



United Nations
Expert Group Meeting on Accessibility:
Innovative and cost-effective approaches for
inclusive and accessible development
World Bank Headquarters, Washington, DC, 28 - 30 June 2010

DRAFT
MONOGRAPH

FOR AN INCLUSIVE AND ACCESSIBLE
SOCIETY FOR ALL

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Note: This Draft Monograph was prepared by Betty Dion and Cynthia Waddell of the Global Alliance on Accessible Technologies and Environments (GAATES) for the United Nations. Unless stated otherwise, the views expressed in this Monograph are those of the authors and do not represent the official views of the United Nations.

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1 Universal Design and Accessibility

1.1 Introduction

The promotion of Universal Design (UD) is a general obligation of States Parties in the UN Convention on the Rights of Persons with Disabilities (Convention) and is defined by Article 2:

“Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

“Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Universal Design is a rapidly evolving design philosophy that has its roots in the barrier free design movement of the 1980's and 1990's. Whereas the focus of barrier free design was exclusively on providing appropriate facilities for persons with disabilities, UD takes a much broader approach based upon accommodating the diversity of human characteristics within the population as a whole.¹

The interaction between people, throughout their life cycles and the environment in which they live, is dynamic; it is in a state of constant change. Universal Design recognizes this changing dynamic, and requires designers of websites, buildings and products to plan for it. Consider the design impact of:

- a) Differing dimensional and ability characteristics of people from various age groups;
- b) People navigating the built environment and the virtual environment without sight or hearing, or even with neither sight nor hearing;
- c) Changes in ability that come with the development of literacy and language skills;
- d) Changes in ability that are part of the aging process;
- e) Varying language and comprehension skills of people to radio and television communication, print media and websites on the Internet;
- f) Consequences of disease or trauma;
- g) Challenges for people with limited mobility or agility as they seek to gain employment or raise a family; and
- h) Various needs of people with mobility, vision, hearing or cognitive impairments.

Universal Design for the Internet is making sure that the presentation of content on the Internet and the design of Internet technology is flexible enough to accommodate the needs of the broadest range of users possible, regardless of

age, language, or disability.² The World Wide Web Consortium (W3C) leads the Web Accessibility Initiative and develops guidelines widely regarded as the international standard for web accessibility.³



Figure 1: Student instruction at a Community Multimedia Center in Kenya.

Photo: Joel Omondo

Universal Design of Communication Systems ensures that communications are usable by everyone. This may mean that a variety of different communication systems are offered, systems that can provide information to people who are deaf, hard of hearing, people with developmental, speech, learning or cognitive disabilities. Radio is excellent for people who can hear, while print materials or video may be more accessible to others.

The concept of Universal Design requires that Urban Designers, Architects, Web Designers, Web Developers, Communication Planners, Interior Designers, Librarians, Building Managers, Governments, Tourism Operators, etc., working in both the public and private sector, develop an understanding of the diversity of human characteristics and ability, as well as an appreciation for the challenges that many people encounter when negotiating the built and information and communication technologies environment.

As described in the Preface by Mohammed Tarawneh, Universal Design is the spinal cord of the Convention as it is involved in all aspects of inclusion and equal rights of persons with disabilities.

1.2 Benefits and Rationale of the Universal Design Approach

Universal Design challenges designers to maximize the usability and marketability of their creations by recognizing the diversity of end users. The socially conscious universal philosophy promotes an inclusive approach to design that considers the needs of all users, regardless of age or ability.

Universal Design is applicable to any sector of the design community and is based on seven design principles:

- 1) *Equitable Use*
- 2) *Flexibility in Use*
- 3) *Simple and Intuitive*
- 4) *Perceptible Information*
- 5) *Tolerance for Error*
- 6) *Low Physical Effort*
- 7) *Size and Space for Approach and Use.*⁴

Universal Design highlights the reality that the population is comprised of people with a wide range of ages, heights, weights, language skills and abilities. It encourages designers to recognize such diversity within the creative design and planning process, resulting in products, buildings and communication systems that are more accommodating and functional for all users – including persons who are disabled or elderly.

Concepts of Universal Design and Universal Accessibility are currently the focus of much academic and administrative research around the world. Universal Accessibility concepts are already being integrated into building codes and legislation of nations such as Australia, Argentina, Brazil, Canada, Japan, South Africa, member countries of the European Union, and the USA.

Inclusion of persons with disabilities in community activities, creating opportunities for employment, information, education, access to health care and opportunities for family wellbeing are universal human rights.

A Universal Design approach is a cost effective approach that accommodates the needs of all users at the initial stage of development and design. It eliminates future costs and accommodation requirements as persons with disabilities arrive, work, play and communicate with each other.

Accessible information systems, equipment and facilities are a welcoming and inclusive message to the community.

Although Universal Design for the Internet originated through challenges associated with removing barriers to Internet participation for people with disabilities and special needs, the benefits of Universal Design extend far beyond

this community due to the functionality provided for low bandwidth, cell phones and alternate Internet access devices. For the Internet to reach its full potential, Universal Design must be a key component.

The incorporation of Universal Design into current and future projects and developments ensures that virtually all citizens will have access to social structures, and can contribute to them without hindrance. It will facilitate access for the greatest number of people possible, ensuring that participation of people is not being handicapped by inaccessible environments and systems with barriers.

The cost benefit of including accessibility at the initial design stage of a facility (school) was presented at the UN during deliberations on the UN Convention.⁵ This presentation outlined a scenario for the rebuilding of a school after the tsunami in Indonesia. The initial cost to make the school accessible was calculated to be \$600. This was measured against the estimated long term costs to the state of \$800,000, if the school was not constructed to allow children with disabilities to attend.



Figure 2: Young girl in Bangladesh. Photo by Mark Knobil

Another study conducted for the World Bank estimated the cost of enabling access for the disabled in rebuilding in Afghanistan and Iraq, to be less than 1% if done at the design stage.⁶

While the accessibility of the built environment is essential to the inclusion of persons with disabilities, access to technologies and a range of assistive equipment is equally important.

The procurement of accessible goods and services is an important and cost effective approach for Universal Design implementation. Increasingly countries

such as those in the European Union, the United States and Canada have introduced requirements that all new technology purchases for government use must meet accessibility criteria to ensure inclusion of all people.⁷ This has proven to be a very effective vehicle for raising awareness and accommodating people of all abilities.

1.3 Accessibility as a Disability Right

1.3.1 Evolution of Accessibility Prior to the Convention on the Rights of Persons with Disabilities⁸

Both the United Nations Charter and the triad of documents from the International Bill of Human Rights, (the 1948 Universal Declaration on Human Rights, the 1966 International Covenant on Civil and Political Rights, and the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR)) require member States to respect human rights for all.

Yet it is in the World Programme of Action (WPA) concerning Disabled Persons, the guiding instrument for the United Nations Decade of Disabled Persons from 1982-1993, where the stage was set for the concept of accessibility as a disability rights principle. While the first two goals of the WPA, prevention and rehabilitation, reflect the traditional approach to disability law and policy, the third goal addresses "equalization of opportunities." The equalization of opportunities is defined as "the process through which the general system of society, such as the physical and cultural environment, housing and transportation, social and health services, educational and work opportunities, cultural and social life, including sports and recreational facilities are made accessible to all."

Building upon the WPA theme of equalization of opportunities for persons with the disabilities, the UN Commitment to Advancement of the Status of Persons with Disabilities specifically addressed the built environment and technologies:

"One of the most important concerns is accessibility: to new technologies, in particular information and communications technologies, as well as to the physical environment. The notion of "mainstreaming" will also be given prominence, that is, including a disability dimension in policy recommendations covering a wide spectrum of social and economic concerns."⁹

A shift has occurred within the past two decades from viewing persons with disabilities as objects of charity to viewing persons with disabilities as holders of disability rights of non-discrimination and equality. For example, one of the major outcomes of the Decade of Disabled Persons was the adoption of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities by the General Assembly in 1993 (Standard Rules). Although it is not a legally binding

instrument, the Standard Rules paved the way for the Convention on Rights of Persons with Disabilities.

The Standard Rules have served as an instrument for policy-making as well as a basis for technical and economic cooperation. In fact, the Standard Rules have become a main source of guidance for interpreting disability rights as pointed out in General Comment 5 by the ICESCR Committee.

Within the Standard Rules, Accessibility is explicitly addressed in the "Target Areas for Equal Participation":

Rule 5 Accessibility - Access to the Physical Environment (Built Environment) and Access to Information and Communication;

Rule 6 Education - Integrated Setting and Effective Communication;

Rule 7 Employment - Accessible Design of Workplace, Technology and Communication;

Rule 8 Income Maintenance & Social Security - Accessibility is Implied;

Rule 9 Family Life & Personal Integrity- Accessible Housing and Effective Communication Implied;

Rule 10 Culture - Accessibility of Built Environment and Information and Communication;

Rule 11 Recreation and Sports - Accessibility of Built Environment and Information and Communication; and

Rule 12 Religion - Accessibility of Built Environment and Information and Communication.

Today accessibility is a critical concept for addressing non-discrimination and equality in our global society and in programs of our Member States.

In 2001, the United Nations General Assembly adopted a resolution endorsing the organization of the World Summit on the Information Society (WSIS), recognizing the importance of creating a common vision of how society is being transformed by the information revolution, while at the same time seeking to reduce what has come to be known as the "digital divide." The WSIS was held in two phases: the first in Geneva in 2003 where multi-stakeholder participants adopted the Declaration of Principles and the Plan of Action, and the second in Tunis in 2005 where the Tunis Commitment and the Agenda for the Information Society were adopted.

1.4 Technologies, including Barriers and their Impacts



Figure 3: Silent movie with captioning. Photo: unknown

Each time a technology innovation has impacted the global society, there have been consequences for accessibility and participation for persons with disabilities. For example, when silent movies were screened, sound was not a technical capability so subtitles or captioning was provided. But upon the introduction of movies with sound, all of a sudden persons with hearing disabilities could not understand what was being said because the talking pictures no longer provided captioning.



Figure 4: Refreshable Braille: Photo: Tieman

With respect to the web, there was a similar dramatic consequence when it evolved from a text based environment to a robust, graphical user interface. When the World Wide Web was text based, persons with visual disabilities could use screen reading software that would read the web page out loud to them.

They could also use computers with refreshable Braille that would provide tactile Braille letters to the reader as the software moved from character to character. But when the web evolved from command-line text interfaces to graphical user interfaces, all of a sudden, the text based environment was replaced with images that could no longer be read by screen reading technology. Keyboard commands were replaced with mouse clicks that required users to see the screen as they navigated with the mouse. People with visual disabilities were suddenly prevented from participation. In addition, audio streaming was moving forward without consideration about how people with hearing loss could access audio streaming content without captioning. These are just a two examples of the barriers that were erected.

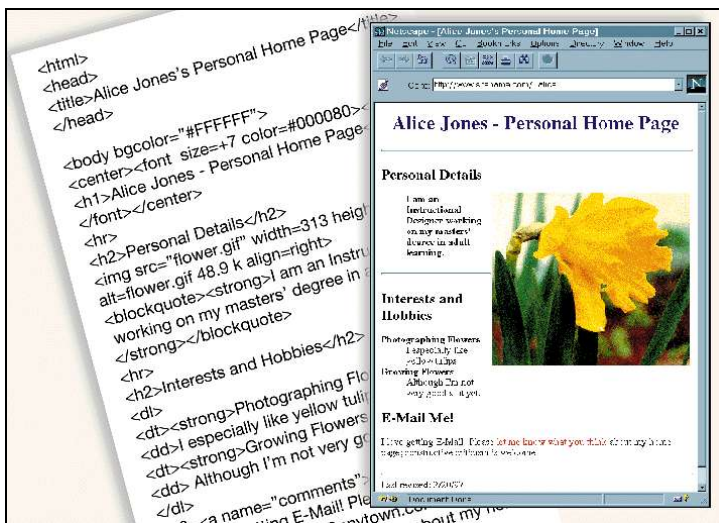


Figure 5: HTML webpage coding. Photo: Novell

It suddenly became very obvious that people with disabilities could not participate because of these barriers. Historically, web design did not include accessible design for people with disabilities, and web developers were not trained in Universal Design. In fact, even if a web developer tried to implement an accessible web site, web design tools and content management systems would continue to break accessibility. Even governments and businesses had no incentive to address accessibility until nations globally began adopting it as a national law or policy. For these reasons, it was timely for the United Nations Convention on the Rights of Persons with Disabilities to be developed along with the provisions for Universal Design.

One significant solution to addressing these barriers has been the development of technology standards for accessible design. It is these standards for accessible design that inform the user interfaces needed in Universal Design. By implementing Universal Design, States Parties will maximize participation of persons with disabilities, and with the changing global demographics and older workforce, older adults will also benefit from this implementation.

Today, the evolution of technologies and innovation has enabled mainstream technologies to incorporate features previously found only in assistive or adaptive technologies for people with disabilities. For example, people who are blind or have specific learning disabilities can use screen reading software to audibly read a document or webpage; while people without disabilities have the same need if they are working in a dark room, have busy eyes that cannot always look at the screen, or have a slow modem. People who are deaf or hard of hearing can benefit from the captioning of multimedia. The examples continue for all persons with different types of disabilities as well as people in different situations.

1.5 Accessibility to the Built Environment



Figure 6: Streetscape. Photo: Eduardo Alvarez

Lack of physical access to transportation and facilities can pose an initial obstacle to the participation of anyone with a disability. Physical access includes accessibility not only to the building but access to the infrastructure (streets, roadways) and transportation.

Building codes and standards exist in many countries that include some provision for accessibility, primarily by people with mobility impairments. Many standards organizations have also developed accessibility design guidelines that can be used in conjunction with the building code. Technical specifications that relate to inclusive design include issues such as the slope of a ramp, the width of a door and the design of a washroom.

There are a number of publications and websites available that provide information on accessibility of the built environment, but the first place to start is within the local community. Municipal, state and national accessibility standards should first be consulted.

The ***International Best Practices in Universal Design: A Global Review***¹⁰ provides an international overview of the technical information on accessibility criteria for the built environment. It is being used by countries as they prepare to ratify and implement the Convention.

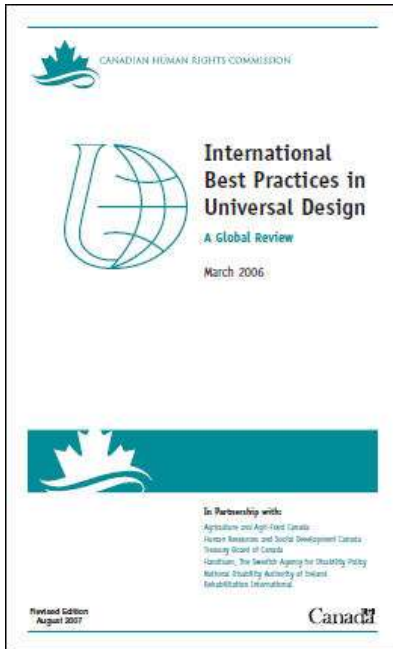


Figure 7: *International Best Practices in Universal Design: A Global Review*
Photo: CHRC

This built environment technical document compares the accessibility codes and standards from 16 international jurisdictions, including the codes and standards from Bangladesh, Malaysia, Canada, the USA, Mexico, Uruguay, Sweden, Ireland, Spain, South Africa, Philippines, Singapore, Australia and Lebanon (UN). The study compares codes and standards from both developed and developing countries, encompassing a wide geographical representation.

The document was authored by Betty Dion, President of the Global Alliance on Accessible Technologies and Environments (GAATES),¹¹ in conjunction with others familiar with universal design and the needs of people with disabilities. Funding for the project was provided by a consortium of organizations, led by the Canadian Human Rights Commission.

It provides a comparison of technical specifications from around the world and can provide the technical information required to make a facility universally

accessible to everyone. In addition to the technical specifications, the publication provides examples of best practices. The document is available in French, English, Spanish and Arabic and in a variety of alternate formats.¹²

1.6 The Role of Standards

A Universal Design approach recognizes the diversity of end users and is applicable to building design, such as a school, as well as the design or purchase of accessible technologies and information systems. This approach enables compliance with International standards and obligations of the Convention and ensures inclusiveness of all people.

Technical design standards, whether they are for the built environment or for technologies, play a critical role in the implementation of accessible built environments and technologies. Standards represent a consensus in the industry on the critical components needed to implement accessibility. They also provide certainty for users with disabilities that barriers will not prevent them from participation in society.



Figure 8: Building Codes and Standards. Photo: Marnie Peters

For example, building code standards inform building designers and architects about the minimum design requirements that enable access for persons with disabilities. They identify the accessible elements for the built environment, such as the path of travel, door width and hardware, washroom elements and signage, and define how the accessible element is to be implemented. At the same time, the standards enable users with disabilities to navigate the built environment and to expect certain accessible features.

Building codes and standards can also be used as an enforcement tool in society to promote non-discrimination against persons with disabilities. They can be incorporated into local and/or national law to enable consistent systemic implementation for accessibility.

The International Standards Organization (ISO) in 1993 initiated the development of an international standard on accessibility of the built environment. A Committee was formed and charged to define how the built environment should be designed, constructed and managed to enable people of all abilities to approach, enter, use, egress from and evacuate a building independently, in an equitable and dignified manner and to the greatest extent possible.¹³



Figure 9: ISO Committee TC59/SC16. Photo: Betty Dion

The Committee has representation from over 30 countries. The Standard is expected to be published in 2012 and will serve as a model to be adopted by both countries that do not have an accessibility standard and by countries that wish to adopt the international standard and harmonize technical specifications for accessibility.

Likewise, the accessible design of technologies is defined by industry standards and not only enables persons with disabilities to use them, but also provides flexibility and promotes interoperability between products and systems. This field is relatively new as technology has advanced and enabled the application of accessible design into mainstream technologies.

In the U.S., it is a civil rights requirement that whenever the federal government procures technology, it must meet accessible design specifications as provided by the Electronic and Information Technology Accessibility Standards.¹⁴ Utilizing the power of the purse, a marketplace incentive has been created for businesses to design accessible mainstream technologies. This is an example of how standards can be used in a civil rights enforcement law.

With respect to the Internet, there are at least two major accessible design standards: the web design standards found in the U.S. Electronic and Information Technology Accessibility Standards and the World Wide Web Consortium (W3C) Web Content Accessibility Guidelines 1.0.¹⁵

Prior to the adoption of the United Nations Convention, at least twenty-six countries and jurisdictions worldwide had established laws or public policies to ensure the accessible design of web-based government resources. These laws

or policies were based on the U.S. web accessibility standards, the W3C guidelines, or a hybrid.¹⁶

It is expected that countries will increasingly adopt accessible standards for the built environment as well as accessible technology standards. This is because Article 9 of the Convention makes it obligatory for countries to identify and remove obstacles to accessibility, and to ensure that persons with disabilities can access their environment.

2 Accessibility Components of the UN Convention

2.1 Introduction

Although not defined, “accessibility” is a fundamental provision of the Convention and is embedded in the structure of the Convention in many ways. There are at least five particular reasons for this approach by the drafters during the elaboration of the treaty.

First, as we will see in more detail, accessibility is treated as a general principle. It supports the purpose of the Convention to ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. Without accessibility, a person with a disability cannot enjoy equal access.

Second, as we see from the Convention Preamble, accessibility is related to the concept of disability. The Preamble states that:

Disability is an **evolving** concept and results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder full and effective participation in society on an equal basis with others. (Preamble (e); emphases added)

In other words, disability results from an interaction between a non-inclusive society and individuals. For example, a person using a wheelchair might have difficulty gaining employment not because of the wheelchair, but because of environmental barriers such as inaccessible buses or staircases that impede access. Or, a person who is blind might have difficulties gaining employment and working with digital media not because of blindness, but because the work site computer does not have screen reader software or the content on a web site is not designed to be accessible.

The failure to provide accessibility in areas such as the built environment (BE), information and communication technologies (ICT), and programs and services, can result in discrimination on the basis of disability. This is because accessibility enables us to address the attitudinal and environmental barriers that hinder full and effective participation of persons with disabilities in society on an equal basis with others.

The Convention Preamble specifically references the importance of the

- World Programme of Action and Standard Rules on the Equalization of Opportunities for Persons with Disabilities (Preamble (f));
- Mainstreaming of disability issues (Preamble (g));
- Barriers in Participation (Preamble (k)); and

- Accessibility to the physical, social, economic and cultural environment as well as to health and education and information and communication (Preamble (v)).

Third, as we saw in the previous chapter, accessibility is related to Universal Design. The general obligation to promote Universal Design in the Convention includes at least three efforts:

- 1) The minimum possible adaptation and the least cost to meet the specific needs of persons with disabilities;
- 2) The promotion of availability and use of products, environments, programs and services subject to Universal Design; and
- 3) The development of standards and guidelines that promote Universal Design.

As discussed in the first chapter, Universal Design originally applied to the barrier-free design movement in the built environment. Today, the Universal Design approach has expanded the application of accessible design concepts to not only ICT but also to programs and services. Because of the comprehensive approach taken by the Convention with regard to accessibility, the Monograph Annexes at 10.4 include a mapping of the accessibility provisions by topic for each Convention article in order to assist the reader.

Fourth, accessibility is a stand-alone article. This chapter includes a close look at the provisions of Article 9 that seek to enable persons with disabilities to live independently and participate fully in all aspects of life.

Fifth and finally, accessibility is integral to the many rights of the Convention that enable equal and full participation in all aspects of life; including the physical, social, economic and cultural sectors of society. In fact, Articles 1 through 9 are considered the critical articles that form the foundation of the human rights expressed in the treaty.

2.2 Articles 1 – 9: The Foundation

While the Convention Preamble lays out the universal issues and concerns that brought the drafters together in agreement on the treaty language, it is the Articles that define the obligations and legal duties of the States Parties.

2.2.1 Article 1: Purpose

Article 1 is the purpose article. This article makes it very clear that the purpose of the treaty is to “promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.” The drafters of the treaty sought to

include everyone and provide a nonexclusive list including persons who have physical, mental, intellectual or sensory impairments. This compromise was reached because there were a number of delegates during the elaboration of the treaty that were concerned that if there was not some kind of list in the treaty, then their country might narrowly draft a definition of disability that would exclude large numbers of people.

The drafters purposely did not include a definition of disability in the Article 2 definitions because the treaty is seeking to capture the social model of disability and to not look at the medical model and physical characteristics. As stated in Preamble (e), the treaty seeks to overcome the barriers in society that inhibit full inclusion and the full enjoyment of human rights.

For these reasons, the language is carefully crafted so that a country can apply a broader understanding of disability in their laws and if they want to include temporary disabilities they can do so. The language of the treaty crafts a floor and not a ceiling and at a minimum includes a broad range of people.

2.2.2 Article 2: Definitions

Article 2 contains 5 definitions: 1) Communication 2) Language 3) Discrimination on the basis of disability 4) Reasonable accommodation and 5) Universal design. All five definitions play a role in understanding the accessibility provisions of the Convention. Please see the Glossary in the Annexes for the official text definition.

Communication

With respect to communication, there was strong advocacy during the drafting process from the World Blind Union and the World Federation of the Deafblind who were concerned about issues related to Braille, tactile communication, sign language and captioning. The definition for communication is broad and includes multi-media, television, oral, written, print formats and alternative modes and means and formats of communication, including accessible ICT. The drafters looked to accessibility and allowed for the possibility that the future might bring new forms of communication that persons with disabilities would need to access.



Figure 10: Hand reading a Braille book. Photo permission from USGSA.

Language

The definition of language includes both spoken and signed languages as well as other forms of non-spoken languages. Even non-verbal cues during a spoken face to face encounter can provide meaning and social context for the language.



Figure 11: Sign language communication. Photo: unknown

Discrimination on the Basis of Disability

The principle of non-discrimination is a principle found in all other human rights treaties because it is a cornerstone of human rights law. Although States Parties must stop discrimination, they may still discriminate in favor of a person with a disability if necessary to ensure that persons with and without disabilities have equal opportunities. As a result, the definition of discrimination on the basis of disability is a broad definition and not only includes persons with disabilities but also includes people who experience discrimination on the basis of their association with persons with disabilities. Discrimination on the basis of disability can be very insidious and subtle and the Convention definition is intended to ensure that all forms of discrimination are addressed, including the denial of reasonable accommodation.

Reasonable Accommodation



Figure 12: One handed keyboard. Photo: Maltron

A reasonable accommodation is defined in the Convention to mean the carrying out of necessary and appropriate modifications and adjustments that do not impose a disproportionate or undue burden and ensure that persons with disabilities enjoy all human rights and fundamental freedoms on an equal basis with others. This means that the accommodation cannot be disproportionately expensive or an undue burden.

Universal Design

Universal Design is in Article 2 to remind the readers that the design of products, environments, programs and services are to be usable by the largest number of people possible, without the need for further adaptation. In doing so, the cost for individual customization is reduced. However, the definition is clear that it does not apply to assistive technologies for certain groups of persons with disabilities where they are needed. The goal of Universal Design is to build in accessible design as much as possible to the benefit of everyone.

2.2.3 Article 3: General Principles

Article 3 provides the general principles that enable policy makers to make decisions as to how the Convention is to be interpreted. Rather than leaving it up to a committee to provide guidance, or to a policy maker to impose their interpretation, this Article is very specific and direct as to eight general principles for interpretation. The Convention drafters specifically sought to limit ambiguity in interpretation through this article. If a policy maker needs to make a decision between two options, the one that most fulfills the general principles will be the direction that the policy maker must take.

