

# 身心障礙者權利公約

## 前言

本公約締約國，

- (a)重申聯合國憲章宣告之各項原則承認人類大家庭所有成員之固有尊嚴與價值，以及平等與不可剝奪之權利，是世界自由、正義與和平之基礎，
- (b)確認聯合國於世界人權宣言與國際人權公約中宣示並同意人人有權享有該等文書所載之所有權利與自由，不得有任何區別，
- (c)再度確認所有人權與基本自由之普世性、不可分割性、相互依存性及相互關聯性，必須保障身心障礙者不受歧視地充分享有該等權利及自由，
- (d)重申經濟社會文化權利國際公約、公民與政治權利國際公約、消除一切形式種族歧視國際公約、消除對婦女一切形式歧視公約、禁止酷刑和其他殘忍、不人道或有辱人格的待遇或處罰公約、兒童權利公約及保護所有移徙工人及其家庭成員權利國際公約，
- (e)確認身心障礙是一個演變中之概念，身心障礙是功能損傷者與阻礙他們在與其他入平等基礎上充分及切實地參與社會之各種態度及環境障礙相互作用所產生之結果，
- (f)確認關於身心障礙者之世界行動綱領與身心障礙者機會均等標準規則所載原則及政策準則於影響國家、區域及國際各級推行、制定及評量進一步增加身心障礙者均等機會之政策、計畫、方案及行動方面之重要性，
- (g)強調身心障礙主流議題之重要性，為永續發展相關策略之重要組成部分，
- (h)同時確認基於身心障礙而歧視任何人是對人之固有尊嚴與價值之侵犯，
- (i)進一步確認身心障礙者之多元性，
- (j)確認必須促進與保障所有身心障礙者人權，包括需要更多密集支持之身心障礙者，
- (k)儘管有上述各項文書與承諾，身心障礙者作為平等社會成員參與方面依然面臨各種障礙，其人權於世界各地依然受到侵犯，必須受到關注，
- (l)確認國際合作對改善各國身心障礙者生活條件之重要性，尤其是於開發中國家，
- (m)承認身心障礙者存在之價值與其對社區整體福祉與多樣性所作出之潛在貢獻，並承認促進身心障礙者充分享有其人權與基本自由，以及身心障礙者之充分參

與，將導致其歸屬感之增強，顯著推進該社會之人類、社會與經濟發展及消除貧窮，

- (n)確認身心障礙者個人自主與自立之重要性，包括作出自己選擇之自由，
- (o)認為身心障礙者應有機會積極參與政策及方案之決策過程，包括與其直接相關者，
- (p)關注基於種族、膚色、性別、語言、宗教、政治或不同主張、民族、族裔、原住民或社會背景、財產、出生、年齡或其他身分而受到多重或加重形式歧視之身心障礙者所面臨之困境，
- (q)確認身心障礙婦女與女孩於家庭內外經常處於更高風險，遭受暴力、傷害或虐待、忽視或疏忽、不當對待或剝削，
- (r)確認身心障礙兒童應在與其他兒童平等基礎上充分享有所有人權與基本自由，並重申兒童權利公約締約國為此目的承擔之義務，
- (s)強調於促進身心障礙者充分享有人權與基本自由之所有努力必須納入性別平等觀點，
- (t)凸顯大多數身心障礙者生活貧困之事實，確認於此方面亟需消除貧窮對身心障礙者之不利影響，
- (u)銘記和平與安全之條件必須立基於充分尊重聯合國憲章宗旨與原則，以及遵守現行人權文書，特別是於武裝衝突與外國佔領期間，對身心障礙者之保障為不可或缺，
- (v)確認無障礙之物理、社會、經濟與文化環境、健康與教育，以及資訊與傳播，使身心障礙者能充分享有所有人權與基本自由之重要性，
- (w)理解個人對他人與對本人所屬社區負有義務，有責任努力促進及遵守國際人權憲章所確認之權利，
- (x)深信家庭是自然與基本之社會團體單元，有權獲得社會與國家之保障，身心障礙者及其家庭成員應獲得必要之保障及協助，使家庭能夠為身心障礙者充分及平等地享有其權利作出貢獻，
- (y)深信一份促進與保障身心障礙者權利及尊嚴之全面整合的國際公約，對於開發中及已開發國家補救身心障礙者之重大社會不利處境及促使其參與公民、政治、經濟、社會及文化等面向具有重大貢獻，

茲協議如下：

## 第1條 宗旨

本公約宗旨係促進、保障與確保所有身心障礙者充分及平等享有所有人權及基本自由，並促進對身心障礙者固有尊嚴之尊重。

身心障礙者包括肢體、精神、智力或感官長期損傷者，其損傷與各種障礙相互作用，可能阻礙身心障礙者與他人於平等基礎上充分有效參與社會。

## 第2條 定義

為本公約之宗旨：

“傳播”包括語言、字幕、點字文件、觸覺傳播、放大文件、無障礙多媒體及書面語言、聽力語言、淺白語言、報讀員及其他輔助或替代性傳播方法、模式及格式，包括無障礙資訊及通信技術；

“語言”包括口語、手語及其他形式之非語音語言；

“基於身心障礙之歧視”是指基於身心障礙而作出之任何區別、排斥或限制，其目的或效果損害或廢除在與其他人平等基礎上於政治、經濟、社會、文化、公民或任何其他領域，所有人權及基本自由之認可、享有或行使。基於身心障礙之歧視包括所有形式之歧視，包括拒絕提供合理之對待；

“合理之對待”是指根據具體需要，於不造成過度或不當負擔之情況下，進行必要及適當之修改與調整，以確保身心障礙者在與其他人平等基礎上享有或行使所有人權及基本自由；

“通用設計”是指盡最大可能讓所有人可以使用，無需作出調整或特別設計之產品、環境、方案與服務設計。

“通用設計”不應排除於必要情況下，為特定身心障礙者群體提供輔助用具。

## 第3條 一般原則

本公約之原則是：

- (a) 尊重固有尊嚴、包括自由作出自己選擇之個人自主及個人自立；
- (b) 不歧視；
- (c) 充分有效參與及融合社會；
- (d) 尊重差異，接受身心障礙者是人之多元性之一部分與人類之一份子；
- (e) 機會均等；
- (f) 無障礙；

