, Saint Lucia and Trinidad and Tobago, however, there was new legislation that broadly extended protection to persons

with disabilities. These were: (a) The Equal Opportunity Act, 2000 of Trinidad and Tobago, (b) The Prevention of Discrimination Act, 1997 of Guyana; and (c) The Equality of Opportunity and Treatment in Employment and Occupation Act, 2000 of Saint Lucia. The question was posed as to whether the laws passed by these countries were sufficient for the protection and promotion of rights of persons with disabilities and what should be the framework within which action should be taken for those countries that had not passed such laws.

In concluding, she pointed out that at the United Nations level, the process of the drafting of a comprehensive convention to promote and protect the rights and dignity of persons with disabilities was another significant opportunity to advance the cause of non-discrimination. The process would also give participants the impetus to reflect on their respective national contexts and to bring their collective experiences and understandings in the setting of standards in this area and on this issue.

Mr. Darrel Allahar, Attorney-at-Law began his presentation by applauding the efforts of the ECLAC Subregional Headquarters for the Caribbean in promoting the civil rights of the disabled and in attempting to shift the attitude of member States away from policies motivated by charity and welfare to one based on fundamental human rights and the dignity of human beings.

He then presented a comparison of the Mexico working paper "Comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities", with civil law in Trinidad and Tobago. He explained that the purpose of such a comparison was to highlight areas in which Trinidad and Tobago had gone ahead with proposed international norms, as well as to identify what might be the local deficiencies and shortcomings. He felt that this exercise would allow participants to arrive at elements that might be considered in a proposal for a comprehensive convention.

The laws relating to the civil rights of persons with disabilities were to be found in two documents, namely, 'The Constitution of the Republic of Trinidad and Tobago' and 'The Equal Opportunity Act 2000', as amended. According to Mr. Allahar, the Constitution recognised certain fundamental human rights and freedoms and how these might be protected under the law. He however pointed out that there were no specific rights in the Constitution that dealt specifically with the rights of disabled persons, nor did it deal with breaches of human rights by private persons against an individual. In this regard, he pointed out that individuals with disabilities, who felt that their rights had been infringed, could seek relief in Court, but only against the State and its agencies. Also, because fundamental rights and freedoms were not dealt with in a detailed and specific manner, it was left to the creativity of the court to

decide whether breaches of the rights of the persons making the complaints did in fact occur. In this context, the preamble to the Constitution, which was by and large thought to be ceremonious, has been used in court as an aid to interpreting the Constitution. In addition to this, Mr. Allahar explained that since litigation was normally a slow, painful and expensive process, correction of breaches of the rights of persons with disabilities by the State and its agencies under the Constitution was often neither immediate, certain nor economical in its enforcement.

The second more significant legal instrument in Trinidad and Tobago, conferring civil rights on persons with disabilities was the 'Equal Opportunities Act 2000', as amended. This Act according to Mr. Allahar, although imperfect in the way it treated with discrimination of persons with disabilities in some areas, went beyond the Constitution in a number of ways. The Act first of all declared disability, in addition to sex, race, ethnicity, origin (including geographic origin), religion and marital status, as an area in which discrimination was prohibited. In relation to the 'rights to employment', Mr. Allahar said that the Equal Opportunity Act fell short of fully protecting the rights of the disabled. He pointed to Section 14 of the Act, which did not extend the protection of non-discrimination in employment to persons with disabilities for reasons such as 'unjustifiable hardship' to the employer. He further explained that in Section 18A of the Act, the term 'unjustifiable hardship' was defined, and hidden within this section were provisions which eroded the protection of persons with disabilities in the area of employment, as well as the provision of education, and goods and services. In Mr. Allahar's opinion the very subjective nature of a term such as 'unjustifiable hardship', pointed to the uncertainty of the law in relation to disabled persons.

In terms of the implementation of the Equal Opportunities Act, he pointed to a breach by the State in its failure to appoint both an Equal Opportunities Commission and an Equal Opportunities Tribunal. This failure was tantamount to discrimination against the disabled, according to Mr. Allahar, since it was to those bodies that the disabled might bring a 'complaint' of discrimination for further investigation. The Equal Opportunities Commission was mandated to investigate every complaint brought before it and to resolve issues through mediation. In cases where mediation was not possible, the Tribunal, which is a superior court, could hear evidence and arguments, make findings of fact and grant relief in the form of fines, penalties and monetary compensation.

In comparing the Mexico working paper to the legal instruments in Trinidad and Tobago for the protection of the rights of the disabled, Mr. Allahar made the following observations:

(a) In most cases, the Mexico working paper had a wider definition of disability than the Equal Opportunities Act. The definition seemed to include

both permanent and temporary disability and captured in wider terms, mental or sensory impairments. It also embraced impairments caused or aggravated by the socio-economic environment. The Act, however, went beyond the Mexico working paper in its definition of disability to include not only functional disability, but also malformation or disfigurement of the body, on which discrimination might be based;

(b) The Mexico working paper explicitly promoted the full participation of persons with disabilities. In comparison, while the Equal Opportunities Act might have made inroads into the areas of employment, the provision of goods and services, education and accommodation, the norms suggested in the Mexico working paper were much wider;

(c) The Mexico working paper explicitly addressed policy guidelines for promoting and protecting the rights of persons with disabilities. The Equal Opportunities Act and government actions, in this regard, were often at the level of self-enforced unwritten policies, but rarely could written policy guidelines related to, for example, educational opportunities, specially outfitted accommodation and employment for the disabled be found in government documents; and

(d) The Mexico working paper encouraged affirmative action or 'temporary special measures' in order to promote the rights of the disabled. No written government policies that supported affirmative action to give opportunities to persons with disabilities could be found.

Mr. Allahar ended his presentation by suggesting that the challenge to persons with disabilities was to boldly find an opening in the political arena from which to carve out a political space for their special interests.

In looking at the political rights of persons with disabilities, Mr. Lincoln Myers, Consultant and former Minister of Agriculture of Trinidad and Tobago noted that the present actions of the disabled, in which members of the disabled community were in their thirty-fifth day of protest, was an important aspect of the evolving democracy in Trinidad and Tobago. As such the protests of disabled persons around the issue of their rights was an assertion by a group of people that was determined to move from being objects of charity to subjects of independent thought and independent living. While noting that legislation took a long time to be passed in parliament, Mr. Myers urged governments to issue policy statements and implement interim actions to alleviate the present conditions of members of the disabled community in recognition of the importance of their activities to the train of democracy in Trinidad and Tobago.

