

May 2004

**Comments on the Draft Comprehensive and Integral International Convention
on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities**

We, organizations promoting the rights of persons with disabilities in Israel, support the drafting of the International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, and recognize the power that such a convention has in promoting rights of persons with disabilities on both the international and local levels.

We regard the document drafted by the Working Group of the Ad Hoc Committee as a fine starting point for discussion. We particularly support the decision to relate to all areas of life, and to the detailing of operative obligations placed upon each State.

In the coming pages, we offer a summary of our comments, which are based on our extensive experience in a country with partial legislation in the area of rights of persons with disabilities. Thus we appreciate the benefits from the obligating rules in the areas covered by the existing legislation, and at the same time note the disadvantages that accrue to the absence of such obligating rules in areas not yet covered by the law. This experience enables us to bring a unique and useful perspective to the issue.

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Center for Independent Living
EFFIE – Asperger Israel
Elwyn Israel – Rehabilitation Center
ERAN – Emotional First Aid Hotline, Nazareth Branch
Forum for Parents of Children with Multiple Disabilities
HILLEL – Parents of Children with Learning Disabilities
The Society for Fighting Pain
ISAAC Israel - International Society for Augmentative and Alternative Communication
Mateh Ma'avak Hanechim – Disabled Persons Organization
"Ofek Liyladenu" - Israel National Association of Parents of Visually Impaired Children
Otzma – The Israeli Forum of Families of the Mentally Ill
YATED – Down Syndrome Society of Israel



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Draft Article 6 – Statistics and Data Collection

Collection of data – a tool in the promotion of rights, not a right in itself

We acknowledge the importance of statistics and data collection in determining the means for combating discrimination and providing an appropriate response to the needs of people with disabilities. However such activity is only a tool to achieving equality. It is not a fundamental right in the same way as the rights stated at the beginning of the Convention: Equality and Non-Discrimination, Equality Before the Law, Individual Autonomy, etc.

Thus we suggest that this article be included further on in the Convention, and not necessarily as an independent article. It could be included, for example, under Article 25 (Monitoring), as one of the tools of which the State must make use in order to eliminate discrimination.

Draft Article 7 – Equality and Non-Discrimination

(a) Prohibition of statistical discrimination

One difficulty in the struggle against discrimination of persons with disabilities is the ease with which it is possible to conceal the motive behind inequitable treatment, and as a result – the difficulty in proving that such treatment was motivated by the presence of disability.

Inferring the existence of discrimination not just from instances of proven unacceptable motives, but also from the examination of the result, serves as a tool in tackling this difficulty. We can learn about discrimination if it can be proved that neutral criteria have disparate impact on persons with disabilities, or if, in the final analysis of the result, persons with disabilities are statistically disfavored. For example, in a particular workplace, even if it is not possible to point to illegitimate motives related to disability, discrimination may still be inferred from the fact that all candidates with disabilities are rejected in a systematic fashion and that there is no representation of persons with disabilities in the workplace; or from the existence of criteria for acceptance of a position – even if they appear neutral – that have a disparate impact particularly on persons with disabilities.

This illustrates the importance of explicitly prohibiting statistical discrimination, or discrimination based on the practice of disparate impact. It is not clear whether the prohibition in Article 2(b) on indirect and systemic discrimination also includes this (see footnote 24 in the Convention Draft).

b) Expansion of protection against discrimination for a person who had a disability in the past, and for family members of a person with a disability

Stigma and ignorance constitute fertile ground for discrimination on the basis of disability not only towards persons who have disabilities, but also towards those who do not have disabilities. Accordingly, Article 2(b) prohibits discrimination based on an actual or *perceived* disability.

Additional people, who are not persons with disabilities themselves, are exposed to discrimination. A job applicant, whose employer knows of a previous hospitalization in a psychiatric institution, may be a target for discrimination because of this, as may be a person who needs accommodations at work as a result of taking care of a family member with a disability.

Thus we suggest broadening the scope of protection from discrimination on the basis of disability, to include a person who had a disability in the past, and also a family member of a person with a disability. It should be considered whether to do so in Article 7 discussing equality and non-discrimination, or only in the area of employment in Article 22, where examples typical of this kind of discrimination are to be found.

Draft Article 8 – Right to Life

Reaffirming the right to life for persons with disabilities undermines the assumption that it is unquestionable

We are concerned that by specifically mentioning the “right to life” for persons with disabilities, they are thereby placed in a category where this right is not assumed to be a non-negotiable given. Such mention may have an adverse effect on the discourse of rights because there is an insinuation that their right to life is questionable.

