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**Human rights questions: human rights questions, including
alternative approaches for improving the effective enjoyment
of human rights and fundamental freedoms**

Letter dated 11 July 2002 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the final report of the Meeting of Experts on the Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities, held in Mexico City from 11 to 14 June 2002 (see annex).

I should be grateful if this letter and its annex could be circulated as a document of the General Assembly under agenda item 111 (b) of the preliminary list so that the report can be considered by the Ad Hoc Committee to consider proposals for the convention at its session to be held from 29 July to 9 August 2002.

(Signed) **Adolfo Aguilar Zinser**
Permanent Representative

* A/57/50/Rev.1.

**Report of the Meeting of Experts on the Comprehensive and
Integral International Convention to Promote and Protect
the Rights and Dignity of Persons with Disabilities
(Mexico City, 11-14 June 2002)**

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I. Introduction

The Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance included a proposal by Mexico to invite the General Assembly to consider the drafting of a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities.

In his statement during the general debate of the fifty-sixth session of the General Assembly, the President of the United Mexican States, Mr. Vicente Fox, urged the international community to give priority to the fight against poverty and social exclusion. The President reaffirmed Mexico's willingness to play a leading role in the promotion of a development programme, giving it new impetus and more effective means of fulfilling the commitments undertaken in the Millennium Declaration.

He also observed that all societies, without exception, must become involved in the processes of joint creation and equitable distribution of the opportunities and benefits of globalization and that all citizens must actively participate in those processes, since it would be impossible to achieve greater justice in the world if certain groups were excluded from those processes.

To that end, Mexico submitted to the fifty-sixth session of the General Assembly a proposal for the establishment of an Ad Hoc Committee to draft a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities.

That decision was adopted by the United Nations General Assembly in resolution 56/168, by which the Assembly established an Ad Hoc Committee "to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, based on the holistic approach in the work done in the fields of social development, human rights and non-discrimination."

The resolution also called upon States, in cooperation with the relevant bodies and organizations of the United Nations system, to hold regional meetings or seminars to contribute to the work of the Ad Hoc Committee by making recommendations regarding the content and practical measures that should be considered in the international convention.

II. Outcome of the Meeting

The Expert Group Meeting on the Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities (Mexico City, 11-14 June 2002) was organized by the Government of Mexico with the support of the Department of Economic and Social Affairs of the United Nations and by the subregional office in Mexico of the Economic Commission for Latin America and the Caribbean (ECLAC).

The Meeting brought together 44 experts in the laws, policies and programmes relating to persons with disabilities. It was attended by 80 delegations of governments and by representatives of the non-governmental organization community in Mexico and other countries. The Meeting had before it the draft of

elements for an international convention prepared by the Government of Mexico, as well as written contributions from several of the experts.

Discussed at the Meeting were issues relating to a convention on the rights and dignity of persons with disabilities, including its objectives and definitions, as well as the specific concerns of persons with disabilities in terms of their economic, social, cultural, civil and political rights, and measures for their implementation. The experts likewise examined options for the follow-up to the Meeting and sketched out recommendations for the work of the Ad Hoc Committee, which will meet from 29 July to 9 August 2002 at United Nations Headquarters in New York.

The experts welcomed and fully supported the Mexican initiative for an inclusive approach to a new convention on the rights and dignity of persons with disabilities. They underscored the importance of the full and active participation of persons with disabilities and representatives of their organizations in the process of drafting a convention. The experts also applauded the Mexican Government's decision to work closely with the community of international, regional and national non-governmental organizations and encouraged Mexico to pursue and strengthen dialogue and cooperation with all the means at its disposal, including the Internet and web sites that will be established as a result of the Meeting.

III. Recommendations of the Meeting

As a result of the Meeting's deliberations, the Government of Mexico undertook to prepare a revised draft of elements for the convention based on the comments, proposals and inputs of the participants. Based on their general discussion of the objectives and elements of a future convention, the participants examined and agreed to adopt the documents reproduced below, entitled "Principles for drafting a future convention" and "Guidelines for the drafting of a Convention".

B. Principles for drafting a new convention

A new human rights treaty in a disability framework

1. A disability convention should primarily contain rights that are enforceable and incorporate measures to enable persons with disabilities to exercise their human rights and fundamental freedoms. In particular it should be grounded in the values of liberty, independence, dignity, self-determination, equality and social solidarity.
2. Standards below already existing human rights standards must not be accepted.
3. It should build on the existing positive achievements of the human rights treaty bodies in the disability field.

Ensuring consistency with existing human rights standards

4. A disability convention should complement and strengthen the monitoring of disability rights by the treaty monitoring bodies under the six core human rights treaties.
5. The Standard Rules and the World Programme of Action and other relevant instruments should be used as benchmarks for the elaboration of implementation measures.

