

Part I: WOMEN

PREAMBLE

n bis) Recognising 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 includig their gender based manifestations.

ARTICLE 6

WOMEN WITH DISABILITIES

1. State Parties recognise that women and girls with disabilities are subject to multiple discrimination and that focused, empowerment and gender sensitive measures are necessary to ensure the full and equal enjoyment by women and girls with disabilities of all human rights and fundamental freedoms .

2. State Parties shall take all appropriate measures to ensure the equal rights of women with disabilities to the enjoyment of all rights set out in this Convention.

Comment: This text could be either placed in a paragraph under Article 4 (General obligations) or it could be in Article 6.

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 in particular that directed to girls and women including their gender based aspects..

ARTICLE 23

RESPECT FOR THE HOME AND THE FAMILY

(b) That the right of all men and women 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 [and that spouses should be equal partners];

[(c) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children [and to have access to information, reproductive and family planning education, the means necessary to enable them to exercise these rights and the equal opportunity to retain their fertility on a basis of equality with respect to gender and disability to the extent that these are permitted by national laws of general application].

ARTICLE 25

HEALTH

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

b) bis) develop and disseminate policies and programs in fields such as family-planning and parenthood, pregnancy, childbirth and the post-natal period, that are inclusive of women with disabilities and protect them against any form of coercive treatment, including sterilization.

Part II: Children

PREAMBLE

n ter) Recognizing that children with disabilities, by reason both of their physical and mental immaturity and of their disability, especially when they are deprived of family environment and recognizing that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with others, and recalling obligations to that end undertaken by States Parties to the Convention of the Rights of the Child

ARTICLE 3

GENERAL PRINCIPLES

(h) respect for the evolving capacities of every child with disability and respect for the right of every child with disability to preserve his or her identity

ARTICLE 4

GENERAL OBLIGATIONS

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, and their representative organizations. Such issues shall include standards and guidelines for accessibility, the formulation of health, habilitation and rehabilitation legislation and the planning, delivery and evaluation of health, habilitation and rehabilitation services, and the design and implementation of data collection.

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 and ensure the equal rights of children with disabilities to the enjoyment of all rights set out in this Convention.

2. In all actions concerning children with disabilities the best interest of the child shall be the paramount consideration.

3. State Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting to them on an equal basis with other children and to be provided with disability and age appropriate assistance to realize that right.

4. Every child with disability shall have the right to such measures of protection, assistance and care on the part of his or her family, society and the State as required by his or her minor status and are tailored to his or her individual circumstances. When a child with disability is deprived of his or her family environment or in whose own best interest cannot be allowed to remain in that environment such protection and assistance shall be provided by the State

Comment: the text of this article may be located in Article 4

ARTICLE 13 ACCESS TO JUSTICE

States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, by facilitating their effective role as direct and indirect participants, including as witnesses, through reasonable accommodations to the process, including age appropriate accommodations, in all legal proceedings, including the investigative and other preliminary stages.

ARTICLE 17 PROTECTING THE INTEGRITY OF THE PERSON

2 bis) States Parties shall protect children with disabilities from sterilisation on the basis of disability

ARTICLE 18 LIBERTY OF MOVEMENT AND NATIONALITY

2. States Parties shall take all necessary measures to ensure that children with disabilities are registered immediately after birth and are able to acquire a name and nationality.

ARTICLE 23 RESPECT FOR THE HOME AND THE FAMILY

2. bis) States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realising 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.

2 ter) Where the immediate family is unable to care for a child with disabilities, States Parties shall make every effort to provide alternative care within the wider family, and failing that, within the community.

PART III: Common Provisions

ARTICLE 8

RAISING AWARENESS REGARDING DISABILITY

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

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

2. Measures to this end include:

(d) Promoting awareness training programmes regarding people with disabilities and their rights taking into account gender and age specific aspects of disability.

ARTICLE 16

FREEDOM FROM EXPLOITATION, VIOLENCE AND ABUSE

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 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. 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 gender and age sensitive legislation and policies to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

ARTICLE 31

STATISTICS AND DATA COLLECTION

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

(add before a)

- (0) involve both men with disabilities and women with disabilities and their organisations in the design of relevant indicators and the collection and analysis of the data;**
- (0.1) enable States Parties to disaggregate all data on the basis of sex and age and ensure that the data provides information on issues that may affect differently women and girls with disabilities and men and boys with disabilities**

ARTICLE 33

NATIONAL IMPLEMENTATION AND MONITORING

2. States Parties shall, in accordance with their legal and administrative system, maintain, strengthen, designate or establish at the national level a framework to promote, protect and monitor implementation of the rights recognized in the present Convention including focusing on gender and age specific issues.

3. Civil society, in particular men and women with disabilities and their organizations, shall be involved and participate fully in all levels of the monitoring process.

INTERNATIONAL MONITORING

Proposals are based on the discussion text, which was not yet available at the facilitator's meeting

Article 39 – Reporting by States Parties

2. The States parties shall submit a first, comprehensive, gender and age sensitive report within two years of the entry into force of the present Convention for the State party concerned (CRC, article 44.1). States parties shall submit further reports upon request of the Committee. The Committee shall determine the issues or provisions of the present Convention to be addressed by States parties in these reports (OHCHR background paper, paragraph 37).

Article 44 - Co-operation with organizations and bodies

3. In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention (CRC, article 45, chapeau) the relevant organs, offices and specialized agencies and funds of the United Nations, in particular the Department of Economic and Social Affairs, International Labour Office, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the Division for the Advancement of Women, the United Nations Development Fund for Women, and the United Nations Children's Fund, 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 these organs, offices and specialized agencies and funds 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 and may invite them to submit reports on the implementation of the Convention in areas falling within the scope of their activities (CRC, article 45(a))