(g)男女平等；

(h)尊重身心障礙兒童逐漸發展之能力，並尊重身心障礙兒童保持其身分認同之權利。

#### 第4條 一般義務

1. 締約國承諾確保並促進充分實現所有身心障礙者之所有人權與基本自由，使其不受任何基於身心障礙之歧視。為此目的，締約國承諾：

(a)採取所有適當立法、行政及其他措施實施本公約確認之權利；

(b)採取所有適當措施，包括立法，以修正或廢止構成歧視身心障礙者之現行法律、法規、習慣與實踐；

(c)於所有政策與方案中考慮到保障及促進身心障礙者之人權；

(d)不實施任何與本公約不符之行為或實踐，確保政府機關和機構之作為遵循本公約之規定；

(e)採取所有適當措施，消除任何個人、組織或私營企業基於身心障礙之歧視；

(f)從事或促進研究及開發本公約第2條所定通用設計之貨物、服務、設備及設施，以儘可能達到最低程度之調整及最少費用，滿足身心障礙者之具體需要，促進該等貨物、服務、設備及設施之提供與使用，並於發展標準及準則推廣通用設計；

(g)從事或促進研究及開發適合身心障礙者之新技術，並促進提供與使用該等新技術，包括資訊和傳播技術、行動輔具、用品、輔助技術，優先考慮價格上可負擔之技術；

(h)提供身心障礙者可近用之資訊，關於行動輔具、用品及輔助技術，包括新技術，並提供其他形式之協助、支持服務與設施；

(i)促進培訓協助身心障礙者之專業人員與工作人員，使其瞭解本公約確認之權利，以便更好地提供該等權利所保障之協助及服務。

2. 關於經濟、社會及文化權利，各締約國承諾儘量利用現有資源並於必要時於國際合作架構內採取措施，以期逐步充分實現該等權利，但不妨礙本公約中依國際法屬於立即適用之義務。

3. 為執行本公約以發展及實施立法及政策時，及其他關於身心障礙者議題之決策過程中，締約國應與代表身心障礙者之組織、身心障礙者，包括身心障礙兒童，密切協商，以使其積極涉入。
4. 本公約之規定不影響任何締約各國法律或對締約各國生效之國際法中任何更有利於實現身心障礙者權利之規定。對於依據法律、公約、法規或習慣而於本公約締約各國內獲得承認或存在之任何人權與基本自由，不得以本公約未予承認或未予充分確認該等權利或自由為藉口而加以限制或減損。
5. 本公約之規定應延伸適用於聯邦制國家各組成部分，無任何限制或例外。

#### 第 5 條 平等與不歧視

1. 締約國確認，在法律之前，人人平等，有權不受任何歧視地享有法律給予之平等保障與平等受益。
2. 締約國應禁止所有基於身心障礙之歧視，保障身心障礙者獲得平等與有效之法律保護，使其不受基於任何原因之歧視。
3. 為促進平等與消除歧視，締約國應採取所有適當步驟，以確保提供合理之對待。
4. 為加速或實現身心障礙者事實上之平等而必須採取之具體措施，不得視為本公約所指之歧視。

#### 第 6 條 身心障礙婦女

1. 締約國應認身心障礙婦女與女孩受到多重歧視，就此應採取措施，確保其充分與平等地享有所有人權及基本自由。
2. 締約國應採取所有適當措施，確保婦女獲得充分發展，提高地位及賦權增能，其目的為保障婦女能行使及享有本公約所定之人權與基本自由。

#### 第 7 條 身心障礙兒童

1. 締約國應採取所有必要措施，確保身心障礙兒童在與其他兒童平等基礎上，充分享有所有人權與基本自由。
2. 於所有關於身心障礙兒童之行動中，應以兒童最佳利益為首要考量。
3. 締約國應確保身心障礙兒童有權在與其他兒童平等基礎上，就所有影響本人之事項自由表達意見，並獲得適合其身心障礙狀況及年齡之協助措施以實現此項權利，身心障礙兒童之意見應按其年齡與成熟程度適當予以考量。

## 第 8 條 意識提升

### 1. 締約國承諾採取立即有效與適當措施，以便：

- (a)提高整個社會，包括家庭，對身心障礙者之認識，促進對身心障礙者權利與尊嚴之尊重；
- (b)於生活各個方面對抗對身心障礙者之成見、偏見與有害作法，包括基於性別及年齡之成見、偏見及有害作法；
- (c)提高對身心障礙者能力與貢獻之認識。

### 2. 為此目的採取之措施包括：

- (a)發起與持續進行有效之宣傳活動，提高公眾認識，以便：
  - (i)培養接受身心障礙者權利之態度；
  - (ii)促進積極看待身心障礙者，提高社會對身心障礙者之瞭解；
  - (iii)促進承認身心障礙者之技能、才華與能力以及其對職場與勞動市場之貢獻；
- (b)於各級教育體系，包括學齡前教育，培養尊重身心障礙者權利之態度；
- (c)鼓勵所有媒體機構以符合本公約宗旨之方式報導身心障礙者；
- (d)推行瞭解身心障礙者及其權利之培訓方案。

## 第 9 條 無障礙

### 1. 為使身心障礙者能夠獨立生活及充分參與生活各個方面，締約國應採取適當措施，確保身心障礙者在與其他人平等基礎上，無障礙地進出物理環境，使用交通工具，利用資訊及通信，包括資訊與通信技術及系統，以及享有於都市與鄉村地區向公眾開放或提供之其他設施及服務。該等措施應包括查明及消除阻礙實現無障礙環境之因素，尤其應適用於：

- (a)建築、道路、交通與其他室內外設施，包括學校、住宅、醫療設施及工作場所；
- (b)資訊、通信及其他服務，包括電子服務及緊急服務。

### 2. 締約國亦應採取適當措施，以便：

- (a)擬訂、發布並監測向公眾開放或提供之設施與服務為無障礙使用之最低標準及準則；
- (b)確保私人單位向公眾開放或為公眾提供之設施與服務能考慮身心障礙者無障礙之所有面向；
- (c)提供相關人員對於身心障礙者之無障礙議題培訓；
- (d)於向公眾開放之建築與其他設施中提供點字標誌及易讀易懂之標誌；
- (e)提供各種形式之現場協助及中介，包括提供嚮導、報讀員及專業手語翻譯員，以利無障礙使用向公眾開放之建築與其他設施；
- (f)促進其他適當形式之協助與支持，以確保身心障礙者獲得資訊；
- (g)促進身心障礙者有機會使用新資訊與通信技術及系統，包括網際網路；
- (h)促進於早期階段設計、開發、生產、推行無障礙資訊與通信技術及系統，以便能以最低成本使該等技術及系統無障礙。

#### 第 10 條 生命權

締約國重申人人享有固有之生命權，並應採取所有必要措施，確保身心障礙者在與其他人平等基礎上確實享有生命權。

#### 第 11 條 危險情況與人道緊急情況

締約國應依其基於國際法上之義務，包括國際人道法與國際人權法規定，採取所有必要措施，確保於危險情況下，包括於發生武裝衝突、人道緊急情況及自然災害時，身心障礙者獲得保障及安全。