Ensuring sensitivity to diverse groups and socio-economic conditions

6. The situation of all groups of disabled persons and the diverse conditions related to gender, race, colour, age and other considerations must be taken into account when elaborating the convention.
7. When elaborating the convention, special attention should be paid to the conditions of persons with disabilities in developing countries and countries in transition.

Active participation of persons with disabilities as a key condition

8. The drafting process for the future convention must be legitimized by the broadest possible participation of persons with disabilities through their representative organizations (including associations of parents and relatives of persons with disabilities who are incapable of representing themselves).

States should undertake a process of broad consultations with organizations of persons with disabilities and include representatives of organizations of persons with disabilities in delegations participating in meetings for the drafting of the future convention.

The United Nations should ensure the broadest possible participation of national, regional and international organizations of persons with disabilities, such as those belonging to the International Disability Alliance, in the process of elaboration of the future convention.

The participation of organizations of persons with disabilities in the developing countries should be actively promoted (as well as the participation of women with disabilities).

Establishment of an effective monitoring and enforcement mechanism

9. The body responsible for follow-up to the future convention should deal, in particular, with individual and group complaints. Member States should create and/or strengthen national monitoring bodies and submit reports on the implementation of the future convention.

10. A system should be set up to ensure the participation of organizations of persons with disabilities in the monitoring and implementation of the future convention.

C. Guidelines for the drafting of the convention**Which rights should the convention recognize?**

The purpose of this paper is to offer a general picture of the type of rights that might fall within the scope of a treaty on human rights and disability and how these could be adapted to the situation of persons with disabilities. It contains the views of the participants in the Expert Meeting.

Under each right, examples are given of the elements of that right. The list is not exhaustive, but purely indicative, and reflects the views expressed at the meeting.

Fundamental principles/rights

The following principles or rights should guide the interpretation of the convention:

Basic principles

- Dignity and self-determination (autonomy).
- Equality and non-discrimination — affirmative action that will not be deemed discriminatory. Protection against discrimination will be extended to forms of discrimination against persons with disabilities.
- Full participation in all day-to-day activities.
- Personal development and enjoyment of all life stages.
- A life free from all forms of violence.
- Diversity of the disabled population.

Nature of the State's obligations

- The State's obligation extends to the public sphere and also includes its responsibility to regulate private activity (whether private economic activity or the activity of civil society as a whole).
- Principle of gradualism (gradual exercise of rights whose implementation would require the allocation of considerable resources. Regressive measures will be deemed to be flagrant violations of the convention unless the State can prove that they were adopted for the protection of other rights and that they

take account of the situation of the most vulnerable groups) {International Covenant on Economic, Social and Cultural Rights}.

- The State's obligation to ensure the broad dissemination of the rights enshrined in the convention and to promote greater awareness of them.

A. Effective equality of civil rights

Personal protection

1. Prohibition of eugenicist laws and policies:
 - Obligation of States not to encourage abortion for reasons of disability.
 - Prohibition of policies that encourage abortion for reasons of disability.
 - Ensuring that biomedical and biotechnological progress (including advances in the field of genetics) is used to enhance the rights of persons with disabilities.
 - Monitoring the ethical principles of biomedical, biotechnological and genetic research to ensure that it respects and enhances the rights of persons with disabilities and that it is conducted in a non-discriminatory manner.
2. Right to a life free from torture and from any inhuman or degrading treatment {Article 18 of the draft}:
 - Prohibition of, inter alia, all forms of violence in both public and private institutions.
 - Prohibition of forced medical treatment.
 - Right of persons with disabilities who have been sentenced to prison to not be subjected to worse conditions of imprisonment on account of their disability and or of failure to enforce the rights and guarantees contained in the convention.
 - Prohibition of all forms of violence against persons with disabilities (physical, emotional, sexual or economic).
3. Right to physical and psychological integrity:
 - Includes all aspects of treatment, including the right to consent to or to refuse treatment, protection against harmful forms of treatment, regulation of clinical tests and access to treatment.
4. Right to privacy:
 - In general, and as it pertains to personal files and to privacy in institutions.

Freedoms

5. The right to freedom:
 - The right to not be institutionalized against one's will, on the basis of real or perceived disabilities.
6. The right of access to justice:
 - To effective guarantees of due process (interpretation, legal aid);

- To be party to judicial proceedings under equal conditions;
 - To judicial guarantees;
 - Not to be doubly victimized in legal proceedings on account of disability;
 - To be a witness;
 - To the resources needed to facilitate participation in and understanding of the judicial process;
 - To sensitization of personnel of the judicial system, especially judges and magistrates;
 - To all legal information and material available in accessible form (including the Constitution and laws).
7. Right to legal capacity to act:
- Especially with regard to decision-making in all matters concerning the individual;
 - The right to assistance in decision-making;
 - In exceptional cases requiring legal representation, such representation must be defined by clear guarantees that protect personal rights and must be regularly reviewed by the judicial authorities to verify the need for representation and the proper exercise of the function that protects the human rights of the person represented.