Therefore, we suggest that the Convention should not include this article.

Draft Article 9 – Equal Recognition as a Person Before The Law

(a) Limitation of the exercising of legal capacity – with proportionality and in accordance with procedural safeguards

In our opinion, the possibility of persons with disability not being able to exercise their legal capacity in full, even if they are given full assistance, because of disability, should be recognized in clear language. Together with it, the measures that must be taken to protect against excessive or disproportionate removal of legal capacity, must be stated clearly.

We therefore recommend that a section be added to clauses (b) and (e) to the effect that limitation on the exercising of legal capacity due to disability be carried out in a supervised and proportionate manner, and in accordance with procedural safeguards ensuring minimum encroachment on the exercising of legal capacity.

(b) Adaptation of the legal process - part of the assistance enabling the exercising of legal capacity

The entrance ticket to the ability to exercise one’s legal capacity is the ability to participate in the legal processes involved. Indeed, clause (d) deals with the provision of tools that enable a person with a disability to exercise this capacity. To this, and in particular to the instruction relating to the ability to give evidence, should be added, that legal processes, including the giving of evidence, will be adapted and made accessible to people with disabilities. (See our comment 12(a) below.)

Draft Article 10 – Liberty and Security of the Person**(a) Making the legal process accessible to a person with a disability**

The right to legal procedures adapted to meet the specific needs of a person with a disability - in all processes affecting the person - should be added. This right includes among other things: legal representation and the opportunity to be genuinely heard which includes making accommodations to investigative and testimonial procedures to meet special needs. (See our comment 12(a) below.)

(b) In the absence of criminal intent as a result of disability – there is no criminal responsibility

We suggest the addition of a guideline that exempts a person with a disability from criminal responsibility in cases where actions are carried out without criminal intent, as a result of lack of control of physical action or lack of ability to comprehend the meaning of the act or to abstain from it, due to disability.

(c) Clause on protection from forced hospitalization, forced treatment or forced institutionalization – should be inserted under this Article

(i) As of now, this issue is dealt with in Articles 11 and 12 (Freedom from Torture or from Cruel, Inhumane or Degrading Treatment or Punishment, Freedom from Violence and Abuse), and in relation to forced institutionalization – also in Article 15 (Living Independently and Being Included in the Community).

In our opinion, the correct place to discuss protection from forced hospitalization, forced treatment and forced institutionalization, is actually in this Article, under the discussion and limitation of deprivation of the freedom of a person with a disability. (In the case of forced institutionalization – additional mention of this should remain in Article 15, connected to the right to life in the community).

Our position is that there should not be total and complete negation of forced hospitalization and forced treatment. Rather, the principle of protection from forced hospitalization and forced treatment should be established, together with conditions for minimal exceptions.

Hence, this issue should not be under the rubric of articles that totally and completely negate issues such as torture, cruel and inhumane punishment, violence, etc. We thus suggest that the treatment of this issue be moved from Articles 11 and 12, to Article 10.

(ii) Exceptions to the rule: The rule should be protection of persons with disabilities from forced hospitalization, and from forced intervention including forced methods of treatment, with narrow exceptions to this rule, which will be allowed only in accordance with procedural safeguards that provide appropriate protection of the rights of persons with disabilities. (See Article 11(2) and footnote 38, of the Convention.)



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Draft Article 11 – Freedom from torture or cruel, inhumane or degrading treatment or punishment

- (a) Repositioning the issues of forced hospitalization, forced treatment and forced institutionalization in other articles.

As detailed in our comment 10(c) above, in our opinion the correct place for clause 2 in this Article, in relation to forced hospitalization, treatment and institutionalization, is in Article 10 of the Convention.

In relation to the protection of persons with disabilities from forced intervention, and from medical or scientific experimentation without the free and informed consent of the person concerned – the issue is related to in Article 21 (Right to Health and Rehabilitation, clauses (j) and (k)). Indeed, in our opinion, Article 21 is the accurate place for this issue, meaning, that it does not need to be included in Article 11. (See clause (b) below.)

- (b) Torture or cruel, inhumane or degrading treatment or punishment (clause 1) – are prohibited across the board

As we commented earlier on Article 8 (Right to Life), also in this case, mention of the prohibitions in article 11(1) – and only relating to persons with disabilities – calls into question a prohibition that should be obvious, potentially causing the discourse on rights of people with disabilities to regress.