The general principles are:

- (a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;

- (b) Non-discrimination;
- (c) Full and effective participation and inclusion in society;
- (d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- (e) Equality of opportunity;
- (f) Accessibility;
- (g) Equality between men and women; and
- (h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

2.2.4 Article 4: General Obligations

Article 4 provides the broad range of actions that States Parties should take in order to implement their obligations under the treaty. These actions include adopting legislation, modifying or abolishing laws, regulations, customs and practices that discriminate against persons with disabilities. It is here in Article 4.3 where the disability rights movement mantra, “nothing about us without us” is enshrined in the Convention. Article 4 mandates the ongoing and active consultation between Government and persons with disabilities. States Parties must closely consult with and actively involve persons with disabilities and organizations of persons with disabilities, including representative organizations of children with disabilities.

Article 4 also provides that States Parties are to undertake or promote research and development of universally designed goods, services, equipment and facilities that require minimum possible adaptation and the least cost to meet the needs of persons with disabilities. Subparagraph (f) goes on to promote their availability and use as well as the development of standards and guidelines.

In addition, in subparagraph (g) States Parties are to undertake or promote research and development of, and to promote the availability and use of new technologies, including ICT, mobility aids, devices and assistive technologies. Priority is to be given to technologies at an affordable cost.

Subparagraph (h) calls for States Parties to provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies as well as other forms of assistance, support services and facilities.

Subparagraph (i) calls for States Parties to promote training of professionals and staff working with persons with disabilities in the rights recognized in the Convention so as to better provide assistance and services guaranteed by those rights.



Figure 13: Sign language accompanying a video on a bus. Photo: Betty Dion

In Article 4.2, each State Party must take measures to realize economic, social and cultural rights progressively, using the maximum amount of available resources and within the framework of international cooperation. Known as progressive realization, this article recognizes that it often takes time to realize these rights fully and that all countries have limits on their resources. This means that as long as they are actively moving towards implementation, then they are taking the best steps possible with the maximum extent of their available resources.

Unlike economic, social and cultural rights, progressive realization does not apply to civil and political rights. States must protect and promote these rights immediately. The obligation to respect, protect and fulfill are implicit in the Article 4 obligations due to the purpose of the Convention.

2.2.5 Article 5: Equality and Non-Discrimination

Article 5 is so important that equality and non-discrimination is a critical, separate article. It recognizes that all persons are equal, not in concept, but also in practice. It also requires in 5.3 that States Parties take all appropriate steps to ensure that reasonable accommodation is provided. For example, providing accessible ICT and access to the built environment for a person with a disability can be examples of reasonable accommodation. See Chapter 4, *Understanding Accessibility* for more about reasonable accommodation.



Figure 14: Person using a mouth stick at work. Photo: With permission from USGSA

2.2.6 Article 6: Women with Disabilities

Women with disabilities are one of only two sub-groups within the world population of persons with disabilities that are specifically referenced in the Convention. Recognizing that women with disabilities are frequently subjected to multiple discrimination based on both gender and disability, this article directs States Parties to take measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms. It also specifies that all appropriate steps be taken to ensure that reasonable accommodation is provided.

2.2.7 Article 7: Children with Disabilities

Children with disabilities are the second sub-group within the world population of persons with disabilities that are specifically referenced in the Convention. Recognizing that Article 23 of the Convention on the Rights of the Child would benefit from the updated approach to disability in the Convention, children with disabilities are addressed in this separate article. Children with disabilities are also entitled to full enjoyment of all human rights and fundamental freedoms on an equal basis with other children.



Figure 15: Young girl using an electric scooter. Photo: Andres Balcazar

2.2.8 Article 8: Awareness-Raising

States Parties are to adopt immediate, effective and appropriate measures to raise awareness throughout society that fosters respect for the rights and dignity of persons with disabilities and combats stereotypes, prejudices and harmful practices. States Parties are also to promote awareness of the capabilities and contributions of persons with disabilities and this article sets forth measures to carry out these goals. Accessible ICT and access to the built environment are important underlying requirements for carrying out these measures.

2.2.9 Article 9: Accessibility

Article 9 is the overarching article on accessibility because it enables persons with disabilities to live independently and participate fully in all aspects of life. Accessibility is essential for the enjoyment of the rights defined in many other articles of the Convention. It is fundamental to the practical implementation of articles concerning employment, education, emergency services, access to justice, liberty of movement and personal mobility, participation in political and public life, and in cultural life, recreation, leisure and sport.

Article 9.1 requires States Parties to take appropriate measures to ensure that persons with disabilities have access, on an equal basis with others, to the:

- Physical environment;
- Transportation;
- Information and communications;
- Information and communications technologies and systems; and
- Other facilities and services open or provided to the public, both urban and rural.

It also requires States Parties to have a barrier removal plan since the identification and elimination of obstacles and barriers to accessibility are required. This barrier removal plan ties in with the Article 31 obligation to compile statistical and research data to assess the Convention implementation and to identify barriers. Article 31, statistics and data collection, also requires the data itself to be accessible to persons with disabilities. This means, for example, that if the statistics and data collection information is in a software database, it can be accessed by assistive computer technology or if on the web- it meets industry standards for accessible web design.



Figure 16: Construction drawings. Photo: Branko Miokovic

Other significant accessibility provisions of Article 9 include appropriate measures to:

- Develop and implement minimum standards and guidelines for the accessibility of facilities and services (Article 9.2(a));
- Ensure that private entities with facilities and services open to the public to take into account all aspects of accessibility (Article 9.2(b));
- Provide training on accessibility (Article 9.2(c));
- Ensure signage in Braille and in easy to read and understand forms in buildings and other facilities open to the public (Article 9.2(d));
- Provide live assistance; interpreters for access to facilities (Article 9.2(e));
- Promote other forms of access to information (Article 9.2(f));
- Promote access to new ICT and systems, including the Internet (Article 9.2(g)); and
- Promote the design, development, production and distribution of accessible information and communication technologies and systems at an early stage so that they become accessible at minimum cost (Article 9.2(h)).

2.3 Articles 10-30: Clarification of Human Rights

Beginning with Article 10 and continuing through Article 30, the Articles are intended to be interpreted in a manner consistent with the concepts put forward in Articles 1 through 9. In fact, they are reminders that the Convention does not

create new rights, but instead clarifies the body of human rights for persons with disabilities.

The following articles in 10 - 30 are impacted by the accessibility requirements for the built environment and ICT:

- Article 11 Situations of risk and humanitarian emergencies
- Article 12 Equal recognition before the law
- Article 13 Access to justice
- Article 14 Liberty and security of the person
- Article 15 Freedom from torture or cruel, inhuman or degrading treatment or punishment
- Article 16 Freedom from exploitation, violence and abuse
- Article 17 Protecting the integrity of the person
- Article 18 Liberty of movement and nationality
- Article 19 Living Independently and being included in the community
- Article 20 Personal mobility
- Article 21 Freedom of expression and opinion, and access to information
- Article 22 Respect for privacy
- Article 23 Respect for home and the family
- Article 24 Education
- Article 25 Health
- Article 26 Habilitation and rehabilitation
- Article 27 Work and employment
- Article 28 Adequate standard of living and social protection
- Article 29 Participation in political and public life
- Article 30 Participation in cultural life, recreation, leisure and sport

In order to understand the accessibility provisions of these articles, the discussion below highlights the particular type of accessibility provision in each article using a broad interpretation, paraphrases the language of the article for context and assigns each article to one of the following topics:

- 1 Access to the built environment, including transportation;
- 2 Access to programs and services, including training;
- 3 Access to assistive technologies;
- 4 Access to information and communications technology; and
- 5 Access through the provision of reasonable accommodation.

One exception, however, is Article 17, Protecting the integrity of the person, where one could argue that all five types of accessibility provisions apply since “Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.”

2.3.1 Access to the Built Environment, including Transportation

2.3.1.1 Article 11 Situations of risk and humanitarian emergencies



Figure 17: Accessible portable washroom facilities. Photo: Betty Dion

States Parties shall take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters. This means that accessible housing, emergency shelters and accessible transportation must be available to persons with disabilities when situations of risk and humanitarian emergencies occur.

2.3.1.2 Article 12 Equal recognition before the law

As provided in Article 12.3, States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity on an equal basis with others. With respect to the built environment, this provision implies that support may include the accessible design of all court buildings and locations for exercising their legal capacity.

2.3.1.3 Article 16 Freedom from exploitation, violence and abuse

As provided in Article 16.4, States Parties shall take all appropriate measures to provide recovery and reintegration in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person. This provision implies an accessible built environment.

2.3.1.4 Article 18 Liberty of movement and nationality

As provided in Article 18.1, States Parties shall recognize the rights of persons with disabilities to liberty of movement and the freedom to choose their residence. This provision implies the right to accessible transportation and to accessible residences. In addition, States Parties shall ensure that persons with disabilities are free to leave or enter any country, including their own.

2.3.1.5 Article 19 Living independently and being included in the community

States Parties recognize the right of all persons with disabilities to live in the community with choices equal to others. This article implies the right to accessible habitat and transportation.

2.3.1.6 Article 20 Personal mobility

As provided in Article 20(a), States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities. This provision calls for facilitating personal mobility at affordable cost as well as in the manner of the transport and at the time of their choice. This implies the right to accessible transportation.



Figure 18: Wooden ramp in Cuba. Photo: Betty Dion

2.3.1.7 Article 24 Education

In recognizing the rights of persons with disabilities, States Parties shall ensure an inclusive education system at all levels and life long learning. This article implies the right to accessible facilities for persons with disabilities to enable full participation. It also implies the right to accessible facilities for teachers with disabilities in Article 24.4.

2.3.1.8 Article 25 Health

States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services. This article implies the right to accessible facilities as close as possible to their own communities, including rural areas, in order to receive health services.

2.3.1.9 Article 26 Habilitation and rehabilitation

States Parties shall take effective and appropriate measures to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability and full inclusion in all aspects of life. This article implies the right to accessible facilities for habilitation and rehabilitation.



Figure 19: Visitable home. Photo: Betty Dion

2.3.1.10 Article 27 Work and employment

States Parties shall recognize the right of persons with disabilities to work on an equal basis with others. This includes a work environment that is open, inclusive and accessible to persons with disabilities. This article implies the right to accessible work environments for persons with disabilities.

2.3.1.11 Article 28 Adequate standard of living and social protection

States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves that includes housing and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability. This article implies the right to accessible public housing.

2.3.1.12 Article 29 Participation in political and public life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others. States Parties shall undertake to ensure that voting facilities are accessible as provided in Article 29(a)(i).

In addition, States Parties shall promote actively an environment where persons with disabilities can effectively and fully participate in the conduct of public affairs without discrimination and on an equal basis with others, including the activities and administration of political parties as well as organizations of persons with disabilities. This article implies accessible facilities where public affairs and activities of political parties are conducted as provided in Article 29(b)(i) and (ii).

2.3.1.13 Article 30 Participation in cultural life, recreation, leisure and sport

States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.



Figure 20: Paralympic opening ceremonies. Photo: Marnie Peters

With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures to encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels. In addition, States Parties are to ensure that persons with disabilities have an opportunity to participate in disability-specific sporting and recreational activities. Moreover, States Parties are to ensure that persons with disabilities have access to sporting, recreational and tourism venues and that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including activities in the school system.

2.3.2 Access to programs and services, including training

2.3.2.1 Article 11 Situations of risk and humanitarian emergencies



Figure 21: Firefighter evacuation with a wheelchair user. Photo: Betty Dion

In Article 11, access to programs and services, including training, is implied since States Parties must take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk and humanitarian emergencies.

2.3.2.2 Article 12 Equal recognition before the law

Article 12.3 requires that States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.

2.3.2.3 Article 13 Access to justice

Article 13.2 states that States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff, in order to help to ensure effective access to justice for persons with disabilities.

2.3.2.4 Article 16 Freedom from exploitation, violence and abuse

Article 16.2 provides that the support by States Parties shall include information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability sensitive.

2.3.2.5 Article 18 Liberty of movement and nationality

Article 18.1(b) provides that States Parties ensure that persons with disabilities can utilize relevant processes such as immigration proceedings.

2.3.2.6 Article 19 Living independently and being included in the community

Article 19(c) provides that States Parties ensure that community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

2.3.2.7 Article 20 Personal mobility

Article 20(c) requires that States Parties provide training in mobility skills to persons with disabilities and to specialist staff.

2.3.2.8 Article 21 Freedom of expression and opinion, and access to information

Article 21(d) provides for States parties, including providers of information through the Internet, to make their services accessible to persons with disabilities.



Figure 22: Laptop computer. Photo: With Permission from USGSA

2.3.2.9 Article 22 Respect for privacy

Article 22.2 requires that States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others. This includes ensuring that personal, health and rehabilitation information is available in alternate formats.

2.3.2.10 Article 23 Respect for home and the family

Article 23.3 requires that States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.

2.3.2.11 Article 24 Education

Article 24.2(d) provides that States Parties shall ensure that persons with disabilities receive the support required, within the general education system, to facilitate their effective education.

Article 24.2(e) provides that States Parties shall ensure that effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

2.3.2.12 Article 25 Health

States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. Article 25(a) in particular, provides that States Parties shall provide persons with disabilities with the same range, quality and standard of free or affordable health care and programs as provided to other persons, including sexual and reproductive health and population-based public health programs. Section (b) states that health services to be provided include early identification and intervention as appropriate and services designed to minimize and prevent further disabilities. Section (c) provides that health services to be located as close as possible to people's own communities, including rural areas. Section (d) states that health professionals are to provide care of the same quality to persons with disabilities and raise awareness of human rights through training and the promulgation of ethical standards for public and private health care. In Section (e) discrimination is prohibited in the provision of health and life insurance as well as the health care or health services.

2.3.2.13 Article 26 Habilitation and rehabilitation

Section 1 provides that States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programs, particularly in the areas of health, employment, education and social services. Section 2 provides that States Parties shall promote the development of initial and continuing training for professionals and staff.

2.3.2.14 Article 27 Work and employment

Article 27.1(d) provides that States Parties are to ensure that persons with disabilities have effective access to general technical and vocational guidance programs, placement services and vocational and continuing training. Article 27.1(h) provides that States Parties are to promote the employment of persons with disabilities in the private sector through appropriate policies and measures such as affirmative action programs, incentives and other measures. Article 27.1(k) provides that States Parties are to promote vocational and professional rehabilitation, job retention and return-to-work programs for persons with disabilities.



Figure 23: Man with a visual impairment using a computer. Photo: With permission from USGSA

2.3.2.15 Article 28 Adequate standard of living and social protection

Section 2(a) requires that States Parties ensure equal access to clean water services as well as appropriate and affordable services for disability-related needs. Section 2(b) provides that States Parties ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programs and poverty reduction programs. Section 2(c) provides that States Parties ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counseling, financial assistance and respite care. Sections 2(d) and (e) require States Parties to ensure access to public housing programs and retirement benefits and programs.

2.3.2.16 Article 29 Participation in political and public life

Section 29(a)(iii) provides that States Parties shall undertake to guarantee free expression of the will of persons with disabilities as electors and when necessary, at their request, allow assistance in voting by a person of their own choice.

2.3.2.17 Article 30 Participation in cultural life, recreation, leisure and sport

Article 30.1(b) and (c) provides that States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure access to television programs and cultural performances or services, such as theatres, museums, cinemas, libraries, and tourism services, and, as far as possible, access to monuments and sites of national cultural importance.



Figure 24: Korean temple. Photo: Betty Dion

Article 30.5(e) provides that States Parties ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

2.3.3 Access to assistive technologies

2.3.3.1 Article 11 Situations of risk and humanitarian emergencies

Access to assistive technologies is implied in the carrying out of necessary measures to ensure the protection and safety of persons with disabilities.

2.3.3.2 Article 12 Equal recognition before the law

Article 12.5 implies access to assistive technologies with respect to effective measures taken by States Parties to ensure the equal rights of persons with disabilities to have equal access to bank loans, mortgages and other forms of financial credit.

2.3.3.3 Article 13 Access to justice

Article 13.1 implies access to assistive technologies with respect to effective access to justice, including role as direct and indirect participants in all legal proceedings.

2.3.3.4 Article 16 Freedom from exploitation, violence and abuse

Article 16.2 implies access to assistive technologies with respect to appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring appropriate forms of gender-and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse.

Article 16.4 implies access to assistive technologies with respect to the promotion of rehabilitation and social reintegration of persons with disabilities who are victims under this article.

2.3.3.5 Article 18 Liberty of movement and nationality

Access to assistive technologies is implied for ensuring access to support living independently and in the community as well as access to documentation of nationality or identification and immigration proceedings.

2.3.3.6 Article 20 Personal mobility

Article 20(b) provides that States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities by facilitating access to assistive technologies and making them available at affordable cost. Article 20(c) implies the provision of assistive technologies through mobility training skills for persons with disabilities and staff. Article 20(d) encourages vendors that produce assistive technologies to take into account all aspects of mobility for persons with disabilities.

2.3.3.7 Article 21 Freedom of expression and opinion, and access to information

Article 21 provides that States Parties take all appropriate measures to ensure that persons with disabilities can seek, receive and impart information and ideas

through all forms of communication of their choice. Article 21(a) provides that information for the public be provided in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner without additional cost.

Article 21(b) provides for the use of assistive technologies such as Braille, augmentative and alternative communications and all modes and formats of communication of their choice by persons with disabilities in official interactions.

Article 21(c) provides that States Parties urge private entities offering services to the general public including the Internet, provide information and services in accessible and usable formats by assistive technologies.



Figure 25: Signage language over a cell phone. Photo: Robert Barker

Article 21(d) provides that mass media, including providers of information through the Internet, be accessible to persons with disabilities and this means that persons with disabilities should be able to use assistive technologies to access information on the Internet.

2.3.3.8 Article 22 Respect for privacy

In Article 22.2 assistive technologies are implied due to the right to protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others. For example, access to information may require the provision of screenreader software for a person with a disability.

2.3.3.9 Article 23 Respect for home and the family

In Article 23.1(b) assistive technologies are implied in access to age-appropriate information on reproductive and family planning education. Article 23.2 provides that States Parties provide appropriate assistance to persons with disabilities in performance of child-rearing responsibilities. In Article 23.5 assistive technologies are implied where alternative care is provided when the immediate family is unable to care for a child with disabilities.

2.3.3.10 Article 24 Education

Assistive technologies are implied in Article 24.2(a) and (b) where States Parties ensure that persons with disabilities are not excluded from the general education system on the basis of disability and that children with disabilities are not excluded from free and compulsory primary or secondary education; where persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities they live.

Assistive technologies are also implied in Article 24.2(d) where an effective education within the general education system is facilitated by the support required. Article 24.3(a) points to assistive technologies such as the learning of Braille, alternative script, augmentative, and alternative modes, means and formats of communication. Assistive technologies are implied in Article 24.5 where States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination on an equal basis with others.

2.3.3.11 Article 25 Health



Figure 26: Rural health care. Photo: IRIN

Assistive technologies are implied throughout this article in access to health services. Article 25(a) requires that States Parties shall provide access to free or affordable health care and programs. Article 25(b) goes on to say that health services are to include early identification and intervention and services designed to minimize further disabilities, including children and older adults. Article 25(c) says that health services are to be provided as close as possible to people's own communities, including rural areas. Article 25(d) requires health professionals to

provide care of the same quality to persons with disabilities as others. Article 25(e) prohibits discrimination in the provision of health and life insurance and (f) calls States Parties to prevent discriminatory denial of health care of health services.

2.3.3.12 Article 26 Habitation and Rehabilitation

Assistive technologies are implied throughout this article. For example, Article 26.1 calls for States Parties to take measures to organize, strengthen and extend comprehensive habilitation and rehabilitation services and programs particularly in health, employment, education and social services. Article 26.2 calls for States Parties to promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services. Assistive technologies are specifically referenced in Article 25.3 where States Parties shall promote the availability, knowledge and use of assistive devices and technologies as they relate to habilitation and rehabilitation.

2.3.3.13 Article 27 Work and employment

Assistive technologies are implied throughout this article that sets forth the right of persons with disabilities to work in an accessible labor market and work environment. Assistive technologies can enable persons with disabilities to have effective access to general technical and vocational guidance programs, placement services and vocational and continuing education.

2.3.3.14 Article 28 Adequate standard of living and social protection

Assistive technologies are implied throughout this article that provides the right to an adequate standard of living and social protection. This article provides for the right to continuous improvements of living conditions. States Parties are to ensure access to services, devices and other assistance for disability-related needs. In addition, assistive technology is implied because States Parties must ensure access by persons with disabilities to social protection and poverty reduction programs as well as assistance with disability-related expenses, including adequate training, counseling, financial assistance and respite care. Assistive technology can provide access to retirement benefits and programs.

2.3.3.15 Article 29 Participation in political and public life

Assistive technologies are implied throughout this article so that persons with disabilities can enjoy political rights on an equal basis with others.

2.3.3.16 Article 30 Participation in cultural life, recreation, leisure and sport

Assistive technologies are implied throughout this article so that persons with disabilities can take part on an equal basis with others in cultural life, recreation, leisure and sport.

2.3.4 Access to Information and Communications Technology

Assistive technologies are implied or expressly provided for in the following articles:

- Article 11 Situations of risk and humanitarian emergencies
- Article 12 Equal recognition before the law
- Article 13 Access to justice
- Article 14 Liberty and security of the person
- Article 15 Freedom from torture or cruel, inhuman or degrading treatment or punishment
- Article 16 Freedom from exploitation, violence and abuse
- Article 17 Protecting the integrity of the person
- Article 18 Liberty of movement and nationality
- Article 19 Living independently and being included in the community
- Article 20 Personal mobility
- Article 21 Freedom of expression and opinion, and access to information
- Article 22 Respect for privacy
- Article 23 Respect for home and the family
- Article 24 Education
- Article 25 Health
- Article 26 Habilitation and rehabilitation
- Article 27 Work and employment
- Article 28 Adequate standard of living and social protection
- Article 29 Participation in political and public life
- Article 30 Participation in cultural life, recreation, leisure and sport

2.3.5 Access to the Provision of Reasonable Accommodation

The provision of reasonable accommodation is expressly provided for in the following articles:

- Article 14 Liberty and security of the person;
- Article 24 Education; and
- Article 27 Work and employment.

2.4 Articles 31-50: Implementation and Coordination Mechanism

Articles 31 through 50 address the implementation and coordination mechanism for the Convention. It is fitting that the first article in this group, Article 31 Statistics and data collection, calls for the collection of appropriate information,

including statistical and research data, so that States Parties are enabled to formulate and implement policies relating to the Convention implementation. Both the collection of the data and the dissemination of these statistics shall be conducted in a manner that is accessible to persons with disabilities.

As discussed earlier, Article 31, statistics and data collection, also requires the data itself to be accessible to persons with disabilities. This means, for example, that if the statistics and data collection information is in a software database, accessible software or accessible web design is deployed so it can be accessed by assistive computer technology.

Article 31 speaks to both the need for confidentiality and respect for the privacy of persons with disabilities but also to the use of the data to assess the implementation of States Parties' obligations under the Convention. This provision enables States Parties to identify and address the barriers faced by persons with disabilities in exercising their rights. Without this data, it would be extremely difficult to develop and implement a barrier removal plan.

Although most of the articles from 30 - 50 tend to have provisions implying the provision of information and communications technology and/or assistive technologies, Article 32 expressly speaks to the provision of both.

Article 32 International cooperation leverages national efforts through international partnerships between States and relevant international and regional organizations. It appropriately speaks to ensuring that this international cooperation is inclusive of and accessible to persons with disabilities and expressly calls for measures that provide appropriate technical and economic assistance, including access to accessible ICT and assistive technologies through technology transfer.

Finally, Article 50 provides for the Convention text to be available in Arabic, Chinese, English, French, Russian and Spanish. But most importantly, Article 49 requires the text to be made available in accessible formats so that persons with disabilities can access the content with accessible ICT and assistive technologies. Accessible formats, including sign language videos, are posted online by the United Nations Department of Economic and Social Affairs (DESA) at <http://www.un.org/disabilities/default.asp?navid=13&pid=150>.

3 Optional Protocol

3.1 Introduction

The Optional Protocol to the Convention on the Rights of Persons with Disabilities contains eighteen articles and provides complaint and investigative powers to the Committee on Rights of Persons with Disabilities (Committee) as discussed below. In particular, the Optional Protocol makes available to signatories two additional procedures that strengthen the implementation of the Convention. It is considered optional in the sense that States can elect not to become a party to the protocol, even if they are a party of the Convention.

As provided in Article 34 of the Convention, the Committee shall consist of twelve experts at the time of entry into force of the parent Convention. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of eighteen members.

3.2 Benefits and Rationale

As set forth in Article 10, this legal instrument was open for signature on 30 March 2007 by signatory States and regional integration organizations of the Convention at the United Nations Headquarters in New York. The only express provision in the Optional Protocol relating to accessibility is found in Article 17. This provision makes the protocol available in accessible formats.