He reminded participants that a great deal of work at the political level was necessary to bring focus on the socio-economic conditions of the disabled

in the context of globalization and privatization. It was important that the negative effects of these processes on the disabled be brought to the attention of policy makers through research and advocacy in order to promote and protect their rights and, thus, prevent marginalization.

In this regard, Mr. Myers thanked the ECLAC/CDCC secretariat for hosting what he considered to be an important meeting to further the cause of persons with disabilities at both the national and international level. He noted that the current protest of the members of the local chapter of the Disabled People's International (DPI) and other persons with disabilities had doubtlessly served to bring the issues as they related to the disabled sharply into focus and expressed the hope that other relevant regional organizations would make known their plans for bringing these issues onto their agenda.

In sharing his vision of the way forward, Mr. Myers explained that the State must play a central role in ensuring the rights of the disabled, and must ensure that agencies meet their obligations to all its citizens. He therefore expressed his appreciation of the fact that within the present government, there was a clear focus of responsibility to the disabled in the form of the Disability Affairs Unit in the Office of the Prime Minister.

Mr. Myers ended his presentation by calling upon politicians and governments not to miss the significance of the events, sparked and sustained by the disabled, that were currently taking place in Trinidad and Tobago.

Pane 1 - Discussion

In speaking to the timeliness of the meeting, Ms Angela Edwards, Director of the Disability Affairs Unit, assured participants that her government would be guided by the recommendations coming out of the ECLAC/CDCC meeting, and that she would be seeking advice from the Permanent Representative of Trinidad and Tobago to the United Nations.

The Vice-chairperson of the DPI, Dr. Emmanuel Hosein, argued that while the Equal Opportunities Act seemed to be an advancement for disabled people in Trinidad and Tobago, a great deal was lost given the broad latitude of interpretation of breaches of rights that it enabled, and the non-specificity of its pronouncements on the rights to which disabled persons were entitled. In this regard, he called on the Government of Trinidad and Tobago to bring into force a 'Citizens with Disabilities Act', which would have more authority than the present legislation.

It was noted that the Caribbean Community (CARICOM) was approached in the 1980s to create a disabilities desk, but there was no information on whether such a desk was currently in existence. The ECLAC/CDCC secretariat was also asked to review a study done over 20 year ago on the status of the

disabled in developed and developing countries, with a view to updating this study in part or completely. This was because there was a dearth of data on the disabled community, which was necessary for policy formulation.

Participants also spoke of the need for affirmative action, for the ability to withdraw elected representatives who did not represent their interests and of not settling for half measures in what was done for the disabled community.

**Agenda item 5:
Economic, social and cultural rights**

Dr. Emmanuel Hosein chaired the second panel, which dealt with social and economic rights of persons with disabilities. Presenters on this panel were Dr. Kathleen Valtonen, Coordinator, Social Work Department, University of the West Indies (UWI), St. Augustine; Ms. Angela Edwards, Director, Disability Affairs Unit, Office of the Prime Minister, Social Services Delivery; and Ms. Kathleen Guy, Coordinator, Disabled Women's Network.

Dr. Valtonen reminded participants that it was essential that the task of promoting the rights of disabled persons take place at both the international and national levels. Given that most of the direct implementation had to take place at the national level, it was essential that the national bodies charged with the implementation of programmes for the disabled be given more authority to carry out their tasks. She went on to explain that while committees charged with the task of promoting and safeguarding the rights of disabled people must have expertise and experience, they should also have authority to enforce and implement plans.

In the Mexico working paper, Dr. Valtonen pointed to Article 3 as being key to achieving the rights of the disabled, since it set out the overarching aims and objectives in the promotion and protection of the rights of the disabled. She, however, stated that there was a need to strengthen the language of the convention. In this regard, she referred to Article 17, which spoke of 'safeguarding' the rights of the disabled, and called for the 'development' of rights as also important for progress to take place.

Dr. Valtonen also observed that in the 35 days of protest by members of the disabled community, it had become clear that there was need for this protest which was an important act of empowerment, to be translated administratively into solutions. Although some of the solutions to the issues raised would of necessity be long term, Dr. Valtonen pointed out that there was plenty of opportunity to translate existing resources into immediate programmatic and policy solutions.

In raising the issue of citizenship rights and the components of these rights, Dr. Valtonen suggested that employment was an important component

of citizen rights that included other social rights such as the right to education, to skills training and the right to be mainstreamed into the rest of society. In this context, it was also important for citizens' rights to take place in a context that allowed for the honouring of these rights. Suggestions for an enabling context to honour citizenship rights as they related to employment, therefore, included the following:

- (a) Expansion of work opportunities;
- (b) Education for all disabled persons, as well as skills training;
- (c) Affirmative action with regard to the hiring of disabled persons in the workplace;
- (d) Hiring of disabled persons in positions of decision-making. This would result in the filtering down of positive hiring practices as they related to disabled persons; and
- (e) Incentives to employers for hiring persons with disabilities should be provided via tax incentives and other subcontracting requirements.

Dr. Valtonen also spoke of the need for governments to support the caring for disabled persons within families since, the family unit was one of the major care providers of the disabled in the Caribbean. It was important that the voices of disabled persons be heard in the formulation of plans for developed nation status, such as in the 20/20 Vision Committees now underway in Trinidad and Tobago. If this was not done, persons with disabilities might well find themselves marginalized in the future because their needs were not taken into consideration during the formulation of plans for groups of citizens.

In her presentation, Ms. Angela Edwards spoke of the support of the Government of Trinidad and Tobago to the human rights approach to disability issues and to the call for an International Convention to promote and protect the dignity of persons with disabilities.

She informed the meeting that government had drawn on the 'Standard Rules on the Equalization of Opportunities for Persons with Disabilities' to develop its own national policy which had been approved in principle, in 1994. The policy, she explained, sought to promote the involvement and participation of persons with disabilities in the country's socio-economic development. This policy was due to be revised in the 'near future'.

She spoke of the efforts of her ministry to raise the awareness of the population of their rights and needs. This had been done via the electronic and print media and in collaboration with non-governmental organizations (NGOs)

that represented the interests of persons with disabilities. In addition to this, Ms. Edwards informed participants that the Disability Affairs Unit had made efforts to ensure that their clients had access to information regarding the services that were available to them. This was done in alternative formats. A booklet providing detailed information on the various types of social assistance available to persons with disabilities was made available in print and in braille. The Unit had also initiated the presentation of the news highlights on national television using sign-language. Other media houses had also been lobbied to provide their information in alternative formats. As a result the Caribbean Communication Network (CCN) group had been offering their news in close caption.