Conclusion: In our opinion, there is no place for Article 11 in the Convention, as follows: We suggest that Article 11(1) not be included in the Convention. As regards Article 11(2) - in our opinion the clause should be divided between Articles 10, 15 and 21, as described in this comment and in the comment to Article 10.

Draft Article 12 – Freedom from Violence and Abuse

- (a) The right to legal processes adapted to the special needs of a crime victim with a disability - an integral element of protection against violence and abuse

Persons with disabilities are more vulnerable to violence and abuse than persons without disabilities. This phenomena is worsened by the inaccessibility of investigative and judicial processes to persons with disabilities – particularly for persons with communication difficulties arising from developmental, physical or hearing disabilities. Inaccessibility of legal processes in the police and in court denies them the opportunity of being heard and of providing full statements, resulting in the majority of cases being closed, or defendants acquitted because of insufficient evidence against them. This, in turn, impacts directly on the level of violence and abuse – as offenders rely on not being brought to trial or being acquitted for crimes against persons with disabilities.

Examples of accommodations that can neutralize the impact of disability on the giving of evidence, and genuinely enable a person with a disability to convey the details of the event include: investigation by professionals specially trained in the field of disabilities (mainly in the case of communication difficulties arising from developmental or physical disabilities), providing



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a professional for interpretation and "translation" between the victim and the police investigators or the judges during investigative and judicial procedures, giving evidence in the judge's chambers or not in the presence of the offender, providing interpreters or other effective means to make all procedures and materials accessible to persons with the range of sensory disabilities, and more.

It follows, that protection for persons with disabilities from violence and abuse must include ensuring the adaptation of investigative and judicial procedures to the special needs of persons with all types of disabilities, and this should be explicitly stated in this Article. It should also be established that the State shall take action to promote legislation that ensures the accessibility of legal processes.

(b) Programs for sex education and for self-protection as an element of protection against violence and abuse

We suggest adding to clause 3 that in addition to the provision of information to persons with disabilities and their families, the State will initiate and develop programs for sex education and for self-protection, thus enabling persons with disabilities to better protect themselves from violence and abuse.

(c) Compensation for crime victims

We suggest that the principle of financial compensation to the victim, by the offender, be added, and that the State promote legislation that anchors this right in law.

Draft Article 13 – Freedom of Expression and Opinion, and Access to Information

(a) Making information accessible to people with developmental disability

Because of the tendency to associate making information accessible only with formats appropriate to persons with sensory disabilities (e.g. Braille, sign language), we suggest adding to clause (a) that accessibility will be carried out to people with all kinds of disabilities, including formats of simplified language for people with cognitive disabilities.

(b) The obligation is to enable people with all disabilities effective communication; choice between the different modes should be determined on an individual basis

The right to freedom of expression and access to information brings with it the obligation to provide persons who have communication difficulties with the ability to communicate through language. The decision upon the mode of communication – whether regular, alternative or assisted – should be decided according to each individual situation. We suggest shifting the focus of clause (c), from one that singles out teaching to persons with disabilities the use of alternative or assisted modes of communication (to the exclusion of regular modes of communication), to one that focuses on providing them with the ability to communicate through language and speech, including regular, alternative and assisted modes of communication.

(c) The obligation of the State to supply tools enabling communication and access to information at affordable cost



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It should be established here that the State will ensure that assistive technologies and tools necessary for communication and making information accessible, are made available at affordable cost. Such an obligation appears in Article 20(a) of the Convention with regard to equipment enabling mobility for persons with physical disabilities.

Draft Article 14 – Respect for Privacy, the Home and the Family

(a) The provision of appropriate assistance to parents with disabilities

The provision of appropriate assistance to parents with disabilities in the performance of their child-rearing responsibilities is a principle of central importance in the context of respect for privacy, home and the family. However, here it is established in the relatively narrow context of guardianship, wardship, trusteeship and adoption, as noted in clause (d). We suggest, that the principle of appropriate assistance be established as a general one, with regard to all aspects of parenthood and to all parents with disabilities who need it, and not only in the limited context contained in clause (d).

(b) The right to parenthood – unlimited?

(i) The need to anchor the right to parenthood is clear. The question is whether the way in which it is done in the first part of clause (c) is appropriate:

The first part of clause (c) determines the right of persons with disabilities to decide freely and responsibly on the number and spacing of their children on an equal basis with other persons. Such a determination raises the question whether this right is unlimited. For example: It is clear that sterilization of persons with disabilities should be prohibited. However, should the administering of birth control, or the requirement of a person to take birth control, be forbidden under any circumstances?