The right of association

8. The right to form associations of persons with disabilities:
- Right of representative bodies to be consulted and to participate in all aspects of society.
9. Family rights:
- Right to form a family (recognizing the diversity of family types);
 - Right to live in a family;
 - Right of parents with disabilities to adopt and in all circumstances to receive adequate support in rearing their children;
 - Right of families with children with disabilities to keep, educate and maintain their children;
 - Right of parents with disabilities not to be discriminated against.

Language and communication rights

10. Language rights:
- Depending on the characteristics of each disability, sign language, Braille, and alternative communication codes.
11. Right to communication:
- Right to special assistance for those who do not use oral language;

- Right to use their own forms of communication and for these to be officially recognized.
- 12. Religious freedom:
 - Right to participate in religious life;
 - Opportunities for spiritual development.
- 13. Freedom of expression:
 - Affirmative action to facilitate expression.

B. Effective equality in political rights

- 14. The right to form and join political parties and to participate in the political life of the State:
 - Right of access to information to help persons with disabilities take informed decisions on public and political matters.
- 15. The right to participate in public and political life:
 - Right to elect and to be elected and to any assistance required for those purposes.
- 16. The right to participate in civic responsibilities:
 - For instance, to be a member of a jury, belong to a trade union or sit on public commissions of inquiry.
- 17. Equality in the matter of the right to nationality and all the prerogatives that flow therefrom.
- 18. Right to non-discrimination in matters relating to immigration and asylum.

C. Enjoyment and exercise of economic, social and cultural rights and support for the freedom of persons with disabilities

- 19. Right to education (article 13 of the draft).
- 20. Right to work (article 14 of the draft):
 - Non-discrimination in offers of employment, recruitment, promotion, wages, and terms and conditions of employment;
 - The principle of reasonable adaptation in the workplace.
- 21. Right to health (articles 10 and 11 of the draft):
 - The sexual and reproductive right to use one's body as one wishes, to procreate, and to plan one's family;
 - HIV and disability;
 - Protection against unwanted treatment both for patients in hospital and for outpatients.
- 22. Right to an adequate standard of living:
 - Housing, food and clothing.

23. Right of access:

- To an accessible environment;
- To transportation;
- To accessible communication and information;
- To the information society (the Internet, webpage design and online government services);
- Access to information and documentation;
- Access to all social systems, automated teller machines, announcements in public places, timetables, etc.;
- Right to technical aids and economically affordable technological supports (article 11.7).

24. Right to social security:

- Not conditioning the provision of services on the acceptance of obligations in respect of other services (de-linking services).

25. Right to culture, recreation and sport (article 20 of the draft):

- Right to promote an image free of prejudices and stereotypes.

D. Disability and other forms of discrimination

- 26. Children with disabilities.
- 27. Women with disabilities.
- 28. Older adults with disabilities.
- 29. Persons with multiple disabilities.
- 30. Persons with disabilities living in poverty.
- 31. Persons with disabilities and abandoned.
- 32. Members of minorities with disabilities.

E. Third-generation rights

- 33. Elimination of the systematic violations of human rights that cause disability.
- 34. Right to peace:
 - Education for peace that is sensitive to persons with disabilities.
- 35. Right to development.
- 36. Right to international solidarity and cooperation:
 - Donor countries should mainstream the disability perspective into their development assistance programmes;
 - Recipient countries should respect the rights of persons with disabilities in the execution of their development programmes;

- International organizations should respect, promote and mainstream the rights of persons with disabilities in all their programmes.

D. Priority issues

During the deliberations of the expert group, various ideas on the right to education and the right to work were proposed. As part of the deliberations, a working group met to consider these issues and proposed the following alternatives for the article of the convention that deals with this right:

Article 13 on the right to education

(Version A)

Persons with disabilities shall have the right, throughout their lives, to a decent education that enhances their integral development, learning and full participation through provision of the resources and assistance needed to ensure equality of opportunity.