#### 第 12 條 在法律之前獲得平等承認

1. 締約國重申，身心障礙者於任何地方均獲承認享有人格之權利。
2. 締約國應確認身心障礙者於生活各方面享有與其他人平等之權利能力。
3. 締約國應採取適當措施，便利身心障礙者獲得其於行使權利能力時可能需要之協助。
4. 締約國應確保，與行使權利能力有關之所有措施，均依照國際人權法提供適當與有效之防護，以防止濫用。該等防護應確保與行使權利能力有關之措施，尊

重本人之權利、意願及選擇，無利益衝突及不當影響，適合本人情況，適用時間儘可能短，並定期由一個有資格、獨立、公正之機關或司法機關審查。提供之防護與影響個人權利及利益之措施於程度上應相當。

5. 於符合本條規定之情況下，締約國應採取所有適當及有效措施，確保身心障礙者平等享有擁有或繼承財產之權利，掌管自己財務，有平等機會獲得銀行貸款、抵押貸款及其他形式之金融信用貸款，並應確保身心障礙者之財產不被任意剝奪。

#### 第 13 條 獲得司法保護

1. 締約國應確保身心障礙者在與其他人平等基礎上有效獲得司法保護，包括透過提供程序與適齡對待措施，以增進其於所有法律訴訟程序中，包括於調查及其他初步階段中，有效發揮其作為直接和間接參與之一方，包括作為證人。
2. 為了協助確保身心障礙者有效獲得司法保護，締約國應促進對司法領域工作人員，包括警察與監所人員進行適當之培訓。

#### 第 14 條 人身自由與安全

1. 締約國應確保身心障礙者在與其他人平等基礎上：
  - (a) 享有人身自由及安全之權利；
  - (b) 不被非法或任意剝奪自由，任何對自由之剝奪均須符合法律規定，且於任何情況下均不得以身心障礙作為剝奪自由之理由。
2. 締約國應確保，於任何過程中被剝奪自由之身心障礙者，在與其他人平等基礎上，有權獲得國際人權法規定之保障，並應享有符合本公約宗旨及原則之待遇，包括提供合理之對待。

#### 第 15 條 免於酷刑或殘忍、不人道或有辱人格之待遇或處罰

1. 不得對任何人實施酷刑或殘忍、不人道或有辱人格之待遇或處罰。特別是不得於未經本人自願同意下，對任何人進行醫學或科學試驗。
2. 締約國應採取所有有效之立法、行政、司法或其他措施，在與其他人平等基礎上，防止身心障礙者遭受酷刑或殘忍、不人道或有辱人格之待遇或處罰。



## 第 16 條 免於剝削、暴力與虐待

1. 締約國應採取所有適當之立法、行政、社會、教育與其他措施，保障身心障礙者於家庭內外免遭所有形式之剝削、暴力及虐待，包括基於性別之剝削、暴力及虐待。
2. 締約國尚應採取所有適當措施防止所有形式之剝削、暴力及虐待，其中包括，確保向身心障礙者與其家屬及照顧者提供具性別及年齡敏感度之適當協助與支持，包括透過提供資訊及教育，說明如何避免、識別及報告剝削、暴力及虐待事件。締約國應確保保障服務具年齡、性別及身心障礙之敏感度。
3. 為了防止發生任何形式之剝削、暴力及虐待，締約國應確保所有用於為身心障礙者服務之設施與方案受到獨立機關之有效監測。
4. 身心障礙者受到任何形式之剝削、暴力或虐待時，締約國應採取所有適當措施，包括提供保護服務，促進被害人之身體、認知功能與心理之復原、復健及重返社會。上述復原措施與重返社會措施應於有利於本人之健康、福祉、自尊、尊嚴及自主之環境中進行，並應斟酌因性別及年齡而異之具體需要。
5. 締約國應制定有效之立法與政策，包括聚焦於婦女及兒童之立法及政策，確保對身心障礙者之剝削、暴力及虐待事件獲得確認、調查，並於適當情況予以起訴。

## 第 17 條 保障人身完整性

身心障礙者有權在與其他人平等基礎上獲得身心完整性之尊重。

## 第 18 條 遷徙自由與國籍

1. 締約國應確認身心障礙者在與其他人平等基礎上有權自由遷徙、自由選擇居所與享有國籍，包括確保身心障礙者：
  - (a) 有權取得與變更國籍，國籍不被任意剝奪或因身心障礙而被剝奪；
  - (b) 不因身心障礙而被剝奪獲得、持有及使用國籍證件或其他身分證件之能力，或利用相關處理，如移民程序之能力，該等能力或為便利行使遷徙自由權所必要。

(c)可以自由離開任何國家，包括本國在內；

(d)不被任意剝奪或因身心障礙而被剝奪進入本國之權利。

2. 身心障礙兒童出生後應立即予以登記，從出生起即應享有姓名權，享有取得國籍之權利，並儘可能享有認識父母及得到父母照顧之權利。

#### 第 19 條 自立生活與融合社區

本公約締約國體認所有身心障礙者享有於社區中生活之平等權利以及與其他人同等之選擇，並應採取有效及適當之措施，以促進身心障礙者充分享有該等權利以及充分融合及參與社區，包括確保：

- (a)身心障礙者有機會在與其他人平等基礎上選擇居所，選擇於何處、與何人一起生活，不被強迫於特定之居住安排中生活；
- (b)身心障礙者享有近用各種居家、住所及其他社區支持服務，包括必要之個人協助，以支持於社區生活及融合社區，避免孤立或隔離於社區之外；
- (c)為大眾提供之社區服務及設施，亦可由身心障礙者平等使用，並回應其需求。

#### 第 20 條 個人行動能力

締約國應採取有效措施，確保身心障礙者於最大可能之獨立性下，享有個人行動能力，包括：

- (a)促進身心障礙者按自己選擇之方式與時間，以其可負擔之費用享有個人行動能力；
- (b)促進身心障礙者享有近用優質之行動輔具、用品、輔助技術以及各種形式之現場協助及中介，包括以其可負擔之費用提供之；
- (c)提供身心障礙者及與其共事之專業人員行動技能培訓；
- (d)鼓勵生產行動輔具、用品與輔助技術之生產者斟酌身心障礙者行動能力之所有面向。

#### 第 21 條 表達與意見之自由及近用資訊

締約國應採取所有適當措施，確保身心障礙者能夠行使自由表達及意見自由之權利，包括在與其他人平等基礎上，通過自行選擇本公約第 2 條所界定之所有傳播方式，尋求、接收、傳遞資訊與思想之自由，包括：

- (a)提供予公眾之資訊須以適於不同身心障礙類別之無障礙形式與技術，及時提供給身心障礙者，不另收費；
- (b)於正式互動中接受及促進使用手語、點字文件、輔助與替代性傳播及身心障礙者選用之其他所有無障礙傳播方法、模式及格式；
- (c)敦促提供公眾服務之私人單位，包括通過網際網路提供服務，以無障礙及身心障礙者可以使用之模式提供資訊及服務；
- (d)鼓勵大眾媒體，包括透過網際網路資訊提供者，使其服務得為身心障礙者近用；
- (e)承認及推廣手語之使用。

