

**Proposed modifications to articles 23 and 24
of the Working Group Draft Text
As of 3 June 2004, 6pm**

[...] deleted
(...) added

Article 23

Social [security – Kenya, Lebanon] (support – Kenya) (securities – Lebanon) and [an – Kenya] adequate [standard of living – Chile^{1,2} (quality of life – Chile)

(The right to an adequate standard of living and social protection – Jordan)

(Adequate standard of living and social security – Costa Rica, EU, New Zealand)

1. [States Parties recognize (and ensure – Yemen, Palestine) the right of all persons with disabilities to (an adequate standard of living for themselves and their families and – Costa Rica) (social protection, including – Jamaica) (all types of social securities – Lebanon) [[social [security] – Kenya] - Lebanon] (support – Kenya), (and other assistance including functional technical aids – Mexico) [including – Jamaica] [social [insurance – Jordan] – Uganda] – Australia] (and social [insurance – Australia] (assistance – Australia), including disability specific services – Australia) (and social assistance – Jamaica, Uganda),³ (support – Jordan) [and to the enjoyment of [that – Costa Rica] (these – Costa Rica) [right – Costa Rica] (rights – Costa Rica) without discrimination on the basis of (the kind of – Israel) disability – China], (on an equal basis with others – China) and [shall – China] (undertake to – China) take [appropriate – Australia] (and progressive – China) steps to [safeguard and promote – China] (realise – China) [the (progressive – South Africa, Australia) realization of – China] [that – Costa Rica]

(these – Costa Rica) [right – Costa Rica] (rights – Costa Rica) right, including measures to - Namibia] :

(States Parties recognize the right of all persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing, housing and access to clean water, and to the continuous improvement of living conditions. As such, States Parties will undertake to take appropriate steps to safeguard and promote the realization of these rights – Namibia)

[[(a) [Ensure – Japan, China] (Create conditions which would assure to all persons with disabilities - Japan) (Promote) [access – Israel] (entitlement) by persons with disabilities to necessary (support – Costa Rica) services, (technical aids, – Costa Rica) devices (free of charge – Yemen) and other assistance for disability-related needs;⁴

[[(b) [Ensure – Japan, China] (Create conditions which would assure to all persons with disabilities - Japan) (Promote – China) [access – Israel] (entitlement) by persons with disabilities, [particularly women and girls with disabilities and the [aged – Philippines] (older persons – Philippines) with disabilities – China] (and members of minority groups with disabilities – Israel) , to social security programmes and [poverty-reduction - Cuba] (poverty eradication – Cuba) strategies, and to take into account the needs and perspectives of persons with disabilities in all such programmes and strategies; - Canada]

[(c) [Ensure – Japan, China] (Create conditions which would assure to all persons with disabilities - Japan) (Promote – China) [access – Israel] (entitlement) (in particular – Costa Rica) by persons with [[[severe⁵ and – Yemen, Argentina] multiple – Philippines, Japan, Brazil, Kenya, Mexico, Canada, Palestine, Cuba, Bahrain, Lebanon] disabilities, [and their families – Japan] – Thailand],⁶ (who live in poor conditions – Bahrain) (or care givers – Morocco, Uganda) (to the extent of these persons' disabilities – Kenya) (irrespective of type, gravity and complexity of disability - Thailand) [living in situations of poverty – Kenya, Uganda] to (progressive – Cameroon) assistance from the State to cover disability-related expenses [(including adequate training, counselling, (social assistance, including – Mexico) financial assistance and respite care), which should not become a disincentive to develop themselves - Canada] ;⁷ (The assistance should be reviewed periodically – Jordan) (the severity of disability and the fact that the person has more than one disability are legitimate factors in determining the level of entitlement in accordance with this sub-paragraph – Israel) – EU] – New Zealand]

(d) [Ensure – Japan] (Create conditions which would assure to all persons with disabilities - Japan) (equitable – New Zealand) [[access – Israel] (entitlement) by persons with disabilities – Costa Rica] to [governmental (and private – Philippines) housing programmes – Canada] (publicly funded housing – Canada) (giving XXX – Chile), (and encourage private developers to cater for persons with disabilities – Uganda) [including through earmarking percentages of governmental housing⁸ for persons with disabilities – Japan, EU, Canada, Liechtenstein, New Zealand, Australia]; - Namibia, Costa Rica] (are developed in accordance with universal design – Costa Rica)

- a) (With regard to the right to adequate housing, States Parties undertake to engage in no act or practice of discrimination on the grounds of disability in relation to housing policies and programmes and to take all appropriate measures to ensure that all public authorities, public institutions and private entities shall act in conformity with this obligation.