States parties shall take the steps necessary to promote inclusive education that adequately caters to the diverse educational needs of persons with disabilities, without discrimination of any kind, by modifying the existing educational systems and institutions to achieve that goal. Such measures may include:

- a. Mainstreaming the educational needs of persons with disabilities into national policies and plans for education for all and providing the financial and human resources needed to meet the specific needs of persons with disabilities.
- b. Offering a range of educational methods and guaranteeing the right of families and persons with disabilities to choose the educational model they consider most appropriate.
- c. Guaranteeing free public education for all educational levels and methods, preferably in compulsory basic education, with priority being given to those living in situations of poverty or extreme vulnerability.
- d. Guaranteeing the right of persons with disabilities to use codes other than spoken or written language in their learning process, including sign language, Braille, Bliss or total communication, among others.
- e. Ensuring that the core curriculum, with the necessary adaptations, is the standard used for the education of persons with disabilities, and that families, specialists and persons with disabilities themselves are involved in the adaptation of curricula.
- f. Adapting teaching methods and evaluation procedures to the specific needs of persons with disabilities, through continuous monitoring of learning processes. Incorporating information and communication technologies into learning processes.
- g. Guaranteeing the supply of specialized personnel to support the education of persons with disabilities by promoting the training and recruitment of teachers, trainers and specialists with disabilities.

h. Supplying the equipment and technical aids that facilitate mobility, hands-on experience and autonomy in the learning process.

i. Promoting regulations to ensure that educational establishments are designed in a way that facilitates the access, mobility and participation of persons with disabilities.

j. Develop training and refresher programmes for all teachers and professionals involved in the education of persons with disabilities.

(Version B)

Persons with disabilities shall have the right, throughout their lives, to a decent education that enhances their integral development, learning and full participation through provision of the resources and assistance needed to ensure equality of opportunity.

States parties shall take the steps needed to eliminate discrimination against persons with disabilities and assure them reasonable and adequate access to and stay and participation in all formal and non-formal educational activities, at all educational levels. To that end, States parties shall:

a. Mainstream the educational needs of persons with disabilities into national policies and plans for education for all, into the design and development of study plans and into the organization of schools. To this end, it is important to include organizations of persons with disabilities in decision-making processes.

b. Ensure that students with disabilities and their parents are informed of all available options and have access to other adults with the same disability who might serve as models and with whom they could discuss options. These models should be representatives approved by the national organization of consumers with the same disability.

c. Guarantee free public education for all educational levels and methods, preferably in compulsory basic education, with priority being given to persons living in situations of poverty or extreme vulnerability.

d. Ensure that students with disabilities and parents who opt for inclusion in the regular education system receive the necessary support.

e. Ensure the availability of appropriate bilingual and multilingual education for deaf students, either in schools for persons who use sign language or in specially-equipped classrooms within the regular school system. States shall be responsible for ensuring that teachers in such schools and classrooms are adequately trained, master sign language and are familiar with the culture of the deaf.

f. Ensure that blind and deaf students have access to quality education in special schools or classes for the deaf or in the regular school system. Classes should be taught in sign language, Braille and/or tactile methods of communication, depending on the needs of each individual. Teachers should be trained in these methods of communication.

g. Guarantee the availability of alternative forms of communication, such as Bliss and total communication, among others, in accordance with specific individual needs.

h. Ensure that the core curriculum, with the necessary adaptations, is the standard used for the education of persons with disabilities and that families, specialists and persons with disabilities themselves are involved in the adaptation of curricula.

i. Adapt teaching methods and evaluation procedures to the specific needs of persons with disabilities through continuous monitoring of learning processes and incorporate information and communication technologies into learning processes.

j. Guarantee the supply of specialized personnel to support the education of persons with disabilities. Ensure that teacher-training programmes are of a high level and that persons with disabilities have access to such programmes so that they can themselves become educators or specialists.

k. Develop training and refresher training programmes for all teachers and professionals involved in the education of persons with disabilities.

l. Supply the equipment and technical aids that facilitate mobility, hands-on experience and autonomy in the learning process.

m. Promote regulations to ensure that educational establishments are designed in a way that facilitates the access, mobility and participation of persons with disabilities.

(Version C)

Persons with disabilities shall have the right, throughout their lives, to a decent education that contributes to the full achievement of their potential, broadens their horizons and boosts their self-confidence. The State shall guarantee free education at all levels, particularly for persons with disabilities living in situations of poverty, multiple disabilities or other disadvantages.