There are a number of benefits for States to become a party to the Optional Protocol. The Optional Protocol is a tool that can be used by States to:

- Improve existing protection mechanisms for persons with disabilities;
- Add to existing protection mechanisms;
- Enhance the State's understanding of the steps it must take to protect and promote the rights of persons with disabilities;
- Vindicate State action in cases where the Committee makes a finding that no violation has occurred;
- Foster changes in discriminatory laws, policies and practices; and
- Create greater public awareness of human rights standards relating to persons with disabilities.¹⁷

As mentioned above, the Optional Protocol provides for two procedures that involve the Committee: an individual communications procedure and an inquiry procedure. However, as provided in Article 8, a State ratifying the Optional Protocol may “opt out” of the inquiry procedure. This can be done at the time of the signing, ratification or accession of the Protocol by declaring that it does not

recognize the competence of the Committee to undertake inquiries. However, all States Parties to the Optional Protocol must accept the individual communications procedure even if they “opt out” of the inquiry procedure.

3.2.1 Individual communications procedure

The individual communications procedure provides for an individual complaint process where an individual or group of individuals may submit communications alleging a violation of a Convention provision to the Committee on the Rights of Persons with Disabilities. No communication shall be received by the Committee if it concerns a State Party to the Convention that is not a party to the Optional Protocol.

Article 2 sets forth the standards for communications that are inadmissible:

- Communication is anonymous;
- Communication constitutes an abuse of the right of admission or is incompatible with the provisions of the Convention;
- The same matter has already been examined by the Committee or it has been examined under another procedure of international investigation
- All available domestic remedies have not been exhausted; but this rule shall not apply if the application of the remedies is unreasonably prolonged or unlikely to bring effective relief;
- It is manifestly ill-founded or not sufficiently substantiated; or
- The facts are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.

The individual communications procedures are conducted by paper and therefore neither the complainant nor the State appears before the Committee in person. As outlined in the Optional Protocol, the individual communications procedure is composed of the following steps:

- The Committee receives the complaint.
- The Committee considers the admissibility of the complaint. Sometimes, the admissibility of the complaint is considered at the same time as the merits of the complaint, in other words, a decision is made that the complaint is admissible (admissibility) and a decision is made at the same time whether the State is or is not in breach of its obligations (merits).
- The Committee submits the complaint confidentially to the State.
- Within six months, the State submits written explanations or statements clarifying the issue and indicating what remedial and/or other steps, if any, have been taken.
- The complainant is given an opportunity to comment on the State’s observations.

- The Committee may ask the State to take interim measures to protect the rights of the complainant.
- The Committee examines the complaint in closed session.
- The Committee makes suggestions and recommendations, if any, to the State and the complainant, and often requests States to provide information on the action it has taken as a result.
- The Committee publishes its suggestions and recommendations in its report.¹⁸

3.2.2 Inquiry Procedure

The second procedure provided for in the Optional Protocol under which the Committee operates is the inquiry procedure under Articles 6 and 7. The inquiry procedure is triggered by the Committee receiving reliable information indicating grave or systematic violations by a State party of rights set forth in the Convention. The Committee can then invite that State Party to submit observations and to cooperate in the examination of the information. The Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.

After examining the findings of the inquiry, the Committee will transmit the findings to the State Party concerned along with comments and recommendations. Within six months of receiving the Committee findings, comments and recommendations, the State Party shall submit its observations to the Committee. The inquiry is confidential and has to be conducted with the full cooperation of the State concerned.

The Committee may also invite the State Party to include in its Article 35 Convention report the details of any measures taken in response to the inquiry. It may also, if necessary, invite the State Party concerned to inform it of the measures taken in response to the inquiry. The Committee will publish a summary of its findings in its report to the General Assembly and with the agreement of the State concerned, the Committee may also publish its full report on the inquiry.

3.2.3 Benefits of the individual communications procedure and the inquiry procedure¹⁹

Here are the benefits of the individual communications procedure:

- Provides an opportunity for specific redress in individual cases when a State violates the rights of persons with disabilities and no remedy can be obtained from national procedures;
- Provides the possibility of international recourse for persons with disabilities who have been denied access to justice at the national level;

- Allows the Committee to highlight the need for more effective remedies at the national level;
- Allows the Committee to develop a new body of jurisprudence on how better to promote and protect the rights of persons with disabilities; and
- Assists States in determining the content of their obligations under the convention and thus assists them in implementing those obligations.

On the other hand, here are the benefits of the inquiry procedure:

- Enables the Committee to address systematic and widespread violations of the rights of persons with disabilities;
- Allows the Committee to recommend measures to combat the structural causes of discrimination against persons with disabilities;
- Gives the Committee an opportunity to set out a broad range of recommendations to achieve greater respect for the rights of persons with disabilities; and
- Allows the Committee to work with the State in removing impediments to the full enjoyment of the rights of persons with disabilities.

4 Understanding Accessibility

4.1 Reasonable Accommodation

Accessibility and reasonable accommodation have significant linkage because the provision of a reasonable accommodation may be the only means by which a person with a disability can enjoy all human rights and fundamental freedoms on an equal basis with others. The Article 2 definitions of “discrimination on the basis of disability” and “reasonable accommodation” explain that one form of discrimination can be the denial of reasonable accommodation. This means that any country moving forward to address legislative gaps for compliance with the Convention provisions will need to ensure that the statutory definition of discrimination on the basis of disability includes the denial of reasonable accommodation.

What exactly is a reasonable accommodation? According to the Article 2 definition:

“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

Reasonable accommodation is also provided in the foundation articles of the Convention at Article 5 Equality and non-discrimination, 5.3:

In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.



*Figure 27: Woman using a text enlarger.
Photo: unknown*

In countries that have rights-based legislation “reasonable accommodation” is also known as the duty to accommodate; reasonable adjustment, adaptation or measures; or effective or suitable modification.²⁰ In employment or the workplace, it can involve the provision of assistive technology such as speech input software so a person unable to use a computer keyboard can perform word processing duties. Or it could mean making modifications to a water closet or restroom so that a person using a walker can work in the building. Barrier removal can also involve the provision of a sign language interpreter or even an adjustment in workplace policies and practices. Because a reasonable accommodation is tailored to address the barrier experienced by the person with a disability, a reasonable accommodation can take many different forms.

A review of the Convention articles finds that the provision of reasonable accommodation is expressly provided for in three articles:

- Article 14 Liberty and security of the person;
- Article 24 Education; and
- Article 27 Work and employment.

With respect to Article 14, Liberty and security of the person, 14.2 states that:

States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of this Convention, **including by provision of reasonable accommodation.** (emphasis added).

This means that if any person with a disability is deprived of their liberty through any process, they are entitled to guarantees in accordance with international human rights law to participate on an equal basis with others and this can include the provision of a reasonable accommodation. For example, in order for a person who is deaf to communicate with police authorities during an arrest or to understand reasons for an incarceration, the provision of a sign language interpreter or a Text Telephone (TT or TTY) may be a reasonable accommodation for effective communication.

Reasonable accommodation is also expressly provided in Article 24 Education at 24.2(c) and 24.5:

2. In realizing this right, States Parties shall ensure that: . . . (c) **Reasonable accommodation of the individual’s requirements is provided.** . . .

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination on an equal basis with others. To this end, **States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.** (emphasis added)

Access to the learning environment is critical for everyone, including persons with disabilities, in order to bring about the full development of human potential. It also enables society to benefit from the unique contributions and perspectives of persons with disabilities. There can be many types of reasonable accommodations that would be appropriate in education. As discussed above, reasonable accommodations are tailored to the accessibility barriers faced by persons with disabilities. For example, a reasonable accommodation could include textbooks in accessible formats such as an electronic book that can be read by text to speech software or by using a Braille display. Captioning might be provided on a classroom educational video so that the words are legible as well as audible. Perhaps a fellow classmate might take down lecture notes on behalf of a student with a mobility disability. Again, there are as many types of reasonable accommodations as there are types of environmental barriers.



Figure 28: Fingers reading Braille: Photo: Unknown

Turning to Article 27 Work and employment, reasonable accommodation also plays a significant role in access to work. In Article 27.1(i), the Convention provides that:

States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and

accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to inter alia: . . .

(i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace. (emphasis added)

As mentioned earlier, reasonable accommodation is addressed in different countries in different ways.

As pointed out in the UN Handbook for Parliamentarians, Spain's 2003 Law on Equality of Opportunities, Non-discrimination and Universal Accessibility of Persons with Disabilities, provides for reasonable adjustment or "Ajuste razonable." "Ajuste razonable" is defined as "the measures of accommodating the physical, social and attitudinal environment to the specific needs of persons with disabilities which, in effective and practical form and without supposing a disproportionate burden, facilitate the accessibility or participation of a person with a disability in equal conditions as the rest of the citizenry." (paragraph 7.c)²¹

Looking to the United Kingdom, the Disability Discrimination Act of 1995 legislates the duty of employers "to make adjustments" (s 6(1)). The UN Handbook for Parliamentarians points out that this duty applies where "any arrangement" or "any physical feature of premises" of the employer "place(s) the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled." It goes on to state that "it is the duty of the employer to take steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to prevent the arrangements or feature having that effect." Subsection 6(3) specifies examples of steps an employer may have to take to comply with this duty:

- Making adjustments to premises;
- Allocating some of the disabled person's duties to another person;
- Transferring him/her to fill an existing vacancy;
- Altering his/her work hours;
- Assigning him/her to a different place of work;
- Allowing him/her to be absent during working hours for rehabilitation, assessment or treatment;
- Giving him/her, or arranging for him/her to be given, training;
- Acquiring or modifying equipment;
- Modifying instructions or reference manuals;
- Modifying procedures for testing or assessment;
- Providing a reader or interpreter; and
- Providing supervision.²²

In the U.S., the employment provisions of the Americans with Disabilities Act of 1990 (ADA) at 42 USC §12112(a) prohibits discrimination against a “qualified individual with a disability” in regard to “job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.”

At 42 USC §12112(b)(5) the ADA goes on to say that the term “discriminate” includes:

- (5)(A) Not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity; or
- (B) denying employment opportunities to a job applicant or employee who is an otherwise qualified individual with a disability, if such denial is based on the need of such covered entity to make reasonable accommodation to the physical or mental impairments of the employee or applicant

Finally, in the Philippines, the Magna Carta for Disabled Persons provides for reasonable accommodation to include:

- (1) improvement of existing facilities used by employees in order to render these readily accessible to and usable by disabled persons; and
- (2) modification of work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustments or modifications of examinations, training materials or company policies, rules and regulations, the provision of auxiliary aids and services, and other similar accommodations for disabled persons.”
(s 4 (h)).²³

With respect to providing public service and public accommodations, the Magna Carta for Disabled Persons provides that discrimination includes:

A failure to make reasonable modifications in policies, practices or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would

fundamentally alter the nature of the goods, facilities, services, privileges, advantages, or accommodations (s 36 (2)).²⁴



Figure 29: Mexican Parliament. Photo: Andres Balcazar

Some countries may also have disability sensitive accessible ICT procurement laws where government agencies may be required to purchase mainstream information and communications technologies that meet standards for accessible design.²⁵ This effort can provide a marketplace incentive for vendors to design accessibly and contribute towards improving interoperability of mainstream technologies with assistive technologies.²⁶

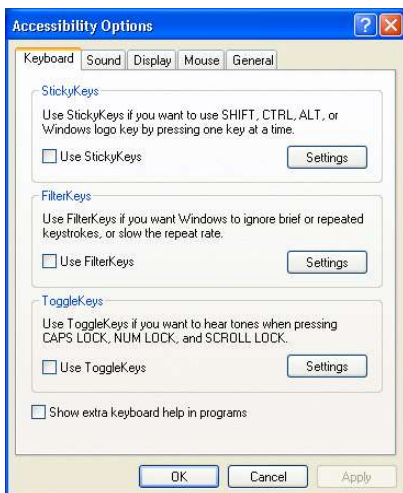


Figure 30: Accessibility Options panel in Microsoft OS. Photo: Microsoft

The accessible ICT procurement approach is consistent with the Universal Design approach in the Convention by enabling mainstream technology to be used by the widest possible audience. It reduces the types of reasonable accommodations that might need to be provided if mainstream technology did not have accessibility built in. However, just as the Convention Article 2 definition for Universal Design points out, assistive technologies will still be needed for particular groups of persons with disabilities.

4.2 Stakeholders

Considering the many elements of interaction in life, whether it is participating in family events, education, health care, working or looking for work and having a family, the Convention impacts all aspects of life. The implementation of the Convention touches all levels of society but especially the lives of persons with disabilities and their families.

4.2.1 Persons with Disabilities in the Community

Whenever examining accessibility issues particularly, it is important to first engage and consult the community of people with disabilities. In this way the communication system, the website designers, architects and interior designers can directly address the needs of the community in the most appropriate and informed manner.



Figure 31: Persons with a variety of disabilities in China. Photo: Xu Zhang

One of the first considerations in engaging stakeholders with disabilities is to ensure that all information, communication, and facilities are designed to be inclusive, accessible and welcoming.

States Parties can utilize a checklist in order to evaluate the physical accessibility of a facility using a Universal Design approach. Such assessment tools utilize a

cross-disability approach and enables stakeholders to make specific suggestions that could be especially beneficial at the local level.

4.2.2 Stakeholder Participation

States Parties are obliged under Article 33 to establish a Focal Point that will address the Convention. The Focal Point will necessarily involve all the stakeholders who have a responsibility for or interest in the particular issue or article. It is the obligation of the government Focal Point to create a framework to promote, protect and monitor the implementation of the Convention. Not only will government bureaucrats and senior officers participate but the Convention specifically mentions that members of civil society must be part of the implementing and monitoring processes. This will ensure that accessibility is integrated into the consultation and development plans from the start.

Along these lines, Article 32 promotes international cooperation among States Parties and international NGOs to share resources and undertake such shared initiatives as capacity building and the exchange of information. (e.g. NGOs such as GAATES have established a number of collaborative agreements and is pursuing collaborative projects such as capacity building of persons with disabilities).

4.2.3 Stakeholders who provide Programs or Services

Stakeholders who are responsible for the provision of a service such as radio producers, Internet web sites developers or on-site trainers are also key stakeholders in accessibility implementation. For example, producers of radio programs can provide a text transcript of their program, or point to a website where that text transcript is posted, so that people who are deaf or hard of hearing can have access to the program. In addition, providers of Internet web sites for participants can be asked to implement accessible web design so that participants with disabilities can have access to the Internet content. Even trainers on-site can be informed about accessible ICT and information resources by using this Monograph as a roadmap for inclusion.



Figure 32: Accessible kiosk. Photo: IBM

Communication Guidelines are provided in the Annex in order to address communication issues since they are the cornerstone of a successful program. People who are deaf, hard of hearing or have a speech, mobility or visual impairment will be well served if this chapter is considered.

4.2.4 Designers of Websites

Stakeholders that maintain their own websites can implement accessible web design so that people who cannot use a mouse due to mobility or visual disabilities can still access the content of the website. People with hearing loss will also benefit from captioning of multimedia and videos and there are many additional benefits for people with other types of disabilities. In Chapter 7, *Standards and Best Practices in Accessibility*, this Monograph points to industry wide standards for design that have been adopted worldwide. It is important to understand that accessibility is a cost-effective approach because investments in accessible technologies enable the architecture to be flexible as the Internet evolves and technology advances.

4.2.5 Architects and Builders of Facilities

Stakeholders who are responsible for the built environment are key implementers and monitors of the Convention. Accessibility Guidelines inform building owners, architects and/or builders about Universal Design principles for accessibility. It also enables them to identify barriers to the participation of persons with disabilities to existing facilities.

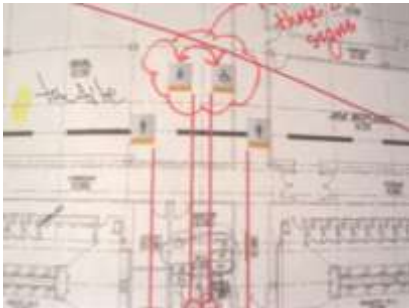


Figure 33: Construction drawings. Photo: Marnie Peters

Once deficiencies are identified, an action plan can be developed to retrofit and renovate the facility so that it can welcome everyone. By working together with people from the disability community, the implementation and monitoring of the built environment can be integrated into the national accessibility framework.

4.3 Accessibility to Information and Communication Technologies

The selection of technologies has a direct impact on whether or not persons with disabilities can use them. The choice of technologies depends on the purpose and functions of the enterprise, corporation or type of government service. To serve the ICT needs of the community, one must take into account what is currently available and identify potential barriers to participation.

One cannot be expected to have specialized computer equipment on site for every type of disability prior to a request for a reasonable accommodation. As a first step, consider making equipment available that will be most often used and/or available at relatively low cost. Be sure to consult the community of users with disabilities in order to identify local technology needs.

For example, in a community center, some of the following technologies²⁷ could be readily identified as critical for participation by persons with disabilities:

1. An adjustable-height table for use as a workstation that can be adjusted from a seated position.
2. Keyboards with large-print key labels, Braille labels or home-row key indicators to help users with visual disabilities to locate keys.



Figure 34: Large key keyboard. Photo: The Key Connection

3. Screen enlargement software and a large monitor so that users with low vision can view the content.
4. A trackball for users that have difficulty controlling a mouse.



Figure 35: Large trackball and mouse. Photo: BigTrak

5. Wrist and forearm rests for users requiring extra support while typing.



Figure 36: Wrist support. Photo: EasyWing

6. Software that will modify keyboard response, such as sticky keys, repeat rate and keystroke delay (or make readily available the accessibility features of operating systems that provide these features).
7. Word prediction software that can reduce the number of keystrokes needed for text entry.
8. Controls on computers, printers, scanners and other information technology that can be reached from a seated position.
9. Text to speech software for users with visual and specific learning disabilities.
10. Braille translation software and a printer for the blind.



Figure 37: Braille printer. Photo: Enabling Technologies

11. Speech input software for users with mobility disabilities.
12. Scanner and optical character recognition (OCR) software for users with visual disabilities.
13. CCTV for enlarging printed documentation for users with low vision.

14. Video projectors capable of transmitting closed captions for users with hearing loss.
15. Accessible online conferencing software for cross-disability users.
16. Alternative keyboards, mini-keyboards, and/or extended keyboards for users with mobility impairments.



Figure 38: Ergonomic keyboard. Photo: Maltron

Since the radio is one of the core communication technologies utilized by many communities, it should be remembered that persons who are deaf or hard of hearing can have difficulty in accessing the content of the radio program. With the advent of digital radio, this may no longer be an issue. At this time, a captioned radio prototype has been developed and will soon be available on the market. This will mean that as a broadcast is sent across the airwaves, the prototype radio screen will also display the text simultaneously. This innovation in technology should be a welcome addition.²⁸



Figure 39: Example of captioned radio. Photo: Harris

If staff of a small business or community center is engaged in creating and maintaining a website, then they will want to take advantage of a number of free resources available to assist in accessibility implementation. For example, the UNESCO ItrainOnline website provides accessible web design training and tools at

<http://www.itrainonline.org/itrainonline/english/usability.shtml#Web%20Site%20Usability%20and%20Accessibility%20-%20Accessibility>.

Another free web developer resource is the W3C WCAG 1.0 Checklist for Web Accessibility at <http://www.w3.org/TR/WCAG10/full-checklist.html>. This checklist is available in a number of foreign language translations at <http://www.w3.org/2003/03/Translations/byTechnology?technology=full-checklist>.

In addition, a free automated web accessibility checker and related resources are available online at <http://www.CynthiaSays.com>. By simply typing in the uniform resource locator (url) of the website, a report can be generated to identify accessible web design errors for correction based on the U.S. or W3C web accessibility standards, or both. The CynthiaSays™ portal is a joint education and outreach project of The International Center for Disability Resources on the Internet, The Internet Society Disability and Special Needs Chapter and HiSoftware. It is endorsed by the American Council of the Blind.

4.4 Universal Design & Technologies

Although assistive or adaptive technologies have evolved as specialized tools and equipment for persons with disabilities to use, the trend today is to incorporate accessible design into mainstream technologies. In doing so, the industry has reduced the cost of expensive customization for people with disabilities.

For example, operating systems for computers now have accessibility features for persons with disabilities. The following is a list of accessibility features that are readily available in the Windows operating system:

Sticky Keys	If a user cannot hold down several keys at the same time, this feature enables the user to press one key at a time
Filter Keys	If a user needs the computer to ignore brief or repeated keystrokes, because of cerebral palsy or lack of fine motor control, this feature can help as well as to slow the repeat rate
Sound Sentry	If a user cannot hear when the computer makes sounds, the computer can generate visual warnings
High Contrast	If lighting is an issue or if a person with visual disabilities has difficulty seeing the computer screen, the high contrast feature uses colors and fonts designed for easy reading
Cursor Options	If a user has low vision, the blink rate of the cursor can be changed as well as the width of the cursor
MouseKeys	If a person has low vision or a mobility difficulty with the mouse, this feature enables the user to control the cursor with the numeric keypad on the keyboard

In addition, some operating systems also provide text to speech features that benefit users with low vision and persons with specific learning disabilities who

need to hear the webpage or document read audibly. They also may have speech recognition or speech input features that benefit people who cannot use a keyboard.

It is also important to know that there are mainstream technologies including software, hardware, multimedia, telecommunications, ATMs, kiosks, fax machines, printers, desktop and portable computers that can be designed to be accessible for everyone, including persons with disabilities. A U.S. law, known as the 1998 Amendments to the Rehabilitation Act, or Section 508, provides technical specifications for accessible design and is discussed in Chapter 1.6 under *The Role of Standards*.

4.5 Universal Design and the Internet

According to the World Wide Web Consortium (W3C) Web Accessibility Initiative, there are social, technical, legal and financial benefits to implementing accessible web design. Setting aside the legal and policy reasons, here are the benefits of web accessibility identified by the W3C that affect everyone:²⁹

Social Benefits of Universal Design of the Internet

- Promotes equal opportunity for persons with disabilities
- Benefits People *Without Disabilities*:
 - Older Adults (Ease of use)
 - People with Low Literacy (Hear the webpage read out loud)
- People Not Fluent in a Language (Hear webpage or read captioning of multimedia/videos)
- People with Low Bandwidth Connections to the Internet and Older Technologies (Images can be turned off and webpage content downloaded faster; otherwise content is lost if the web page is not accessible)
- People who are New and Infrequent Web Users (Ease of Use)

Technical Benefits of Universal Design

- Reduces Web site Development and Maintenance Time (Defines the presentation through a style sheet and proper markup for structure)
- Reduces Server Load (Enables users with low bandwidth connections to browse with images off; reduces size of each page served by defining presentation in style sheets that are only requested once per session; reduces unwanted page downloading and server requests)
- Enables Content on Different Configurations and Promotes Interoperability (Enables different devices, operating systems, and user agents such as web browsers and multimedia players to access content)
- Prepares for Advances in Web Technologies (Helps organizations to take advantage of advanced web technologies and prepare for the future by allowing content re-use by using metadata and presenting it using

resource description framework and by simplifying forward migration and backwards-compatibility)

Financial Benefits of Universal Design

- Enables Increased Web Site Use and Reduces Maintenance Costs (Web Accessibility can make it easier for users to find a web site, access it, and use it successfully and results in more users; cost savings realized through decreases in personnel costs, server costs through accessibility efficiency and cost of upgrading to new technologies)
- Reduces Government Service Costs by Enabling Citizens to Access Information and Complete Transactions Online (Reduces personnel and paper interaction costs); and
- Decreases Cost of Upgrading to New Technologies (Accessible web takes advantage of advanced web technologies and assists the entity to be prepared for future web technologies).

One significant outcome of designing an accessible web for everyone is that search engines are more efficient because they can reach the content of the webpage. Universal Design provides solutions for removing barriers when content was previously hidden behind images or documents in portable document formats (PDF). Alternative text for images and tagged PDFs can now be made accessible to users with disabilities. For more information about these technology barriers, see Chapter 1.4 *Technologies, including Barriers and their Impacts*.

4.6 Universal Design of the Built Environment

Universal Design of the built environment is an inclusive cost effective approach to good design. It accommodates the needs of all people and therefore requires less upgrading and renovation as buildings age.

The ***International Best Practices in Universal Design: A Global Review***³⁰ incorporates a comparison of the building blocks that constitute an accessible environment.

The following are excerpts from this document that examine technical specifications for building components and constitute part of an accessible built environment.

4.6.1 Path of Travel/Accessible Route

The path of travel, whether it is located at the exterior of a building, along a path through a park, on the walkway to a home, or along the interior halls or corridors of an office, school or home, should be accessible to all users. Every route

should have a width of at least 920 mm, but routes that are wider and at least 1400 mm, are preferable because they allow persons using mobility aids to pass.