## 第 22 條 尊重隱私

1. 身心障礙者，不論其居所地或居住安排為何，其隱私、家庭、家居與通信及其他形式之傳播，不得受到任意或非法干擾，其尊榮與名譽也不得受到非法攻擊。身心障礙者有權獲得法律保障，不受該等干擾或攻擊。
2. 締約國應在與其他人平等基礎上保障身心障礙者之個人、健康與復健資料之隱私。

## 第 23 條 尊重家居與家庭

1. 締約國應採取有效及適當措施，在與其他人平等基礎上，於涉及婚姻、家庭、父母身分及家屬關係之所有事項中，消除對身心障礙者之歧視，以確保：
  - (a)所有適婚年齡之身心障礙者，基於當事人雙方自由與充分之同意，其結婚與組成家庭之權利，獲得承認；
  - (b)身心障礙者得自由且負責任地決定子女人數及生育間隔，近用適齡資訊、生育及家庭計畫教育之權利獲得承認，並提供必要措施使身心障礙者得以行使該等權利；

- (c) 在與其他人平等基礎上，身心障礙者，包括身心障礙兒童，保留其生育能力。
2. 存在於本國立法中有關監護、監管、託管及收養兒童或類似制度等概念，締約國應確保身心障礙者於該等方面之權利及責任；於任何情況下均應以兒童最佳利益為最優先。締約國應適當協助身心障礙者履行其養育子女之責任。
  3. 締約國應確保身心障礙兒童於家庭生活方面享有平等權利。為實現該等權利，並防止隱藏、遺棄、疏忽與隔離身心障礙兒童，締約國應承諾及早提供身心障礙兒童及其家屬全面之資訊、服務及協助。
  4. 締約國應確保不違背兒童父母意願使子女與父母分離，除非主管當局依照適用之法律與程序，經司法審查判定基於兒童本人之最佳利益，此種分離確有其必要。於任何情況下均不得以子女身心障礙或父母一方或雙方身心障礙為由，使子女與父母分離。
  5. 締約國應於直系親屬不能照顧身心障礙兒童之情況下，盡一切努力於家族範圍內提供替代性照顧，並於無法提供該等照顧時，於社區內提供家庭式照顧。

#### 第 24 條 教育

1. 締約國確認身心障礙者享有受教育之權利。為了於不受歧視及機會均等之基礎上實現此一權利，締約國應確保於各級教育實行融合教育制度及終身學習，朝向：
  - (a) 充分開發人之潛力、尊嚴與自我價值，並加強對人權、基本自由及人之多元性之尊重；
  - (b) 極致發展身心障礙者之人格、才華與創造力以及心智能力及體能；
  - (c) 使所有身心障礙者能有效參與自由社會。
2. 為實現此一權利，締約國應確保：
  - (a) 身心障礙者不因身心障礙而被排拒於普通教育系統之外，身心障礙兒童不因身心障礙而被排拒於免費與義務小學教育或中等教育之外；
  - (b) 身心障礙者可以於自己生活之社區內，在與其他人平等基礎上，獲得融合、優質及免費之小學教育及中等教育；

- (c)提供合理之對待以滿足個人需求；
  - (d)身心障礙者於普通教育系統中獲得必要之協助，以利其獲得有效之教育；
  - (e)符合充分融合之目標下，於最有利於學業與社會發展之環境中，提供有效之個別化協助措施。
3. 締約國應使身心障礙者能夠學習生活與社會發展技能，促進其充分及平等地參與教育及融合社區。為此目的，締約國應採取適當措施，包括：
- (a)促進學習點字文件、替代文字、輔助與替代性傳播方法、模式及格式、定向與行動技能，並促進同儕支持及指導；
  - (b)促進手語之學習及推廣聽覺障礙社群之語言認同；
  - (c)確保以最適合個人情況之語言與傳播方法、模式及於最有利於學業及社會發展之環境中，提供教育予視覺、聽覺障礙或視聽覺障礙者，特別是視覺、聽覺障礙或視聽覺障礙兒童。
4. 為幫助確保實現該等權利，締約國應採取適當措施，聘用合格之手語或點字教學教師，包括身心障礙教師，並對各級教育之專業人員與工作人員進行培訓。該等培訓應包括障礙意識及學習使用適當之輔助替代性傳播方法、模式及格式、教育技能及教材，以協助身心障礙者。
5. 締約國應確保身心障礙者能夠於不受歧視及與其他人平等基礎上，獲得一般高等教育、職業訓練、成人教育及終身學習。為此目的，締約國應確保向身心障礙者提供合理之對待。

## 第 25 條 健康

締約國確認，身心障礙者有權享有可達到之最高健康標準，不因身心障礙而受到歧視。締約國應採取所有適當措施，確保身心障礙者獲得考慮到性別敏感度之健康服務，包括與健康有關之復健服務。締約國尤其應：

- (a)提供身心障礙者與其他人享有同等範圍、質量與標準之免費或可負擔之健康照護與方案，包括於性與生育健康及全民公共衛生方案領域；

- (b)提供身心障礙者因其身心障礙而特別需要之健康服務，包括提供適當之早期診斷與介入，及提供設計用來極小化與預防進一步障礙發生之服務，包括提供兒童及老年人該等服務；
- (c)儘可能於身心障礙者最近所在之社區，包括鄉村地區，提供該等健康服務；
- (d)要求醫事人員，包括於徵得身心障礙者自由意識並知情同意之基礎上，提供身心障礙者與其他人相同品質之照護，其中包括藉由提供培訓與頒布公共及私營健康照護之倫理標準，提高對身心障礙者人權、尊嚴、自主及需求之意識；
- (e)於提供健康保險與國家法律許可之人壽保險方面，禁止歧視身心障礙者，該等保險應以公平合理之方式提供；
- (f)防止以身心障礙為由而歧視性地拒絕提供健康照護或健康服務，或拒絕提供食物與液體。

## 第 26 條 適應訓練與復健

1. 締約國應採取有效與適當措施，包括經由同儕支持，使身心障礙者能夠達到及保持最大程度之自立，充分發揮及維持體能、智能、社會及職業能力，充分融合及參與生活所有方面。為此目的，締約國應組織、加強與擴展完整之適應訓練、復健服務及方案，尤其是於健康、就業、教育及社會服務等領域，該等服務與方案應：
  - (a)及早開始依據個人需求與優勢能力進行跨專業之評估；
  - (b)協助身心障礙者依其意願於社區及社會各層面之參與及融合，並儘可能於身心障礙者最近社區，包括鄉村地區。
2. 締約國應為從事適應訓練與復健服務之專業人員及工作人員，推廣基礎及繼續培訓之發展。
3. 於適應訓練與復健方面，締約國應推廣為身心障礙者設計之輔具與技術之可及性、知識及運用。

