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**ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE HIGH
COMMISSIONER AND THE SECRETARY-GENERAL**

**Report of the United Nations High Commissioner for Human Rights on
progress in the implementation of the recommendations contained in
the study on the human rights of persons with disabilities**

Summary

The present report sets out progress in the implementation of the recommendations contained in the study on human rights and disability and the achievements of the objectives set forth in the programme of work of the Office of the United Nations High Commissioner for Human Rights in relation to the human rights of persons with disabilities. To this end, the report lists activities of the Office over the year 2007 in the area.

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Introduction

1. In its resolution 2005/65, the Commission on Human Rights requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to report to the Commission at its sixty-second session on progress in the implementation of the recommendations contained in the study on human rights and disability and on the achievement of the objectives set forth in the programme of work of the Office in relation to the human rights of persons with disabilities. In its decision 2/102, the Human Rights Council decided to request the Secretary-General and the High Commissioner to continue with the fulfilment of their activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies. In addition, the High Commissioner, in her report to the fourth session of the Human Rights Council (A/HRC/4/75), recommended the submission of annual reports on human rights and disability. Accordingly, the High Commissioner submits the present report.

2. The 2002 OHCHR study on “Human rights and disability: the current use and future potential of United Nations human rights instruments in the context of disability” (the study),¹ focused on the work carried out by the (then) six core United Nations human rights treaty bodies to advance the equal effective enjoyment of human rights and fundamental freedoms by persons with disabilities. The study concluded that, despite their considerable potential, the United Nations human rights treaties had not been fully used in the context of disability. In order to enhance the future use of the existing human rights treaties and mechanisms, the study addressed a wide range of recommendations to States parties, treaty bodies, the Office of the High Commissioner for Human Rights, the Commission on Human Rights, national human rights institutions and civil society.

3. On 13 December 2006, the General Assembly adopted the Convention on the Rights of Persons with Disabilities and its Optional Protocol. The two instruments were opened for signature on 30 March. As of 12 December 2007, 119 States and the European Communities have signed and 14 States had ratified the Convention, and 67 States had signed and 7 States had ratified the Optional Protocol. The adoption of the Convention and Optional Protocol has been the significant step forward which addresses the need to advance the equal enjoyment of human rights by persons with disabilities, as noted in the study.

4. The present report provides an overview of the activities of OHCHR on human rights and disabilities over 2007 as an indication of the continuing steps taken by the Office to meet the recommendations of the study.

¹ G. Quinn and T. Degener, “Human rights and disability: the current use and future potential of United Nations human rights instruments in the context of disability”, HR/PUB/02/1, United Nations, New York and Geneva, 2002.

I. ACTIVITIES ON HUMAN RIGHTS AND DISABILITIES OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

5. Over 2007, OHCHR has continued to increase its work on human rights and disabilities, focusing principally on the Convention on the Rights of Persons with Disabilities and its Optional Protocol. In keeping with the four substantive action points outlined in the High Commissioner's Plan of Action, those activities have sought to promote: more synergy in the relationship between OHCHR and the various United Nations human rights bodies; an enhanced leadership role for the High Commissioner; greater country engagement; and, closer partnerships with civil society and the United Nations agencies.

More synergy in the relationship between the Office of the High Commissioner and the various United Nations human rights bodies

6. With the adoption of the Convention and its Optional Protocol, the promotion and protection of the rights of persons with disabilities has been placed squarely on the international human rights agenda. Effective promotion and protection of these rights should proceed through a twin-track approach. First, the implementation of the Convention and its monitoring by the Committee on the Rights of Persons with Disabilities provides expert and dedicated attention to the promotion and protection of the rights of persons with disabilities. Second, it will also be important that the other human rights mechanisms examine disability in the context of their mandates so that promotion and protection of the rights of persons with disabilities becomes systematic.

7. Accordingly, in 2007, OHCHR continued its emphasis on assisting United Nations human rights bodies to mainstream the rights of persons with disabilities in their work. On 11 December 2006, OHCHR hosted an expert seminar on "Freedom from torture and other cruel, inhuman and degrading treatment and punishment and persons with disabilities" for the Special Rapporteur on the question of torture, Mr. Manfred Nowak, and two members of the Committee against Torture, Mr. Luis Gallegos Chiriboga and Ms. Nora Swaess. The seminar examined the treatment of persons with disabilities, particularly in institutional settings, and discussed the extent to which it fell within the definition of torture set out in the Convention against Torture. The meeting also considered how "supported decision-making" models, the recognition of the legal capacity of persons with disabilities and the right to free and informed consent for medical treatment provided some means to protect against torture of persons with disabilities in institutional and medical settings. The seminar also considered ways that special procedures and treaty bodies could strengthen the monitoring of the rights of persons with disabilities in the context of their specific mandates. The seminar followed up on a similar expert seminar organized for the Special Rapporteur on the right to education in 2006, entitled "The right to education of persons with disabilities".