With regard to employment, the Director of the Disability Affairs Unit admitted that while no State agency openly adhered to discriminatory practices regarding the disabled, it was true that a very small percentage of persons with disabilities had been employed with the government and its agencies. As a result, measures to ensure the employment of persons with disabilities had been intensified and would include programmes to sensitize employers to the abilities and capabilities of persons with disabilities. She also stated that a variety of grants and loan schemes were available to persons who preferred to engage in small business activities, and a small grant was also available for persons interested in pursuing training opportunities. In addition to these opportunities, approximately TT\$11 million per year was provided to NGOs by the Office of the Prime Minister, Social Services Delivery, for the provision of training, vocational and rehabilitation services for persons with disabilities. Some of these organizations would, however, need to review the type of training that they offered in order to ensure that their clients were more marketable for the world of work. This included making full use of the technology that was now available to persons with disabilities.

With regard to the provision of education to persons with disabilities, Ms. Edwards said that the Education Act contained provisions to ensure that the educational needs of persons with disabilities were met through the establishment of special schools and financial assistance to organizations that offered educational services to persons with disabilities. The Government of Trinidad and Tobago also supported and recommended the inclusion of children with disabilities into the regular school setting with appropriate support services. In order to improve such integration, however, Ms. Edwards indicated the need for more data and studies on children already in the school system, in order to determine the problems encountered and their needs to function effectively.

Participants were informed that apart from the Disability Assistance Grant, which was currently accessed by approximately 8,000 clients each year and amounted to TT\$65 million per year, the Government of Trinidad and Tobago also provided other grants to disabled persons. These included a grant

of TT\$5,000 to disabled persons to purchase aids and assistive devices and a monthly allowance of TT\$300 to assist parents in the support of children with disabilities. The Ministry of Health also provided approximately TT\$10 million per year to NGOs that offered rehabilitation and therapy to children with disabilities.

In closing, Ms. Edwards stressed the importance of the commitment and involvement of all stakeholders in addressing disability issues within a human rights framework.

Ms. Kathleen Guy addressed the issue of the under-qualification of persons with disabilities and the implications for obtaining employment. In spite of the Education Act which supported the full integration of children in the school system, the reality was that there were many obstacles and barriers to such integration, which caused children with disabilities to drop out of school before completing their education.

In listing the obstacles faced by these children, Ms. Guy pointed to issues of poverty, special access to transportation, the need for assistance in writing notes, as well as the need for readers. Children with disabilities often had to depend on their peers to get them up to classrooms. Discrimination was also encountered from teachers who made it clear that they could not teach children with disabilities because they had not overcome their personal unease with such persons.

It was therefore not surprising that many disabled persons were inadequately qualified to obtain jobs in the world of work. She therefore felt that affirmative action and incentive to employers were two absolutely necessary measures to ensure the right to employment for the disabled, while longer-term measures to ensure proper and full access to education were put in place. In this regard, Ms. Guy called for government to invite the private sector in the form of the Chamber of Commerce and the Employers Consultative Association to discuss motivations to employ disabled persons in their organizations.

Ms. Guy expressed the view that governments should pay attention to persons who became disabled in the middle of their working lives. Failure to do so meant failure to rehabilitate and retrain persons with potential and the capacity to participate meaningfully in society. Rehabilitation was about preparing the disabled to take up the challenge of re-inserting themselves into society in a useful and productive manner. As a person who had become disabled in mid-life, she indicated that rehabilitation took place in Canada and the training was geared towards ensuring that this rehabilitation was effected in a timely manner. She called for studies to be done on the cost of such rehabilitation, since she assured participants that it was costly but also beneficial, not only to the disabled but also to society as a whole.

Finally, Ms. Guy also called on governments to provide more support to NGOs that worked with and on behalf of persons with disabilities. For example, The Disabled Women's Network ensured that children with disabilities received an education; with some children reaching A'levels. This NGO was also working on a limited budget to achieve some of the aims that the government supported.

Panel 2 - Discussion

Ms Angela Edward assured participants that persons with disabilities would participate in the formulation of national developments such as the 20/20 Vision Committee to achieve developed nation status, at the Committee's national consultation meetings. Mr. Lincoln Myers felt that while these focus group discussions were good, they were not sufficient to properly address the concerns of persons with disabilities, and called for the inclusion of persons with disabilities at highest levels of decision-making. Dr. Emmanuel Hosein fully agreed with this proposition and added that the Mexico working paper stated that persons with disabilities should act as their own experts. This practice was too often not followed and other persons without disabilities were often found advising on matters that would have been better dealt with by persons with disabilities.

In discussing the short-term measures that could be taken to improve the access of persons with disabilities to events and activities that were enriching to their lives the issue of cultural deprivation was raised. Given the limited number of locations holding cultural activities which were accessible to persons with disabilities, and the high cost of attending other events that might have these facilities, Mr. Myers proposed that governments could make culturally enriching events available to persons with disabilities by distributing tickets to organizations for persons with disabilities.

The meeting agreed that affirmative action in employment and education was important to level the playing field for persons with disabilities. It was felt that it was the perceived lack of power among members of the disabled community that had resulted in the continuation of the protests for so long without tangible efforts being made to appease the protestors. It was for this reason, according to Mr. Myers, that efforts at empowerment were so important.

Agenda item 6: Recommendations of the expert group

After reviewing the Mexico working paper "Comprehensive and integral convention to promote and protect the rights and dignity of persons with disabilities" (A/AC.265/WP.1), the meeting endorsed the document with the recommendation that where the obligation of States Parties were concerned,

the language should be strengthened. In that regard, it was suggested that the language should be changed from "promote" to "adopt". The following recommendations were made:

(a) Include in Article (4) the notion of appropriate and necessary special measures. The meeting felt that it was necessary to emphasise in the convention, the need for affirmative action. This was captured in the notion of appropriate and necessary special measures. It was therefore recommended that this be either included in Article 4, which already spoke of the need for positive and compensatory measures to promote the rights of people with disabilities or presented in a separate Article;

(b) Article 13e(3) and 15(f) to be placed in one article. These sections spoke to the role of families as caregivers. Given the importance of this role in the Caribbean, it was recommended that these items be placed in a separate article and fortified with other concepts from the rest of the document;