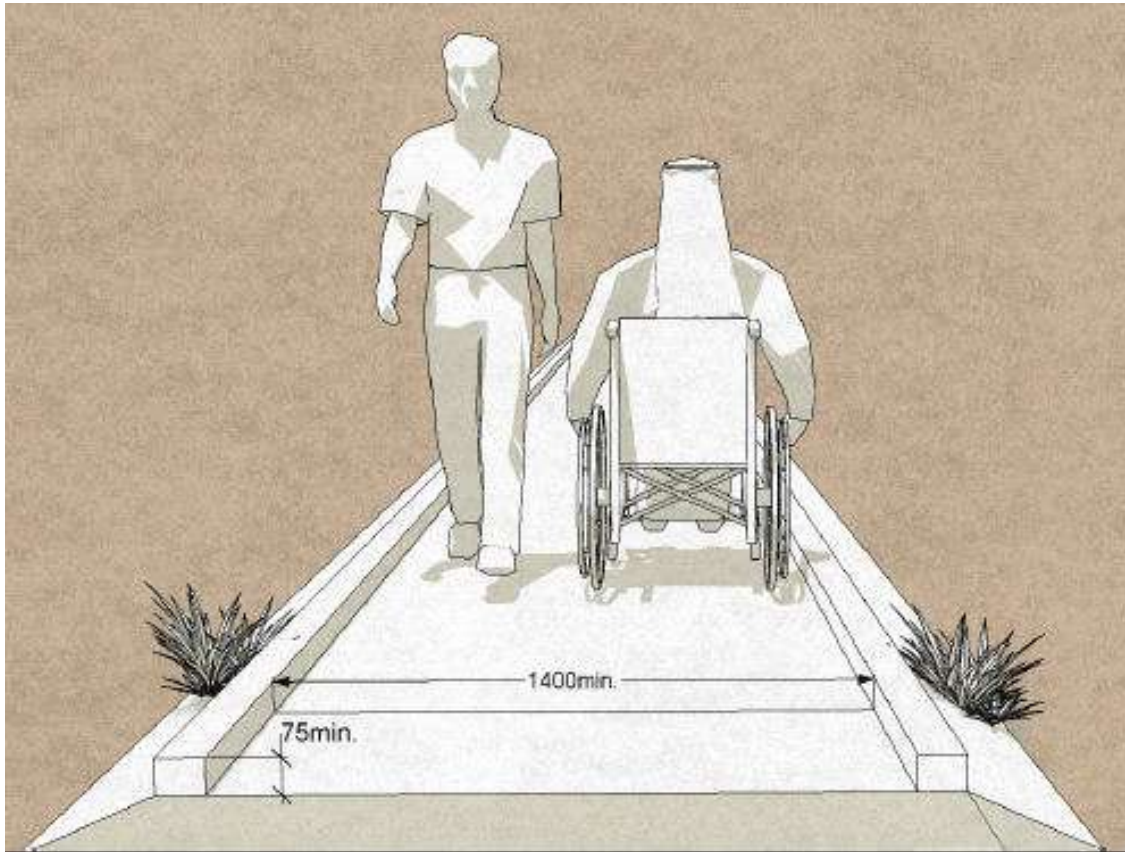


Figure 40: 1400 mm path of travel. Drawing: Almodon

A path of travel that is stable, firm and slip resistant is safer for everyone. A route that is as level as possible, with a running slope at a maximum of 1:20 (5%), and a cross slope no greater than 1:50 (2%) is easier for people to use safely.

Flooring materials such as carpets and tiles should be glare free, slip resistant and not heavily patterned as they can be disorienting. Where carpets are installed, they should have a low pile and be firm as it makes it easier for people using mobility aids to pass over them.

4.6.2 Protruding Hazards

Any object that protrudes or sticks out from a wall, column, or pillar, more than 100 mm, could be a hazard, especially for people who are blind or visually impaired who use a long white cane or guide dog. It can cause a tripping hazard. Where an object does protrude more than 100 mm, a barrier at ground level should be provided so that a blind person is able to detect it using a long white cane.

Signs or objects that hang from the ceiling or out from the wall with a bottom edge that is lower than 2030 mm from the floor are also a hazard as some one might hit their head on it.



Figure 41: Drinking fountain protrusion. Photo: Marnie Peters

Examples of protrusions which are hazards include signs, telephone enclosures, drinking fountains, fire extinguishers, and the underside of stairways or escalators.

4.6.3 Washroom Stall

If only one washroom stall can be provided, it should be at least 1600 x 1500 mm, large enough to be accessible for all users.

The door should swing outward so that people can maneuver a wheelchair inside, and be able to close the door; if a door swings inward, the door cannot be closed because the wheelchair would be in the way. The door should provide a clear opening of at least 810 mm and be aligned with the transfer space adjacent to the toilet. The door should have “D”-type door pulls mounted horizontally on the inside and outside of the door at a height of 800 – 1000 mm from the floor. There needs to be a clear area of 1500 x 1500 mm outside the stall door to ensure there is enough room for people to open the door and maneuver in and out.

Everyone appreciates having a coat hook for their coat or purse, so it should be located at a height of 1200 mm from the floor. The coat hook should not protrude more than 40 mm, so that it is not a hazard, especially for people with visual impairments.

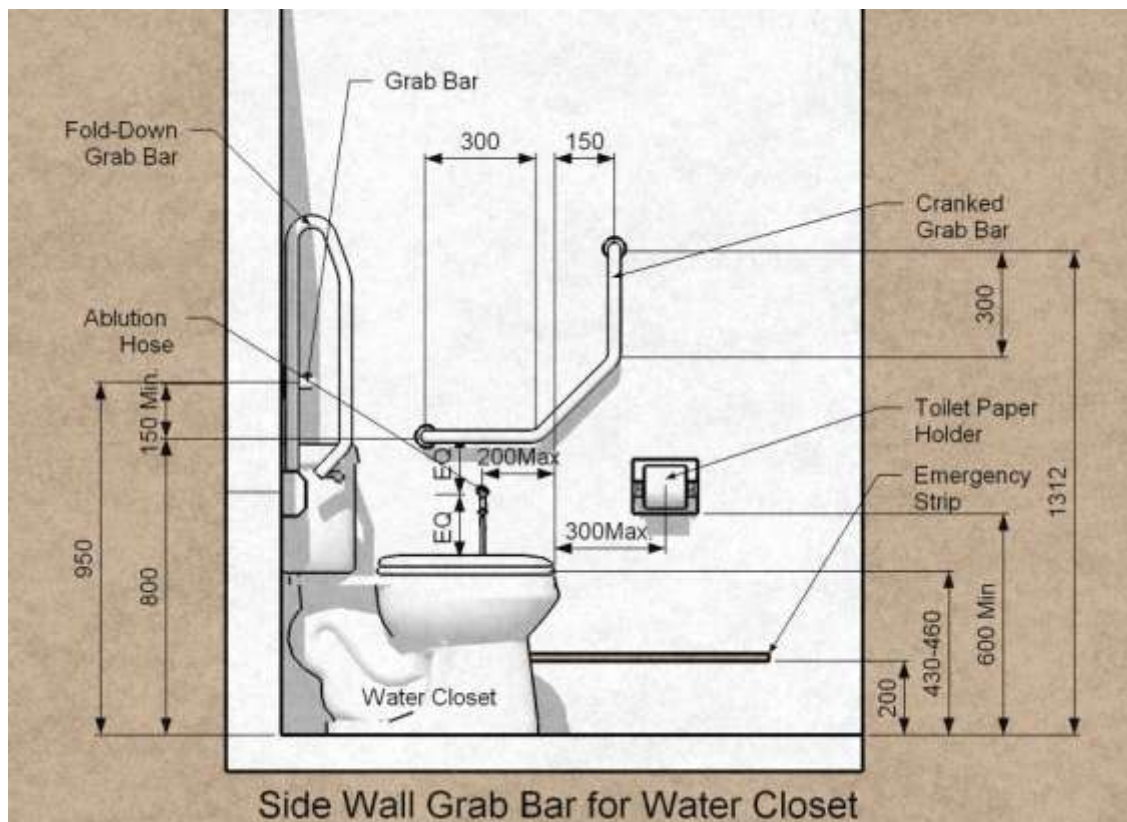


Figure 42: Toilet and grab bar installations. Drawing: Almodon

The toilet paper dispenser should be located so that the dispensing of the paper is in line with the front of the toilet and at a height between 600 - 700 mm from the floor.

Toilets should be located nearest to a fixed wall to ensure that grab bars can be safely installed. The toilet bowl should have the centreline 460 - 480 mm from the fixed wall, with a clear area next to the toilet of at least 900 mm wide. Where there is a manual flush control, it should be located on the transfer side of the toilet, automatic or operable by a lever. The toilet should have a seat lid or a back support for people with limited balance.

Two horizontal grab bars should be mounted at a height between 750 - 850 mm from the floor: one on the wall adjacent to the toilet; and one on the rear wall centred with the toilet. Adding a vertical grab bar on the wall next to the toilet is an option as it can provide assistance to people transferring from a wheelchair or scooter.

4.6.4 Sinks and Lavatories

A sink should be mounted with the centreline at least 460 mm from a side wall and have the top located 810 - 860 mm from the floor. A clear floor area of at least 750 × 1200 mm ensures it can be used by people using mobility aids. The water and drain pipes should be insulated and/or offset to the rear to protect people from bumps and burns.

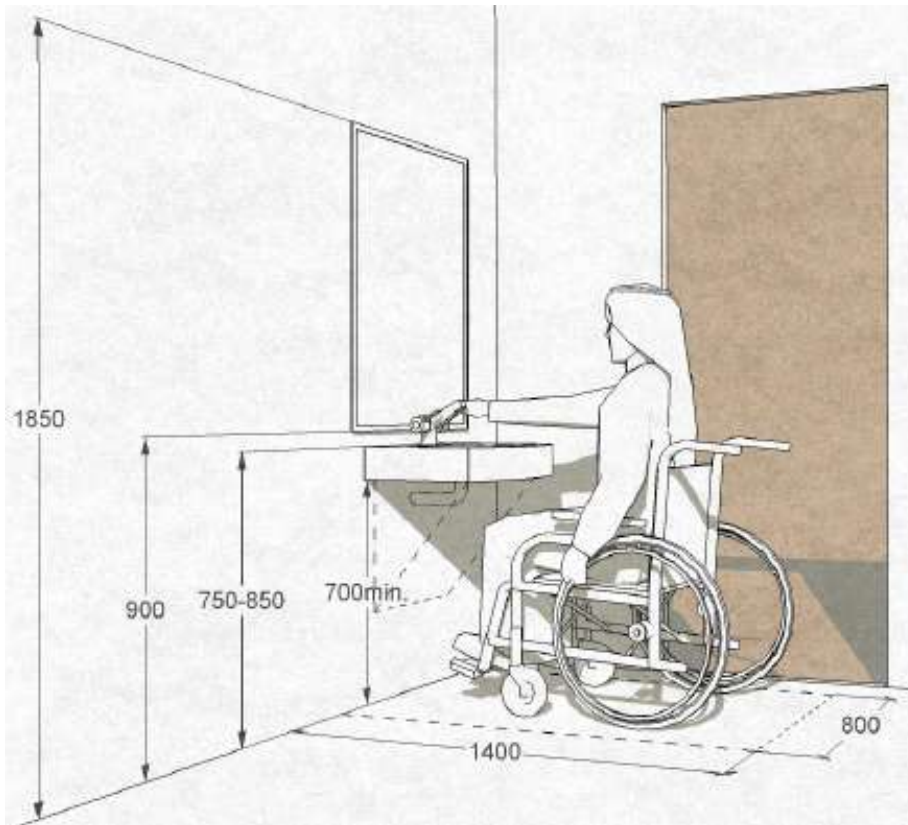


Figure 43: Lavatory and mirror installation. Drawing: Almodon

Faucets should be easy to turn on and off by using lever type handles. Proper installation of the levers means the lever in the off-position should be angled to the front.

4.6.5 Shower

A shower with a curb-less entry is accessible to all users, including people who need to use a wheeled shower chair and people with limited agility.

A curb-less or roll-in shower stall should have an interior of at least 900 × 1500 mm with a clear area in front to enable people to easily enter the shower

enclosure. It is important that curtains and doors do not obstruct the controls or the entry and transfer space.

The floor in the shower should be slip-resistant even when wet and be sloped in such a way as to facilitate drainage.

Many people with disabilities cannot accurately feel the water temperature on their arms and legs, so the temperature of the water supplied to the shower should be carefully monitored.

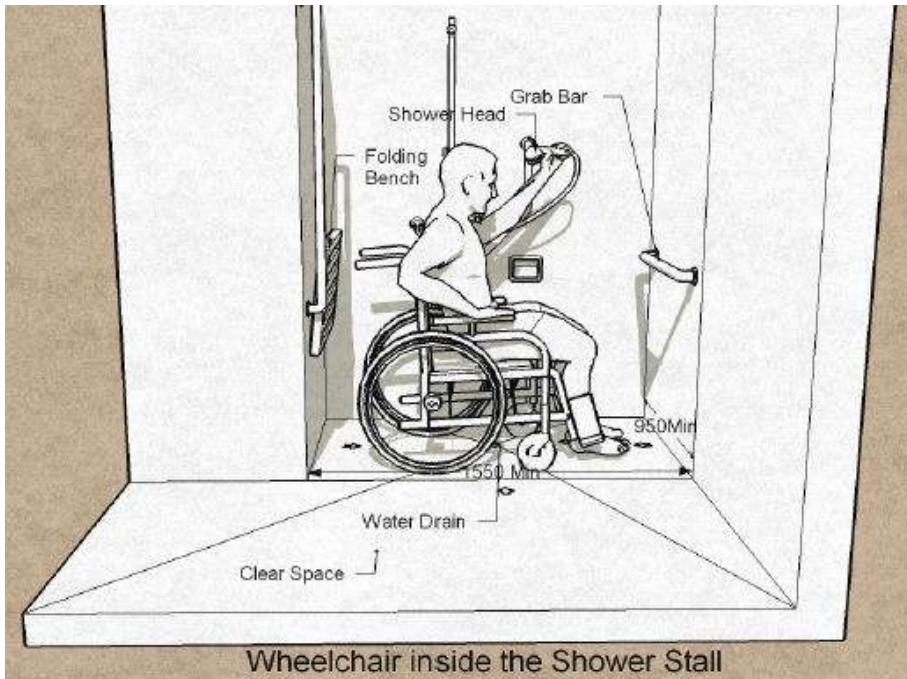


Figure 44: Shower stall installation. Drawing: Almodon

People appreciate being able to use a showerhead from a fixed or handheld position, with a hose that is 1500 mm or longer. The slide bar for the showerhead should be installed so the bottom is at a height of 1200 mm from the floor and not interfere with the use of the grab bars.

Installing a folding seat within reach of the controls will ensure access by people seated in the shower. The shower faucets and controls should be also be mounted within reach of both the seat and from outside the stall.

4.6.6 Drinking Fountains

Drinking fountains are often located in hallways, corridors and along other paths of travel can be a protrusion hazard for people who are blind or visually impaired, and an obstacle for people who use mobility devices.

Locating the drinking fountain out of the path of travel is advised, and can be accomplished by recessing it in an alcove. If it cannot be recessed, barriers should be installed on the sides to make it detectable by someone using a long white cane. Whether the fountain is recessed or not, a colour contrasting background in the area of the fountain provides contrast and makes it easier for people to see.



Figure 45: Recessed drinking fountain. Photo: Marnie Peters

People who use a wheelchair or other mobility aid require a clear area in front of the drinking fountain so they are able to get close enough to access and use the fountain. A fountain that has a clear knee area that is at least 750 mm wide × 200 mm deep × 680 mm high ensures that wheelchair users can wheel close enough to use the fountain.

Controls that are at the front of the fountain and are hand operated instead of foot operated, are easier for everyone to use. Having automated fountains that activate when someone gets close to them is even better.

4.6.7 Visual Alarms

Visual alarms are lights that flash in conjunction with audible emergency alarms to warn people of fire or emergency situations. Visual alarms are especially important to warn people who are deaf or hard of hearing since they may not hear an audible alarm.



Figure 46: Visual audible fire alarm. Photo: SimplexGrinnell

Visual alarms should be located, not only in the areas where people gather, but also in locations where people could be alone, such as washrooms, or an office. Visual alarms should be mounted at a height of 2030 mm or 1520 mm below the ceiling which ever is lower.

Visual alarms or strobe alarms should be synchronized to flash in unison and have a flash rate of 1 to 3 Hz. Visual alarms that are not in unison or have a flash rate outside this frequency can cause disorientation and seizures in some people.

4.6.8 Assembly Areas

In assembly areas such as theatres, sports stadiums, and classrooms, there should be appropriate viewing spaces for people with mobility aids such as wheelchairs as well as spaces which feature an assistive listening system for people who are hard of hearing.

Accessible seating spaces should be an integral part of the seating plan, located on all levels, and next to regular seating so people with mobility aids can sit next to their companions. There should be at least one accessible seat in every theatre, stadium, etc. with the number of accessible seats increasing in relative proportion to overall seating.



*Figure 47: Assembly area – accessible seating area.
Photo: Marnie Peters*

The accessible seating location should be connected to the accessible route and on a clear and level surface with a space that is at least 850 x 1200 mm for each wheelchair. There should also be some areas which are large enough to accommodate two mobility devices next to each other. The sight lines for people seated in the accessible viewing spaces should be similar to all other viewing position and not be obstructed by persons who are standing. Similarly, persons sitting in wheelchairs should not obstruct the view of persons behind them.

4.6.9 Kitchen

Kitchens are an area where many people traditionally gather for both food preparation and socializing, and therefore need to be accessible to all users.

A clear area of at least 1500 x 1500 mm between counters, cabinets and walls ensures easy access to all features such as cabinets, appliances, sinks, etc., and ensures that there is enough room for people to pass by each other. People with mobility aids need a clear floor area of at least 750 x 1200 mm in front of and beside all kitchen features to be able to safely and effectively use them.

A lower accessible workspace is appreciated by children, people who want to sit down while working at the counter and people who use mobility aids. There should be a clear floor area and knee clearance to accommodate people who are seated. Especially appreciated is having access to electrical outlets at the side or front of the counter work area.



*Figure 48: women cooking in Garoui village Bangladesh.
Photo: Sarah Burridge*

Other features that make a kitchen more accessible to all users include pull-out shelves and a pull-out cutting board or work-boards below the countertop.

The kitchen sink requires a clear area in front of at least 750 x 1200 mm. The rim of the sink should have a knee clearance to accommodate a wheelchair user. For safety reasons, the pipes underneath should be insulated to prevent bumps and burns. Faucets with lever type handles are easy for everyone to use.

Stoves and cooktops with controls that are located at the front or along the side that do not require reaching across the heating surface to operate are safer for everyone to use.

As a cautionary note, for safety reasons shut off valves for gas and water, and electrical switches should be easy to access.

4.6.10 Bedroom

Bedrooms and sleeping areas are an integral part of every home. In order to ensure the safety and maneuverability of people with mobility aids such as wheelchairs, there should be a door with a minimum width of 810 mm and a clear turning area of 1500 x 1500 mm in the room. A clear floor area of at least 750 x 1200 mm should also be provided on three sides of the bed.

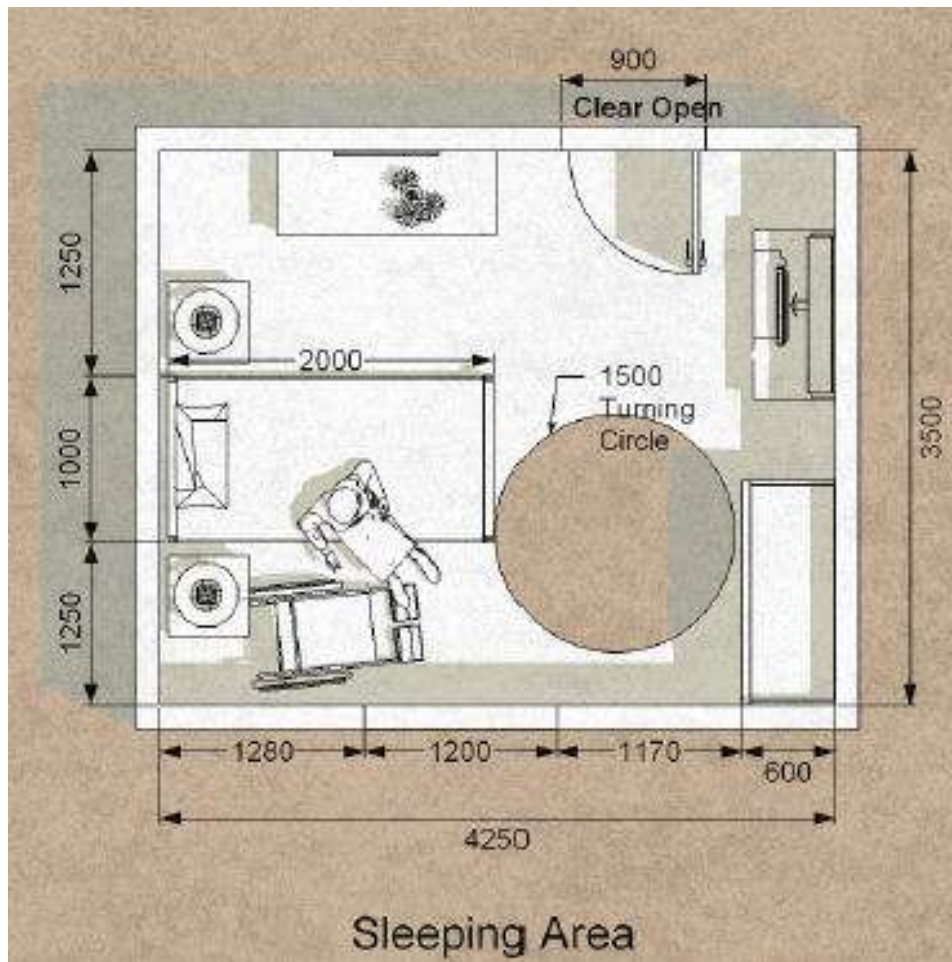


Figure 49: Sleeping Area/Bedroom. Drawing: Almodon

In order for people of short stature, children and wheelchair users to be able to safely and easily access clothes storage, a rail that has a maximum height between 1200 – 1400 mm from the floor, and lower shelves are greatly appreciated. A light switch to turn off all the lights should be provided within reach of the bed.

5 Policy Development and Accessibility

5.1 Introduction

As countries move forward to ratify and implement the Convention on Rights of Persons with Disabilities, the task before policy makers is to reflect the obligations of the Convention in the State's national legal framework, including policies, development planning and budgeting. This chapter discusses the country assessment and policy development model for meeting the accessibility needs of citizens with disabilities for the built environment, habitat, transportation, and information and communication technologies (ICTs).³¹

Although a number of best practices are referenced here as illustrations in the discussion on policy development, a more detailed discussion on best practices can be found at Chapter 7, *Standards and Best Practices in Accessibility*. This chapter examines the steps for identifying priorities, discusses the variety of disability policy approaches and reviews the complex components of policy making for successful implementation.

5.2 Identifying Priorities

The provisions of the Convention, especially Article 9, create the first universal framework addressing the accessibility of the built environment, transportation and information and communication technologies. Given the unique socio-economic and cultural structures present in each country, the first step for policy makers is to perform a country assessment by identifying priorities for policy making. Information gathering provides the basis for an informed public policy, legislation and/or regulation that is appropriate for the country and its citizens with disabilities and enables forward planning and efficient use of resources. Five steps for identifying priorities for each sector are discussed below and include examples of best practices from around the world.

The steps for identifying priorities in policy making are:

1. Analysis of existing built environment, habitat, transportation and ICT;
2. Inventory of existing laws, regulations or voluntary guidelines adopted by Civil Society to promote accessible built environment, habitat, transportation and ICT;
3. Inventory of existing in-country case studies and good practices promoting accessible built environment, habitat, transportation and ICT;
4. Development of consultations with representatives of persons with disabilities and possible surveys to be conducted; and
5. Establishment of rank order for addressing accessibility in built environment, habitat, transportation and ICT.

5.2.1 Analysis of Existing Built Environment, Habitat, Transportation and ICT

5.2.1.1 Built Environment, Habitat, and Transportation

Accessibility policies for the built environment and habitat are intrinsically tied to the development of building codes and standards. As discussed further in Chapter 7, the development of country based building codes evolved as countries realized their objectives of establishing safety parameters for the construction of new buildings. As the building codes evolved into more comprehensive documents, the objectives and scope expanded to include accessibility for persons with disabilities.

Early building codes addressed issues such as the integrity of the structure and fire safety. In addition to the technical specifications for elements such as doors, ramps and sinks, etc. building codes include a section on the implementation or application requirements for different types of accessible building elements. For example, they may require only the main entrance door to be accessible or require that all doors be accessible. Another important example is the requirement for a lift or elevator in buildings greater than 1 storey. While the building code in one country may specify that all buildings over 1 storey must be equipped with a lift or elevator, an examination of the building code in another country may reveal that this requirement or application is absent; thereby ensuring that the building is inaccessible for the life of that building.

Building codes also impact transportation and development. They inform the builder as to accessible paths of travel for pedestrians, accessible parking, the design of transportation terminals, and transport elements such as accessible boarding platforms for trains, light rail and buses.



Figure 50: Accessible transportation. Photo: Soren Gunnerup

The legislative process in the application of building codes is their adoption by a municipality, a state or province. In building code language, these are called “areas having jurisdiction.” By adopted a building code, a municipality or state

thereby establishes that their region's policy is that buildings under their jurisdiction must comply with accessibility requirements of the adopted building code or standard.

As outlined in Chapter 7, in addition to building codes many countries have developed Accessibility Standards. These standards are developed under the auspices of a standards writing body and can be referenced by building codes or by areas having jurisdiction. In many countries Accessibility Standards require a higher level of accessibility than a building code.

