

Annual interactive debate on the rights of persons with disabilities

Theme: Article 5 of the Convention on the Rights of Persons with Disabilities on equality and non-discrimination

Concept note (as of 21 February 2016)

- Date and venue:** Friday, 3 March 2016, 9 a.m. - noon, Palais des Nations, Room XX, Geneva
(will be broadcast live and archived on <http://webtv.un.org>)
- Objectives:** This panel discussion will address the human rights of persons with disabilities with regard to the standards set in article 5 of the Convention on the Rights of Persons with Disabilities on equality and non-discrimination and the policies and practices developed under its guidance. The **objectives** are:
- **To share experiences, lessons learned and good practices** in the implementation of article 5 of the Convention on the Rights of Persons with Disabilities (CRPD) on equality and non-discrimination. Two levels of implementation will be looked at:
 - a. **Development of international standards and national level laws and policies** for the realization of substantive equality for persons with disabilities, and
 - b. **National level practices and experiences.**
 - **To discuss the main barriers** that persons with disabilities face in the enjoyment of their human rights in order to achieve substantive equality, including through enforcing non-discrimination measures such as specific measures and reasonable accommodation.
 - **To propose** strategies (i) to improve international standards and their effective implementation at national level and (ii) to align actions undertaken under international law to improve national standards.
 - **To discuss** the role of international cooperation in ensuring the implementation of the human rights based-approach to disability in equality and non-discrimination.
 - **To analyse** the importance of the 2030 Agenda for Sustainable Development and other agreed agendas with regard to ensuring the human rights of persons with disabilities and the transformative process towards achieving substantive equality through the effective implementation of antidiscrimination strategies and accountability measures.
- Chair:** H.E. Mr. Mouayed Saleh, Vice-President and Rapporteur of the Human Rights Council
- Opening statement:** Mr. Adam Abdelmoula, Director of the Human Rights Council and Treaty Mechanisms Division, Office of the United Nations High Commissioner for Human Rights
- Panellists:**
- H.E. Ms. Ana Sofia Antunes, Secretary of State for the Inclusion of Persons with Disabilities, Portugal
 - Ms. Catalina Devandas Aguilar, Special Rapporteur on the rights of persons with disabilities
 - Mr. Danlami Umaru Basharu, Member of the Committee on the Rights of Persons with Disabilities
 - Ms. Géronime Tokpo, African Disability Forum
 - Ms. Judith Heumann, Disability Rights Expert
- Outcome:** The debate will seek to identify good practices in promoting the human rights of persons with disabilities in order to achieve substantive equality and to ensure non-discrimination. It will also contribute to raising awareness of the challenges that persons with disabilities continue to face in enjoying their human rights, particularly on accessing reasonable accommodation. Finally, the debate will provide an opportunity to highlight the importance of the 2030 Agenda

for Sustainable Development for the realization of the human rights of persons with disabilities and to reduce inequalities. An informal summary of the interactive debate will be prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and posted on the OHCHR website.

Mandate: In its resolution 31/6 (paragraphs 16 and 18), the Human Rights Council decided that its next annual interactive debate on the rights of persons with disabilities would be held at its thirty-fourth session, and that the debate would focus on article 5 of the Convention on the Rights of Persons with Disabilities regarding equality and non-discrimination, and will have international sign interpretation and captioning. The Council requested the OHCHR to prepare its next annual study on the rights of persons with disabilities with a focus on article 5 of the Convention, in consultation with States and other relevant stakeholders, regional organizations, the Special Rapporteur on the rights of persons with disabilities, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, requiring contributions to be submitted in an accessible format, and requested that such stakeholder contributions, and the study and an easy-to-read-version of it, be made available on the website of the Office, in an accessible format, prior to the thirty-fourth session of the Human Rights Council.