(c) Separate 'housing' in single Article. Items or paragraphs dealing with accommodation should also be placed in one article and fortified with other concepts from the rest of the document;

(d) On the issue of employment – examine language - Article 14(d) adjust soft language “promote” to more assertive language “adopt”;

(e) Language should also be standardized and modified to be more assertive. This was especially so where the onus was on States to ensure the rights of the disabled. The need for stronger language should also be included in articles that dealt with medical facilities, housing, education and health;

(f) There should be no wage disparities between persons with disabilities and those without disabilities;

(g) Support incentives for private sector. This was primarily to encourage the private sector to include persons with disabilities among their staff members. Incentives may include tax breaks or special recognition;

(h) People with disabilities had a right to full access to religious services of their choice;

(i) People with disabilities should not suffer cultural deprivation. Governments should ensure that members of the disabled community had access to cultural events, especially when the only facilities to which persons with disabilities might have access were especially high priced;

(j) A person with a disability should be appointed to the Senate. This should be done to carve a political space for members of the disabled

community. A representative of persons with disabilities appointed to the Senate would also be able to debate on a motion calling upon governments to state their policies and legislative agenda as it related to the full and equal participation of persons with disabilities in the society;

(k) Government is urged to pursue short-term measures to fill the breach of systemic discrimination against persons with disabilities until appropriate legislation comes into place;

(l) Research was needed to identify all the legislation that discriminates against the disabled;

(m) Research was needed to identify the obstacles faced by children with disabilities who were integrated into the school system;

(n) Research was needed to examine how the new free trade agreements, and trade policies, would impact on the disabled; and

(o) Develop explicit and written guidelines for public buildings for persons with disabilities. There is an unwritten code which results in arbitrary outcomes.

**Agenda item 7:
Other business**

Since there was no other business, the meeting was brought to a close with the usual exchange of courtesies.

Annex 1**List of participants**

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Annex II

Taken from: Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/AC.265/WP.1), New York, 29 July-9 August 2002

Working Paper by Mexico**Preamble****COMPREHENSIVE AND INTEGRAL CONVENTION TO PROMOTE AND PROTECT THE RIGHTS AND DIGNITY OF PERSONS WITH DISABILITIES**

The States Parties to this Convention:

(a) **Reaffirming** the purposes and principles of the Charter of the United Nations;

(b) **Considering** that the Charter of the United Nations reaffirms the value of the human person based on the principles of dignity and equality inherent to human beings and resolves to promote the social progress and better standards of living of all peoples within a broader concept of freedom;

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

(d) **Recognizing** also that discrimination against all persons for reasons of any disability is a violation of the principles of equality of rights and respect for human dignity and hinders the participation - under equality of conditions - of persons with disabilities in civil, social, economic, political, and cultural life;

(e) **Taking into consideration** the international and regional instruments, declarations, norms, and programs adopted to promote human rights and non-discrimination against persons with disabilities, such as: the 1982 World Program of Action for Persons with Disabilities; the 1971 Declaration on the Rights of Mentally Retarded Persons; the 1975 Declaration of Rights of Disabled Persons; the 1991 Principles for the Protection of Persons

with Mental Illness and the Improvement of Mental Healthcare; the 1993 Standard Rules on the Equalization of Opportunities for Persons with Disabilities; the 1999 Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities; and the statutes and pertinent instruments from specialized agencies such as the 1983 International Labor Organization's Convention no.159 on the Vocational Rehabilitation and Employment of Persons with Disabilities;

(f) **Reaffirming** the outcomes of the major United Nations Conferences and Summits and their respective follow-up reviews, particular as they pertain to the promotion of the rights and well-being of persons with disabilities, on an equal and participatory basis;

(g) **Noting with** great satisfaction that the Standard Rules on the Equalization of Opportunities for Persons with Disabilities have played an important role in influencing the promotion, formulation, and evaluation of the policies, plans, programs, and actions at the national, regional, and international levels to further the equalization of opportunities by, for and with persons with disabilities;

(h) **Stressing** the relationship that exists between the present Convention and the Covenants on Human Rights and other human rights instruments, as well as the usefulness of the Standard Rules for implementing the content of this international instrument;

(i) **Recognizing** that, despite the numerous efforts made by governments, bodies and relevant organizations within the United Nations system and non-governmental organizations aimed at increasing cooperation and integration, as well as raising awareness about questions regarding disability since the adoption of the World Program of Action (1983-1992), these efforts have not been enough to eradicate violations and discrimination against persons with disabilities in different parts of the world;

(j) **Recognizing** that in order to achieve equality of opportunities for persons with disabilities, the exercise of all political, civil, economic, social, and cultural rights established in the International Covenants and other instruments of Human Rights, must be guaranteed, as well as their accessibility to the physical environment;

(k) **Emphasizing** the responsibility of States to eliminate obstacles and barriers for the full integration and participation in all spheres of social, economic, cultural, and political life - under conditions of equality - for persons with disabilities and vulnerable to multiple or aggravated discrimination;

(l) **Concerned** over the fact of the existence of social circumstances that contribute to increase the incidence of disability, which include extreme

poverty, lack of healthcare attention, violence inside and outside the home, accidents, alcohol and drug abuse, inadequate administration in medical treatment, systematic violation of human rights, lack of proper care during the ageing process, and armed conflicts;

(m) **Committed** to take the necessary steps to reduce the causes that originate or worsen certain disabilities;

(n) **Bearing in mind** the importance of raising the development levels and quality of life of the world's population and working toward the strengthening of international peace and security;

(o) **Conscious** of the world movement in favor of persons with disabilities and the efforts undertaken by these organizations and their representatives in raising awareness and recognition of the rights of persons with disabilities;

(p) **Motivated by** the principles of dignity and equality intrinsic to human beings and the values of dignity, independence, equality of opportunities, and solidarity with persons with disabilities;

Have agreed to the following:

**COMPREHENSIVE AND INTEGRAL CONVENTION TO PROMOTE AND PROTECT
THE RIGHTS AND DIGNITY OF PERSONS WITH DISABILITIES**

WORKING PAPER BY MEXICO	SUGGESTED RECOMMENDATIONS
Article 1	
The object of this Convention is to:	
(a) Recognize, guarantee, promote, and protect the rights of persons with disabilities;	
(b) Eliminate all forms of discrimination against persons with disabilities in public and private spheres;	
(c) Promote the autonomy and independent lives of persons with disabilities and achieve their full participation in economic, social, cultural, civil, and political life, under conditions of equality;	
(d) Promote new forms of international cooperation to support national efforts in the benefit of persons with disabilities, and achieve the objectives of this Convention.	
Article 2	
For the purposes of this Convention, the following definitions shall apply:	
(a) "Disability" means a physical, mental (psychic), or sensory impairment, whether permanent or temporary, that limits the capacity to perform one or more essential activities of daily life, and which can be caused or aggravated by the economic and social environment.	Definition of disability should include reference to "malformation or disfigurement of part of the body".
(b) Discrimination against persons with disabilities means any distinction, exclusion, or restriction based on a disability, record of disability, condition resulting from a previous disability, or perception of disability, whether present or past, which has the effect or objective of impairing or nullifying the recognition, enjoyment or exercise by a person with a disability of his or her human rights and fundamental freedoms.	