It is important to point out the fact that building codes and standards provide only the minimum acceptable technical specifications. Of course, many architects and designers design to a much higher level, incorporating universal design principles.

Some examples of best practices are illustrated below in the photos from the Ottawa International Airport, where the code requirements are exceeded. The elevator locations are marked with contrasting tactile markings to assist persons with visual disabilities in locating the elevators. This same feature is used for the identification of key architectural elements throughout the building. Additionally, in this photograph are telephones, including one equipped with a TTY (for communication by persons who are deaf, hard of hearing or speech impaired) that are recessed to remove them from the pedestrian route. This TTY placement eliminates the possibility of the people using the telephone protruding into the pedestrian route. The telephones are placed against a contrasting colored background to aid in their visibility for persons with reduced vision.



Figure 51: Elevators with tactile markings. Telephone with TTY. Photo: Marnie Peters

Another best practice example is the stairs in the same building. The stairs are designed with contrasting risers and treads, with non-slip edging and with tactile warnings before the beginning of the stairs to warn persons with visual disabilities of the upcoming change in grade. Handrails are graspable and extend at the top and bottom to provide stability to users before they climb or descend the stairs.

In summary, if a country, state or municipality wishes to establish a policy to address accessibility of the built environment, habitat and transportation, they can do so by adopting a building code or standard that includes accessibility criteria.



Figure 52: Stairs with contrasting riser, edge and tactile cue. Photo: Betty Dion

However, the adoption of a building code or standard that includes accessibility criteria can introduce code conflicts that must be resolved by the jurisdiction. There can be potential conflicts between the various interests of the building codes. For instance, fire safety requirements may require a minimal door pressure to ensure that doors close properly. This may inadvertently create a barrier for persons with disabilities as the door may become very difficult to open. Other areas of possible conflicts are accessibility requirements for renovation that trigger seismic requirements or tolerance acceptances that may interfere with accessibility requirements.

5.2.1.2 ICT devices and usage

With respect to ICT, the first step in identifying priorities is to perform an analysis of the in-country installed bases of ICT devices and usage. Statistics play an

important role in providing the basis for analysis and confronting the “digital divide.” As pointed out by United Nations Secretary General Kofi Annan at the 2003 World Summit on the Information Society, the “digital divide” is several gaps in one involving socio-economic issues including:

- A technological divide in ICT infrastructure between the wealthiest countries and the poorest countries;
- A content divide where almost 70 percent of the world’s websites are in English and “at times crowding out local voices and views;”
- A gender divide where women and girls worldwide enjoy less access to ICT than men and boys; and
- A commercial divide where electronic commerce is linking certain countries and companies more closely together.³²

Looking at the problem through the statistical lens, the ITU ***World Development Report: Access Indicators for the Information Society*** describes a “statistical divide” between developed and developing countries concerning data on ICT access.³³ But there are also divides between developed countries and as pointed out by William H. Dutton in ***Social Transformation in an Information Society: Rethinking Access to You and the World***, Internet access within countries “tends to remain demarcated on the basis of wealth, age, skills, literacy, cultural background, class, disability, and many other factors.”³⁴

Finally, as discussed by Cynthia D. Waddell in ***The Growing Digital Divide in Access for Persons with Disabilities: Overcoming Barriers to Participation***, the disability perspective informs us that “expenditures on infrastructure and technology accommodations will be wasted if attention is not paid to the end-user locked out of the Internet due to inaccessible design.”³⁵

In general, there are at least three types of resources available for policymakers: 1) Country Reports and Statistics 2) Regional ICT Survey Reports and 3) ITU Reports on ICT Indicators.

With respect to country reports and statistics, national statistic and census bureaus as well as communication regulatory authorities can be contacted for ICT data. The European Union country reports are an example of reports that have been posted online since January 2007 regarding the “State of Play” of eInclusion and eAccessibility. These country reports provide ICT data and identify the implementation plans and efforts underway to meet their obligations under the European Union eInclusion and eAccessibility programme.³⁶

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e-Inclusion : state of play reports

As part of the work by Member States representatives in the i2010 e-Inclusion subgroup, state of play reports have been created in January 2007 and are available below in word format.

They are also available on our [discussion forum](#), where members states will update their reports directly.

	Austria		
	Belgium		
	Bulgaria		
	Cyprus		
	Czech Republic		
	Denmark		
	Estonia		
	Finland		
	France		
	Germany		
	Greece		
	Hungary		
	Ireland		
	Italy		
	Latvia		
	Lithuania		
	Luxembourg		
	Malta		
	Netherlands		
	Norway		
	Poland		
	Portugal		
	Romania		
	Slovakia		
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Figure 53: European Union Country Reports. Photo: Europe's Information Society

Another source for country reports and statistics on ICTs and accessibility are the 2008 country responses to the ITU-D Question 20/1 questionnaire directed to Member States of the ITU and Members of the Development Sector. The questionnaire is posted online at <http://www.itu.int/ITU-D/CDS/gg/sqg20-1.html> but as of the writing of this chapter, the responses have not been posted. The ITU-D Question 20/1 questionnaire specifically seeks information on ICT use by persons with disabilities whereas the country reports do not necessarily provide this type of data.

With respect to regional reports, one example is the ICT regional survey supporting the Biwako Millennium Framework that was completed in August 2007.³⁷ An interesting finding was that six countries reported survey data on ICT usage by persons with disabilities: Australia, Bhutan, Japan, Republic of Korea, Mongolia, and New Zealand. In addition, twelve countries reported that they had regional working groups to develop standards in ICT telecommunications and broadcasting for persons with disabilities: Australia, China, Hong Kong, Japan, Republic of Korea, New Zealand, Pakistan, Thailand and Turkey.

Finally, a third type of resource for policy makers can be found in the United Nations report, ***Partnership on Measuring ICT for Development: Core ICT Indicators***.³⁸ As stated in the Foreword of the report:

Comparable statistics on access to, and use of, information and communications technologies (ICTs), are critical to formulating policies and strategies concerning ICT-enabled growth, for social inclusion and cohesion, and for monitoring and evaluating the impact of ICTs on economic and social developments.³⁹

The objective is to help countries to produce internationally comparable data with the recognition that not all countries are at the same level of development or have well developed statistical systems. The core list has four sets of indicators for country reporting:

- ICT infrastructure and access;
- Access to, and use of, ICT by households and individuals;
- Use of ICT by businesses and
- ICT sector and trade in ICT goods.

The April, 2008 publication, ***The Global Information Society: a Statistical View, Partnership on Measuring ICT for Development***,⁴⁰ provides the latest ICT statistics and seeks to provide information on the state of ICT in the world for both the developed and developing countries. For example, the following table in the report under the chapter addressing “Access to, and use of, ICT by Households and Individuals” shows frequency of Internet use by individuals:

Table 12. Frequency of Internet use by individuals,¹⁰ proportion of Internet users, latest year available

Level of development and region ¹⁰	Economy ¹¹	Age	At least once a day	At least once a week but not every day	At least once a month but not every week	Less than once a month
Developed economies						
Europe	Iceland	16-74	82%	14%	3%	1%
Europe	Norway	16-74	77%	17%	4%	1%
Europe	EU25 ⁷	16-74	67%	23%	8%	3%
N. America	Canada	18+	64%	26%	5%	2%
Oceania	Australia ²⁸	15+	50%	41%	8%	1%
Oceania	New Zealand	15+	58%	30%	6%	5%
Transition economies						
Asia	Azerbaijan	15+	41%	51%	5%	3%
Europe	Bulgaria	16-74	64%	28%	6%	2%
Europe	Romania	16-74	49%	41%	9%	1%
Europe	Serbia	16-74	50%	37%	8%	4%
Europe	TFYR Macedonia	15-74	44%	40%	13%	3%
Developing economies						
Africa	Morocco	12-65	55%	34%	8%	3%
Africa	Mauritius	12+	33%	47%	15%	5%
Asia	Hong Kong SAR China	10+	72%	19%	5%	4%
Asia	Occ. Palestinian Terr.	10+	49%	40%	10%	0%
Asia	Republic of Korea	5+	71%	21%	2%	5%
Asia	Singapore	10+	70%	22%	8%	
Asia	Thailand	6+	23%	60%	17%	1%
LAC	Brazil	10+	36%	47%	12%	3%
LAC	Costa Rica	5+	34%	38%	24%	5%
LAC	Mexico	6+	20%	68%	10%	2%
LAC	Uruguay	6+	37%	48%	12%	3%

Source: ITU, UNECLAC, national statistical sources and Eurostat (30 November 2007).

Figure 54: Internet Usage. Table: ITU, UNECLAC, Eurostat, national sources

According to the report, most reporting countries are able to disaggregate Internet use data by individual characteristics, such as age, level of education and gender. Unfortunately, the country statistics demonstrate a lack of metadata

and ICT indicators for ICT accessibility and its' use by persons with disabilities. For example, how many persons with disabilities use the Internet? How many cell phones are in use with navigation and menus that speak out loud for persons with visual disabilities? How many text telephones⁴¹ are in operation and how many people use them? How many Total Conversation⁴² services are in place and how many people use it? How many talking ATMS⁴³ are in operation? These are just some of the questions that could be addressed in data gathering.

Article 31 of the Convention, Statistics and Data Collection, seeks to correct this gap in data. It requires States Parties to undertake collection of appropriate information, including statistical and research data to enable them to formulate and implement policies to carry out the Convention. The information shall be disaggregated, as appropriate, and used to assess the implementation of States Parties' obligations under the Convention and to identify barriers faced by persons with disabilities. Article 31 also requires States Parties to assume responsibility for the accessibility of these statistics for persons with disabilities.

5.2.2 Inventory of existing laws, regulations or voluntary guidelines adopted by Civil Society to promote accessible built environment, habitat, transportation and ICT

5.2.2.1 Built Environment, Habitat, and Transportation

The second step in identifying priorities in policy making is to conduct an inventory of existing laws, regulations or voluntary guidelines. As reported during the Second Session of the Conference of States Parties, the Secretariat has been requested to continue to update the compilation of legislative measures to implement the Convention.⁴⁴

As a result, one of the most important steps for States Parties is to conduct a review of the building code and standard to examine if there are, in fact, mandatory requirements for accessibility criteria. Organizations responsible for the development of building codes and standards will be able to provide an inventory of mandatory building codes at all jurisdictional levels that contain accessibility criteria. These mandatory building codes also maintain jurisdiction over the construction of housing and transportation facilities.

Accessibility Inventory of existing codes, regulations or voluntary guidelines

Conducting an inventory of accessibility criteria in building codes and standards and their applications to various different types of facilities and transport is an excellent way for States Parties to benchmark accessibility. This inventory will include a look at both national and regional requirements.

In addition to the regulations that are imbedded in the building code process, there may be mandatory regulations legislated at the local level. This is particularly so for elements in the public realm such as the design of street design, pedestrian crosswalks and sidewalk design. These elements are not the purview of the building code committees as they are limited to the design of the building itself. Therefore, it is important to conduct an inventory of municipal guidelines of the public rights of way and urban design elements.

Transportation facilities are usually included in the application criteria of building codes and standards. Some jurisdictions have developed additional voluntary Codes of Practices that guide transportation providers in providing a greater understanding of the accessible transportation needs of persons with disabilities.

Housing criteria is also included in building codes and standards, although it is usually found in a different section and the extent of accessibility criteria will depend on the areas of jurisdiction. For more, see Chapter 7, *Standards and Best Practices in Accessibility*.

5.2.2.2 Inventory of existing laws, regulations or voluntary guidelines adopted by Civil Society to promote ICT accessibility and assistive technologies

Similarly, with respect to ICT, the second step in identifying priorities for policymaking is to map or take inventory of all existing laws, regulations or voluntary guidelines adopted by civil society to promote ICT accessibility and assistive technologies. Conducting a country inventory will assist in determining the gaps in policymaking for establishing the constitutional, legal and administrative framework for the implementation of the Convention with respect to e-Accessibility and service needs for persons with disabilities. A limited directory of countries with national disability rights laws is available online at the Disability Rights Education and Defense Fund at <http://www.dredf.org/international/lawindex.shtml>.

Even if there are existing national laws that address non-discrimination of persons with disabilities, the policy maker may find that they may be silent on the Convention obligations for ICT accessibility and assistive technologies. As discussed in Chapter 2, *Accessibility Components of the UN Convention*, it is a general obligation of the Convention in Article 4(f) to promote universally designed goods, services, equipment and facilities. “Universal design” is the design of products, environments, programs and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.⁴⁵

In other words, ICT accessibility refers to the accessible design of mainstream ICT so that the widest number of people, including persons with disabilities, can use it. ICT accessibility is to be distinguished from ICT affordability and ICT

availability which are also important issues in the Convention for the community of persons with disabilities.⁴⁶

With respect to ICT accessibility, it is not enough to provide Internet connectivity, because the Internet service and website could still be inaccessible and prevent persons with disabilities from using assistive technologies. The solution is to implement accessible web design standards to remove barriers to access. In other words, ICT accessibility includes accessible web design.

Before the Convention opened for signature, at least 26 countries and jurisdictions had accessible web design laws or policies already in place.⁴⁷ These laws or policies follow the World Wide Web (W3C) Web Content Accessibility Guidelines 1.0; the U.S. Section 508 web standards, a variation of these rules or rules particular to that jurisdiction. In fact, Portugal was one of the early pioneers in national legislation in 1999. Although the United States Congress strengthened ICT accessibility requirements in 1998, it was not until 2001 that the federal law came into force with regulations defining what was meant by accessible design under the U.S. Access Board Electronic and Information Technology Accessibility Standards.⁴⁸

Another example of ICT accessibility concerns emergency telecommunication services. It is not enough to provide emergency telecommunication services for the general population, and at the same time fail to enable persons who are deaf, hard of hearing and without speech to make emergency telephone calls. Similarly, emergency alerts using voice mail to persons with disabilities are helpful for persons with visual disabilities, but not for persons with hearing disabilities who cannot hear a voice mail emergency alert. Text messaging or video relay messages for sign language ensure that persons who are deaf and hard of hearing can access the emergency alert.

These examples concerning Internet connectivity and emergency services are only three that illustrate why ICT accessibility removes barriers and enables full participation in society for persons with disabilities. As discussed later in this chapter, there are accessible design standards for many ICT products including hardware, software, databases, multimedia, ATMs, ticket machines, television, digital media and telecommunications.

A policy maker may also find that existing laws may not reflect the disability policy paradigm shift. The old paradigm viewed persons with disabilities from a medical model perspective of diagnosis and inability as “defective” individuals that needed to be “fixed.” This view tends to promote the mistaken belief that persons with disabilities cannot contribute to society, become employable or contribute to economic sustainability. The Convention reflects the global society shift to a new paradigm viewing persons with disabilities with a focus on ability, integration and the recognition that the problem is incompatibility with the environment. For example, a person using a wheelchair might have difficulties

obtaining employment, not because of a wheelchair, but because of environmental barriers such as inaccessible buses or staircases that impede access. Or a person who is blind might not have access to a screenreader at the work site so that she could be employed.

A fresh look will be needed at existing laws to ensure that there are no conflicts with the obligations of the Convention. The inventory will enable the policy maker to evaluate whether existing ICT regulations might impede or serve as a barrier to ICT accessibility. For example, does the ICT architecture for government online services require the use of CAPTCHAs for security reasons?

If so, unless an audio CAPTCHA for accessibility is provided, a person with a visual disability will not be able to access the content of the website behind the CAPTCHA. This is because screen readers cannot identify the distorted characters. CAPTCHA stands for “Completely Automated Turing Test to Tell Computers and Humans Apart.” It is a type of challenge-response test where the user must identify the letters and/or numbers in a distorted image and type those characters into a submit box. Used to prevent abuse by automated software visiting the website, CAPTCHAs are not accessible to persons using screen readers unless an audio feature is provided.⁴⁹

Or is there a security requirement that documents must be posted in Portable Document Format (PDF)? PDFs not tagged for accessibility⁵⁰ are another type of barrier not accessible to persons with disabilities using screen readers. For this reason, alternate security solutions are required.

An example of a country inventory and gap analysis for this step is found in a report written by the United States National Council on Disability, an independent federal agency responsible for promoting equal opportunity for persons with disabilities. The report, ***Finding the Gaps: A Comparative Analysis of Disability Laws in the United States to the United Nations Convention on the Rights of Persons with Disabilities (CRPD)*** is online at <http://www.ncd.gov/newsroom/publications/2008/CRPD.html>.

5.2.3 Inventory of existing in-country case studies and good practices promoting accessible built environment, habitat, transportation and ICT

5.2.3.1 Built Environment, Habitat, and Transportation

The third step in identifying priorities for policymaking is to conduct an inventory of existing in-country case studies and best practices. ***The International Best Practices in Universal Design: A Global Review*** provides examples from around the world good practices in the design of the built environment from both developed and developing countries. It includes examples of innovative solutions

in built environment, habitat and in transportation facilities such as the provision of visual text displays for all public announcements. This provides information to travelers regarding any change in time or gate location for flight departures and arrivals. In addition the visual text displays not only provide written information for persons who are deaf or hard of hearing, in the event of an emergency they will understand and be able to follow instructions like everyone else.



Figure 55: Signage indicating location for Visual Announcements. Photo: Betty Dion

Other examples of good practices in transportation facilities include the provision of information regarding the security screening process in formats that are inclusive of persons with disabilities. The overhead screen provides information in a variety of languages and is captioned thus expanding its usefulness even further.

Argentina provides an innovative example of a best practice that impacts accessibility for persons with disabilities in their country. They charge a small fee for any checks that are written without sufficient funds. This fee is collected by the banks and submitted to the government who administer it as the Accessibility Fund. The Accessibility Fund is used to address accessibility for persons with disabilities utilizing it to update and improve areas such as the design of streetscapes, curb ramps or the provision of information in Braille.⁵¹

5.2.3.2 Inventory of existing in-country case studies and good practices promoting ICT accessibility and assistive technologies

Similarly, the third step in identifying priorities for ICT policy making is to inventory existing in-country case studies and good practices that promote ICT

accessibility and assistive technologies. This step informs the policy maker of lessons learned in case studies as well as best practices. It also enables current best practices to be leveraged and supported.

While there are many different types of in-country case studies and practices, this discussion highlights four types of ICT accessibility and assistive technology best practices that are discussed in detail in Chapter 7, *Standards and Best Practices in Accessibility*:

- Country Web Portal for empowering Persons with Disabilities;
- ICT and Assistive Technologies for emergency preparedness;
- Telecommunications for persons who are deaf or have speech disabilities; and
- Accessible Print Materials and Library Books for persons with visual disabilities.

One example of a public policy best practice in the use of ICT and assistive technologies is found in the South Africa National Accessibility Portal (NAP) at <http://www.napsa.org/za/portal>. As discussed in detail in Chapter 7, NAP is a national project in South Africa to address the needs of approximately four million persons with disabilities where less than one percent are economically independent.⁵²

A second case study comes from the Asia Pacific region concerning their response to the December 2004 Tsunami that took the lives of many people. Tsunami preparedness and the role of ICT and accessibility collaboration was the subject of an International Conference in January 2007 that resulted in a helpful public policy dialogue.⁵³ The International Conference on Tsunami Preparedness of Persons with Disabilities in Thailand is also discussed in detail in Chapter 7.

The third example of a best practice policy comes from Sweden and the implementation of “Total Conversation” for persons who are deaf, hard of hearing or have speech disabilities. “Total Conversation” is a telecommunications standard from the International Telecommunication Union that uses the Internet to combine video, text and audio for communications. Chapter 7 discusses this best practice policy and provides an update on the “Reach 112” emergency number pilot underway in 5 European Union countries.⁵⁴

Finally, from the Netherlands, Sweden and the United States, another best practice concerns access to print materials offered by the DAISY Consortium. The accessibility of print materials for persons with visual disabilities and for indigenous languages, this ICT tool has been the subject of policy making to ensure access to print materials for training materials and library books.⁵⁵ A detailed discussion of the application of this ICT in policy making is also discussed in Chapter 7.

5.2.4 Development of consultations with representatives of persons with disabilities and possible surveys to be conducted

The fourth step in identifying priorities for policy making is the development of consultations with organizations representing persons with disabilities. A fatal flaw in disability policy making is the failure to consult the community of persons with disabilities. After all, they are in the best position to evaluate appropriate solutions to accessibility barriers. In fact, representatives of persons with disabilities can facilitate the administration of surveys needed to obtain data about accessible built environment, habitat, transportation, ICT and assistive technology needs.

Every country around the world has residents that are persons with disabilities and it is rare to find a country that would not have non-governmental organizations serving as representatives of persons with disabilities. For example, take a look at the extensive list of organizations at the United Nations Enable website at <http://www.un.org/disabilities/default.asp?id=739>. The list includes organizations by country as well as those that represent persons with disabilities on an international level.

Developing consultations with representatives of persons with disabilities requires the policy maker to be informed about effective communication and accessibility so that persons with disabilities can provide consultations. This means that accessible meetings, documents in alternate format, and teleconferences must be accessible for participation.

Experience has shown that if a policy impacts the community of persons with disabilities, the community needs to be consulted or the implementation will run the risk of being inappropriate as well as a poor use of resources. For this reason, the international disability rights slogan is “Nothing about us, without us.”⁵⁶ There also should be organizational education, outreach and training about accessibility implementation.

Regarding this point, the author is reminded of an incident in her jurisdiction when she served as Chair of a local government Advisory Commission on Persons with Disabilities in the U.S. A text telephone was installed in a hospital lobby with a bank of payphones to enable callers with hearing and speech disabilities to make phone calls. ***The text telephone was contained in a popular tamper resistant box as part of its design but it was suspicious to an uninformed hospital employee. As a result, a bomb report was made, the hospital wing evacuated, and a police robot detonated the box in the hospital parking lot!*** This unfortunate diversion of valuable resources and interruption of hospital services could have been prevented with appropriate training about text telephones.

Finally, it must be pointed out that if surveys are used, then the survey design and deployment must meet ICT accessibility requirements if persons with disabilities are to participate in the survey. Frequently, persons with disabilities are not represented in the data collection. For example, a telephone survey may not reach persons with hearing or speech disabilities if calls are not made to persons using text telephones, Telecommunication Devices for the Deaf (TDDs) or “Total Conversation.”

Likewise, a survey posted on the World Wide Web may be inaccessible because it fails to meet the W3C Web Content Accessibility Guidelines 1.0. As a result, persons with visual disabilities and specific learning disabilities may not be able to access the survey with a screenreader, and persons with mobility disabilities may not be able to access the survey by keyboard with assistive technologies. It would also be inaccessible to persons with hearing loss if the survey included a video or multimedia component without captioning.

Persons with disabilities also have an important role to play in the development of codes and standards impacting accessibility of the built environment, habitat and transportation. Their participation in the code development and standards setting process ensures that architectural elements are designed in a way that do not create a barrier to their independent movement in, through and exit from a facility or service.

The composition of a building code committee typically is made of a matrix of persons having expertise in the areas of fire safety, water management, building materials, etc. An important policy decision is to ensure that persons with disabilities are members of this committee so that accessibility and their life experience of barriers can inform the decision making process for code recommendations and adoption.

In addition, persons with disabilities also have a role to play in monitoring the implementation of accessibility criteria that has been adopted by the area having jurisdiction.

Identifying accessibility priorities for the built environment is part of the cycle of building code and standards development and review. It is imperative that persons with disabilities participate, not only in the actual committees, but also in the public comment period that traditionally follows the code review cycle.

Human Rights Organizations also participate in the identification and review of accessibility priorities. To ensure the protection of the rights of persons with disabilities, many human rights organization participate in the building code and standard writing process. In their capacity as protectors of the rights of persons with disabilities, they can mediate between various elements of society to ensure greater awareness and understanding of the concepts of accessibility. Also, as

recipients of complaints of perceived violations of their rights by persons with disabilities, human rights commissions are able to identify areas of inadvertent systemic discrimination that occur as a result of the absence of policies or deficiencies in the scope of the building code or standard.

5.2.4.1 Monitoring

Monitoring of accessibility is again closely tied to the building code process and can inform the survey and consultation process with persons with disabilities. In order for a building to be constructed it must first go through an approval process. Drawings must be submitted for approval to meet the building code requirements. At this stage, many municipality, states and countries are able to review the proposed drawings and identify accessibility deficiencies. They typically require that the drawings be reconfigured to meet accessibility requirements, such as installing grab bars, eliminating unnecessary steps, installing visual strobe alarms, and including an accessible washroom. This could be considered the first stage of monitoring.

It is important to note that the Convention requires that States Parties conduct an assessment of the built environment and undertake a barrier removal process. In fact, this is an integral component of the process of preparing the report for the UN Committee on the Rights of Persons with Disabilities. The following is an example of the process to consider:

- Engage the community of persons with disabilities and accessibility specialists
- Conduct an environmental scan of accessibility codes and standards
- Identify which code or standard should be the benchmark
- Prepare a checklist of technical specifications based on the benchmark standard
- Conduct a site accessibility audit utilizing the checklist, measuring carefully to ensure the appropriate data is captured.
- Identify the deficiencies and develop recommendations for compliance
- Establish a priority system and apply it to each recommendation
- Undertake a costing for the identified recommendations
- Identify financial and staffing resources
- Build a database of the recommendations based on the priorities, develop an implementation program
- Identify short term and long term recommendations in the implementation plan.