States Parties shall take the steps needed to eliminate discrimination in education and ensure equality, access to and participation in all levels of the formal and non-formal education system by providing a range of educational options such as mainstream education, integrated schools, special schools, open schools, home instruction and learning through interactive information systems. To that end, States Parties shall:

a. Mainstream the educational needs of persons with disabilities into national educational policies and programmes for all and provide the human and financial resources necessary to ensure that the education is effectively received.

b. Ensure that students with disabilities and their families have access to information concerning available educational options so that they can exercise their right to choose the appropriate teaching model for imparting education in a suitable environment.

c. Take measures to ensure that blind and deaf students receive education from qualified teachers who have mastered all of the pertinent models of communication.

d. Undertake to provide a forum for dealing with any complaints arising in connection with the location, quality or other aspects of the education of persons with disabilities.

e. Ensure that students with disabilities and their parents who opt for mainstream education within the regular education system receive the necessary support.

f. Ensure that sign language is used as a medium of instruction in the education of deaf students, thereby enabling them to seek bilingual and multilingual options in regular schools, special schools, distance education or other education systems. Take measures to ensure that deaf students are taught by qualified teachers who are proficient in sign language and familiar with the culture of the deaf.

g. Ensure that blind and deaf students have access to appropriate education in special schools or to special classes in schools for the deaf or in regular schools. Teaching shall be done in sign language for the deaf, Braille and/or tactile communication methods, depending on the individual's specific needs. Take measures to ensure that blind and deaf students are taught by qualified teachers who are proficient in those methods of communication.

h. Ensure that all blind students are taught in Braille and have access to books in Braille free of charge. Likewise, vision impaired students shall receive educational material in appropriate formats such as large-print, digital books and electronic books. All blind or vision impaired students shall have access to all types of information systems and technical equipment required to meet their educational needs. States shall also take measures to ensure that such students are taught by qualified teachers who are proficient in Braille and in the use of other special equipment.

i. In consultation with persons with disabilities, parents and teachers, take measures to adapt the national curriculum to the varied needs of students with disabilities.

j. Establish an authority to regulate, maintain and ensure compliance with the minimum standards of education for students with disabilities. States shall also prescribe a system for evaluation and follow-up of teaching methods and propose targets for reforming testing procedures to ensure that the performance of persons with disabilities is evaluated without prejudice or discrimination.

k. Guarantee the availability of the qualified human resources needed for educational and other related services for students with disabilities. Ensure that teacher-training programmes are of a high standard and that persons with disabilities have access to such programmes so that they can themselves become teachers, educators and specialists. States shall also establish lifelong education programmes for updating the knowledge and skills of teachers and others in their work teams.

l. Provide the equipment, technical aids and teaching and learning materials that give persons with disabilities access to and the ability to participate in curricular and extra-curricular activities.

m. Develop and prescribe regulations to ensure that educational establishments take full account of the need for accessibility in their designs, with a view to ensuring the full participation of students with disabilities and eliminating any barriers to such participation.

Article on the right to work

Another topic discussed in detail by the experts was the right to work. On the basis of the elements presented, the representative of the International Labour Organization (ILO) submitted the following proposal for the consideration of participants:

Right to work

Member States shall recognize the right to work of persons with disabilities, their right to choose productive and remunerative employment or self-employment in conditions of equality, safety and human dignity. To that end, Member States shall:

(a) Review and amend and/or adopt domestic legislation to prohibit and punish discriminatory practices and regulations relating to persons with disabilities to enable them to secure, retain and gain advancement in jobs in both the public and private sectors.

(b) Formulate, establish and regularly review their national policy, including affirmative action, to promote and facilitate access of persons with disabilities to jobs in the open labour market and to self-employment opportunities.

(c) Review and amend and/or adopt laws and regulations to prohibit and punish discriminatory practices and regulations relating to wages, benefits and working conditions for persons with disabilities.

(d) Promote and implement job training and employment service programmes in conditions of equality for persons with disabilities, using, whenever possible, available services that have been suitably adapted.

(e) Promote and adopt measures to encourage employers to make the adaptations needed in the workplace so that persons with disabilities can have access to and perform their tasks, including access to necessary new technologies and infrastructure.

(f) Promote and adopt measures to ensure safe, hygienic working conditions for employees with disabilities in jobs in the public, private and protected sectors.

(g) Promote and adopt measures to protect workers with disabilities employed in protected workplaces and in other special types of work.

(h) Promote and protect the right of persons with disabilities to form economic associations and to join trade unions of their choice.

(i) Encourage efforts designed to promote collective bargaining agreements that protect the interests of workers with disabilities with regard to hiring, promotion, dismissal, working conditions and the safeguarding of their jobs or the right to return to work following medical treatment or disability.

(j) Encourage and undertake efforts to overcome negative attitudes and prejudices against the participation of persons with disabilities in the open labour market.

IV. Organization of work

Prior to the expert meeting, the web site <http://www.sre.gob.mx/discapacidad> was launched and used for an online survey. The background documents and the comments and contributions of the experts were made available to participants online.