We believe the matter should be discussed, taking into account the following option: Along with the right established in the first part of clause (c), the conditions under which the right can be limited will be determined, together with the instruction that the limiting of the right be carried out with proportionality and in accordance with procedural safeguards that appropriately protect the rights of persons with disabilities.

(ii) With regard to the formulation of justifiable grounds for separation of a child from his or her parents (Article 2(e)): In our opinion, the formulation that strikes the right balance between the right to parenthood and the well-being of the child is, that there can be no grounds for separation between child and parents against the parents' will *solely* on the basis of the parents' disability (see footnote 50 in the Convention draft). This formulation is preferable over the existing one, according to which the child shall not be separated from parents with disabilities on the basis either *directly or indirectly* of their disability. In some situations in which the parents' disability impacts on their parenting in such a way as to endanger the child, disability may serve as an indirect, albeit justifiable grounds for separation.

Draft Article 15 – Living Independently and Being Included in the Community

(a) "Equality" instead of "independence"

We are concerned that the term "living independently in the community" which appears in the title and the chapeau of this Article suggests that life in the community is conditional upon independence. This interpretation contradicts the principle of equality: The right to life in the community belongs to every person and derives from the right to equality. It is not dependent on the level of independence of a person with a disability.

(See also the comment in footnote 51 to this Article in the Convention, about the concern that the term "independence" may suggest that persons with disabilities should be separated from their families.)

Thus we suggest that the word "independently" in the title and chapeau be replaced by terms derived from the concept of equality: living a life involving full inclusion in the community on an equal basis, etc.

(b) A person must not be obliged to live in an institution – a separate provision

The chapeau of Article 15 determines the framework of the Article: the steps that the State must take in order to enable and ensure persons with disabilities equality and full inclusion in the community. For example, the State must ensure persons with disabilities equal opportunity to choose their place of residence and living arrangements, including personal assistance to support living and inclusion in the community. Protecting persons with disabilities from being obliged to live in an institution is of supreme importance, and should be explicitly stated (in response to the comment in footnote 52 in the Convention Draft). But the essence of the idea does not belong under the umbrella of steps that enable and ensure life in the community. Life in an institution, even if not under duress, contradicts the principle of equal life in the community.

Thus our opinion is that clause (b) should not be included in the opening comments of Article 15, but should appear in an additional clause in this article, as a separate and independent provision.

Draft Article 16 – Children with Disabilities

The right to life in the community

The following principle should be added: in situations where children are not with their biological families, they are entitled to life within a family framework, in a home, in the community, or in a framework most close to this.

Draft Article 17 – Education

(a) Achieving the right progressively?

It is not clear whether by the word "progressively" in the chapeau of clause 1, the intention is that the State will implement the steps in this clause gradually. If it is so, how is this right different from other rights mentioned in the Convention that do not include such a limitation?

(b) The right to choose inclusive education includes assistance that enables inclusion

Clause 2 explicitly states that in order to achieve the right to education on the basis of equal opportunity, the State will ensure that persons with disabilities can choose inclusive education and will provide the required support. However clause 3 states that when the general education system does not adequately meet their needs, special and alternative forms of learning should be made available (that is, a special education system). This does not confer on the general education system the responsibility to provide the support needed to make inclusive education a realistic choice. And so, the system appears to meet its responsibility by offering an unrealistic choice, between the mainstream system without the assistance necessary to enable inclusion, and the special education system.

In order to tackle this inconsistency and close the gap, a provision should be added to clause 3, stating that when the general education system, with the use of supplementary aids and services, cannot adequately meet the needs of a pupil, alternative forms of learning should be made available.

We would like to point out that the Israeli "Inclusion Law" was enacted in order to confront this very "non-choice" that was placed before parents and pupils, as described above.

(c) Encouraging employment of teachers with disabilities

As regards footnote 59 in the Convention Draft, we are of the opinion that encouraging the employment of teachers with disabilities has a great influence on creating models for emulation identification for the students, and that it should be stated explicitly in this Article.

(d) Accommodations in higher education

We suggest that the accommodations typical to academic studies, i.e. accommodations in the curriculum and examinations, be added to clause 5 that discusses accessibility in tertiary education.