In order to develop a monitoring tool for the Convention, the Global Alliance on Accessible Technologies and Environments (GAATES) has developed an empirical measurement tool that provides a rating for the accessibility of a building. The accessibility rating system is based on an evaluation of architectural elements and their importance to people with various disabilities.

This rating system was designed to provide a baseline measurement that could be used to benchmark accessibility and provide a measure for future compliance with the Convention.

5.2.5 Establishment of rank order for addressing accessibility in built environment and habitat, transportation and ICT

The final step in identifying priorities for policy making is to rank order issues to be addressed in each sector while keeping in mind the gaps in accessibility and service needs for persons with disabilities. One hallmark for successful policies and strategies is the implementation of barrier removal action plans. A successful plan is informed by these steps for identifying priorities and budgets accordingly.

Although the Convention calls for the removal of accessibility barriers, there are action plans already underway in countries with rights-based legislation. Looking across the globe, here are some examples of policies and implementation plans for accessibility barrier removal.

5.2.5.1 Australia

Having ratified the Convention, the Australian Government is currently developing a National Disability Strategy aimed at addressing the needs of persons with disabilities by setting a consistent national direction for the enhancement of disability legislation, policy and standards, which is inclusive and aligns with the tenets of the Convention.⁵⁷

Australia has a practice of using Action Plans under the Disability Discrimination Act (DDA) of 1992. Under the DDA, it is unlawful to discriminate in the provision of goods, services or facilities against people on the basis that they have, or may have, a disability. It is also unlawful to discriminate against a person on the basis that one of their associates has, or may have, a disability. The DDA provides for organizations to develop Action Plans as a strategy for eliminating discriminatory practices and the plan can be lodged with the Human Rights and Equal Opportunity Commission (HREOC).

Should a disability discrimination complaint be filed, the HREOC is required by the DDA to consider the organization's action plan. The success of an Action Plan for the removal of disability discrimination depends on the effectiveness of the actions taken and can be used as a defense against the complaint.

The HREOC maintains a website for registered Disability Discrimination Act Action Plans that includes almost 400 plans for viewing so that 1) organizations developing action plans can benefit from other organizations' work and experience 2) persons with disabilities can see what an organization has committed itself to achieving and 3) persons with disabilities can contribute their

views on the improvement of the action plans and their implementation. Entities register their Action Plans under the following classifications: Business (private and government business enterprises), Commonwealth Government, State and Territory Government, Local Government, Education and Non-government Organizations. The HREOC website also provides resources on developing effective plans.⁵⁸

Each of the 400 Action Plans in Australia are downloadable but the website does not provide a searchable database. Business registrations include filings from banking, public transport, and telecommunications. This database includes the Fourth Action Plan filed by Telstra, the primary Universal Service provider.

5.2.5.2 European Union

Although the European Community has signed the Convention, as of the writing of this chapter the Convention has not been ratified. In the European Union, efforts to address barriers experienced by persons with disabilities and others when trying to access ICT goods and services is called eAccessibility. Today, the i2010 strategy encompasses all European Union policies, initiatives and actions that seek to boost the development and use of digital technologies in the workplace and in private life. eAccessibility is considered part of the broader concept of eInclusion which seeks to enable equal participation in the information society. eAccessibility is a component of eInclusion, one of the three pillars of the i2010 initiative.

In the framework of i2010, both the eAccessibility Communication of 2005⁵⁹ and the 2006 Riga Ministerial Declaration⁶⁰ on eInclusion provide the political agenda for eAccessibility. The European Information Society strategy builds upon earlier actions under the eEurope 2002 eAccessibility targets.

The eAccessibility Communication of 2005 aimed at mobilizing both the industry and Member States towards Europe-wide harmonized solutions. Three policy approaches were offered:

1. Using public procurement contracts to improve accessibility requirements in the ICT domain;
2. Exploring the possible benefits of certification schemes for accessible products and services; and
3. Making better use of the eAccessibility potential of existing legislation.

It also recommended continuing various activities such as:

1. Development, implementation and use of eAccessibility requirements and standards;
2. Promotion and take-up of the Design-for-all concept;
3. Web accessibility of online public services;

4. Setting targets to benchmark accessibility and monitor progress; and
5. Developing European data comparable across Member States.

The 2006 Riga Ministerial Declaration announced the following targets related to ICT accessibility:

- Halve the gap in internet usage by 2010 for groups at risk of exclusion, such as older people, people with disabilities, and unemployed persons;
- Increase broadband coverage (i.e. the availability of broadband infrastructure) in Europe to at least 90% by 2010. In 2005, broadband was available to about 60% of businesses and households in the remote and rural areas of the EU15 and to more than 90% in the urban areas);
- Ensure that all public websites are accessible by 2010;
- By 2008, put in place actions in the field of digital literacy and skills to reduce gaps for groups at risk of exclusion by half in 2010;
- By 2007, make recommendations on accessibility standards and common approaches, which could become mandatory in public procurement by 2010; and
- Assess the necessity for legislative measures in the field of e-Accessibility, and take account of accessibility requirements in the review of the electronic communications regulatory framework beginning in June 2006.⁶¹

Today, the European Union's main instrument for funding research is the Seventh Framework Programme for Research and Technological Development. Expected to run from 2007- 2013, research activities include:

Ensuring equal access and participation through the removal and prevention of technological barriers through the application of design-for-all methods and tools, and new assistive technologies; and

Horizontal issues, such as the identification of ICT policies as best practices examples, benchmarking, indicators and cooperation across Member States and internationally.⁶²

5.2.5.3 United States

Somewhat similar to the Action Plan approach in Australia, the U.S. under the Americans with Disabilities Act requires government agencies to develop ADA Transition Plans for barrier removal. These plans impact the built environment for government agencies as well as transportation facilities. However, these barrier removal plans do not cover private residences or habitats because they

are not covered under the ADA. However, under the Fair Housing Act, federal funding requirements for multiple residency units provide some accessibility criteria for residents with disabilities.⁶³

Although the United States has signed but as not yet ratified the Convention, the country has an accessible ICT procurement law and practice that requires reporting. The 1998 Amendments to the Rehabilitation Act⁶⁴ requires that the Attorney General conduct biennial surveys and report to the President and Congress information and recommendations regarding the extent to which the electronic and information technology of the Federal Government is accessible to and usable by individuals with disabilities. Also known as Section 508, this statutory approach to the removal of ICT barriers to persons with disabilities is discussed in this toolkit under the chapter of public procurement. Except for the Interim Report, the accessible ICT determination is based upon the December 2000 Electronic and Information Technology Accessibility Standards promulgated by the U.S. Access Board pursuant to the 1998 law.

The first interim report was issued by the U.S. Department of Justice in April 2000 and is entitled ***Information Technology and Persons with Disabilities: The Current State of Federal Accessibility***.⁶⁵

Since that time, additional federal-wide surveys have been conducted in 2001 and 2003. Results of the 2001 survey are online at the U.S. Department of Justice at <http://www.usdoj.gov/crt/508/report2/index.htm> while the 2003 survey has not been released as of the writing of this chapter.

5.3 Disability Policy Approaches

There are at least three types of disability policy approaches: accessibility policies, policies in support of civil society or non-government organizations, and mainstreaming ICT policies. The first two types of accessibility policies are discussed in this chapter. For a discussion of mainstreaming policies, please see Chapter 8, *National Implementation and Monitoring*.

5.3.1 Accessibility Policies

Accessibility is a core principle of the Convention and so accessibility policies must support at least the minimum obligations of the Convention. The Mapping of Accessibility Topics Table in the Annex at 10.4 provides a listing of the built environment, habitat, transportation and ICT accessibility topics that impact public policy. For example, in the area of ICT, the list below provides some of the ICT accessibility and service requirements that will drive policy subject matter areas:

1. Undertake or promote research and development of universally designed ICT goods, services, equipment and facilities (Article 4- General Obligations);
2. Promote the availability and use of accessible ICT (Article 4-General Obligations);
3. Identify and remove barriers to ICT accessibility and services, including electronic services and emergency services (Article 9- Accessibility);
4. Implement minimum standards and guidelines for accessibility of services open and provided to the public (Article 9- Accessibility);
5. Ensure that private entities offering services to the public take into account all aspects of accessibility (Article 9- Accessibility);
6. Provide training for stakeholders on accessibility issues (Article 9- Accessibility);
7. Promote access to new ICT and systems, including the Internet (Article 9- Accessibility);
8. Promote the design, development, production and distribution of accessible ICT and systems at an early stage so they are accessible at minimum cost (Article 9-Accessibility);
9. Ensure that persons with disabilities can seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice (Article 21-Freedom of Expression and Access to Information);
10. Provide information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost (Article 21-Freedom of Expression and Access to Information);
11. Accept and facilitate all accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions (Article 21-Freedom of Expression and Access to Information);
12. Urge private entities to provide information and services in accessible and usable formats, including services to the public through the Internet (Article 21- Freedom of Expression and Access to Information);

13. Encourage mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities (Article 21- Freedom of Expression and Access to Information);
14. Recognize the use and promotion of sign language (Article 21- Freedom of Expression and Access to Information)(which could be displayed in television programming or multi-media);
15. Facilitate the use of assistive and new technologies when protecting the right to vote by secret ballot, to stand for elections, to hold office and to perform all public functions at all levels of government (Article 29- Participation in Political and Public Life);
16. Ensure that persons with disabilities enjoy access to cultural materials, television programs, films, theatre and other cultural activities in accessible formats (Article 30- Participation in Cultural life, Recreation, Leisure, and Sport);
17. Undertake collection of appropriate information, including statistical and research data to enable them to formulate and implement policies to carry out the Convention (Article 31- Statistics and Data Collection);
18. Collect information to be disaggregated and used to assess the implementation of obligations under the Convention and to identify barriers (Article 31- Statistics and Data Collection);
19. Assume responsibility for the accessibility of the statistics for persons with disabilities (Article 31- Statistics and Data Collection);
20. Facilitate cooperation in research and access to scientific and technical knowledge (Article 32- International Cooperation);
21. Provide technical and economic assistance, including the facilitation of access to and sharing of accessible and assistive technologies (Article 32- International Cooperation); and
22. Facilitate the transfer of technologies (Article 32- International Cooperation).

The Convention obligations for accessibility of the built environment ,habitat, transportation and ICT will create policies and solutions unique to the socio-economic and cultural profile of each country. Accessibility policies will help entities to carry out their responsibilities, address risk management and generally provide procedures that specify steps necessary for compliance.

One of the barriers to ICT accessibility and services is the failure to ensure that meetings and conferences are accessible. Although this chapter cannot specify the actual language for all policies of concern to the policy maker, it can point to best practices. For example, an excellent guide for developing accessible meeting policies is the ***Guide to Planning Inclusive Meetings and Conferences***, by the Treasury Board of Canada Secretariat at http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/tb_852/gpimc-gprci_e.asp. (French and English)

For conferences or meetings where event participants are required to register, one convenient way to anticipate the accessibility needs of attendees is to request this information from attendees in advance on the registration form. This best practice enables conference hosts to manage the deployment of accessible information and services. It also requires the meeting or conference organizers to have a process in place for responding to reasonable accommodation requests for access to the event. By including this request for disability reasonable accommodations on the event registration form, event participants with disabilities have a venue for disclosing their needs for access to the event.

In the alternative, if a meeting or conference registration form is not being utilized for a meeting, then it is important to include a statement in the meeting notice that provides contact information for requesting a reasonable accommodation.

To be clear, the reference to “reasonable accommodation” does not refer to the provision of housing or overnight lodging for a meeting or conference. As discussed in this publication, “reasonable accommodation” is a cornerstone of the Convention and failure to provide it can amount to discrimination on the basis of disability. Known as the duty to accommodate, “reasonable accommodation” enables persons with disabilities to enjoy their rights and freedoms on an equal basis with others. In particular, Article 2 of the Convention defines “reasonable accommodation” as “necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden.”

For example, an Accessible Meeting Policy will require that planners for conferences will determine that the conference venue and local transportation is accessible to persons who use wheelchairs. This includes an accessible path of travel, an accessible facility and an accessible washroom or toilet. Such a policy would also provide a mechanism for meeting attendees to convey their needs for accessibility. Here is an example of one way to address conference accessibility on the registration form:

Accessible Meeting Request:

If you have a disability, please indicate below the accommodation you need in order to participate:

- ☐ Sign Language Interpreter
- ☐ Real Time Captioning or CART
- ☐ Neckloop Jack on Translation Listening System
- ☐ Assistive Listening System
- ☐ Braille Documents
- ☐ Print documents in Large Font (18 point font)
- ☐ Electronic Documents on CD or thumb drive
- ☐ Cyber Café Terminal with Screenreading Software
- ☐ An assistant will be accompanying me
- Other _____

Finally, a relevant study of interest to the policy maker on accessible goods and services and ICT policies for the European Union is a report entitled ***Measuring Progress of eAccessibility in Europe: Assessment of the Status of eAccessibility in Europe***.⁶⁷ In the study, “eAccessibility” is defined as the design of ICT products and services that can be used by persons with disabilities and older adults. The October 2007 report includes a Policy Inventory⁴⁴ covering 28 countries who were EU Member States at the end of 2006, plus the countries of Australia, Canada and the U.S. for comparison. The policy information reported is organized according to the following themes and serves as the data for the policy assessment and analysis:

- Public Web Sites;
- Other Web Sites;
- Telecommunications Services and Equipment;
- Analogue TV;
- Digital TV;
- Copyright and Services for Print-disabled;
- Assistive Technology;
- Public Procurement;
- Equality/Anti-discrimination;
- (Other) Disability Policy; and

- Other.

Extensive data compilation was conducted to answer three core questions:

1. What is the current eAccessibility status situation in Europe as a whole and across the Member States?
2. How well-developed is current eAccessibility policy at EU-level and across the Member States?
3. What conclusions can be drawn in support of decision-making about possible future needs for reinforced or new policy measures at EU-level?

The report found only limited progress in Europe and reached three conclusions:

1. There is an eAccessibility “deficit” since persons with disabilities continue to encounter barriers in Europe in the use of everyday ICT products and services that are now essential to social and economic life. The deficits include telephony, TV, web and self-service terminals.
2. There is an eAccessibility “gap” for persons with disabilities across Europe in terms of status and policy with an unfavorable comparison to the countries of Australia, Canada and the U.S.
3. There is an eAccessibility “patchwork” since the situation across Europe for both eAccessibility status and policy shows many important gaps, uneven attention across the spectrum of eAccessibility themes and wide disparities across Member States.⁶⁸

Extensive policy options are offered in the report addressing telecommunications services and equipment, television services and equipment, the World Wide Web, self-service terminals, computer and other consumer ICT sectors, copyright exemptions and digital rights management, assistive technologies, ICTs in education, public procurement, certification, employment equality, goods and services equality, and the need for an overarching, cross-cutting eAccessibility instrument. The full report and annexes are available at

http://ec.europa.eu/information_society/activities/einclusion/library/studies/meac_study/index_en.htm.

5.3.2 Policies in support of civil society

The role of civil society has been significant in the elaboration of the first human rights convention of the millennium. This is the first time that non-governmental organizations (NGOs) actively participated in the formulation of a human rights instrument.⁶⁹ NGOs represented persons with disabilities from around the world and many innovative aspects of the Convention reflect the contributions from civil society and NGOs.

As discussed in more detail in later chapters, the Convention established two implementation mechanisms: the Committee on the Rights of Persons with Disabilities, established to monitor implementation, and the Conference of States Parties, established to consider matters regarding implementation. The Committee is currently composed of 12 independent experts who were elected by the Conference of States Parties on 3 November 2008 and will be increased due to the number of ratifications. When States choose individuals to nominate to the Committee, it will be important that States consult with and involve persons with disabilities and their NGOs.

Each State party to the Convention is required to submit to the Committee periodic comprehensive reports on measures taken to implement the Convention. The initial report by each State party must be made within two years of accepting the Convention and thereafter every four years.

The initial comprehensive report by each State party should:

- Establish the constitutional, legal and administrative framework for the implementation of the Convention;
- Explain the policies and programmes adopted to implement each of the Convention's provisions; and
- Identify any progress made in the realization of the rights of persons with disabilities as a result of the ratification and implementation of the Convention.⁷⁰

Subsequent reports by each State party should:

- Respond to the concerns and other issues highlighted by the Committee in its concluding observations to previous reports;
- Indicate progress made in the realization of the rights of persons with disabilities over the reporting period; and
- Highlight any obstacles that the Government and other actors might have faced in implementing the Convention over the reporting period.⁷¹

The Committee is tasked to examine each report and shall make suggestions and general recommendations as it considers appropriate to each State party. In addition, the Optional Protocol to the Convention gives the Committee competence to examine individual complaints from citizens about alleged violations of the Convention by States parties to the Protocol. The Committee activity can be followed by visiting their website at the Office of the UN High Commissioner for Civil Rights at <http://www2.ohchr.org/english/bodies/crpd/index.htm>.

Civil society and NGOs will play a significant role in that the reports must be open and transparent and reflect consultations with persons with disabilities. Civil

society organizations are no longer serving a primary role of service delivery, but are increasingly influential in policymaking and in performing watchdog functions.

As discussed more specifically in the Chapter 8, *National Implementation and Monitoring*, it is also important to note that Article 33 of the Convention is very specific about designating one or more focal points within government for addressing implementation and requires States to consider the establishment or designation of a coordination mechanism within government to facilitate action in different sectors and at different levels. States must establish an independent framework, such as a national human rights institution, to promote and monitor implementation of the Convention. Article 33 sets forth a key role for civil society by providing that persons with disabilities and their representative organizations must be involved and participate fully in the monitoring process.

The Handbook for Parliamentarians on the Convention recommends that States establish a coordination mechanism that:

- Consists of a permanent structure with appropriate institutional arrangements to allow coordination among intragovernmental actors;
- Ensures coordination at the local, regional and national/federal levels; and
- Ensures the participation of persons with disabilities and NGOs by establishing a permanent forum for discussions with civil society.⁷²

5.4 Development of Policy Making

5.4.1 Process to identify the “owners” of each category of legislative and regulatory initiative

In submitting his report for the ratification of the Convention by Australia, Philip Lynch, Executive Director of the Human Rights Law Resource Centre, pointed out that there is “an increasing body of economic research which demonstrates that there is a strong correlation between effective and equitable social policy, on the one hand, and economic development and growth on the other.”⁷³ This finding bodes well for the development of policy making as we look to identify the “owners” of each category of legislative and regulatory initiative needed for translating the Convention into national law.

5.4.1.1 Legislators (general dispositions, amending or creating legislation in compliance with the Convention)

Legislators must work to ensure that the supreme law of the land, whether it is the constitution or basic national law, protects and recognizes the civil, cultural, economic, political and social rights of persons with disabilities. As pointed out by the Handbook for Parliamentarians on the Convention, one of the fundamental obligations of the Convention is that national law should guarantee the enjoyment

of rights set forth in the Convention. Legislators should consider the best way to give effect to the rights guaranteed by the Convention in domestic law and this consideration will vary according to the constitutional and legal systems of individual States:

- In some countries, the ratification of the Convention at the international level may automatically form part of national law;
- In other countries, the legislature might have to adopt an act of ratification at the national level which would have the effect of incorporating the Convention into domestic law; and
- In other countries, such as common-law countries, only when specific provisions of the treaty are directly incorporated into national law will there be enforceable rights and duties.⁷⁴

5.4.1.2 Ministerial departments or authorities for regulations on accessible built environment and habitat, transportation and ICT devices and services in support of international standards and good practices

In general, legislators pass laws while government regulators issue regulations in order to carry out or implement laws. It is in the best interest of regulatory authorities to support international standards and good practices since it enables the country to be competitive in the global economy. For example, in the United States, the Federal Communications Commission (FCC) was established by the Communications Act of 1934 and charged with regulating interstate and international communications by radio, television, wire, satellite and cable. It was not until 1990, when legislators enacted the Americans with Disabilities Act, that persons with hearing and speech disabilities were provided with the ability to use telecommunications services. As the regulatory authority, the FCC was authorized to establish and manage the telecommunications relay services (TRS) program. Today there are nine types of TRS calls that can be made by a person with a disability depending on the needs of the user and the equipment available.⁷⁵

Likewise, in 1998 the U.S. Congress enacted the Workforce Investment Act to strengthen the ICT accessibility provisions of Section 508 of the Rehabilitation Act of 1973. Also known as Section 508, the Act directed the U.S. Access Board to promulgate Electronic and Information Technology Accessibility Standards.⁷⁶ The Electronic and Information Technology Accessibility Standards cover the following ICT:

- Software applications and operating systems;
- Web-based Intranet and Internet information and applications;
- Telecommunications products;

- Video and multimedia products (including television displays and computer equipment with display circuitry that receives, decodes and displays broadcasts, cable, videotape and DVD signals);
- Self contained, closed products (having embedded software such as information kiosks, information transaction machines, copiers, printers, calculators and facsimile machines); and
- Desktop and portable computers.

The Standards also include gap provisions for products that may not be designed to the technical standards but rather incorporate new methods, design or technologies to achieve accessibility. In addition, the Standards include a provision for Information, Documentation and Support requirements, specifically:

- Product support documentation provided to end-users shall be made available in alternate formats upon request, at no additional charge;
- End-users shall have access to a description of the accessibility and compatibility features of products in alternate formats or alternate methods upon request, at no additional charge; and
- Support services for products shall accommodate the communication needs of end-users with disabilities.

5.4.1.3 Ministerial departments for the promotion accessibility by sector

Another “owner” of accessibility and service needs may be a ministerial department responsible for a certain sector. The scope of the Convention addresses a broad range of sectors. The policy maker will look to the appropriate ministerial departments for implementation of these particular Convention Articles. After identifying priorities and evaluating disability policy approaches, the policy maker should engage the ministerial department for the promotion of ICT accessibility. From the legislator, to the regulator, to the ministerial department, all three play an important role in impacting accessibility and services.

Ministers of Transportation, Ministers of Housing, and Ministers of Human Resources and Work all have key roles in ensuring the implementation and monitoring of accessibility of the built environments under their jurisdiction.

The Ministerial Advisory Committee on Accessibility is an example of a best practice that can inform the Minister and their staff of emerging issues of importance. One such example of an emerging trend for the Minister of Transport is the issue of the emerging utilization of power wheelchairs and scooters, increasingly an issue as the population is aging. Their use is challenging the traditional allocation of spaces reserved for the transportation of mobility devices and poses challenges for the storage of such devices during travel.

5.4.1.4 Public procurement agencies

Another significant player in the availability of accessible goods, services, equipment and facilities are public procurement agencies. Government public procurement agencies are on the front lines in the acquisition and deployment of accessibility. One way to have a systemic impact is to provide accessible public procurement toolkits. There are at least four countries that have implemented this approach for accessible ICT: Denmark, Ireland, Canada and the United States. Each country procurement approach is discussed below as a case study to demonstrate the scope of ICT products and services impacted as well as the public policy basis for the toolkit. By focusing on the public procurement processes in the public sector, the toolkit leverages the ICT budgets of these countries and can play a significant role in promoting accessible ICT.

Denmark

Although there is no national special procurement legislation requiring the procurement of accessible ICT, the toolkit was created by the Centre of Excellence based at the Danish National IT and Telecom Agency. The Centre of Excellence was created in May 2003 and its goal is to support a government IT policy strategy of an inclusive society. The current version of the toolkit was presented to the public in 2005 as a tool for assisting public procurers in successfully implementing e-accessibility requirements in their tenders and contracts.

A web-based application, the technical development was carried out by Adapt, a private company that provides web solutions. Products covered by this tool include hardware, software, websites and web-based applications. It applies a number of sources for accessible technical design standards, including the U.S. Section 508 Electronic and Information Technology Accessibility Standards, the “Guidelines for Procurement of Accessible Personal Computer Systems” as set out by the EU ACCENT project, industry guidelines from IBM and Microsoft, the W3C Web Content Accessibility Guidelines, and the Danish Government Guidelines for Public Homepages. According to the eInclusion@EU report, information is not yet available concerning its actual use and impact.⁷⁷

Ireland

Launched in 2007, the Accessible IT Procurement Toolkit is designated for Irish public service bodies as well as anyone seeking to procure accessible hardware or software. Developed by the National Disability Authority, the Toolkit is based on NDA IT Accessibility Guidelines⁷⁸ and is a web-based application that covers four topics: Principles of Accessible Procurement, Stages of Procurement, Accessibility Targets and Supporting Information.⁷⁹

Accessible procurement is a legal requirement for all public sector bodies under the Disability Act (2005). The ICT Accessibility Targets cover the following products and services:

- a. Web Technologies (all information services, including web sites and online applications)
- b. Public Access Terminals
 - ATMS (Automated Teller Machines)
 - Information Kiosks
 - Ticket vending machines
 - Information displays (e.g. flight information)
 - Point of sale customer card payment systems
 - Card door entry systems
- c. Application Software (For any operating system or runtime environment such as Windows, Macintosh, Unix, Linux, and Java);
- d. Telecoms (Fixed or mobile telecommunication devices and services delivered via Interactive Voice Response (IVR) systems, Hardware and Software aspects of public or private telephones and videophones, and menu-based services such as voicemail); and
- e. Smart Cards (and related media).