WORKING PAPER BY MEXICO	SUGGESTED RECOMMENDATIONS
Article 3	
<p>States Parties agree to adopt legislative, judicial, administrative, and any other kind of measures to eliminate discrimination and to promote integration by government authorities and/or private entities in providing or making available goods, services, facilities, programs, and activities such as employment, transportation, communications, housing, recreation, education, sports, law enforcement and administration of justice, and political and administrative activities; aimed at achieving the objectives of this Convention. To this end, they shall:</p>	
1. Include in their legislation, policies and programs aimed at promoting the full participation of persons with disabilities.	
2. Adopt the necessary measures to eliminate all forms of discrimination against persons with disabilities and promote and protect the exercise of their rights. Among others, these measures shall include the following:	
(a) Incorporate in their national legislations the principle of equality and non-discrimination for all people and abolish or amend any legislation that permits the contrary.	
(b) Establish measures to prevent and sanction any practice which constitutes discrimination against persons with disabilities.	
(c) Ensure that the rights contained in this Convention and other related international instruments have the legal protection of the competent national courts.	
(d) Establish in their national legislations the necessary positive actions to promote the autonomy and independent lives of persons with disabilities and to achieve their full participation, under conditions of equality, in all activities of economic, social, cultural, civil, and political life.	
3. In the elaboration and evaluation of legislation and policies adopted for persons with disabilities, special circumstances and needs of persons with disabilities, shall be taken into account and shall secure their participation and that of their families.	<p><i>Stronger language is suggested to ensure the participation of persons with disabilities in the formulation, implementation and monitoring of policies and programmes.</i></p> <p>States parties shall promote participation by representatives of organizations of persons with disabilities, non-governmental organizations working in this area, or, if such organizations do not exist, persons with disabilities, in the development, execution, and evaluation of measures and policies to implement this Convention.</p> <p>(taken from the INTER-AMERICAN CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST PERSONS WITH DISABILITIES)</p>
4. Promote the elaboration national census-taking of the population with disabilities and their access to public services, rehabilitation, education, and employment.	

WORKING PAPER BY MEXICO	SUGGESTED RECOMMENDATIONS
Article 4	
1. In order to guarantee equality of rights and opportunities for persons with disabilities, States Parties shall promote, among others, positive or compensatory measures.	In order to guarantee equality of rights and opportunities for persons with disabilities, States Parties shall ensure and promote, among others, positive or compensatory measures.
2. States Parties shall adopt specific measures to protect persons with disabilities who are in special situations of vulnerability.	Define "special situations of vulnerability" with reference to economic, social, political or physical vulnerability.
	<p>Insert:</p> <p>A distinction or preference adopted by a state party to promote the social integration or personal development of persons with disabilities does not constitute discrimination provided that the distinction or preference does not in itself limit the right of persons with disabilities to equality and that individuals with disabilities are not forced to accept such distinction or preference.</p> <p>(taken from the INTER-AMERICAN CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST PERSONS WITH DISABILITIES)</p>
Article 5	
States Parties shall promote the changing of stereotypes, socio-cultural patterns, customary practices, or of any other nature which constitute an obstacle for persons with disabilities or their families in the exercise of their rights. To this end, States Parties shall:	
(a) Adopt measures to raise society's awareness regarding the rights and needs of persons with disabilities, including the creation of awareness programs at all levels of formal education.	
(b) Encourage the mass media to project a positive and non-stereotype image of persons with disabilities and their families.	
(c) Guarantee the participation of disabled people's organizations in the execution of these measures.	
(d) Promote dissemination campaigns to raise the awareness of society and training courses for public officials regarding the rights contained in this Convention.	

WORKING PAPER BY MEXICO	SUGGESTED RECOMMENDATIONS
Article 6	
States Parties recognize the right of persons with disabilities to freedom of movement and to have an accessible environment to guarantee their autonomy, independence, and full participation in all activities. States Parties shall legislate or take steps to ensure that:	
(a) Urban outfitting and public services and facilities for public use have the adaptations necessary to facilitate access, use, and circulation for persons with disabilities.	
(b) Vehicles and public transport services allow the access and mobility of persons with disabilities.	
(c) The existence of adaptations, sign posting, and basic forms of communication for the freedom of movement and access to all public services and those available to the public.	
(d) The construction and adaptation of housing comply with regulations governing accessibility for persons with disabilities	
Article 6 bis	
	<p><i>An article should be inserted which addresses the right of persons with disabilities to adequate housing and access to public facilities.</i></p> <p><i>Housing addressed in, 6(d), 15 (e)</i></p> <p><i>State parties should take all appropriate measures to:</i></p> <p><i>Promote the establishment, under governmental housing programs, of specific percentages of housing to be earmarked for persons with disabilities and their families. (15(e)</i></p> <p><i>Make regulations and guidelines for the construction of housing appropriate to the needs of persons with disabilities; (6(d)</i></p> <p><i>Ensure and promote the construction, provision and adaptation of housing which comply with regulations governing accessibility for persons with disabilities;</i></p> <p><i>Ensure that new building and facilities constructed facilitate transportation, communications, and access by persons with disabilities;</i></p> <p><i>Eliminate, to the extent possible, architectural and communication obstacles to facilitate access and use by persons with disabilities.</i></p> <p>(See the INTER-AMERICAN CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST PERSONS WITH DISABILITIES)</p>