(e) Listening to the child

We suggest that the principle of listening to the child in appropriate situations (depending on age and other factors) be determined. Consideration should be given to the question whether this principle should be anchored specifically in the article concerning education, or in a more general way in the article discussing children with disabilities (Article 16).

Draft Article 18 – Participation in Political and Public Life

Establishment of organizations and joining them – typical autonomous action that does not call for involvement of the State

The act of forming and joining organizations of persons with disabilities is a typical expression of autonomy, independence and self-advocacy. Furthermore, it is a manifestation of the principle of participation - on the political level - in decision-making that affects their own lives.

It is precisely the differentiation between the roles of State authorities and of the organizations that enables a constructive relationship between them; at times organizations carry out negotiations with State authorities or work shoulder-to-shoulder; at times they protest and struggle against the State. This dynamic is a sign of a healthy and vital civil society.

Connecting the State to the creation of organizations – as suggested by clause (b)(ii) – is foreign to the separation and division of roles described above, as it is to the principle of autonomy and independence. The role of the State should be to ensure participation of persons and organizations in the general political realm on the basis of equality (clause (b)(i)), but the State should not be involved in the process of joining or creation of organizations by persons with disabilities. Therefore we suggest that clause (b)(ii) not be included in the Convention.

Draft Article 19 – Accessibility

(a) Accessibility to every place that serves the public

The obligation to make privately owned buildings, facilities and services accessible, as opposed to public buildings, facilities and services, is stated weakly in the Convention, in the form of the State's obligation to "encourage" private entities to do so. Indeed, footnote 69 discusses the question whether to expand the obligation to accessibility to every place that is intended for public use.

In our opinion, the separation between public buildings, facilities or services that are publicly owned and those that are privately owned is artificial and discriminating in its claim; the notion that people with disabilities should be restricted only to those public places that are publicly owned – is unacceptable. We would like to note that in Israel, the outdated existing accessibility law, even before undergoing current significant legislative upgrading, is based on the principle that places open to and used by the public must be accessible (not only if they are publicly owned). The position stated in the current Convention Draft would actually result in regression.

Thus, the obligation to make all buildings, facilities and services used by the public accessible should be determined, not just those in public ownership.

Two principles can be used to moderate the resulting burden placed on private entities: 1) gradually making existing locations accessible; 2) state participation in expenses incurred by private owners carrying out adaptations.

(b) Participation of the state in expenses for adaptations

The principle of State participation in expenses connected to accessibility is not foreign to the Convention: in the area of accessibility devices, State participation in order to make assistive tools and technology available to the public at affordable cost was established (see Articles 20(a) and 22(d) of the Convention, and our comments to Articles 13(c) and 22(b)). Here too, State participation in expenses connected to accessibility incurred by private owners, whether through direct participation or through incentives, will add significant content to this obligation of private owners.

(c) Adding transcription and amplification as modes of making public places accessible



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Transcription is a typical accommodation for people with hearing impairments, and should be added to the list of intermediaries and live assistance in clause (b). Amplification, also a typical accommodation for people with hearing impairments, should be added to clause (a).

(d) Standard of accessibility to residential buildings

In addition to the obligation to making public buildings accessible, we suggest considering the issue of residential buildings. For example, requiring the State to encourage the determining of a standard of accessibility for the building of residential buildings should be considered.

Draft Article 21 – Right to Health and Rehabilitation

(a) Provision of health services within the general framework

We suggest adding to the fundamental principles of the right to health presented in clauses (a) – (c), the right of a person with a disability to receive health services on an equal basis within the framework of general health services. Highlighting this right is necessary in order to prevent segregation in the provision of services. In Israel, for example, the National Health Law, which placed the provision of mental health services outside of the general health service, has perpetuated the position of mental health services as a “stepchild” of the system, in terms of the quality of the services, the budget allocated to them and the principle of providing them within the community.

(b) Making the health service accessible to people with all kinds of disabilities

Making health services accessible involves aspects that differ from one disability to another. In addition to the well known aspect of making buildings and equipment accessible, accessibility also includes training of staff in the field of disabilities, and, especially in the case of persons with developmental or emotional disabilities, the provision of readily available medical treatment, appropriate to their special needs, that will enable them to live in the community. In addition, training in and awareness of ways to communicate with them (with regard to persons with hearing impairments as well) should be provided.

We suggest that the obligation to make the health service accessible to persons with all kinds of disabilities be stated explicitly.