In Stages of Procurement, the tool covers Writing a Request For Tenders, Assessing Candidates and Tenders, Development and implementation, Evaluating deliverables and Maintaining accessibility. As of the writing of this chapter, data on the use of the tool was not available.

Canada

The Accessible Procurement Toolkit for Canada is a web-based application that delivers accessibility guidelines and standards for use in the procurement process of mainstream ICT products and services. Developed by the Assistive Devices Industry Office, it was launched in 2000. As discussed in the learning example at [eInclusion@ EU](#),⁸⁰ the toolkit can be used by:

- Purchasing managers to inform public procurers of their product requirements;
- Public procurers to add accessibility clauses to purchasing documents;
- Manufacturers to see what standards might apply to their products for planning and development purposes; and
- Vendors to compare the compliance level of their products to government or national standards.

Although Canada does not have specific federal legislation requiring the procurement of accessible ICT, regional procurement legislation is in effect for Ontario as part of the Ontarians with Disabilities Act 2001. The tool applies various standards including the U.S. Section 508 Electronic and Information Technology Accessibility Standards, the Canada Common Look and Feel

Standards for the Internet,⁸¹ and other best practices. As of the date of the posting of the learning example at [eInclusion@ EU](#), the tool had been used in “five major procurements and in two smaller procurements.”⁸²

The Accessible Procurement Toolkit is available online in both English and French language versions.⁸³

United States

The Buy Accessible Wizard is a web-based application that assists procurers of ICT products and services to comply with the accessible ICT procurement law of Section 508. A procurement law wrapped around a civil rights requirement, Section 508 is mandatory for all federal ICT procurements, with some exceptions. The Wizard is a tool used by federal agencies and is open for public use. It resides on the U.S. General Services Agency (USGSA) web portal gateway along with resources and tools for meeting Section 508 requirements.

Because the Section 508 procurement law is supported by a complex regulation structure that contains extensive guidance for implementation, the Buy Accessible Wizard integrates access to technical guidance and simplifies the procurement process. A procurement officer is guided by the Wizard through a process of gathering data on the ICT product or service to be bought and at the same time receives information about the product conformance to Section 508 Electronic and Information Technology Accessibility Standards. The Wizard includes a market research database supported by vendor submissions of Voluntary Product Accessibility Templates⁸⁴ that show the extent their ICT products conform to the accessibility standards. Finally, the Wizard has a summary report feature that enables the procurement officer to draft a compliant request for proposals and at the same time serves as documentation on how the procurement officer met the Section 508 requirements. There are many other features of the Wizard, including learning tools that are also helpful.⁸⁵ According to the learning example at [eInclusion@ EU](#):

Initial uptake was very good and users reported noticeable positive effects regarding the effectiveness of their procurement processes as well as an increasing success in adequately meeting all applicable requirements of Section 508 for a given product.⁸⁶

5.4.1.5 Role and responsibility of local governments

Implementation of the Convention will need to be coordinated with local governments partly because it is at the local level that persons with disabilities can be more readily impacted by accessibility and service needs. It is also at the local level that persons with disabilities and NGOs can serve on advisory bodies in their community for consultations on the Convention implementation. As national laws, policies and regulations are conformed to the requirements of the

Convention, local government codes, regulations and ordinances may also need to be conformed. For example, local governments that have an online presence will need to ensure that their web site is accessible and that they provide information in an accessible manner. Emergency response plans will also require coordination and review to ensure that citizens with disabilities also benefit from emergency response plans. Local governments will need to coordinate their accessibility and service needs as appropriate with national implementation plans for the Convention.

5.4.1.6 Private sector initiatives

Because the private sector is the manufacturer and developer of products, services, equipment and facilities, the private sector is directly impacted by government accessibility procurement efforts. It is expected that there will be increased efforts towards harmonization of international accessibility standards. This is especially true due to the global growth of ICT and consumer electronic markets and the acknowledgement that innovation is the foundation of the global economy. According to the Japan/US/EU Trilateral IT Electronics Associations, compliance with international standards helps to “promote technology diffusion, production efficiency, product compatibility, interoperability, enhanced competition, consumer choice, and lower costs.”⁸⁷

Collaborative ventures between the private sector and governments will continue, such as Internet infrastructure development in Africa and other regions of the world. Telecenters and community multimedia centers will be upgraded and built with accessibility in mind. The possibilities for private sector initiatives and collaborations with NGOs are unlimited.

As discussed above in 2.2.1.1, private sector architects and developers, as well as leaders in their fields have incorporated Universal Design into their work practice so that all architectural elements are designed to be inclusive and usable by everyone. This is also true of interior designers for both the private and public sector.

5.4.1.7 Civil Society initiatives

Another venue for policy making development is in civil society initiatives. Civil society initiatives can promote outreach, education and training about all aspects of the Convention and serve as one of the many conduits to the community of persons with disabilities for Convention implementation activities underway in the country. One example of a Civil Society initiative was the collaboration of two NGOs and a private sector business: The International Center for Disability Resources on the Internet; The Internet Society Disability and Special Needs

Chapter; and HiSoftware. A free online web accessibility checker was developed and posted online to aid in the evaluation of whether or not a web site is designed according to both U.S. and international technical standards for accessibility.⁸⁸

In the private sector, it is true that businesses have a vested monetary interest to fund their representatives on standards-setting committee. Similarly, government has a vested public policy interest in funding NGO representatives of persons with disabilities for public policy consultations. For example, in the U.S. the National Council on Disability (NCD) is an independent federal agency led by a 15 member board appointed by the President, approved by the Senate, and composed of members from across the disability spectrum. A unique leader in the development and analysis of disability policy on behalf of 54 million Americans with disabilities, the agency staffed by federal employees had an authorized budget of \$3,125,492.00 US in the fiscal year 2007. Advisory board members receive no salary but have their travel expenses covered when attending and participating in official meetings.

In Europe, the European Disability Forum (EDF) is an independent non-governmental organization representing the interests of 50 million persons with disabilities in the European Union. The extensive membership includes dues paying members and involves the following organizations:

- National Councils of persons with disabilities from the 27 EU Member States, plus Iceland and Norway;
- European organizations representing various disability groups and their families, including type of impairment or sector of activity; and
- NGOs representing persons with disabilities at all levels committed to promoting the aims and objectives of EDF.⁸⁹

One interesting project conducted from February 2008 through August 2009 is the European Research Agendas for Disability Equality (EuRADE) Project. Funded under the Seventh Framework Programme discussed earlier in this chapter, this project was led by EDF in partnership with the University of Leeds (United Kingdom) and the University of Maastricht (Netherlands).

The key goal of EuRADE is to build capacity of NGO's representing persons with disabilities in order to participate in European Commission funded research. Information about this project is drawn from the EDF, University of Leeds and Maastricht University websites.⁹⁰ This project is discussed in detail because of its relevance in the development of policy making, research and collaboration between civil society, academia and government.

Three additional sub-goals of the EuRADE project are:

1. To enable EDF and its members to identify and provide information on the research priorities of NGOs representing persons with disabilities;
2. To provide training and information on research knowledge and skills to NGOs representing persons with disabilities; and
3. To identify opportunities for research collaboration between academics and NGOs representing persons with disabilities.

Under the first sub-goal, the EuRADE project deliverables are the following:

- Review EDF policy documents to identify key goals;
- Reflect on how research could contribute to achieving those goals;
- Publication by EDF of key research goals; and
- Consultation with NGO's representing persons with disabilities to identify research priorities.

The end product for the first sub-goal includes the development of a document identifying research priorities for NGOs. This document is expected to inform European Commission decisions when research is funded in the future. The document will also inform academics of research priorities.

Under the second sub-goal, the EuRADE project deliverables are the following:

- Provide a residential research knowledge summer school at the University of Leeds at the end of July 2008;
- Offer individuals the possibility to follow an online course on more advanced disability research methods and project design; and
- Fund individuals to attend academic research conferences.

And finally, under the third sub-goal, the EuRADE project deliverables are the following:

- Identify new research collaborations on disability equality and non-discrimination in order to potentially qualify for funding by the European Commission;
- Facilitate meetings between NGOs representing persons with disabilities and selected research partners; and
- Produce initial outlines and/or a framework for possible research in the future.

5.4.1.8 Supporting voluntary Code of Conduct or Guidelines Issued by Multi-Stakeholders

Finally, policy makers can support and promote the implementation of a Code of Conduct or Guidelines issued by multi-stakeholders. For example, the Web

Accessibility Initiative of the World Wide Web Consortium is an example of a voluntary effort by the ICT industry to identify accessibility guidelines and develop tools for implementation. International technical standards for web accessibility have been codified and referenced in country laws, policies, and procurement practices around the globe.

In addition, the Canadian Transportation Agency has developed a series of voluntary codes of practice for the transportation industry including A Code of Practices on Accessibility, a Code of Practice on Providing Service to Customers with Disabilities and a Code of Practice on Communications. These documents are extremely useful and have been used by transportation providers around the world.

6 Case Studies

6.1 Education

Abdullah is a taxi driver in Riyadh, Saudi Arabia. He is Indian and has a wife and family back home living with his brother. Abdullah and his wife have 3 children, one of whom, Ahmed, is deaf. Abdullah can only afford to go home to India twice a year. He earns enough money driving his taxi to be able to send his children to school; the local school will not, however, accept Ahmed, who stays home and helps take care of the family chores.



Figure 56: Indian family. Photo: Charles Timmer

Abdullah worries about all his children but especially Ahmed. Will he be able to learn enough skills in order to support himself? Will he ever have a family? Will Abdullah and his wife have to support him? What will happen after they are gone?

Problem: Ahmed was unable to go to school because the school policy was not to accept children who are deaf.

Applicable Sections of the Convention:

Article 24.2 (a) and (b)	<i>Ensure that people with disabilities are not excluded from general education system on basis of disability; access to inclusive quality and free primary and secondary education.</i>
Obligation	The school is obliged to provide education to children with disabilities.
Article 24.2 (d)	<i>Ensure support for effective education within general education system.</i>
Obligation	The school is obliged to provide effective education within the general education system itself.

Article 24.2 (e)	<i>Effective individualized support measures are provided to maximize academic and social development consistent with the goal of full inclusion.</i>
Obligation	The school is obliged to provide education to children with disabilities with effective individualized support.
Article 24.3 (a)	<i>Facilitate learning of Braille, alternative script, augmentative & alternative modes, means and formats of communication and orientation and mobility skills, peer support and mentoring.</i>
Obligation	The school is obliged to facilitate the learning of appropriate languages and means of communication.
Article 3 (b)	<i>Facilitate learning of sign language and promote linguistic identity of the deaf community.</i>
Obligation	The school is obliged to facilitate learning of sign language and promote the linguistic identity of the deaf community.
Article 3 (c)	<i>Ensure education of people with disabilities and children who are blind, deaf or deafblind, is delivered in appropriate languages and modes and means of communication that maximizes academic & social development.</i>
Obligation	The school is obliged to provide education to children who are deaf in appropriate languages and means of communication.
Article 4	<i>Employ teachers, including teachers with disabilities who are qualified in sign language and/or Braille.</i>
Obligation	The school is obliged to employ teachers who have a disability and are qualified in sign language.

Actions to be Taken:

The school should develop an inclusion policy for educating children who are deaf and provide the appropriate support, communication and accommodation including the provision of sign language.

6.2 Health Care

Eduardo lives in Bolivia. He and his family live about a five hour walk from the nearest town. Eduardo has a busy life making crafts for sale at the local market. Eduardo has noticed that he is increasingly having trouble seeing his work.



Figure 57: Bolivian family. Photo: Unknown

Unfortunately Eduardo can't get to a health clinic to have his eyes examined. The Health Clinic is held once every 2 weeks in a health center that is not accessible to wheelchairs. Eduardo can not get to the clinic because he has a disability and uses a wheelchair. Eduardo's boss has offered to give him the time off but still there is no way for Eduardo to get into the clinic. He is worried that he will lose his eye sight if he does not get some medical attention soon.

Problem: Eduardo is unable to get to the health clinic (he could not wheel for 5 hours without destroying his wheelchair and there is no accessible transportation) and the clinic is not wheelchair accessible.

Applicable Sections of the Convention

Article 9.2(b)	<i>Ensure that private entities offering services open or provided to the public take into account accessibility.</i>
Obligation	The health clinic is obliged to make their facility physically accessible to people with disabilities, including people who use wheelchairs.
Article 25	<i>Access to health services.</i>
Obligation	Health care providers are obliged to make all health

	care services accessible and usable by persons with disabilities.
Article 25(b)	<i>Provide health services including early identification and intervention and services designed to minimize further disabilities, including children and older adults.</i>
Obligation	Health Services are obliged to provide adequate services to minimize further disabilities.
Article 25(c)	<i>Provide health services as close as possible to people's own communities, including rural areas.</i>
Obligation	Health services should be provided as close as possible to people's communities.
Article 27.1(k)	<i>Promote vocational & professional rehabilitation, job retention and return-to-work programmes for people with disabilities.</i>
Obligation	Vocational support such as job retention should be provided to people with disabilities.

Actions to be Taken:

Accessible transportation to the health clinic should be provided to people with disabilities and the health clinic should conduct an accessibility audit of their facility and implement the recommendations.

6.3 Government

Susan works for the government as a library assistant and she is deaf. She is provided with a desk and telephone but there is no teletypewriter (TTY) or visual warning system to alert her if there is an emergency.



Figure 58: Office work stations. Photo: Marnie Peters

There was a bomb scare at work and employees were informed (audibly) that they were required to evacuate the building. Susan had been assigned a “buddy” near her work station, who, unfortunately, was sick on the day of the bomb scare. No one else was aware of Susan’s deafness and no one was able to communicate in sign language to tell her what was going on. Eventually someone took her by the arm and convinced her to leave. She was extremely distressed and was not told anything for two days until a sign language interpreter was available.

Problem: Susan was unable to hear the fire alarm and was not aware that a bomb scare had occurred.

Applicable Sections of the Convention

Article 9	<i>Equal access to information and communications technologies and obligation to identify and eliminate barriers.</i>
Obligation	The employer is obligated to provide appropriate communication technology to facilitate communication and to warn employees in the event of an emergency.
Article 27	<i>Right of people with disabilities to work in accessible labour market and work environment</i>
Obligation	The employer is obligated to provide an accessible work environment.
Article 11	<i>Ensure protection and safety of persons with disabilities in situations of risk.</i>
Obligation	The employer is obligated to provide emergency protection for all employees, including an appropriate warning system.

Actions to be Taken:

The employer should ensure that all people are considered in emergency preparedness planning. A personal warning device (such as a pager) and appropriate training should be provided.

6.4 Transportation

Ross had planned a wonderful winter holiday in the Bahamas. Ross lives in Canada and the winter has been long and cold, which has been especially difficult as he is blind and walking safely in cold wintry conditions can be challenging.

Ross woke up on the departure day and listened to the weather forecast on the radio. It did not sound very good. He decided to check with the airport. Using the Internet, he logged on to the airport website only to find that it was not accessible to him – the website had not been designed to be accessible. Ross uses a screen reader that is designed to allow him to read information on websites. He tried calling but the telephone was always busy. Ross, being a rather optimistic person, called the taxi and went to the airport. Unfortunately, his flight was cancelled.



Figure 59: Visually impaired man using long white cane. Photo: Tim Van Horn

Problem: Ross was not able to access information via the website so he, unnecessarily, had to go to the airport to find out if his flight was going to depart as scheduled.

Applicable Sections of the Convention

Article 9	<i>Equal access to information and communications technologies and obligation to identify and eliminate barriers.</i>
Obligation	The service provider is obligated to provide appropriate information and communication technology (an accessible website) to facilitate use by all people.
Article 9.1	<i>Take measures to ensure equal access to information and communications, including ICT and systems; identify and eliminate barriers; applies to services open or provided to public in urban and rural areas.</i>
Obligation	The service provider is obliged to undertake the identification and elimination of barriers to people with

	disabilities.
Article 9.2(b)	<i>Ensure that private entities offering services open or provided to the public take into account accessibility.</i>
Obligation	The service provider is obliged to provide services that are available to all people.
Article 21(a)	<i>Provide information for the public in accessible formats.</i>
Obligation	Public information should be provided in accessible formats.

Actions to be Taken:

The airport should direct their web designers to make their website accessible to all people.

6.5 Recreation

Aziz is a fast runner. In fact he is the fastest runner in his school, which is a school for children with disabilities. Aziz is hard of hearing and he loves to run as his disability does not limit his ability to run faster than anybody. Aziz, who is only 12 years old, wishes to represent his country one day in the Olympics.



Figure 60: Boys racing at school. Photo: Karina Swan

He trains every morning and has been working toward winning his national racing event. The big day arrives and Aziz goes to the race. The organizers announce that everyone must register in person at the registration desk. Of course, Aziz does not hear the announcement and he misses his opportunity to participate in the race. He is devastated, and he feels like his life's dream was been obliterated.

Problem: Aziz did not hear the announcement on the public address system.

Applicable Sections of the Convention

Article 9.1	<i>Take measures to ensure equal access to information and communications, including ICT and systems; identify and eliminate barriers; applies to services open or provided to public in urban and rural areas.</i>
Obligation	The service provider should identify and eliminate barriers to ensure that people with disabilities are able to participate fully.
Article 30. 5(c)	<i>Ensure that people with disabilities have access to sporting, recreational and tourism venues.</i>
Obligation	The service provider should ensure that people with disabilities are able to participate in sporting, recreational activities.
Article 30.5(d)	<i>Ensure that children with disabilities have equal access with other children to participate in play, recreation and leisure and sporting activities, including those in the school system.</i>
Obligation	The service provider should ensure that people with disabilities are able to participate in play, recreation and sporting activities.
Article 30.5(e)	<i>Ensure that people with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.</i>
Obligation	The service provider should ensure that people with disabilities are able to participate in play, recreation and sporting activities.

Actions to be Taken:

The race organizers should review their practices and procedures to ensure that they do not exclude the participation of people with disabilities.

6.6 Employment

Marjorie is a legal assistant working in London, England. Marjorie is married with three children and has worked for the same firm for 22 years. Marjorie is experiencing head aches and has trouble focusing on her work by the end of the work day. She recently found out that she has macular degeneration and experiences some dark spots or blank areas in her vision. Marjorie does not tell anyone at work and tries to hide her errors but people have begun to notice.

Finally after Marjorie has experienced a couple of bad days, she talks to her boss about her vision problems and they decide to speak to a service organization for people with vision loss to see if they can help.



Figure 61: Woman at work. Photo: Age Concern Knaresborough

Problem: Marjorie is experiencing vision loss and she is worried that she might lose her job as she knows that she is not able to complete her job as she should.

Applicable Sections of the Convention

Article 9	<i>Equal access to information and communications technologies and obligation to identify and eliminate barriers.</i>
Obligation	The employer is obligated to provide appropriate assistive technologies to enable the employee to do their work.
Article 27	<i>Rights of people with disabilities to work in accessible labour market and work environment.</i>
Obligation	The employer is obligated to provide assistive technologies to facility an accessible work environment.
Article 9	<i>Equal access to information and communications technologies and obligation to identify and eliminate barriers.</i>
Obligation	The employer is obligated to provide appropriate assistive technologies to provide reasonable accommodation of all employees.
Article 27	<i>Right of people with disabilities to work in accessible labour market and work environment.</i>
Obligation	The employer is obligated to provide reasonable

	accommodation in the work environment.
Article 27.1(e)	<i>Promote employment including assistance in maintaining employment.</i>
Obligation	The employer is obliged to provide assistance to enable employees with disabilities to maintain employment.
Article 27.1(i)	<i>Ensure that reasonable accommodation is provided in the workplace.</i>
Obligation	The employer is obligated to provide accommodation in the workplace.

Actions to be Taken:

The employer should contact the employment agency for persons with visual impairments and hire them to conduct an employee assessment. The employer should then purchase the assistive technology to enable the employee to complete her work effectively.

6.7 Housing

Fred, who lives in Kenya, is an artist specializing in animation. He is an only child and he is becoming increasingly concerned about his parents living alone in their village north west of Nairobi. Fred worries about his mother struggling with all the chores and caring for his father who is very old.



Figure 62: Mud hut. Photo: Jennifer Marohasy

Fred wants them to move into a care home. His parents do not think this is a good idea, and wish to stay in their own community. Fred decides to move them anyway so he can be nearer to them.

Problem:

Fred's parents want to be able to decide where they wish to live and not have that decision made by their son.

Applicable Sections of the Convention

Preamble	<i>Recognizing the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,</i>
Obligation	The State is obliged to recognize the right of people with disabilities to be independent and have the freedom to make their own choices.
Article 28.2(d)	<i>Ensure access by people with disabilities to public housing programs.</i>
Obligation	Public housing programs must be accessible to people with disabilities.
Article 18(b)	<i>Ensuring access to support living independently & included in community.</i>
Obligation	People with disabilities should be provided with the appropriate support to enable them to live independently in the community.

Actions to be Taken:

Fred's parents should point out to Fred that they have the right to make their own decision as to where they wish to live. They should investigate public housing and support options that would allow them to remain in their home.

7 Standards and Best Practices in Accessibility

This Chapter takes a look at standards setting activities underway in the international arena. It also takes a look at examples of best practices in accessibility for ICT as well as the built environment and transportation.⁹¹ Fundamentally, for accessibility policies, procedures or legislation to be effective, it is absolutely necessary that minimum standards and guidelines for accessibility be adopted.

By adopting appropriate standards and guidelines, the market for accessible goods, services, equipment and facilities will develop more efficiently and effectively. Standardization encourages global harmonization and certainty that the needs of persons with disabilities will be met with built in accessibility.

For ICT, this means that technical standards for accessibility must provide the functionality needed to enable an individual with a disability to use it. For the built environment, accessibility elements in the building code as well as code provisions that cover new and existing construction must be in place so that a strategy for removing barriers can be deployed. For transportation, habitat and facilities, this means that implementation of accessibility standards is essential for anyone with a disability seeking to participate in work, education, cultural or political life.

The components of appropriate accessibility standards and guidelines for the built environment, transportation and ICT must be:

- Comprehensive;
- Address various types of barriers, including new and existing ones;
- Definitive as to the nature of the intervention and timeframe; and
- Inclusive through consultation with persons with disabilities.

Ideally, too, the standards and guidelines must also consider the globalization of the marketplace and the need for harmonization with international standards. Here are examples of key accessibility standardization initiatives underway.

7.1 Standards Setting Activities for Accessible ICT

Looking across the globe, there are a number of standards setting activities for accessible ICT that demonstrate good practices for consensus and multi-stakeholder cooperation. Four in particular are of interest:

- Japanese Standardization Committee on ICT Accessibility;
- U.S. Telecommunications and Electronic and Information Technology Advisory Committee (TEITAC);

- EU Mandate 376 on accessibility requirements for public procurement of ICT products and services; and
- International Standards Organization Joint Technical Committee 1-Special Working Group on Accessibility (JTC 1 SWG-A).

7.1.1 Japanese Industrial Standards Committee and ICT Accessibility

Japan is a leader in seeking international standardization in the accessibility of ICT. In January 1998, the Japanese Industrial Standards Committee established the Ad Hoc Committee on Standardization for Elderly and People with Disabilities. It was believed that the needs of older adults and persons with disabilities could be addressed through the standardization of products and the environments for a barrier-free society. Six months later in June 1998, the Ad Hoc Committee issued a report to the Minister of International Trade and Ministry that made the following recommendations to promote:

- The basic principle of “universal design” and stating that JISC should actively work with ISO and IEC to form an international consensus to produce an international guide on basic principles and considerations for the needs of older adults and persons with disabilities;
- Standardization for technical aids for persons with disabilities to live independently and participate in social life;
- Standardization for the universal design of products;
- Standardization for the environments;
- Technical research program on standardization; and
- Universal Design for accessibility in products, services and the environments.⁹²

Subsequently, in response to a proposal from Japan, the Committee on Consumer Policy of the International Organization for Standardization (ISO) at its general meeting adopted a resolution to set up a task force. The ISO task force was charged with developing a policy statement on general principles and guidelines for the design of products and the environment to address the needs of older persons and persons with disabilities. The working group, led by Japanese members, actively carried out the task and finalized the general principles in 2001 as the ISO/IEC Guide 71- *Guidelines for standards developers to address the needs of older persons and persons with disabilities*.

Since that time Japan has moved forward to develop ICT Standards for Older Adults and Persons with Disabilities through the Japanese Industrial Standards JIS X8341 Series. The following is a breakdown of the ICT accessibility components for the series:

- Part 1: Common Guidelines – Finalized May 2004
- Part 2: Information Processing Equipment – Finalized May 2004

- Part 3: Web Content – Finalized June 2004
- Part 4: Telecommunications Equipment – Finalized October 2005
- Part 5: Office Equipment – Finalized January 2006.