Inaugural meeting

The meeting was opened on 11 June by Dr. Jorge Castañeda, Minister of Foreign Affairs of Mexico, who was accompanied on the podium by Mr. Bengt Lindqvist, Special Rapporteur on Disability of the Commission for Social Development; Mr. Hugo Flores, Head of the Presidential Office for the Promotion and Social Integration of Persons with Disabilities; Mr. Gilberto Rincón Gallardo, President of the Civil Association against Discrimination; Ms. Patricia Olamendi, Under-Secretary for Global Issues in the Ministry of Foreign Affairs of Mexico; Ms. Mariclaire Acosta, Under-Secretary for Human Rights and Democracy in the Ministry of Foreign Affairs of Mexico; Ms. Akiko Ito, Chief of the Programme on Disability of the Division for Social Policy and Development in the Department of Economic and Social Affairs of the United Nations; and Mr. Stefano Sensi, Representative of the Office of the United Nations High Commissioner for Human Rights.

Dr. Jorge Castañeda welcomed the participants and drew attention to the challenge and commitment inherent in the elaboration of a convention that would achieve respect for all human rights and fair treatment for all persons with disabilities in the world. He stressed that the goal of this initiative was to combine efforts and address the needs of all countries. He concluded by wishing the experts success in their deliberations.

Mr. Bengt Lindqvist, Special Rapporteur on Disability of the Commission for Social Development, thanked Mexico for its initiative, which marked the beginning of the process of elaboration of a convention. He stressed the need to include the viewpoints of all countries and organizations of persons with disabilities in order to achieve satisfactory results. He listed eight important principles to be taken into account in the elaboration of the document.

Ms. Akiko Ito, Chief of the Programme on Disability of the Division for Social Policy and Development in the Department of Social and Economic Affairs of the United Nations, spoke on behalf of her Department and of the Economic Commission for Latin America and the Caribbean (ECLAC). She welcomed the fact that support had been provided from the United Nations Development Account for the holding of the Meeting, which sought to enhance knowledge for the elaboration of the convention and guide the international community's efforts on behalf of persons with disabilities in the new century.

Mr. Víctor Hugo Flores, Head of the Presidential Office for the Promotion and Social Integration of Persons with Disabilities, spoke of Mexico's efforts to protect and promote the rights of persons with disabilities through the adoption of measures and programmes by various governmental institutions. He emphasized the need for a universal commitment to the rights of persons with disabilities, pointing out that the Meeting afforded an ideal opportunity to make progress in that direction. He ended by acknowledging the efforts of the United Nations in that regard.

Mr. Gilberto Rincón Gallardo, President of the Civil Association against Discrimination, recounted the background to the initiative and explained that the current effort to elaborate a comprehensive and integral convention to promote and protect the rights and dignity of persons with disabilities had been launched at the Durban Conference. The main elements of the mandate were to elaborate a convention that took account of the work done in the fields of social development, non-discrimination and respect for human rights. Those objectives went beyond mere assistance and philanthropy and must embrace medicine and rehabilitation and adopt a holistic approach that went hand in hand with affirmative action by States. In addition, efforts must be made to fight social stereotypes and to guarantee opportunities for a full life in the face of a society's physical and cultural limitations.

Organization of work

By agreement among the participants, it was decided to devote separate meetings to consideration of the following topics:

1. Aims, definitions and other elements for the convention.
2. Economic, social and cultural rights.
3. Civil and political rights.
4. Follow-up mechanism.
5. Strategy for a future convention.

It was also decided that during the discussion participants could refer both to the elements for a convention prepared by the Government of Mexico and to any of the proposals put forward by the experts, so as to enrich the debate. The following is a summary of the discussion that took place during the meeting:

Summary of discussions

The experts welcomed and expressed their full support for the Mexican initiative for a new convention on the rights and dignity of persons with disabilities, based on an inclusive approach.

The discussion originally centred on the type of convention that would effectively promote these rights and have the necessary specific elements.

The mandate contained in resolution 56/168 provides for the convention to be based on the holistic approach in the work done in the fields of non-discrimination, human rights and social development. There was, however, a lively debate on whether the convention should be an instrument of human rights or social development.

Some experts, including those from Mexico, held that the choice was a false one. Human rights should now be viewed from an integral perspective that would ensure the promotion of not only civil and political rights but also economic, social and cultural rights.

This perception is based on the principle that civil and political rights cannot be effectively enjoyed unless underpinned by the exercise of economic and social rights, such as the right to education and to an adequate health-care system and

access to decent and adequately remunerated employment. It may therefore be said that ensuring full respect for all human rights, in this case the rights of persons with disabilities, already has a social development aspect. Moreover, this perspective has the advantage of being based on the recognition that persons have rights and it therefore necessitates specific and enforceable measures. Thus, to guarantee those rights is to transform them into effective levers for guaranteeing equality of opportunities and the development of societies.