- b) States Parties undertake to guarantee the full participation of disabled persons in the elaboration and implementation of housing related legislation reflect their needs.
- c) States Parties shall take all appropriate measures to ensure that persons with disabilities can freely enjoy and exercise their right to housing and can participate fully and equally within society. Steps to be taken by the States Parties should ensure that housing for persons with disabilities:
 - i. Provides security of tenure and freedom from forced eviction.
 - ii. Provides for the physical safety of occupants and protection from threats to health, structural hazards and disease vectors.
 - iii. Is affordable and does not compromise the ability of persons with disabilities to secure other basic needs.
 - iv. Contains all facilities essential for health, security, comfort and nutrition.
 - v. Is located in appropriate proximity to support services, employment options, health care services and other social facilities.
- d) States Parties shall develop programmes to ensure that persons with disabilities have access to affordable water, including for persons who require additional quantities of water for personal and domestic needs and for those with difficulties in physically accessing sanitation and water supply points and facilities – Namibia)

[(e) [Ensure – Japan] (Create conditions which would assure to all persons with disabilities - Japan) (equal – Jordan) [access – Israel] (entitlement) by persons with disabilities to tax exemptions and tax benefits (and to other benefits to which they are entitled in respect of the degree of their disability – Cameroon) in respect of (equipment and assistive devices for persons with disabilities – Kenya) their income;⁹ - EU, Canada, New Zealand, Costa Rica]

(Provide assistance to persons with disabilities and their families to meet the extra costs they each incur because of disability – New Zealand)

(f) [(Promulgate legislation to – Namibia) (Encourage to – Japan) Ensure that persons with disabilities are able to access life and health (and other types of – Lebanon) insurance (or other forms of support by the community – Cameroon) without discrimination on the basis of disability.¹⁰ (in public and private institutions – Namibia) (and in accordance with national law – Australia) - EU, Canada] – China] (Take appropriate measures to enable persons with disabilities to have access to life and health insurance based on objective criteria – EU)

(Promote access by persons with disabilities, living in situations of poverty, to assistance from the State, in areas such as housing programmes, taxation, life and health insurance and respite care – China)

((g) eliminate discrimination on the basis of disability from social security and social assistance provided to the population generally, and from the administration of disability specific services for people with disabilities. – Australia)

[2. States Parties recognize the right of all persons with disabilities to an adequate [standard of (food, clothing, and housing – Vietnam) [living – Vietnam] – Chile] (quality of life – Chile) for themselves and their families, [including (but not limited to – Philippines) adequate food, (education – Philippines) housing [and access to clean water,¹¹ - China, EU] – Vietnam] (on an equal basis with others – Japan) (access to basic services – Mexico) and to the continuous improvement of living conditions, and will [undertake – China] (take - China) appropriate steps to [safeguard and promote] (ensure – China) the (progressive – South Africa) realization of this right. (, recognizing to this effect the essential importance of international cooperation based on free consent – China) (without discrimination on the basis of disability – EU) – Costa Rica]

((a) ensure equitable access by persons with disabilities to government regional development programmes and poverty

elimination strategies, including international aid programmes - New Zealand)

(Promote the allocation of a certain percentage of the government budget to ensure an adequate standard of living for persons with disabilities – Philippines)

Article 24

Participation in cultural life, (religion – Kenya, Holy See, Uganda, Namibia, Philippines) recreation, leisure (physical culture – Mexico) and sport¹²

1. [States Parties recognize the right of all persons with disabilities to take part in cultural life, (creating them the facilities for the enjoyment of – Chile) – New Zealand] [and (States parties shall respect and promote the right to all persons with disabilities to engage in cultural, artistic, recreational and leisure activity. In order to promote and protect the realisation of this right States Parties – New Zealand) shall take all appropriate (and progressive – China) measures to ensure (including by way of legislation to the maximum extent that is reasonable – Israel) that persons with disabilities – EU] (and shall promote appropriate measures for persons with disabilities to – EU, Canada):

(a) Have the opportunity to develop and utilize (and express – Mexico) their creative, artistic and intellectual (and physical – New Zealand, Israel) potential, [not only for their own benefit, but also for the enrichment of their community – Israel] (for both their own benefit and the benefit of their communities and the society as a whole – Israel);

(b) [Enjoy access (at the least cost – Morocco) [to (literature and other cultural materials in all accessible formats, including (inter alia - Colombia) in electronic text, sign language and Braille, and in audio and (free – Yemen) multimedia formats – New Zealand] (on an equal basis to all cultural materials and activities – New Zealand) – Jordan] (Enjoy equitable access to and participation in cultural and sports material, activities, services and facilities – Jordan);