To this end, OHCHR invited States and all the aforementioned stakeholders to provide responses to a set of questions concerning existing legislation, policies and practices ensuring a human rights-based approach to equality and non-discrimination. OHCHR received 27 responses from States, 15 from national human rights institutions and 29 from civil society organizations and other stakeholders.¹

Format: Opening statements and initial presentations by the panellists (estimated to take up to 1 hour) will be followed by two rounds of an interactive discussion. The list of speakers for the discussion will be established at the beginning of the panel and, as per practice, statements by high-level dignitaries and groups will be moved to the beginning of the list. States and observers, including representatives of civil society, take the floor for a 2-minute intervention each (total 45 minutes), followed by responses from panellists (15 minutes). A second round of interventions from the floor (45 minutes) will be followed by responses and concluding remarks from the panellists (15 minutes). To make the panel interactive, speakers are encouraged to focus their interventions on the themes addressed by the panellists either by asking questions to the panellists or sharing relevant national experience. Interpretation will be provided in the six United Nations official languages (Arabic, Chinese, English, French, Russian and Spanish).

Accessibility In an effort to render the Human Rights Council more accessible to persons with disabilities and to allow them to participate in the work of the Council on an equal basis with others, this annual debate will be made accessible to persons with disabilities. During the debate, international sign interpretation and real-time captioning will be provided and webcasted. Physical accessibility will be promoted by making room facilities wheelchair friendly. As per established guidelines, braille printing will be available on demand. The *Accessibility guide to the Human Rights Council for persons with disabilities* is available for further information.²

Background: The Convention advances substantive equality for persons with disabilities as enshrined in Article 5, including equality of opportunities and equality of outcomes. It requires the transformation of existing social structures, systems and conceptions that perpetuate discrimination against persons with disabilities. In particular, Article 5 of the CRPD reinforces and specifies States' obligations to provide for equality and non-discrimination of persons with disabilities.

¹ See www.ohchr.org/EN/Issues/Disability/Pages/StudiesReportsPapers.aspx

² See www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx

Article 5 of the CRPD calls for both the elimination of discriminatory laws, policies and practices, as well as the development of proactive policies for achieving equality for persons with disabilities. Specific measures under Article 5(4), that include affirmative action measures, should be adopted. Articles 6 and 7 of the Convention reinforce these obligations with regard to women and children with disabilities, respectively. Active policies must be accompanied by a robust non-discrimination framework that addresses all forms of discrimination, including explicitly the denial of reasonable accommodation.

The 2030 Agenda for Sustainable Development presents a unique opportunity for concerted efforts to reduce inequality for persons with disabilities and ensure their inclusion and participation. States, international cooperation actors and other relevant stakeholders must apply the principle of equality and non-discrimination transversally to all goals.

In order to comply with Article 5 of the CRPD, States, in consultation with persons with disabilities and their representative organizations, should: (i) Adopt laws and policies to reduce inequalities, including by implementing accessibility, combatting negative stereotypes, perceptions and attitudes and providing for inclusive environments; (ii) Ensure the exercise of enabling rights, e.g. the right to equal recognition before the law, to education and to employment, as well as repeal or revise laws and policies which impede the exercise of rights on an equal basis with others; (iii) Adopt specific measures to address inequalities and to combat discrimination, particularly structural discrimination, ensuring monitoring of their compliance; (iv) Ensure protection against all forms of discrimination on the basis of disability, including the denial of reasonable accommodation and discrimination by association; (v) Establish well-developed disaggregated data collection systems, including on cases of discrimination, to inform human rights indicators, allowing for monitoring of equality and identifying structural discrimination.

Background documents:

- [Human Rights Council resolution 7/9](#) of 27 March 2008 on human rights of persons with disabilities
- [Human Rights Council resolution 31/6](#) of 23 March 2016 on the rights of persons with disabilities in situations of risk and humanitarian emergencies
- Thematic study on equality and non-discrimination under article 5 of the Convention on the Rights of Persons with Disabilities – Report of the OHCHR ([A/HRC/34/26](#))
- OHCHR web page with [studies, reports and papers on disability](#)