Another point in the discussion was the need for the convention to establish enforceable rights and for States to bear prime responsibility for guaranteeing their fulfilment. Consensus was reached on the need to establish a follow-up mechanism, at both the national and international levels, to evaluate the progress made by States towards implementation of the convention. In that connection, some experts said they were in favour of establishing in the convention itself the obligation of States to mainstream the disability perspective into their fiscal budgets, national programmes and public policies in order to provide financial support for the implementation of the convention.

The first document to come out of the Meeting, “Principles for drafting a future convention” establishes that “the convention must be based on the following values: independence, freedom, dignity, self-determination, equality and social solidarity”. Moreover, referring to some of the Meeting’s discussions, it calls on States and on the United Nations to include in a future convention a broad range of organizations of persons with disabilities and not only those in consultative status with the United Nations. Paragraph 8 of the document establishes that States should undertake a broad process of consultations with organizations of persons with disabilities and include representatives of those organizations in delegations to meetings on the drafting of the future convention.

During the Meeting, the Government of Mexico reported that a number of organizations of persons with disabilities had participated in the preparation of the Mexican draft and pledged that representatives of those organizations would be included in the Mexican delegation to the negotiations on the convention. At the same time, it would be necessary to promote ways in which organizations of persons with disabilities could be involved in the negotiation of the instrument.

At the conclusion of the debate the question arose as to how detailed the convention should be. Some experts expressed preference for a convention that establishes general norms, while others preferred all rights to be recognized and to be accompanied by specific measures that would effectively guarantee their exercise by persons with various disabilities. One of the texts that emerged from the meeting, the “Guide to rights that should be included in the Convention”, sets out a broad range of rights that should be covered in the convention.

Following the presentation of that document, consensus was reached on the need for specific measures to ensure that persons with disabilities could enjoy access to all human rights: civil and political (first generation); economic, social and cultural (second generation); and the right to development and peace (third generation). With this in view, the experts agreed that the convention should make it compulsory to take affirmative action to eliminate barriers and specific problems in order to guarantee the recognition and full exercise of these rights by persons with disabilities.

It was also stressed that the convention must guarantee that the removal of barriers and affirmative action in favour of persons with disabilities should cover both the public and private sectors in the respective societies. Repeated reference was made to the need for the convention to afford guarantees for persons with psychosocial disabilities in order to eliminate practices that violate their human rights, not only in the area of health, but also in other legal and political areas. On that basis, the suggestion was made that a discussion should be held in order to raise the topic at the international level in order to study its compatibility with human rights and fundamental freedoms.

In another substantive discussion at the Meeting, participants debated whether the approach to the convention should be an inclusive one. The advocates of that approach said that equality of opportunities was possible only when persons with disabilities were included, in conditions of equality, in all economic, social and cultural areas of their respective societies.

On the subject of education, some experts declared that persons with visual or auditory disabilities had certain specific needs that could make the inclusive approach to this problem counterproductive. In their view, the specific needs of blind or deaf persons mean that it would be more effective to maintain special education systems that focus more on the quality of the education imparted to persons with disabilities than to include them in the mainstream education system. While the importance of an inclusive system was acknowledged, emphasis was placed on the importance of maintaining some special educational options that would better guarantee the rights of persons with certain disabilities. On that issue and with a view to ensuring access to communication for persons who do not use oral language, it was also decided to include a section on language rights in the future international instrument.

With regard to the mechanism for follow-up to the convention, the experts expressed interest in establishing a procedure for receiving individual complaints similar to that established under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Although consensus was not reached on whether this process should be implemented in the convention itself or in an optional protocol thereto, the experts did agree on the need to expand the procedure for receiving complaints to include not only organizations of persons with disabilities but also individual complaints from persons whose rights had been violated.

Emphasis was placed on the importance of full and active participation of persons with disabilities and representatives of their organizations in the process of elaborating the future convention. The experts also supported the decision of the Government of Mexico to work closely with the community of international, regional and national non-governmental organizations and encouraged it to continue and to strengthen dialogue and cooperation using all the means at its disposal, including the Internet and any networks that may be established as a result of this Meeting.

Closing meeting

The closing meeting was chaired by Ms. Patricia Olamendi Torres, Under-Secretary for Global Issues in the Mexican Ministry of Foreign Affairs. In her statement, she commended the valuable contribution of the participants and invited

Mr. Bengt Lindqvist, United Nations Special Rapporteur on disability, to make a brief statement. Mr. Lindqvist said that the Meeting had fulfilled the expectations and objectives of participants and expressed satisfaction at the number of contributions that had been made. It was now time to harvest and to go forward in the construction of a new society for all.