## 第 27 條 工作與就業

1. 締約國承認身心障礙者享有與其他人平等之工作權利；此包括於一個開放、融合與無障礙之勞動市場及工作環境中，身心障礙者有自由選擇與接受謀生工作機會之權利。締約國應採取適當步驟，防護及促進工作權之實現，包括於就業期間發生障礙事實者，其中包括，透過法律：
  - (a)禁止基於身心障礙者就各種就業形式有關之所有事項上之歧視，包括於招募、僱用與就業條件、持續就業、職涯提升及安全與衛生之工作條件方面；
  - (b)保障身心障礙者在與其他人平等基礎上享有公平與良好之工作條件，包括機會均等及同工同酬之權利，享有安全及衛生之工作環境，包括免於騷擾之保障，並享有遭受侵害之救濟；
  - (c)確保身心障礙者能夠在與其他人平等基礎上行使勞動權及工會權；
  - (d)使身心障礙者能夠有效參加一般技術與職業指導方案，獲得就業服務及職業與繼續訓練；
  - (e)促進身心障礙者於勞動市場上之就業機會與職涯提升，協助身心障礙者尋找、獲得、保持及重返就業；
  - (f)促進自營作業、創業經營、開展合作社與個人創業之機會；
  - (g)於公部門僱用身心障礙者；
  - (h)以適當政策與措施，促進私部門僱用身心障礙者，得包括平權行動方案、提供誘因及其他措施；
  - (i)確保於工作場所為身心障礙者提供合理之空間安排；
  - (j)促進身心障礙者於開放之勞動市場上獲得工作經驗；
  - (k)促進身心障礙者之職業與專業重建，保留工作和重返工作方案。
2. 締約國應確保身心障礙者不處於奴隸或奴役狀態，並在與其他人平等基礎上受到保障，不被強迫或強制勞動。

## 第 28 條 適足之生活水準與社會保障

1. 締約國承認身心障礙者就其自身及其家屬獲得適足生活水準之權利，包括適足之食物、衣物、住宅，及持續改善生活條件；並應採取適當步驟，防護與促進身心障礙者於不受歧視之基礎上實現該等權利。
2. 締約國承認身心障礙者享有社會保障之權利，及於身心障礙者不受歧視之基礎上享有該等權利；並應採取適當步驟，防護及促進該等權利之實現，包括採取下列措施：
  - (a)確保身心障礙者平等地獲得潔淨供水服務，並確保其獲得適當與可負擔之服務、用具及其他協助，以滿足與身心障礙有關之需求；
  - (b)確保身心障礙者，尤其是身心障礙婦女、女孩與年長者，利用社會保障方案及降低貧窮方案；
  - (c)確保生活貧困之身心障礙者及其家屬，在與身心障礙有關之費用支出，包括適足之培訓、諮詢、財務協助及喘息服務方面，可以獲得國家援助；
  - (d)確保身心障礙者參加公共住宅方案；
  - (e)確保身心障礙者平等參加退休福利與方案。

#### 第 29 條 參與政治與公共生活

締約國應保障身心障礙者享有政治權利，及有機會在與其他人平等基礎上享有該等權利，並應承諾：

- (a)確保身心障礙者能夠在與其他人平等基礎上，直接或透過自由選擇之代表，有效與充分地參與政治及公共生活，包括確保身心障礙者享有選舉與被選舉之權利及機會，其中包括，採取下列措施：
  - (i)確保投票程序、設施與材料適當、無障礙及易懂易用；
  - (ii)保障身心障礙者之投票權利，使其得以於各種選舉或公投中不受威嚇地採用無記名方式投票及參選，於各級政府有效地擔任公職與執行所有公共職務，並於適當情況下促進輔助與新技術之使用；
  - (iii)保障身心障礙者作為選民，得以自由表達意願，及為此目的，於必要情形，根據其要求，允許由其選擇之人協助投票；



(b)積極促進環境，使身心障礙者得於不受歧視及與其他人平等基礎上有效與充分地參與公共事務之處理，並鼓勵其參與公共事務，包括：

(i)參與關於本國公共與政治生活之非政府組織及團體，及參加政黨之活動與行政事務；

(ii)成立及加入身心障礙者組織，於國際性、全國性、區域性及地方性各層級代表身心障礙者。

### 第 30 條 參與文化生活、康樂、休閒與體育活動

1. 締約國承認身心障礙者有權在與其他人平等基礎上參與文化生活，並應採取所有適當措施，確保身心障礙者：

(a)享有以無障礙格式提供之文化素材；

(b)享有以無障礙格式提供之電視節目、影片、戲劇及其他文化活動；

(c)享有進入文化表演或文化服務場所，例如劇院、博物館、電影院、圖書館、旅遊服務場所，並儘可能地享有進入於本國文化中具有重要意義之紀念建築與遺址。

2. 締約國應採取適當措施，使身心障礙者能有機會發展與利用其創意、藝術及知識方面之潛能，不僅基於自身之利益，更為充實社會。

3. 締約國應採取所有適當步驟，根據國際法，確保保障智慧財產權之法律不構成不合理或歧視性障礙，阻礙身心障礙者獲得文化素材。

4. 身心障礙者應有權利，在與其他人平等基礎上，被承認及支持其特有之文化與語言認同，包括手語及聾人文化。

5. 著眼於使身心障礙者能夠在與其他人平等基礎上參加康樂、休閒與體育活動，締約國應採取下列適當措施：

(a)鼓勵與推廣身心障礙者儘可能充分地參加各種等級之主流體育活動；

(b)確保身心障礙者有機會組織、發展及參與身心障礙者特殊之體育、康樂活動，並為此目的，在與其他人平等基礎上，鼓勵提供適當之指導、培訓及資源；

(c)確保身心障礙者得以使用體育、康樂與旅遊場所；

(d)確保身心障礙兒童與其他兒童平等地參加遊戲、康樂與休閒及體育活動，包括於學校體系內之該等活動；

(e)確保身心障礙者於康樂、旅遊、休閒與體育等活動籌組時，獲得參與所需之服務。

### 第 31 條 統計與資料收集

1. 締約國承諾收集適當之資訊，包括統計與研究資料，以利形成與推動實踐本公約之政策。收集與保存該等資訊之過程應：

(a)遵行法定防護措施，包括資料保護之立法，確保隱密性與尊重身心障礙者之隱私；

(b)遵行保護人權與基本自由之國際公認規範及收集與使用統計資料之倫理原則。

2. 依本條所收集之資訊應適當予以分類，用於協助評估本公約所定締約國義務之履行情況，並查明與指出身心障礙者於行使其權利時面臨之障礙。

3. 締約國應負有散播該等統計資料之責任，確保身心障礙者與其他人得以使用該等統計資料。

### 第 32 條 國際合作

1. 締約國體認到國際合作及其推廣對支援國家為實現本公約宗旨與目的所作出努力之重要性，並將於此方面，於雙邊及多邊國家間採取適當及有效措施，及於適當情況下，與相關國際、區域組織及公民社會，特別是與身心障礙者組織結成夥伴關係。其中得包括如下：