[(c) [Enjoy access to (international and regional – Yemen) television programmes, films, theatre and other cultural activities, in all accessible formats, including captioning and sign language – New Zealand] (Have the opportunity to participate in all cultural materials and activities – New Zealand);

(d) [Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries (concert and other musical performances – Israel) and the [hospitality – Mexico] (hotel – Mexico) industry (and enjoy such performances – Costa Rica) (and services – Mexico, Costa Rica), and, [as far as – Israel] (to the maximum extent – Israel) possible, enjoy access to (exhibits, – Uganda) monuments and sites of national cultural importance – New Zealand] (Receive on an equal basis to other people instruction, training and resources for the pursuit of all cultural, artistic and sporting activities – New Zealand). – Jordan]

2. States Parties shall take all appropriate steps to ensure that laws protecting intellectual property rights do not constitute [an unreasonable – Canada] or discriminatory – Thailand, Guatemala] (any – Thailand) barrier to access by persons with disabilities to cultural materials, [while (in accordance with international agreements – Japan) respecting the provisions of international law – Thailand].

[3. [Persons [who are deaf – Israel] (and the deafblind – Uganda) (with disabilities of all kinds – Israel) shall be entitled, on an equal basis with others, to recognition and support of – Costa Rica] (States Parties recognise that deaf persons living under their jurisdiction are entitled to – Costa Rica) their (own – Costa Rica) specific cultural and linguistic identity.¹³ – EU, Japan] (and shall take all appropriate measures to support this right – Costa Rica).

(3. bis States Parties recognize the fundamental right of persons with disabilities to practice a religion of their choice and shall take all appropriate measures to ensure that persons with disabilities:

a. enjoy the opportunity to develop their spirituality and practice their faith;

- b. have access to houses of worship, shrines and sites of religious importance;
- c. can belong to a community of believers and participate fully in the life of the congregation and in the rites, ceremonies and sacraments that are part of worship;
- d. have access to appropriate religious education and receive instruction in the format that best suits their needs;
- e. will be protected from religious abuse, exploitation and coercion. – Kenya, Uganda)

[4. [States Parties recognize the right of persons with disabilities, [on an [equal – South Africa] (equitable – South Africa) basis with others,¹⁴ - Mexico, Guatemala] (in conditions of equity with other persons – Mexico) to participate in [recreational – Yemen], leisure and sporting activities (including tourism – Costa Rica) and shall take appropriate measures to – EU] (do all of the following, to the maximum extent that is reasonable - Israel) (With a view to enabling persons with disabilities to participate on an equal basis as others in recreational, leisure (activities, physical culture and sports - Mexico) and [sporting activities – Mexico] (to promote a healthy lifestyle – South Africa), States Parties shall take appropriate measures to – EU):

(a) [Encourage – South Africa, Namibia] (Ensure – South Africa, Namibia) and promote the (full – South Africa) participation, [to the fullest extent possible – South Africa], of persons with disabilities in [mainstream – China, Costa Rica, Namibia] (integrated – Namibia) [sporting activities – Mexico] (physical culture and sports – Mexico) at (club, – South Africa) (local, – Namibia) regional, national and international levels (, and promote sporting activities tailored to the needs of persons with disabilities as well as disability-specific sports – Rep. of Korea);¹⁵

(b) Ensure that persons with disabilities have an opportunity to organize and participate in sporting (recreational and leisure – South Africa) activities and [to receive [the same – Mexico, South Africa, Costa Rica, Uganda, Namibia] (the necessary – Uganda, Namibia) (the appropriate - Costa Rica) instruction, training and (equitable – South Africa) resources in support [that is available to other participants – Mexico, Costa Rica] (in conditions of equity

with other participants – Mexico) – EU] (encourage the provision of appropriate instruction, training and support – EU);

[(c) Ensure that (all – Mexico) persons with disabilities have access to [sporting and recreational venues, [and that children with disabilities have equal access to participating in sporting activities with the education system – Mexico, Costa Rica] (to qualified and specialised children – Bahrain) (to participate in sporting activities in conditions of equity within then education system, including children with disabilities – Mexico); (the physical environment for practicing sporting and recreational activities, including facilities and venues for such practices – Costa Rica).

((c bis) Ensure that persons with disabilities have access and can enjoy touristic attractions.