Ms. Mara Bustelo, the representative of the Office of the United Nations High Commissioner for Human Rights, reaffirmed her Office's commitment to support the elaboration of a legally binding human rights instrument to promote and protect the rights of persons with disabilities. She announced the forthcoming publication of studies that could be highly useful in that regard. She called on non-governmental organizations and specialists to contribute to the work of the Ad Hoc Committee and congratulated the Government of Mexico on its efforts and the specialists that had worked hard during the process.

Lastly, Under-Secretary Patricia Olamendi Torres pledged that the openness shown by the Government of Mexico at the Meeting would be the benchmark for Mexico's position throughout the process of elaboration of the convention and that Mexico would pursue its dialogue with all interested parties of national and international civil society.

V. Future action

One outcome of the Meeting was the undertaking of the Government of Mexico to prepare a revised draft of elements for a convention, which would be forwarded to participants. The web site www.sre.gob.mx/discapacidad would be kept open for future comments and for the exchange of information.

The Government of Mexico also expressed its intention to hold a meeting in New York at the end of June to brief Permanent Missions to the United Nations and interested non-governmental organizations on the outcome of the Meeting.

The Government of Mexico said that it would contact other delegations with a view to reaching agreement on procedural matters, including the participation of non-governmental organizations, prior to the start of the Ad Hoc Committee's work.

The Government of Mexico also promised to maintain a frank and open dialogue with all parties concerned with the drafting of the convention.

Annexes

List of documents

<i>Title</i>	<i>Author</i>	<i>Country</i>
Introductory document: On The Path to Building a Comprehensive and Integral United Nations Convention to Protect the Rights and Dignity of Persons with Disabilities	Ministry of Foreign Affairs	Mexico
Text of Elements for a United Nations Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities	Ministry of Foreign Affairs, Presidential Office for the Promotion and Social Integration of Persons with Disabilities	Mexico
Draft: Convention on the Fundamental Rights of Persons with Disabilities	by Holger Kallehauge, President PTU and High Court Judge	Denmark
Draft Convention Prohibiting Discrimination Against Disabled Persons	Revision by John A. Wall	
A Survey of International, Comparative and Regional Disability Law Reform	Theresia Degener and Gerard Quinn Disability Rights and Education Defence Fund [DREDF]	European Union
Employer/Employee Incentives: A New Approach to Employment of Persons with Disabilities in Transitional and Developing Countries. The Polish Experience: Quota-Levy and Incentive System Lessons Learned and Recommendations	Leszek Sibliski World Bank	USA
World Network of Users and Survivors of Psychiatry, WNUSP:	Tina Minkowitz and Karl Bach Jensen	Denmark
<ul style="list-style-type: none"> – Statement for the Meeting – Suggestions for revision of the Mexican draft Text of Elements for a United Nations Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities – Position Paper on the Principles for the Protection of Persons with Mental Illness 		

<i>Title</i>	<i>Author</i>	<i>Country</i>
Preliminary Reflections on a new Thematic Convention on the Rights of Persons with Disabilities	Gerard Quinn, National University of Ireland (Galway)	Ireland
Human Rights and Disability: The current use and future potential of United Nations human rights instruments in the context of disability	Theresa Degener and Gerard Quinn	UNHCHR
Comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities following the mandate of General Assembly resolution 56/168	Hagai Aviel, Chairperson of Israeli Association Against Psychiatric Assault (posted by request)	Israel
Comments from an Internet consultation on the Text of Elements for a United Nations Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities	Contributed by María Cristina Sará-Serrano Mathiason President, Associates for International Management Services from inputs to Online Activities	
European Disability Forum: – Manifesto by disabled women in Europe, adopted in Brussels on 22 February 1997 by the European Disability Forum Working Group on Women and Disability – Resolution adopted by the European Disability Forum 2002 General Assembly on the Proposal for a United Nations International Convention on the Rights of Persons with Disabilities	Carlotta Besozzi Membership and Policy Officer European Disability Forum	
Association for International Management Services: – Considerations for the proposed International convention to promote and protect the rights and dignity of persons with disabilities – Statement for the Opening of the Meeting	Maria Cristina Sará Serrano, President of the Association of International Management Services (AIMS) John R. Mathiason, Managing Director of AIMS	Chile/USA USA
Comments on the elaboration of a United Nations Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities	José María García Martín	Spain

<i>Title</i>	<i>Author</i>	<i>Country</i>
* Ageing and Disability * Comments on the elaboration of a United Nations Comprehensive and Integral Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities	Alan Said Sánchez Fuentes Director-General of the “Biocel” Gerontological and Longevity Research Institute	Mexico

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