WORKING PAPER BY MEXICO	SUGGESTED RECOMMENDATIONS
Article 7	
States Parties shall promote access to different forms of alternative communication for persons with sensorial disabilities, as well as promoting the linguistic rights of persons who use such forms.	
Article 8	
States Parties shall guarantee the right to information of persons with different kinds of disabilities. To this end, they shall adopt, among others, the following measures:	
(a) Ensure that public information services are accessible, using appropriate technologies.	
(b) Encourage the mass media to make their services accessible to persons with disabilities.	
(c) Promote through information campaigns, awareness of the rights intrinsic to persons with disabilities and the means by which to enforce these rights.	
Article 9	
States Parties recognize that persons with disabilities are particularly vulnerable to different forms of violence, as well as torture and other cruel, inhumane or degrading treatment or punishment, in public and private spheres. Therefore, States shall guarantee respect for the dignity and integrity of persons with disabilities.	<i>States Parties recognize that persons with disabilities are particularly vulnerable to different forms of violence including and especially sexual violence, as well as torture and other cruel, inhumane or degrading treatment or punishment, in public and private spheres. Therefore, States shall guarantee respect for the dignity and integrity of persons with disabilities and adopt and implement adequate measures for their protection and security.</i>
Article 10	
1. States Parties shall promote respect for the human rights of persons with disabilities in all legal proceedings and, therefore, likewise commit to:	
(a) Provide legal counsel and interpretation or translation services, free of charge, to all persons with disabilities.	
(b) Prohibit all forms of discrimination during legal proceedings or the serving of a prison sentence.	
(c) Consider or categorize such discrimination as aggravated criminal behaviour when committed against persons with disabilities.	
(d) Ensure that protection services are offered and compensation measures are established in favor of persons with disabilities who have become victims of crime.	
2. States Parties shall adopt measures to comply with these dispositions, which, among other things, shall include the sensitizing and training of public officials responsible for law enforcement and administration, with regard to the rights contained in this Convention.	

WORKING PAPER BY MEXICO	SUGGESTED RECOMMENDATIONS
Article 11	
States Parties to this Convention recognize the political rights of persons with disabilities and pledge to take steps to guarantee their full participation in political life, adopting, among others, the following measures:	
1. Guarantee exercise of the right to universal and secret suffrage of all persons with disabilities and, for that purpose, include in election mechanisms the use of instruments and specialized technologies for each type of disability.	
2. Guarantee the right to information of persons with disabilities so as to assist them in the decision-making process and in participating in political affairs.	
3. Promote the participation, under conditions of equality, of persons with disabilities in positions of popular election, political parties, social organizations, and in public administration.	
4. Guarantee the right of persons with disabilities to freedom of association and to form their own organizations.	
5. Promote the participation of persons with disabilities and their organizations in the design of government policies relating to disability.	
Article 12	
1. States Parties recognize that persons with disabilities have the right to receive an education of quality that furthers their integral development, independence, and participation, under conditions of equality, in public and private spheres.	
2. States Parties shall include the specific educational needs of persons with disabilities in national education policies, plans, and programs and shall provide the resources needed to allow their inclusion in the formal education system.	
3. States Parties shall guarantee the presence of other methods of quality teaching, with curricula common to formal education, solely for persons with disabilities who choose to enter another educational system such as integrated, special, and open schools, as well as interactive learning systems.	
In order to attain the above-mentioned objectives, States Parties shall: (a) Ensure that students with disabilities have access to information regarding the education options available so they may exercise their right to select the appropriate teaching model.	
(b) Guarantee that persons with disabilities will receive a public education, free of charge, in all education methods and levels, giving priority to those living in situations of extreme vulnerability.	

WORKING PAPER BY MEXICO	SUGGESTED RECOMMENDATIONS
(c) Ensure the provision and ongoing training of specialized human resources that support the teaching process of persons with disabilities in formal and other education methods, promoting the training and hiring of teachers, instructors, and specialists with disabilities.	
(d) Include information and communications technologies in learning processes.	
(e) Ensure that regular programs with the necessary adaptations are the referent for the education of persons with disabilities in other education methods, and, that specialists and persons with disabilities and their families are involved.	
(f) Ensure that students with disabilities receive the equipment, technical assistance, and teaching and learning materials that will enable them to access and participate in curricular and extracurricular activities.	
(g) Promote access for students with disabilities to scholarships and financing resources.	
Article 13 States Parties shall promote access for persons with disabilities to the medical and rehabilitation services they require so as to guarantee their right to health and to foster their autonomy and independent lives. To this end, States Parties shall:	
(a) Ensure that all medical and nursing staff, as well as other healthcare professionals, are properly qualified and have access to the appropriate technologies and methods for the treatment of persons with disabilities.	
(b) Ensure that persons with disabilities are able to decide on their treatment by providing them with the information necessary to do so.	
(c) Guarantee that persons with disabilities, especially breastfeeding mothers, children, and the elderly, receive quality medical attention within state healthcare systems.	
(d) Ensure that persons with disabilities give their consent prior to being subjected to any kind of research or medical or scientific experiment and likewise ensure that the genetic research and the biomedical and biotechnological advances are intended for their improvement.	
e) Adopt all measures necessary to guarantee that the medical, rehabilitation, and assistance services provided to persons with disabilities include the following:	
1. Opportune detection, diagnosis, and treatment.	
2. Modern medical assistance and treatment that include the use of new technologies.	

WORKING PAPER BY MEXICO	SUGGESTED RECOMMENDATIONS
3. Counseling, as well as social, psychological and other assistance for persons with disabilities and their families.	
4. Training in self-care activities, including aspects of mobility, communication, and skills for everyday living.	
5. The provision of medication, technical assistance with mobility, and other special devices they may require.	
(f) Ensure that public as well as private healthcare institutions, particularly psychiatric ones, are monitored by the health and human rights authorities to ensure that the living conditions and treatment administered therein to persons with disabilities grant respect for their human rights and dignity.	
Article 13 bis	
	<p><i>An article should be inserted which addresses the need for support to who assist or look after persons with disabilities, including their relatives.</i></p> <p>Reference to such support is made in 13 (e) and 15(f). 13(e) 3. Counseling, as well as social, psychological and other assistance for persons with disabilities and their families.</p>
	15(f) Ensure that people accredited or recognised organizations and NGOs, who assist or look after persons with disabilities, including their relatives, have adequate training support and financial assistance, particularly in the case of persons with low incomes.
Article 14	
States Parties recognize the right of persons with disabilities to work and to freely choose their professions and jobs, and will adopt all measures necessary for their participation, under conditions of equality, in the labour market. For this purpose, States Parties shall:	
(a) Guarantee that individual and collective labour agreements and regulations protect persons with disabilities in regard with employment, job promotion, and working conditions, and, ensure the exercise of their labour rights.	
(b) Prohibit and abolish any discriminatory regulations and practices which restrict or deny persons with disabilities access to, and continuance and promotion within the labour market.	
(c) Guarantee the right of persons with disabilities to an equal wage for work of equal value.	
(d) Promote the adoption of positive measures that allow persons with disabilities access to and continuance in employment.	<i>Adopt positive measures that allow persons with disabilities access to and continuance in employment.</i>
(e) Promote workplace training, instruction, and updating for persons with disabilities.	
(f) Promote the adaptation of workplaces, work instruments, and working hours to make them accessible for persons with disabilities.	