As part of this obligation, we suggest that the following requirements also be stated explicitly:

- 1) training professionals to communicate with and give appropriate treatment to persons with communication difficulties caused by physical, sensory, developmental or emotional disabilities;
- 2) training professionals to give treatment to people with multiple disabilities, such as those with both developmental and emotional disabilities. In the absence of such training, these people are denied appropriate psychiatric care, and at times all medical care.

(c) Training professionals who can work in secondary languages

The shortage of professionals who speak a secondary/minority language, especially language clinicians and audiologists, directly harms persons with disabilities who speak a minority language. In Israel, for example, there is a continuing shortage of Arabic speaking language clinicians and audiologists. As a result of this, many children and persons with disabilities from the Arab sector, do not receive such treatments in their native language. We suggest, that it be stated explicitly that professionals will be trained in order to provide appropriate treatment in a minority/secondary language.

Draft Article 22 – Right to Work

(a) State program to train people with disabilities and place them in employment

As the convention relates not just to the prohibition of discrimination in the workplace but to a wider right – the right to work - we suggest adding that the State be obligated to initiate and develop programs for training persons with disabilities and placing them in employment.

(b) State participation in employer's expenses for adaptations for an employee with a disability

The State's part in encouraging employers to employ persons with disabilities is established in clause (d): the State will encourage employers to hire persons with disabilities, such as through affirmative action programs, incentives, and quotas. In our opinion, only the inclusion of an explicit obligation will enable significant promotion of the issue, especially in the case of employers in the private sector. We suggest that the Convention establish the obligation of the State to participate in expenses incurred by an employer for making the workplace accessible to a person with a disability. (See our comments to Articles 13 and 20.)

(c) People with disabilities in assisted employment

The normative mode of employment is within the free labor market. However there are persons with disabilities who work in assisted workplaces. The rights of persons in these places must also be established.

In particular we suggest that through supervision and monitoring by the State, including the use of legislation, 1) such places will be guided by the principle of encouraging persons with disabilities to enter the free labor market, and provide conditions that enable them to do so; 2) the rights of employees in such frameworks be anchored, and the diversion from normative conditions of employment of the free labor market be minimal. As regards the last point, we suggest that clause (h) make specific mention of assisted frameworks, particularly in relation to the application of the principle of equal remuneration for work of equal value.

(d) Meager obligation on the State as an employer, especially as regards to fair representation in the public sector

The absence of increased obligations on the State as an employer, in relation to the promotion of fair representation of employees with disabilities in the public sector, is conspicuous: the formulation of clause (d), that applies to all employers, is weak in relation to the State as an



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employer, and even clause (i), that concerns an employee in the public sector, establishes a minimal obligation of ensuring a person with disability equal opportunity to employment.

We are of the opinion that State's obligation as an employer be clearly established, to ensure fair representation of employees with disabilities in the public sector, and together with it practical steps that will ensure implementation are defined, including affirmative action.

Draft Article 23 – Social Security and an Adequate Standard of Living

Establishing a higher standard of living than the minimal one proposed

Clause 2 of this Article suggests a minimal standard of living, based mainly on principles of survival – food, clothing, housing and access to clean water; and the obligation of the State to safeguard and promote the realization of this right. There is a significant gap between this standard, and the change that the convention aims to promote: inclusion in the workforce, in the education system and in political life; mobility; access to the media; etc. We are concerned that the low standard presented in this Article will result in the lowering of the ceiling that State action is designed to achieve in accordance with this Convention. The level of assistance that the State is obligated to provide persons with disabilities to ensure they receive adequate food and water is surely lower than the level required to ensure equal opportunities for persons with disabilities in employment and education.

We suggest that clause 2 be upgraded to include the State's obligation to take appropriate steps to ensure achieving targets that are more in line with the spirit of a Convention which deals with equal opportunity and inclusion in all areas of life.

Additional comment –Wide anchoring of support for family members, and of their standing

In the current Draft, the issue of support given to family members of persons with disabilities appears in two places: in Article 12 in relation to information given to families on the prevention of violence and abuse of persons with disabilities, and in Article 23 in relation to families of persons with disabilities living in poverty.

Recognizing the role of families in providing assistance to their family member who has a disability, and their exposure to discrimination on those grounds, we suggest establishing in a wider sense, under a general article or clause, the standing of family members of persons with disabilities and the provision of support to them, including: empowerment, encouragement to receive assistance, provision of information, and protection from discrimination arising from the disability of a member of the family.