(a)確保包含並便利身心障礙者參與國際合作，包括國際發展方案；

(b)促進與支援能力建構，包括透過交流與分享資訊、經驗、培訓方案及最佳範例等；

(c)促進研究方面之合作，及科學與技術知識之近用；

(d)適當提供技術與經濟援助，包括促進無障礙技術及輔助技術之近用與分享，以及透過技術轉讓等。

2. 本條之規定不妨害各締約國履行其於本公約所承擔之義務。

### 第 33 條 國家實施與監測

1. 締約國應依其組織體制，就有關實施本公約之事項，於政府內指定一個或多個協調中心，並應適當考慮於政府內設立或指定一協調機制，以促進不同部門及不同層級間之有關行動。
2. 締約國應依其法律及行政體制，適當地於國內維持、加強、指定或設立一架構，包括一個或多個獨立機制，以促進、保障與監測本公約之實施。於指定或建立此一機制時，締約國應考慮到保障與促進人權之國家機構之地位及功能的相關原則。
3. 公民社會，特別是身心障礙者及其代表組織，應涉入並充分參與監測程序。

### 第 34 條 身心障礙者權利委員會

1. （聯合國）應設立一個身心障礙者權利委員會（以下稱委員會），履行以下規定之職能。
2. 於本公約生效時，委員會應由十二名專家組成。於另有六十個國家批准或加入公約後，委員會應增加六名成員，以達到十八名成員之最高限額。
3. 委員會成員應以個人身分任職，品德高尚，於本公約所涉領域具有公認之能力與經驗。締約國於提名候選人時，請適當考慮本公約第 4 條第 3 項之規定。
4. 委員會成員由締約國選舉，選舉須顧及地域分配之公平，不同文化形式及主要法律體系之代表性，成員性別之均衡性及身心障礙者專家參與。
5. 委員會成員應於聯合國秘書長召集之締約國會議上，依締約國提名之各國候選人名單，以無記名投票之方式選出。該等會議以三分之二之締約國構成法定人數，得票最多並獲得出席參加表決之締約國代表之絕對多數票者，當選為委員會成員。
6. 首次選舉至遲應於本公約生效之日後六個月內舉行。聯合國秘書長至遲應於每次選舉日前四個月，函請締約國於兩個月內遞交提名人選。秘書長隨後應按英文字母次序編列全體被提名人名單，註明提名締約國，分送本公約締約國。

7. 當選之委員會成員任期四年，有資格連選連任一次。但於第一次選舉當選之成員中，六名成員之任期應於二年後屆滿；本條第 5 項所述會議之主席應於第一次選舉後，立即抽籤決定此六名成員。
8. 委員會另外六名成員之選舉應依照本條之相關規定，於定期選舉時舉行。
9. 如委員會成員死亡或辭職或因任何其他理由而宣稱無法繼續履行其職責，提名該成員之締約國應指定一名具備本條相關規定所列資格並符合有關要求之專家，完成所餘任期。
10. 委員會應自行制定議事規則。
11. 聯合國秘書長應為委員會有效履行本公約規定之職能，提供必要之工作人員與設備，並應召開委員會之首次會議。
12. 顧及委員會責任重大，經聯合國大會核准，本公約設立之委員會成員，應按大會所定條件，從聯合國資源領取薪酬。
13. 委員會成員根據聯合國特權與豁免公約相關章節規定，應有權享有聯合國特派專家享有之設施、特權及豁免。

#### 第 35 條 締約國提交之報告

1. 各締約國於本公約對其生效後二年內，應透過聯合國秘書長，向委員會提交一份完整報告，說明為履行本公約規定之義務所採取之措施與於該方面取得之進展。
2. 其後，締約國至少應每四年提交一次報告，並於委員會提出要求時另外提交報告。
3. 委員會應決定適用於報告內容之準則。
4. 已經向委員會提交完整初次報告之締約國，於其後提交之報告中，不必重複以前提交之資料。締約國於編寫給委員會之報告時，務請採用公開、透明程序，並適度考慮本公約第 4 條第 3 項規定。
5. 報告可指出影響本公約所定義義務履行程度之因素與困難。

#### 第 36 條 報告之審議

1. 委員會應審議每一份報告，並於委員會認為適當時，對報告提出意見與一般性建議，將其送交有關締約國。締約國可以自行決定對委員會提供任何資料作為回復。委員會得要求締約國提供與實施本公約相關之進一步資料。
2. 對於明顯逾期未交報告之締約國，委員會得通知有關締約國，如於發出通知後三個月內仍未提交報告，委員會必須根據所獲得之可靠資料，審查該締約國實施本公約之情況。委員會應邀請有關締約國參加此項審查工作。如締約國提交相關報告作為回復，則適用本條第 1 項之規定。
3. 聯合國秘書長應對所有締約國提供上述報告。
4. 締約國應對國內公眾廣泛提供本國報告，並便利獲得有關該等報告之意見與一般性建議。
5. 委員會應於其認為適當時，將締約國報告轉交聯合國專門機構、基金與方案及其他主管機構，以便處理報告中就技術諮詢或協助提出之請求或表示之需要，同時附上委員會可能對該等請求或需要提出之意見與建議。

#### 第 37 條 締約國與委員會之合作

1. 各締約國應與委員會合作，協助委員會成員履行其任務。
2. 於與締約國之關係方面，委員會應適度考慮提高各國實施本公約能力之途徑與手段，包括透過國際合作。

#### 第 38 條 委員會與其他機構之關係

為促進本公約之有效實施及鼓勵於本公約所涉領域開展國際合作：

- (a) 各專門機構與其他聯合國機關應有權出席審議本公約中屬於其職權範圍規定之實施情況。委員會得於其認為適當時，邀請專門機構與其他主管機構就公約於各自職權範圍所涉領域之實施情況提供專家諮詢意見。委員會得邀請專門機構與其他聯合國機關提交報告，說明公約於其活動範圍所涉領域之實施情況。

(b)委員會於履行其任務時，應適當諮詢各國際人權條約所設立之其他相關組織意見，以便確保各自之報告準則、意見與一般性建議之一致性，避免於履行職能時出現重複及重疊。

#### 第 39 條 委員會報告

委員會應每二年向大會與經濟及社會理事會提出關於其活動之報告，並得於審查締約國提交之報告與資料之基礎上，提出意見及一般性建議。該等意見及一般性建議應連同締約國可能作出之任何評論，一併列入委員會報告。