WORKING PAPER BY MEXICO	SUGGESTED RECOMMENDATIONS
(g) Grant incentives for companies that hire persons with disabilities and facilitate their freedom to attend medical appointments and undergo therapy.	
(h) Implement awareness campaigns to overcome negative attitudes and prejudices that affect persons with disabilities in the workplace.	
Article 15 States Parties pledge to eliminate all norms and practices which restrict access for persons with disabilities to the benefits of social security and to this end, they shall adopt the following measures:	
(a) Guarantee that social security systems and other social welfare programs for the public in general do not exclude persons with disabilities, particularly in cases of unemployment, pregnancy, illness, elderly, and retirement.	
(b) Develop social security programs and measures that cater to the specific needs of persons with disabilities.	
(c) Take steps to facilitate access for persons with disabilities to the technical equipment and assistance necessary to raise their level of independence and the exercise of their rights.	
(d) Ensure that the lack of formal or permanent employment on the part of persons with disabilities does not curtail their access to social security services.	
(e) Promote the establishment, under governmental housing programs, of specific percentages of housing to be earmarked for persons with disabilities and their families.	
(f) Ensure that people who assist or look after persons with disabilities, including their relatives, have adequate training support and financial assistance, particularly in the case of persons with low incomes.	
(g) Establish norms whereby persons with disabilities are not discriminated against regarding the access to social security and public and private medical insurance.	
Article 16 States Parties shall ensure that persons with disabilities have access to and the enjoyment of:	
(a) Recreational, cultural, and sports activities through adaptations which facilitate them the use of related facilities and services.	Recreational, cultural, religious/non-secular and sports activities through adaptations which facilitate them the use of related facilities and services.
(b) Their integration into routine sports activities and national as well as international competitions.	
(c) A system of scholarships or special incentives for cultural, artistic, and sports activities.	

WORKING PAPER BY MEXICO	SUGGESTED RECOMMENDATIONS
Article 17	
In accordance with their legal systems, States Parties shall promote the establishment and strengthening of national institutions responsible for safeguarding the rights and dignity of persons with disabilities.	
Article 18	
States Parties agree to consult and collaborate with each other, regarding the putting into practice the content of this Convention, as well as to work together in a spirit of cooperation to achieve its objectives. To this end, they commit to:	
(a) Design programs which facilitate the implementation of the Convention, based on the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and other instruments which promote their human rights and dignity.	
(b) Exchange the latest advances in scientific research and the development of technology pertaining to the treatment and rehabilitation of persons with disabilities and the elimination of obstacles that restrain their autonomy, independent life, and full enjoyment of their rights, as well as the development of national capacities.	
(c) Exchange information and best practices on measures and legislation for persons with disabilities.	
(d) Encourage the study of issues and research of common interest, including the problems and special needs of States Parties.	
(e) Promote courses, seminars, and workshops for training and research.	
(f) Promote the harmonization of criteria regarding alternative forms of communication used by persons with visual or hearing disabilities.	
(g) Incorporate the rights of persons with disabilities into the mandates of the bodies and relevant organizations of the United Nations, as well as in the elaboration of programs to take care of their needs.	
(h) Promote the elimination of import duties on technical equipment and aid materials for persons with disabilities.	

WORKING PAPER BY MEXICO	SUGGESTED RECOMMENDATIONS
Article 19	
1. The object of the Conference of States Parties (hereinafter, "the Conference") shall be to:	
(a) Evaluate the operation and status of this Convention.	
(b) Promote international cooperation and assistance, as provided for in the previous Article.	
(c) Consider the recommendations and suggestions put forward by the Committee of Experts.	
(d) Elaborate a final report on the agreements reached at the Conference and submit it to the Secretary General of the United Nations.	
2. The first Conference shall be convened by the Secretary General within a period of one year following the entry into force of this Convention. Subsequent meetings shall be convened by the Secretary General every three years, or whenever he deems necessary, and shall be held at the headquarters of the United Nations.	
3. The Conference shall establish its own rules of procedure which, among other, shall stipulate that:	
(a) Two thirds of the States Parties shall constitute quorum.	
(b) Conference decisions shall be adopted by a majority of votes from the members present.	
4. States not Party to this Convention, specialized bodies and competent agencies of the United Nations system, and regional and non-governmental organizations may be invited to attend these meetings as observers, in accordance with the agreed rules of procedure.	
5. The Secretary General shall provide the resources, personnel, and services required to hold the Conferences of States Parties.	
Article 20	
In order to monitor the implementation of this Convention, a Committee of Experts on the Rights of Persons with Disabilities (hereinafter, "the Committee") shall be established, the functions of which shall be as follows:	
(a) Evaluate the national reports submitted periodically by States Parties on the progress and problems encountered in implementing this Convention.	
(b) Make recommendations of a general nature to States Parties to further advance the implementation of this Convention.	
(c) Invite specialized bodies, other competent agencies, and non-governmental organizations to participate in studying the implementation of this Convention.	

WORKING PAPER BY MEXICO	SUGGESTED RECOMMENDATIONS
(d) The Committee may invite specialized bodies and other agencies of the United Nations to submit reports on the implementation of the provisions of this Convention which apply to their particular sphere of competence.	
(e) Identify areas of cooperation among States Parties, and between these and specialized bodies and competent agencies that facilitate implementation of this Convention.	
(f) The Committee may recommend technical assistance from United Nations agencies at any stage of the report evaluation process or during the implementation of its final recommendations.	
(g) Submit an annual report to the United Nations General Assembly on its activities pursuant to this Convention and make suggestions and recommendations based on the study of the reports and data provided by States Parties.	
Article 21	
1. States Parties undertake to submit to the Secretary General of the United Nations, to be examined by the Committee, a report on the legislative, judicial, administrative, or any other measures they have adopted to give effect to the provisions of this Convention.	
2. Reports submitted by States Parties must specify advances as well as limitations affecting the degree of fulfillment of the obligations under the present Convention. They must likewise contain sufficient information regarding difficulties encountered in its implementation.	
3. In their periodic reports, States Parties commit to include a chapter on the situation of persons with multiple disabilities and groups of disabled persons that are vulnerable to multiple or aggravated discrimination. They must also specify steps taken by the State Party to deal with their particular situation.	
4. States Parties shall submit their reports for evaluation by the Committee within a term of two years following the entry into effect of this Convention for the State Party in question, and, thereafter, every four years, or whenever requested by the Committee.	