An enhanced leadership role for the High Commissioner

8. The Plan of Action and Strategic Management Plan for 2006-2007 highlighted an enhanced leadership role for the High Commissioner. In the area of human rights and disability, the High Commissioner has undertaken several activities in this regard. The High Commissioner

participated in the signature ceremony on 30 March 2007 delivering a statement at the ceremony and then providing the keynote address, "From vision to action: the road to implementation of the Convention" to the High Level Dialogue following the signing ceremony. The High Commissioner also submitted an opinion-editorial piece on the Convention with Under-Secretary General José-Antonio Ocampo of the Department of Economic and Social Affairs in March 2007, which was published in several newspapers.

9. OHCHR has supported the High Commissioner's leadership role through a number of related activities throughout 2007. In October 2007, the Office, together with the Inter-Parliamentary Union and the Department of Economic and Social Affairs, published a Handbook for Parliamentarians on the Convention and its Optional Protocol entitled "From exclusion to equality: realizing the rights of persons with disabilities". The Handbook gives an overview of the Convention and its Optional Protocol, explains the process of signature and ratification, provides information on legislation and policy to implement the Convention and discusses the various monitoring mechanisms required. The Handbook is directed primarily at parliamentarians, although it has been welcomed by States, intergovernmental organizations and civil society as a useful resource.

10. In response to increasing calls for training materials on the Convention and its Optional Protocol, the High Commissioner has supported, through the provision of a foreword, a training module on the Convention and its Optional Protocol, entitled: "Human rights - yes!: Action and advocacy on the rights of persons with disabilities" published by the University of Minnesota Human Rights Resource Center and developed and coordinated by BlueLaw in partnership with Disabled Peoples' International. The training module provides materials that assist United Nations human rights field presences and others to promote and explain the Convention and Optional Protocol. The training module was launched on 3 December to mark the International Day of Persons with Disabilities.

11. The High Commissioner has also promoted respect for the Convention on the Rights of Persons with Disabilities within OHCHR through initiatives geared towards improving the accessibility of OHCHR premises, facilities and technology and committing to the right to decent work of staff with disabilities. Over 2007, OHCHR has engaged two consultants to undertake an accessibility audit of OHCHR premises, facilities and technology, one from the perspective of someone with a sensory disability and a second from the perspective of someone with a physical disability. The accessibility audit will be completed in early 2008 and will deliver a set of recommendations for further action.

12. Further, to mark the International Day of Persons with Disabilities on 3 December, the High Commissioner announced a set of six commitments to promote the right to decent work of staff with disabilities. The six commitments are as follows: to develop a "statement of intent" to promote decent work for staff with disabilities covering recruitment, career development, and work/life issues including the situation of staff with children with disabilities; to develop and implement standards on accessibility for the Office's physical environment as well as for access to OHCHR technology; to introduce a sensitization training programme for staff on human rights and disabilities; to establish a programme for interns with disabilities; to consult with persons with disabilities and their representative organizations within United Nations rules in the implementation of these commitments; and finally, to review the implementation of the commitments before 3 December 2009.

Greater country engagement

13. The Office has significantly increased its work on human rights and disability with countries in light of the adoption of the Convention. OHCHR has provided information on the Convention and its Optional Protocol for the revised OHCHR Monitoring Manual which will be finalized in 2008. OHCHR has also promoted the inclusion of information on human rights and disability in the reports submitted by the Office for the universal periodic review process of the Human Rights Council. At the country level, activities have ranged from raising awareness about the Convention, reviewing legislation, undertaking country research, strengthening partnerships with other intergovernmental organizations, civil society and national human rights institutions and providing training of government officials. The following provides a short summary of the main activities:

(a) In Afghanistan, the human rights component of the United Nations Assistance Mission in Afghanistan (UNAMA) has sought to raise awareness about the rights of persons with disabilities through co-funding a television and radio project with the UNDP National Programme for Action on Disability. The project uses the media to promote positive images of persons with disabilities at the community level as well as to advocate for the rights of persons with disabilities and influence policy development and implementation at the national level;

(b) In the Democratic Republic of the Congo, the Office undertook the first phase of an advocacy campaign to promote ratification of the Convention with parliamentarians, the preparation of advocacy materials on the Convention and review of relevant legislation. The second phase will begin in 2008 and will involve working with parliamentarians and the preparation of a nationwide workshop to examine the draft bill on the rights of persons with disabilities;