#### 第 40 條 締約國會議

1. 締約國應定期舉行締約國會議，以審議與實施本公約有關之任何事項。
2. 聯合國秘書長最遲應於本公約生效後六個月內召開締約國會議。其後，聯合國秘書長應每二年，或根據締約國會議之決定，召開會議。

#### 第 41 條 保存人

聯合國秘書長為本公約之保存人。

#### 第 42 條 簽署

本公約自二〇〇七年三月三十日起於紐約聯合國總部開放給所有國家與區域整合組織簽署。

#### 第 43 條 同意接受約束

本公約應經簽署國批准與經簽署區域整合組織正式確認，並應開放給任何尚未簽署公約之國家或區域整合組織加入。

#### 第 44 條 區域整合組織

1. “區域整合組織”是指由某一區域之主權國家組成之組織，其成員國已將本公約所涉事項方面之權限移交該組織。該等組織應於其正式確認書或加入書中聲明其有關本公約所涉事項之權限範圍。此後，該等組織應將其權限範圍之任何重大變更通知保存人。
2. 本公約提及“締約國”之處，於上述組織之權限範圍內，應適用於該等組織。

3. 為第 45 條第 1 項與第 47 條第 2 項及第 3 項之目的，區域整合組織交存之任何文書不應計算在內。
4. 區域整合組織可以於締約國會議上，對其權限範圍內之事項行使表決權，其票數相當於已成為本公約締約國之組織成員國數目。如區域整合組織之任何成員國行使表決權，則該組織不得行使表決權，反之亦然。

#### 第 45 條 生效

1. 本公約應於第二十份批准書或加入書存放後之第三十日起生效。
2. 對於第二十份批准書或加入書存放後批准、正式確認或加入之國家或區域整合組織，本公約應自其文書存放後之第三十日起生效。

#### 第 46 條 保留

1. 保留不得與本公約之目的與宗旨不符。
2. 保留可隨時撤回。

#### 第 47 條 修正

1. 任何締約國均得對本公約提出修正案，提交聯合國秘書長。秘書長應將任何提議之修正案傳達締約國，要求締約國通知是否贊成召開締約國會議，以審議提案並就提案作出決定。於上述傳達發出日後四個月內，如有至少三分之一之締約國贊成召開締約國會議時，秘書長應於聯合國主辦下召開會議。經出席並參加表決之締約國三分之二多數通過之任何修正案應由秘書長提交大會核可，隨後提交所有締約國接受。
2. 依據本條第 1 項之規定通過與核可之修正案，應於存放之接受書數目達到修正案通過之日締約國數目之三分之二後之第三十日起生效。此後，修正案應於任何締約國交存其接受書後之第三十日起對該締約國生效。修正案只對接受該項修正案之締約國具有約束力。
3. 經締約國會議一致決定，依據本條第 1 項之規定通過與核可但僅涉及第 34 條、第 38 條、第 39 條及第 40 條之修正案，應於存放之接受書數目達到修正案通過之日締約國數目之三分之二後之第三十日起對所有締約國生效。

#### 第 48 條 退約

締約國得以書面通知聯合國秘書長退出本公約。退約應於秘書長收到通知之日起一年後生效。

#### 第 49 條 無障礙格式

本公約之文本應以無障礙格式提供。

#### 第 50 條 正本

本公約之阿拉伯文、中文、英文、法文、俄文與西班牙文文本，同一作準。

下列簽署人經各自政府正式授權於本公約簽字，以昭信守。



# **Convention on the Rights of Persons with Disabilities**

## **Preamble**

The States Parties to the present Convention,

(a) Recalling the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

(b) Recognizing that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,

(c) Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,

(d) Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

(e) Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others,

(f) Recognizing the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities,

(g) Emphasizing the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development,

(h) Recognizing also that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person,

(i) Recognizing further the diversity of persons with disabilities,

- (j) Recognizing the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support,
- (k) Concerned that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,
- (l) Recognizing the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries,
- (m) Recognizing the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty,
- (n) Recognizing the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,
- (o) Considering that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them,
- (p) Concerned about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status,
- (q) Recognizing that women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,
- (r) Recognizing that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalling obligations to that end undertaken by States Parties to the Convention on the Rights of the Child,
- (s) Emphasizing the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,
- (t) Highlighting the fact that the majority of persons with disabilities live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on persons with disabilities,
- (u) Bearing in mind that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights

instruments are indispensable for the full protection of persons with disabilities, in particular during armed conflicts and foreign occupation,

(v) Recognizing the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,

(w) Realizing that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Bill of Human Rights,

(x) Convinced that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities,

(y) Convinced that a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities will make a significant contribution to redressing the profound social disadvantage of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, in both developing and developed countries,

Have agreed as follows:

## ***Article 1***

### **Purpose**

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

## ***Article 2***

### **Definitions**

For the purposes of the present Convention:

“Communication” includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

“Language” includes spoken and signed languages and other forms of non spoken languages;

“Discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;

“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

“Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

“Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

### ***Article 3***

#### **General principles**

The principles of the present Convention shall be:

- (a) Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;
- (b) Non-discrimination;
- (c) Full and effective participation and inclusion in society;
- (d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- (e) Equality of opportunity;
- (f) Accessibility;
- (g) Equality between men and women;
- (h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

### ***Article 4***

### **General obligations**

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

- (a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
- (b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
- (c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;
- (d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;
- (e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
- (f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;
- (g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;
- (h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;
- (i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in the present Convention so as to better provide the assistance and services guaranteed by those rights.

2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the

maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.

3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

4. Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.

5. The provisions of the present Convention shall extend to all parts of federal States without any limitations or exceptions.

## ***Article 5***

### **Equality and non-discrimination**

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

## ***Article 6***

### **Women with disabilities**

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights

and fundamental freedoms.

2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

#### ***Article 7***

##### **Children with disabilities**

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

#### ***Article 8***

##### **Awareness-raising**

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

(a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;

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

(c) To promote awareness of the capabilities and contributions of persons with disabilities.

2. Measures to this end include:

(a) Initiating and maintaining effective public awareness campaigns designed:

(i) To nurture receptiveness to the rights of persons with disabilities;

(ii) To promote positive perceptions and greater social awareness towards persons with disabilities;

- (iii) To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;
- (b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;
- (c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;
- (d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

## ***Article 9***

### **Accessibility**

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

- (a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- (b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures:

- (a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
- (b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
- (c) To provide training for stakeholders on accessibility issues facing persons with disabilities;
- (d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read



and understand forms;

(e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;

(f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

(g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

(h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

#### ***Article 10***

##### **Right to life**

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

#### ***Article 11***

##### **Situations of risk and humanitarian emergencies**

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

#### ***Article 12***

##### **Equal recognition before the law**

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.

2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.

3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.