WORKING PAPER BY MEXICO	SUGGESTED RECOMMENDATIONS
Article 22	
<p>1. The Committee shall consist of 12 experts (men and women) chosen from among prominent national leaders of organizations of persons with disabilities, scholars, specialists, scientists, and doctors of recognized high moral integrity and competence in the protection and promotion of the rights and dignity of persons with disabilities and who shall serve in their personal capacity. These experts shall be elected by States Parties, taking into consideration an equitable geographic distribution and specialization in the different types of disabilities.</p>	
<p>2. Members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may propose one person from among its own nationals.</p>	
<p>3. Committee members shall be elected at biennial meetings of the States Parties convened by the Secretary General of the United Nations and held at the latter's headquarters. At these meetings, quorum for which shall be constituted by the attendance of two thirds of the States Parties, candidates to the Committee shall be considered elected based on the highest number of votes and on absolute majority of votes from States Parties' representatives present and voting.</p>	
<p>4. The initial election shall be held, at the latest, six months following the date of the first Conference and, thereafter, every two years. At least four months prior to the date of each election, the Secretary General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within a period of three months. The Secretary General shall then prepare a list, in alphabetical order, of the persons nominated, indicating the States Parties they were proposed by, and notifying States Parties to the present Convention.</p>	
<p>5. Committee members shall be elected for a period of four years. They may be reelected, if their candidatures are put forward once again. Notwithstanding, the mandate of six of the members elected in the first round shall expire after a period of two years. Immediately following the initial elections, the Committee chairperson shall chose the names of these six persons by lot.</p>	
<p>6. In order to cover unexpected vacancies, the State Party whose expert has terminated his/her functions as a Committee member may appoint another expert from among its own nationals, subject to the approval of the Committee.</p>	

WORKING PAPER BY MEXICO	SUGGESTED RECOMMENDATIONS
Article 23	
1. The Committee shall elect its Board for a period of two years. Members of the Board may be reelected for a like period.	
2. The Committee shall establish its own rules of procedure.	
3. The Committee shall normally meet annually at United Nations headquarters for a period not to exceed two weeks to evaluate reports submitted in compliance with the previous Article. The duration of these meetings shall be determined and, if necessary, subject to review by the Conference of the Parties.	
4. The Secretary General of the United Nations shall provide the resources, personnel, and services necessary for the effective performance of the functions of the Committee, under the present Convention.	
5. Mindful of the importance of the functions of the Committee and subject to prior approval of the United Nations General Assembly, the members of the Committee shall receive emoluments from United Nations resources on such terms and conditions determined by the Assembly.	
Article 24	
A State Party to this Convention may, at any time, declare that it recognizes the competence of the Committee to receive and consider communications submitted by persons subject to its jurisdiction or, on their behalf, claiming to be victims of a violation by the State Party of any of the rights set forth in this Convention. The Committee will not accept any communication relating to a State Party which has not made this declaration.	
Article 25	
All States Parties to this Convention may propose an amendment and deposit it with the Secretary General of the United Nations. In such case:	
(a) The Secretary General shall inform States Parties regarding the proposed amendment, asking them to notify him should they wish to convene a Conference of States Parties to examine the proposal and put it to a vote.	
(b) If within the four months following receipt of this notification at least one third of the Party States come out in favor of convening, then the Secretary General shall convene an amendment conference, under the auspices of the United Nations.	
(c) Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary General to the United Nations General Assembly for its approval.	

WORKING PAPER BY MEXICO	SUGGESTED RECOMMENDATIONS
(d) Any amendment adopted pursuant to paragraph 1 of this Article shall come into force once it has been approved by the United Nations General Assembly and accepted by a two-thirds majority of the States Parties.	
(e) When amendments come into force, they shall be obligatory for the States Parties that have accepted them, in as much as the other States Parties shall be bound by the dispositions of this Convention.	
(f) States not Party to this Convention, as well as specialized bodies, non-governmental organizations, and other competent agencies may be invited to attend the Amendment Conference as observers, in accordance with the agreed rules of procedure.	
Article 26	
1. The Secretary General of the United Nations shall receive and circulate to all States the text of reservations formulated by States at the time of ratification or accession.	
2. A reservation incompatible with the object and purpose of this Convention shall not be permitted.	
3. Reservations may be withdrawn at any time by virtue of notification to the Secretary General of the United Nations who shall, in turn, notify all States to the same effect. The notification shall take effect as of the date of its reception.	
Article 27	
Any dispute arising between two or more States Parties with respect to the interpretation or implementation of this Convention that is not settled by negotiation, shall, be referred to arbitration at the request of one of the parties to the dispute. If the parties fail to reach an agreement on the form of arbitration within a term of six months following the request, any of the parties may put the dispute before the International Court of Justice, in conformity with its statutes.	
Article 28	
Each State Party commits to widely disseminate this Convention and its periodic reports, and publicize them.	

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Article 29	
1. The Secretary General of the United Nations is designated as the depository of this Convention.	
2. This Convention shall be open for signature to all United Nations Member States.	
3. This Convention shall be open for ratification or accession to all United Nations Member States.	
4. The Secretary General shall periodically deliver information on the number of signatures, ratifications, and accessions to this Convention, as well as on the efforts made and steps taken for its promotion and dissemination.	
Article 30	
<p>This Convention shall enter into force on the thirtieth day after the date the tenth instrument of ratification or accession has been deposited with the Secretary General of the United Nations.</p> <p>For each State ratifying or acceding to this Convention after the tenth instrument of ratification or accession has been deposited, the Convention shall enter into force on the thirtieth day following the date on which the State in question has deposited its own instrument of ratification or accession.</p>	
Article 31	
1. This convention, whose texts in Arabic, Chinese, Spanish, French, English, and Russian are equally authentic, shall be deposited in the archives of the United Nations.	
2. The Secretary General of the United Nations shall send certified copies of this Convention to all States Parties.	