(c) The OHCHR East African Regional Office in Addis Ababa established a United Nations working group on disability in cooperation with UNICEF which meets on a weekly basis. The working group seeks to coordinate United Nations country work on the Convention and to strengthen engagement with civil society on this issue. The Office has undertaken efforts to mainstream disability into overall programmes, including through the inclusion of disability rights issues in the OHCHR-led five-year capacity building programme of the Ethiopian Human Rights Commission and training of Disabled Persons Organizations on treaty body reporting. The Office also contributed to a two-day sensitization workshop on the rights of persons with disability for East African journalists and was actively involved in the celebration of the International Day of Persons with Disabilities through the establishment of a disability award programme;

(d) In Guatemala, OHCHR has promoted the Convention by holding three workshops for government institutions and officials, the Ombudsman and civil society organizations. The first workshop, held on 11 May 2007, was on the content of the Convention and its Optional Protocol. The second workshop, on 24 July 2007, considered the role of the Ombudsman/Procurador de Derechos Humanos in implementing and monitoring the Convention, while the third workshop, on 18 September 2007, examined the reforms required to ensure conformity with the CRPD;

(e) In the Maldives, OHCHR took part in a two-day (28-29 January 2008) sensitization campaign on the Convention organized by Handicap International, with meetings held over two days with government officials, representatives of ministries, the Human Rights Commission and civil society;

(f) The representative of OHCHR in Mexico participated in a regional conference of national human rights institutions in the Americas which devoted one day of its meeting on 25 October 2007 to the role of national human rights institutions in implementing and monitoring the Convention;

(g) In the Occupied Palestinian Territories, OHCHR has raised awareness about the Convention through the organization of a workshop on the CRPD in collaboration with the Palestinian legislature and local civil society organizations. To celebrate the International Day of Persons with Disabilities on 3 December, OHCHR organized a conference with disabled people's organizations and other human rights groups on the Convention and specific challenges in the Palestinian context. The Office has also established a committee comprising OHCHR-OPT, human rights organizations as well as disabled persons organizations to follow up on the recommendations of the 3 December workshop;

(h) In the Russian Federation, OHCHR, in the Framework Agreement with the Government, undertook a preliminary mission to Moscow from 16 to 20 October with a view to liaising with Government ministries, the Ombudsman's Office, disabled people's organizations and United Nations bodies on ways the Office could support the Government in its efforts to sign and ratify the Convention;

(i) From 22 to 23 May 2007, the OHCHR South-East Asia Regional Centre in Bangkok undertook training of government officials of Laos on human rights, including the rights of persons with disabilities;

(j) In Cameroon, the Office organized a conference on the rights of persons with disabilities on 15 February 2007 to sensitize the Government, Parliament, media and civil society to the new Convention. The Office also had an "open day" for schoolchildren to discuss discrimination against students with disabilities in school and to celebrate the International Day of Persons with Disabilities on 3 December 2007;

(k) The Human Rights Protection Section of the United Nations Mission in Liberia has been supported by the Government in drafting legislation on the rights of persons with disability over 2007. The Mission also paid for the reproduction and dissemination of the draft legislation. The Mission has also held workshops and informal meetings to raise public awareness on the Convention and its Optional Protocol;

(l) The Human Rights and Transitional Justice Section of the United Nations Integrated Mission in Timor-Leste (UNMIT) has undertaken a mapping of the rights of persons with disabilities with a view to improve knowledge in this area and to identify possible future initiatives for the Section. The mapping was undertaken with the participation of government officials and the NGO working group on disabled persons;

(m) OHCHR in Uganda undertook a three-day training for persons with disabilities in local government, unions and associations. The training sought to promote understanding of disability as a human rights issue and to raise awareness of the Convention and its Optional Protocol. The Office also participated in the Commonwealth Disabled People's Conference which aimed to promote visibility and inclusion of persons with disability in the Commonwealth's development planning.

14. OHCHR has also participated in country level and regional seminars, for example:

(a) In Norway on 25 October 2007, OHCHR participated in a Conference for Nordic countries entitled "New convention - new possibilities". The OHCHR representative spoke about "How to monitor and follow-up the United Nations Convention in order to combat discrimination and promote inclusion";

(b) In Sudan, a representative of the human rights component of the United Nations Mission in the Sudan (UNMIS) participated in a Conference at the invitation of the Equatoria States Union of the Disabled entitled "Conference on the Rights of Persons with Disabilities". The Conference adopted a resolution which it presented to the Government;

(c) The Human Rights Advisor in Turkmenistan participated in a Conference organized by UNDP and local civil society organizations to celebrate the International Day of Persons with Disabilities on 3 December. The Advisor made a presentation on the Convention and its Optional Protocol.