4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

### ***Article 13***

#### **Access to justice**

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

### ***Article 14***

#### **Liberty and security of person**

1. States Parties shall ensure that persons with disabilities, on an equal basis with others:

(a) Enjoy the right to liberty and security of person;

(b) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.

2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of the present Convention, including by provision of reasonable accommodation.

## ***Article 15***

### **Freedom from torture or cruel, inhuman or degrading treatment or punishment**

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.
2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

## ***Article 16***

### **Freedom from exploitation, violence and abuse**

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.
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 Parties shall ensure that protection services are age-, gender- and disability-sensitive.
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 and takes into account gender- and age-specific needs.
5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

## ***Article 17***

### **Protecting the integrity of the person**

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

### ***Article 18***

#### **Liberty of movement and nationality**

1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:

(a) Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;

(b) Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;

(c) Are free to leave any country, including their own;

(d) Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.

2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

### ***Article 19***

#### **Living independently and being included in the community**

States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

(a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;

(b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to

prevent isolation or segregation from the community;

(c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

## ***Article 20***

### **Personal mobility**

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

(a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;

(b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;

(c) Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;

(d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

## ***Article 21***

### **Freedom of expression and opinion, and access to information**

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

(a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;

(b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;

(c) Urging private entities that provide services to the general public, including through the Internet, to

provide information and services in accessible and usable formats for persons with disabilities;

(d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;

(e) Recognizing and promoting the use of sign languages.

## ***Article 22***

### **Respect for privacy**

1. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.

2. States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

## ***Article 23***

### **Respect for home and the family**

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:

(a) The right of all persons 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;

(b) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;

(c) Persons with disabilities, including children, retain their fertility on an equal basis with others.

2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.

4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

## ***Article 24***

### **Education**

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

(a) The full development of 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.

2. In realizing this right, States Parties shall ensure that:

(a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

(b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;

(c) Reasonable accommodation of the individual's requirements is provided;

(d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;

(e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

(a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;

(b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

(c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

## ***Article 25***

### **Health**

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



- (a) Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;
- (b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;
- (c) Provide these health services as close as possible to people's own communities, including in rural areas;
- (d) Require health professionals to provide care of the same quality to persons with disabilities as to others, including 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 training and the promulgation of ethical standards for public and private health care;
- (e) Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;
- (f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

## ***Article 26***

### **Habilitation and rehabilitation**

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:

- (a) Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;
- (b) Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.

2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.

3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

## ***Article 27***

### **Work and employment**

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

(a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;

(b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;

(c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;

(d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;

(e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;

(f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;

(g) Employ persons with disabilities in the public sector;

(h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;

- (i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
  - (j) Promote the acquisition by persons with disabilities of work experience in the open labour market;
  - (k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.
2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

## ***Article 28***

### **Adequate standard of living and social protection**

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.
2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:
  - (a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;
  - (b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;
  - (c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;
  - (d) To ensure access by persons with disabilities to public housing programmes;
  - (e) To ensure equal access by persons with disabilities to retirement benefits and programmes.

## ***Article 29***

### **Participation in political and public life**

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:

(a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

(i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

(ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

(iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

(b) To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

(i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

(ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

### ***Article 30***

#### **Participation in cultural life, recreation, leisure and sport**

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

(a) Enjoy access to cultural materials in accessible formats;

(b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;

(c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.

2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.

3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:

(a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;

(b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;

(c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues;

(d) To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;

(e) To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

### ***Article 31***

#### **Statistics and data collection**

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

- (a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;
  - (b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.
2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.
3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

## ***Article 32***

### **International cooperation**

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, is 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;
  - (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. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

## ***Article 33***

### **National implementation and monitoring**

1. States Parties, in accordance with their system of organization, shall designate one or more focal points

within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.

2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

### ***Article 34***

#### **Committee on the Rights of Persons with Disabilities**

1. There shall be established a Committee on the Rights of Persons with Disabilities (hereafter referred to as “the Committee”), which shall carry out the functions hereinafter provided.

2. The Committee shall consist, at the time of entry into force of the present Convention, of twelve experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of eighteen members.

3. The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention. When nominating their candidates, States Parties are invited to give due consideration to the provision set out in article 4, paragraph 3, of the present Convention.

4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities.

5. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary-General of the United

Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

7. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of six of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.

8. The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.

9. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.

10. The Committee shall establish its own rules of procedure.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention, and shall convene its initial meeting.

12. With the approval of the General Assembly of the United Nations, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

13. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

### ***Article 35***

#### **Reports by States Parties**

1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.



2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.

3. The Committee shall decide any guidelines applicable to the content of the reports.

4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4, paragraph 3, of the present Convention.

5. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

### ***Article 36***

#### **Consideration of reports**

1. Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.

2. If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. Should the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.

3. The Secretary-General of the United Nations shall make available the reports to all States Parties.

4. States Parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports.

5. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, funds and programmes of the United Nations, and other competent bodies, reports from States Parties in order to address a request or indication of a need for technical advice or assistance contained therein, along with the Committee's observations and recommendations, if any, on these requests or indications.

## ***Article 37***

### **Cooperation between States Parties and the Committee**

1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.
2. In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.

## ***Article 38***

### **Relationship of the Committee with other bodies**

In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:

- (a) The specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- (b) The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

## ***Article 39***

### **Report of the Committee**

The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities, and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

## ***Article 40***

### **Conference of States Parties**

1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.

2. No later than six months after the entry into force of the present Convention, the Conference of States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General biennially or upon the decision of the Conference of States Parties.

#### ***Article 41***

##### **Depositary**

The Secretary-General of the United Nations shall be the depositary of the present Convention.

#### ***Article 42***

##### **Signature**

The present Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 30 March 2007.

#### ***Article 43***

##### **Consent to be bound**

The present Convention shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organizations. It shall be open for accession by any State or regional integration organization which has not signed the Convention.

#### ***Article 44***

##### **Regional integration organizations**

1. “Regional integration organization” shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the present Convention. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by the present Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.

2. References to “States Parties” in the present Convention shall apply to such organizations within the limits of their competence.

3. For the purposes of article 45, paragraph 1, and article 47, paragraphs 2 and 3, of the present Convention, any instrument deposited by a regional integration organization shall not be counted.

4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to the present Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

#### ***Article 45***

##### **Entry into force**

1. The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.

2. For each State or regional integration organization ratifying, formally confirming or acceding to the present Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.

#### ***Article 46***

##### **Reservations**

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.

2. Reservations may be withdrawn at any time.

#### ***Article 47***

##### **Amendments**

1. Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly of the United Nations for approval and thereafter to all States Parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of this article which relates exclusively to articles 34, 38, 39 and 40 shall enter into force for all States Parties on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.

#### ***Article 48***

##### **Denunciation**

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

#### ***Article 49***

##### **Accessible format**

The text of the present Convention shall be made available in accessible formats.

#### ***Article 50***

##### **Authentic texts**

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.