(c tris) Ensure that children with disabilities have equal access to participating in sporting and recreational activities, including those in the educational system – Costa Rica)

[(d) Ensure that persons with disabilities have (equal – South Africa) access to services from those involved in the organization of recreational, (and – Mexico) leisure (tourism – Israel) [and sporting – Mexico] (physical culture and sports – Mexico) activities. – EU] – New Zealand, Jordan, Costa Rica]

((d bis) Ensure equitable access to government and private funding for persons with disabilities to facilitate full participation in sporting, recreational and leisure activities and organisation.

Encourage all public media to provide appropriate and equitable coverage of the achievement of persons with disabilities in sports, recreational and leisure activities, as well as the availability of such activities to all persons with disabilities - South Africa)

((e) Ensure that persons with disabilities subject to multiple forms of discrimination, such as women and refugees have access to sports, recreation and leisure activities – Namibia)

((e) Promote the development, import and/or exchange of sporting equipment taking into account the different types of disabilities and the different sports – Colombia)

(XXX - Chile)

(XXX - Chile)

(5. States Parties shall take all appropriate steps to remove discriminatory societal barriers to the enjoyment of all the rights in this article – Uganda)

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- ¹ Some members of the Working Group noted that the meaning of "social security" differed widely from State to State, and that the scope of the right to an adequate standard of living was much broader than social security. The Ad Hoc Committee may wish to consider this issue further.
 - ² Some members of the Working Group expressed concern about the capacity of States parties to implement these provisions. The Ad Hoc Committee may wish to consider inclusion of the concept of progressive realization in this right if it is not addressed in a paragraph with general application elsewhere in the Convention.
 - ³ The Ad Hoc Committee may wish to consider inclusion of the concept of "social assistance".
 - ⁴ Some members of the Working Group considered that this provision should be strengthened to mention explicitly technical aids to mobility, transfer, auditory or visual perception and other special devices that persons with disabilities require. The Ad Hoc Committee may wish to consider whether this issue is adequately covered in draft article 20 on personal mobility.
 - ⁵ Some members of the Working Group questioned the use of the word "severe" on the grounds either that it was difficult to define or that it was prejudicial. The Ad Hoc Committee may wish to consider whether to omit it.
 - ⁶ There was a difference of view among Working Group members as to whether the provisions of this subparagraph should be extended to the families of persons with disabilities, and as to how "family" should be defined. The Ad Hoc Committee may wish to consider this further and with general application to the Convention.
 - ⁷ The Ad Hoc Committee may wish to consider whether the provisions of this subparagraph should apply to persons with disabilities generally.
 - ⁸ The Ad Hoc Committee may wish to consider whether the phrase "including through earmarking percentages of governmental housing" is appropriate in the draft Convention. Some members of the Working Group expressed the view that it was too prescriptive and may limit the measures that States parties could take to ensure access to governmental housing programmes. Some members of the Working Group also considered that non-discriminatory access to privately provided housing should also be specified.
 - ⁹ Some members of the Working Group expressed the view that this subparagraph was too prescriptive.
 - ¹⁰ The Ad Hoc Committee may wish to consider the extent to which States parties can determine the provision of insurance, which in many countries is typically the domain of the private sector.
 - ¹¹ The Ad Hoc Committee may wish to consider the reference to "clean water" further. Some members of the Working Group considered that it should be deleted on the grounds that it was not a right guaranteed under the International Covenant on Economic, Social and Cultural Rights. Other members considered that the reference was critical to the treatment and prevention of disabilities, and should be strengthened to include "basic services".
 - ¹² The Ad Hoc Committee may wish to consider whether and how the concept of accessibility could be expanded under this draft article.
 - ¹³ The Ad Hoc Committee may wish to consider whether this provision would be more appropriately placed under another draft article.
 - ¹⁴ Some members of the Working Group considered that the phrase "on an equal basis with others" should be deleted from this paragraph, and that subparagraphs (b), (c) and (d) should instead include an obligation on States parties to remove discriminatory barriers, both environmental and societal, to the enjoyment of these rights. Other members expressed the view that "on an equal basis with others" should be retained, because sporting, recreational and leisure organizations and facilities were often within the private sector. The Ad Hoc Committee may wish to consider this issue further.
 - ¹⁵ Some members of the Working Group emphasized the importance of mainstreaming sporting activities for persons with disabilities. Others indicated that this obligation

would need to be balanced with the promotion of separate sporting activities and organizations tailored to the needs and abilities of persons with disabilities, as well as disability specific sports that might not be included in mainstream sporting events. The Ad Hoc Committee may wish to consider how best to incorporate these views.