Closer partnerships with civil society and the United Nations agencies

15. OHCHR has undertaken several activities to promote closer partnerships with United Nations agencies and departments as well as civil society on human rights and disabilities. In the autumn of 2007, OHCHR and the Department of Economic and Social Affairs of the Secretariat agreed on a joint work programme in the context of the shared role as joint secretariat to the Convention. As part of this joint programme, OHCHR with DESA co-chaired the first session of the Inter-Agency Support Group (IASG) to the Convention which took place in New York on 13-14 December 2007. IASG, mandated by the High Level Committee on Programmes, seeks to ensure coordination among United Nations agencies in relation to work on the Convention and its Optional Protocol; the first session decided to embark on a process of developing a joint strategy for work on this matter.

16. On 6 November 2007, OHCHR participated in the 2nd International Conference on Intellectual Disabilities sponsored by the World Health Organization. A representative of the Office made a presentation on "The right to health, the Convention on the Rights of Persons with Disabilities and intellectual disabilities".

17. OHCHR has also sought to raise awareness of the Convention and its Optional Protocol in the context of the tenth anniversary of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (Land Mine Ban Convention). On 12 February, OHCHR participated in a symposium to mark the

tenth anniversary, making a presentation on “The Convention on the Rights of Persons with Disabilities: A legislative and policy framework for victim assistance”. On 26 and 27 April, OHCHR made presentations to the Meeting of the Standing Committees to the Land Mine Convention focusing on the link between the Convention and the victim assistance provisions of that Convention.

18. OHCHR has also sought to strengthen partnerships with civil society, in particular persons with disabilities and their representative organizations. On 6 September 2007 in Seoul, the Deputy High Commissioner for Human Rights gave the keynote address at the World Assembly of Disabled Peoples International (DPI), entitled “Partnerships of the United Nations and disabled persons organizations for disability and human rights”. At the same event OHCHR participated in a town hall meeting on national human rights institutions and the rights of persons with disabilities as well as a panel on international monitoring of the Convention.

19. In August 2007, OHCHR sent out a questionnaire to disabled persons’ organizations with a view to strengthening partnerships with these organizations and in seeking information on needs and expectations from the Office. On the basis of responses, OHCHR will update its civil society handbook “Working with the Office of the High Commissioner for Human Rights” with information of relevance to persons with disabilities and their representative organizations. OHCHR participated in the Arab-African Conference on disabilities organized by Rehabilitation International (RI) in Djerba, Tunisia, on 24 and 25 October 2007. OHCHR made a presentation on “Examples of good practices relating to the implementation of rights of persons with disabilities”.

II. CONCLUSIONS

20. **The current reporting year has seen a continuation of the strengthening of OHCHR’s work on human rights and disabilities. The opening for signature of the Convention on the Rights of Persons with Disabilities and its Optional Protocol has seen a move from a focus on support for standard-setting to promotion of ratification and implementation of standards. While the Convention and its Optional Protocol have not yet come into force, OHCHR has promoted a policy of strengthening technical assistance and promoting partnerships with United Nations agencies and departments so that the Office is prepared for the entry into force of both instruments. The formation of a joint secretariat for the Convention with the Department of Economic and Social Affairs of the Secretariat has provided an opportunity to maximize strengths across United Nations departments. The holding of the first session of the Inter-Agency Support Group on the Convention has provided an opportunity to ensure the United Nations and the World Bank work jointly on implementation issues.**

21. **Strengthening partnerships with civil society organizations has also been important in accordance with the principle of participation identified in the Convention. In the area of country engagement, there has been a very significant increase in work on human rights and disability since the adoption of the Convention. OHCHR has also sought to improve understanding and to raise awareness of the Convention, in particular through the publication of handbooks and materials and support for the elaboration of training materials. While OHCHR has sought to establish specific projects on human rights and disability, it has also adopted a twin-track approach aimed at mainstreaming the rights of**

persons with disabilities in the work of existing human rights bodies. In this regard, OHCHR held its second expert seminar for special procedures and treaty bodies on “Freedom from Torture and other cruel, inhuman and degrading treatment and punishment”, and has promoted the inclusion of information on human rights and disability in the universal periodic review reports for the Human Rights Council. Finally, OHCHR has sought to improve the accessibility of its own premises, facilities and technologies and the High Commissioner has undertaken to improve the working environment for staff with disabilities over the coming year.