The JIS X8341 Series were submitted to international organizations with the following results:

- Part 1 resulted in ISO 9241-20 in 2008
- Part 2 resulted in WD 29136 in JTC1 SC35
- Part 3 is being incorporated into the W3C Web Content Accessibility Guidelines 2.0 by the W3C Web Accessibility Initiative
- Part 4 resulted in ITU-T F.790 in 2007
- Part 5 resulted in ISO/IEC 10779.⁹³

7.1.2 U.S. Telecommunications and Electronic and Information Technology Advisory Committee (TEITAC): involvement of organizations representing persons with disabilities in public procurement rules

In the U.S., the most significant impact on accessible ICT has been the 1998 Amendments to the Rehabilitation Act that prohibits federal agencies (with limited exceptions) from developing, purchasing, using or maintaining ICT that is inaccessible to persons with disabilities. Also known as Section 508, it is broad in scope and requires ICT product conformance, with some exceptions, to the U.S. Access Board Electronic and Information Technology Accessibility Standards promulgated in December 2000.⁹⁴ Although a federal procurement law, it has also been adopted by many States in different forms as a State ICT procurement mandate.⁹⁵

In September 2006, the U.S. Access Board organized a meeting of the Telecommunications and Electronic and Information Technology Advisory Committee (TEITAC). The purpose of TEITAC was to review ICT standards and guidelines and to recommend changes to Section 508 of the Rehabilitation Act and Section 255 of the 1996 Communications Act. The committee's membership included forty-one representatives from industry, disability groups, standard-setting bodies in the U.S. and abroad, and government agencies, among others. Members were selected from applications received in response to a Board notice published in April 2006.

Section 508 of the Rehabilitation Act applies to federal agencies and all electronic and information technology while Section 255 applies to equipment manufacturers and service providers in telecommunications and interconnected Voice Over Internet Protocol (VoIP). According to Andi Snow-Weaver, the need for the review was due to: 1) Frequent requests for clarification and technical assistance on Section 508 2) International harmonization concerns and 3) Technology advances causing products to migrate across the six ICT categories

used in Section 508 as well as the widespread adoption of wireless and VoIP.⁹⁶ On 3 April 2008 the TEITAC report was presented to the U.S. Access Board along with Minority reports from members of the committee. The reports are online at <http://www.access-board.gov/sec508/update-index.htm>.

The U.S. Access Board reviewed the reports and on 22 March 2010 published an advance notice of proposed rulemaking for public comment until 21 June 2010. For further information about the activity, see <http://www.access-board.gov/508.htm>.

7.1.3 European Commission Standardization Mandate 376

Recognizing that public procurement policy and practice for accessible ICT can play a vital role in removing barriers to participation in society by older adults and persons with disabilities, the European Commission issued a mandate to the European Standardization Organizations on 7 December 2005. The mandate seeks to harmonize and facilitate the public procurement of accessible ICT products and services by:

- Identifying a set of functional European accessibility requirements for public procurement of products and services in the ICT domain; and
- Providing a mechanism for public procurers to have access to an electronic toolkit so they can use the harmonized requirements in the procurement process.⁹⁷

Two parallel project teams are working to address this mandate. The European Telecommunications Standards Institute (ETSI) launched Specialist Task Force 333 to produce an inventory of European and international accessibility requirements. The second project team of the European Committee for Standardization (CEN) is conducting an assessment of suitable testing and conformity schemes.

In particular, the ETSI Specialist Task Force 333 completed Phase 1 in October 2008 and published the ETSI Technical Report TR 102 612 that:

- Lists ICT products and services bought by public procurers;
- Lists existing functional accessibility requirements;
- Lists existing national, regional and international standards that might comply with those requirements;
- Provides a proposal for standardization work for requirements that do not currently exist.⁹⁸

The elaboration of Phase 2 is underway where the CEN Working Group is tasked to prepare a report that:

- Provides an analysis of testing and conformity schemes of products and services meeting accessibility requirements; and
- Provides an analysis on conformance schemes of this nature and at the European and International level.⁹⁹

7.1.4 ISO/IEC JTC1 SWG-A

ISO/IEC JTC1 is a joint technical committee created by the International Standardization Organization (ISO) and the International Electrotechnical Committee (IEC) to provide a single, comprehensive standardization committee to address ICT standardization. JTC 1 standards are globally recognized and provide interoperability capabilities in order to promote sustained development and retention of investment.¹⁰⁰

In October 2004 JTC 1 established a Special Working Group on Accessibility and the first meeting was held in April 2005. Referred to as JTC1 SWG-A, the Special Working Group on Accessibility has wide membership open to all standards development organizations, consortia, consumer organizations and user representatives.

According to the terms of reference, the JTC1 SWG on Accessibility will:

1. Determine an approach, and implement, the gathering of user requirements, being mindful of the varied and unique opportunities such as direct participation of user organizations, workshops, liaisons;
2. Identify a mechanism to work proactively between meetings to make forward progress;
3. Gather and publish an inventory of all known accessibility standards efforts;
4. Identify areas/technologies where voluntary standards are not being addressed and suggest an appropriate body to consider the new work
5. Track public laws, policies/measures and guidelines to ensure the necessary standards are available;
6. Through wide dissemination of the SWG materials, encourage the use of globally relevant voluntary standards; and
7. Assist consortia/fora, if desired, in submitting their specifications to the formal standards process.¹⁰¹

In April 2005 development started on ISO/IEC 29138; a three-part technical report published in 2009:

- Part 1: User Needs Summary
- Part 2: Standards Inventory
- Part 3: Guidance on User Needs Mapping.

As described by Alex Li, ISO/IEC JTC1 SWG-A Convener, the primary purpose of the User Needs Summary is to facilitate standard development organizations to consider barriers faced by persons with disabilities. It discusses accessibility barriers when interacting with ICT systems, gathers accessibility needs of ICT users and can be used to analyze whether or not an ICT accessibility standard fully takes into account user needs. This comprehensive list of user needs enables standard development organizations and product designers to create standards and products that can better accommodate the needs of all users.

The Standards Inventory maps all known ICT standards and public policies around the world that relate to accessibility. As pointed out by Alex Li, the standards and policy inventory makes it easier for standard development organizations and policy makers to avoid duplication of effort and take advantage of existing accessibility standards.

Finally, the Guidance on Mapping User Needs enables standard development organizations to map a standard against user needs so they can consider the potential for addressing particular needs in their standards. This tool can be used in a variety of ways and can assist in addressing the accessibility gaps in ICT standards.

The JTC1 SWG-A effort has informed both the European Commission Standardization Mandate M376 as well as the U.S. Access Board rulemaking underway on Section 508 previously discussed.

For more about the effort and the activities of the stakeholders, visit the comprehensive website at www.jtc1access.org/TR29138.htm.

7.1.5 World Wide Web Consortium Web Accessibility Initiative

The World Wide Web Consortium (W3C) is an international industry consortium created in 1994 to develop common protocols that enhance the interoperability and promote the evolution of the World Wide Web. In 1997 the industry consortium launched the Web Accessibility Initiative (WAI). As announced by Tim Berners-Lee, Director of the W3C and inventor of the World Wide Web:

The W3C is committed to removing accessibility barriers for all people with disabilities - including the deaf, blind, physically challenged, and cognitive or visually impaired. We plan to work aggressively with government, industry, and community leaders to establish and attain Web accessibility goals.¹⁰²

Although the JTC1 SWG-A effort includes the World Wide Web Consortium (W3C) Web Accessibility Initiative (WAI) guidelines for

accessible web design, this particular effort should be highlighted since the Convention contains provisions requiring accessible web design. For more about the W3C WAI effort, please visit <http://www.w3.org/WAI/>.

Perhaps it should be noted that several years prior to the launch of the WAI, Cynthia Waddell, a person with a disability, wrote the first accessible web design standards for local government in response to an Americans with Disabilities Act complaint filed by a City Commissioner with a visual disability. The standards were recognized as a best practice by the U.S. federal government and contributed to the passage of the Section 508 law. As noted by The National Council on Disability, an independent federal agency that monitors the implementation, effectiveness and impact of the ADA and advises the President and Congress:

These [Waddell] standards were important for two reasons: first, because they constituted an acknowledgment of the legitimacy of claims by people with disabilities for access to the web; and second, because they demonstrated that objective and workable criteria for vindicating these rights could be devised.¹⁰³

7.2 Cooperation between government and the private sector

Accessible ICT and service needs for persons with disabilities cannot be met if the ICT industry in the private sector does not incorporate accessible design in their product development cycles and has no incentive to do so. It also cannot occur without significant private sector financing. However, governments can assist in correcting accessible ICT market failures and encourage competition such as the U.S. Section 508 effort. There are many examples of government and private sector model partnerships where the private sector has played a significant role in investing in ICTs and governments have encouraged this investment. But the difference today is that both the private sector and the government must work together with consumer stakeholders to ensure that barriers are not being erected for accessible ICT.

Partly driven by the U.S. Section 508 effort, the private sector is engaged in ongoing work to address the accessible design of ICT. There are many industry efforts underway and unfortunately this discussion cannot address all of them to the fullest due to space limitations. However, Nokia, Fujitsu, Motorola, Apple, Microsoft and IBM are highlighted for your review.

For example, Nokia has been involved in inclusive product design and product development for over a decade. As discussed at the Nokia website, the award-

winning Nokia loopset was the first inductive coupling loopset in the wireless industry that enabled customers with telecoil-equipped hearing aids to use digital handsets without electromagnetic interference. Nokia was also the first to include text-to-speech software so that blind and low vision customers could navigate the features of their handsets.¹⁰⁴

At Fujitsu, accessibility is an integral component of corporate branding and the corporate mission. Not only is “human centered design” a top design priority in the design of products and services, but additional links at the Fujitsu website at <http://www.fujitsu.com/global/accessibility/> outline the corporate responsibility for accessible web sites. Fujitsu also provides free diagnostic software tools for website creators and developers called “Fujitsu Accessibility Assistance” at <http://www.fujitsu.com/global/accessibility/assistance/>. Fujitsu also implements the best practice of providing an “Accessibility” link on the home page for transparency about their accessible ICT efforts.

Motorola is another example of a business developing accessible products and features such as products that include hearing aid compatibility, voice recognition and text to speech features. Motorola is a past member of the Board of Directors of the American Foundation for the Blind (AFB) and has contributed to AFB outreach and education programs.¹⁰⁵

Next, Apple has made headlines with its release of an accessible iPad in 2010. According to Bradley Hodges, a product reviewer of the iPad for **AFB Access World®**:

I purchased a book from a book store, exactly as my sighted neighbors and colleagues would. I then sat in my den and read that book on the same device as my sighted counterparts. . . . I believe the advent of accessible iBooks will be viewed by future generations as one of the landmark events in the lives of the blind.”¹⁰⁶

Having addressed the accessibility challenges for voice input navigation of menus on the iPhone, the iPad carries on with the accessibility features even though at first glance it appears to require someone to have sight to use the touch screen features. Accessibility features include voice over, zoom, text contrast, mono audio, text to speech and helps for accessing content of documents online. Mr. Hodges notes that comments are currently being filed with the U.S. Access Board concerning Section 508 and that companies who justify inaccessibility of electronic books by saying they are “expensive, overly complicated, and generally unworkable” will have to shelve their comments in the fiction section “where they belong.”¹⁰⁷

In addition, Microsoft has increasingly added accessibility features to its products and services and maintains an Accessibility website containing extensive information on accessibility product solutions, tutorials and training and case

studies with business resources. Their website includes extensive accessibility information not only for consumers but also for developers. One helpful offering is their free monthly newsletter entitled **Accessibility Updates**.¹⁰⁸

And finally, IBM has also had a long history of addressing accessibility solutions in ICT. Recently, in July 2007, Aaron Leventhal, a senior engineer in IBM's Accessibility Architecture Development, was tapped the winner of the Google-O'Reilly Open Source Award for Best Accessibility Architect. This award was for turning Firefox into the "preferred accessibility solution going forward."¹⁰⁹ Also, in March 2007, IBM announced the launch of the Accessibility Common Courseware Exchange for Software studies repository. This initiative builds a worldwide repository of materials that will enable student developers to make software more accessible to persons with disabilities and older adults. It is part of IBM's ongoing effort to "promote universal access of software applications, web sites and documents."¹¹⁰

7.3 Private Sector/Government Collaborations

Two examples of private sector/government collaborations are the Global Initiative for Inclusive Information and Communication Technologies (G3ict) and the ICT Policy Support Programme 2007.

7.3.1 UN G3ict- The Global Initiative for Inclusive Information and Communication Technologies¹¹¹



Figure 63: G3ict Banner at www.g3ict.org

The Global Initiative for Inclusive Information and Communication Technologies (G3ict) is a flagship advocacy initiative of the United Nations Global Alliance for ICT and Development (UN-GAID). Launched in December 2006 by the Wireless Internet Institute (W2i), G3ict is a public-private partnership dedicated to facilitating the implementation around the world of the digital accessibility agenda defined by the Convention on the Rights of Persons with Disabilities.

G3ict was incorporated in 2008 as a 501(c)(3) not for profit U.S. corporation in the State of Georgia, where it maintains an office in Atlanta. G3ict's key constituents include policy makers, ICT industries, international standards

development organizations and civil society. Leading institutional participants include:

- International Telecommunications Union;
- United Nations Global Alliance for ICT and Development;
- United Nations Institute for Training and Research;
- National Council on Disability;
- European Commission; and
- Global Partnership for Disability and Development.

G3ict mission priorities are to:

- Raise awareness on effective public policies, private sector initiatives and standardization references;
- Facilitate the sharing of solutions and good practices;
- Foster harmonization and standardization; and
- Support policy makers with capacity building programs and benchmarking.

Support for policy makers includes the “e-Accessibility Toolkit for Policy Makers” implementing the Convention. This toolkit contains helpful online resources concerning ICT as well as a G3ict Self-Assessment Framework based on the Convention.

The overall purpose of the tool is to assist countries and their citizens to evaluate all components of the public and private sector efforts to address “compliance” with the ICT accessibility provisions of the Convention. It is designed to encourage government policy makers and citizen leaders to engage their countries in “striving for laws, policies, programs and practices that when implemented result in more: (a) accessible ICT infrastructure, (b) affordable ICT, and (c) available and effective assistive technology.”¹¹²

7.3.2 EU ICT Policy Support Programme (ICT PSP)

One of the main financial instruments of i2010, the ICT PSP will run from 2007 to 2013 with a budget of 730 million €. It aims to stimulate innovation and competitiveness through a better use of ICT in the products, services and processes. The first call for proposals is now open and Theme 2: ICT for Accessibility, Ageing and Social Integration, supports a pilot action focusing on the accessibility of Digital TV for all, including persons with disabilities and older adults. One of the expected impacts is the full mainstreaming of the Design for All process to ensure accessibility of future digital Audio Visual products and services as well as sustainable business models for industry to stimulate investments.¹¹³ Perhaps as the Convention on Rights of Persons with Disabilities moves forward into the implementation and monitoring phase, a growing number

of innovative solutions for implementation will emerge. As we move forward towards participation for everyone, it is critical that we maintain accessible design in the coming complexities of technology convergence. Accessibility provides redundancy, flexibility and prevents persons with disabilities from being locked out from participation. It is absolutely essential that public policy and standards be informed by accessibility because technology changes, but civil rights do not.¹¹⁴

7.4 Best Practices in ICT Accessibility

Having examined the standards setting activities underway for accessibility, it is now appropriate to take a look at best practices where some of these accessible ICT standards have been implemented.

7.4.1 South Africa- National Accessibility Portal (NAP)

One example of a best practice can be found in the South Africa National Accessibility Portal (NAP).



Figure 64: NAP at <http://www.napsa.org.za/portal>

The NAP was developed by the Meraka Institute (African Advanced Institute for Information and Communications Technology) in partnership with a representative group of Disabled Persons' Organizations and the Office on the Status of Disabled Persons (OSDP) in the Presidency.

The NAP is a national project in South Africa to address the needs of approximately four million persons with disabilities where less than one percent are economically independent.¹¹⁵ Recognizing that effective communication and access to information and services are key needs, NAP was launched to empower persons with disabilities.

A five year research and innovation project that embraces a future vision for the African region, the initiative is structured into three phases and is currently in the final phase. NAP seeks to “use innovative, cost-effective and appropriate ICT

based technologies to support people with disabilities, to empower them, to uplift them economically and to enable them to play a full, participatory role in society.”¹¹⁶

Stakeholders of the NAP are affiliated with the South African Federal Council on Disability and government departments:

- The Office on the Status of Disabled Persons (OSDP), an umbrella Organization established in The Presidency and responsible for the coordination, monitoring and implementation of the Integrated National Disability Strategy;
- The Independent Living Centre (ILC), an NGO, operating as an integrated Resource Centre for Persons with Disabilities. It provides a community-based service as well as a display of commercially available equipment and other resources for persons with disabilities;
- The SA National Council for the Blind ([SANCB](#)), an NGO striving to meet the needs of all blind and partially sighted people of South Africa;
- The Deaf Federation of South Africa ([DeafSA](#)), an NGO which co-ordinates and facilitates services to the South African Deaf and hard of hearing communities;
- The National Council for Persons with Physical Disabilities in SA ([NCPPDSA](#)), an NGO promoting the maximum level of independence and integration of people with physical disabilities into the community and the prevention of the occurrence of physical disablement;
- The QuadPara Association ([QASA](#)) was established to assist quadriplegics by providing a range of highly specialized support services that are designed to promote and encourage their rehabilitation, community integration and independence; and
- The South African Federation for Mental Health ([SAFMH](#)) is a non-profit organization, which aims to act as a dynamic national movement, which serves as an effective resource to empower people to attain optimal mental health and quality of life in a just society, through its various services and programs.¹¹⁷

The web portal is part of the NAP initiative and supports the multilingual nature of South Africa in all eleven official languages. It seeks to serve as a one-stop shop for information, services and communications that supports stakeholders in the disability field including persons with disabilities, caregivers, the medical profession, and those offering services in this domain.¹¹⁸

Using a service center approach, services are provided from specific centers located in schools, clinics, hospitals and multi-purpose community centers. Each center contains accessible ICT equipment, such as screen reader software for persons with visual disabilities, speech recognition software and access for persons using wheelchairs. Each center is also staffed by interpreters and persons trained in ICT and disabilities, including persons with disabilities. The

web portal allows information access and interactive communication on a 24 hour basis.¹¹⁹

7.4.2 Asia Pacific- Tsunami Preparedness and ICT

Here is an example of a case study for ICT and accessibility collaboration that comes out of the Asia Pacific region. One of the regional responses to the December 2004 Tsunami that took the lives of many people was the International Conference on Tsunami Preparedness of Persons with Disabilities in Thailand in January 2007. It was co-hosted by DAISY Consortium; Asia-Pacific Development Center on Disability; the Council of Disabled People of Thailand; National Electronics and Computer Technology Center, Thailand; Thailand Association of the Blind, DAISY For All Project Thailand, Asian Disaster Preparedness Center; and Thai Autism Vocational Center.

The conference established an international networking for the promotion of tsunami preparedness of persons with disabilities in the context of the World Summit on the Information Society (WSIS) Plan of Action. Information sharing was provided concerning the following:

1. Needs of persons with disabilities for tsunami preparedness with attention to individual preparedness on understanding tsunamis, accessible communication channels for warning, and planning/confirming evacuation routes;
2. Best practices of tsunami preparedness promotion activities that meet the needs of persons with disabilities;
3. Ongoing tsunami disaster prevention/mitigation initiatives at local/international level; and
4. Initiatives of bridging the digital divide in disaster preparedness of persons with disabilities as the implementation of WSIS Plan of Action.¹²⁰

As a result, the Phuket Declaration on Tsunami Preparedness for Persons with Disabilities was issued and stated that tsunami disasters can be prevented through:

1. Sharing of knowledge and best practices on tsunami and other disasters;
2. Strong commitment and active participation for contribution of all stakeholders including persons with disabilities to eliminate the loss of lives;
3. Local community-based initiatives for disaster preparedness;
4. Infrastructure building including tsunami early warning system at all levels to disseminate timely disaster warning to all people concerned; and
5. Building of disability friendly infrastructure addressing accessibility issues in all phases of disaster management.¹²¹

The Phuket Declaration went on to state that ICT development, including assistive technologies and universal design, would contribute to successful disaster preparedness development and would meet the diverse needs of all people. It also stated that ICT development should be based on international standards that are open, non-proprietary and with a proven track record for accessibility.

Finally, the Phuket Declaration recommended that an educational and training center on tsunami and other disaster preparedness should be established. It also recommended that all aspects of the center should be inclusive and accessible to persons with disabilities, including the physical infrastructure and training materials.

7.4.3 Sweden- “Total Conversation”



Figure 65: Consumer signing. Photo: ITU

Another example of a best practice is the implementation of “Total Conversation” in Sweden. “Total Conversation” is an ITU service description in ITU-T Rec. F.703 that covers videophone with real time text. According to the description posted at the ITU-T website for work done by Study Group 16 on Accessibility, it is an audiovisual conversation service providing bidirectional symmetric real-time transfer of motion video, text and voice between users in two or more locations. It is not only useful for persons with disabilities but also for anyone requiring textual back-up, technical data, language translations, verbal or signed conversations.¹²²

Allan eC was the first product to implement Total Conversation in the IP world and is widespread on the accessibility market in Sweden. It is procured by the Swedish Handicap Institute for the accessible communication market in Sweden and by the Swedish Labour Authorities and Social Insurance system. According to Gunnar Hellström, the Total Conversation concept has been submitted as a

recommendation to the U.S. Section 508 refresh committee that is discussing revisions to the U.S. ICT accessibility standards. As announced in June 2008, Total Conversation is also being implemented as a pilot solution for meeting the European Union need for a single emergency telephone number for everyone, including persons with disabilities.¹²³



Figure 66: Consumer texting. Photo: ITU

7.4.4 Netherlands, Sweden, and United States- DAISY



Figure 67: DAISY Logo at www.daisy.org

Finally, another best practice concerns access to print materials offered by the DAISY Consortium. The Digital Accessible Information System (DAISY) is an open, interoperable and non-proprietary contents/user interface standard that can be used to create accessible content. Although originally developed to benefit people unable to read print due to a disability, it has broad applications as a best practice in its use for Digital Talking Books; education and training materials; HIV/Disaster prevention tools; and publication tools for indigenous languages.

DAISY is currently deployed by governments worldwide such as the U.S. Library of Congress,¹²⁴ as implementation for the U.S. National Instructional Materials Accessibility Standards,¹²⁵ at FNB Netherlands, the largest library for the blind in the Netherlands,¹²⁶ and at the TPB Swedish Library of Talking Books and Braille.¹²⁷ In general, DAISY enables organizations to:

1. Produce a Digital Talking Book that enables a person to navigate it in a way comparable to how a print book would be used. For example, readers can examine the book by page, section, or chapter, or use a table of contents or an index. It can be accomplished by creating a structured text file integrated with a human-narrated audio file;
2. Synchronize an electronic text file with an audio file to provide readers with the choice to examine the text and/or listen to the audio version of it;
3. Generate an electronic Braille file from the electronic text used to create the DAISY book; or
4. Produce a structured digital “text-only” document which can be read with a DAISY software player in combination with a Braille display or speech synthesizer.¹²⁸

7.5 Standard Setting Activities for Accessibility of the Built Environment

7.5.1 Background

Access has always been an important issue for persons with disabilities as it is seen as the route to freedom from discrimination. Access to the built environment was first introduced into Building Codes and Standards in the 1950s and 1960s in European countries as well as Britain, the United States, and Japan.

In 1993, the United Nations published a report by Leandro Despouy, the special rapporteur, entitled: ***Human Rights and Disabled Persons***. Mr. Despouy’s report was distributed widely and focused on access with the following resolution:

If means of transport, pavements and buildings are inaccessible to such a person, he will be unable to move about freely. In short, it is such barriers and discrimination which to a large extent create or aggravate disabilities and actually set people apart from society. Chapter III A.182¹²⁹

As a result, the United Nations convened the first regional meeting on the promotion of accessibility to the built environment. The Economic and Social Commission for Asia and the Pacific (ESCAP) convened the Expert Group Meeting on the Promotion of Non-Handicapping Environments at Bangkok in June 1994. The expert meeting, organized with the support of the Government of Japan, was attended by 28 people representing 15 countries.

The International Year of Disabled Persons in 1981 was the impetus for many countries around the world to examine their policies and programs and to initiate new legislation and programs addressing accessibility of the built environment.

In general, countries have developed their own accessible built environment requirements, although there are some countries that have shared information and developed similar accessibility criteria. (United States, Canada, Australia) Other countries such as China and Japan have developed their own unique approach. With the signing of the Convention, many countries are in the beginning stage of developing an accessibility standard for the built environment for their own countries.

7.5.2 Role of the building code

Building codes are generally developed by government departments that oversee the safety and health of buildings and include issues such as structural integrity of the building, fire safety and accessibility. Committees oversee elements of the building code development process with representation from the construction industry, the fire service and increasingly persons with disabilities.

Building codes develop minimal technical specifications for the safety and health of building occupants. Building codes also develop the application criteria for the code, specifying what types of buildings must comply with different technical specifications and thereby establishing the “application criteria” for the application of the Code.

Building codes often serve as a model and must be adopted by a State, Province or Region to come into effect.

7.5.3 Role of the building standard

Standards are generally developed by “standards writing” organizations such as the International Standards Organization, the Council of the South African Bureau of Standards, the Instituto Uruguayo de Normas Tecnicas in Uruguay, and the American National Standards Institute, among others.

Standards are developed by a committee with representatives from various interested parties and content decisions are made on a consensus basis. Standards are generally referenced by building codes.

7.5.4 Canada

In some countries there are a plethora of accessibility guidance documents and it is confusing for architects and designers, human rights commissions and organizations of persons with disabilities to ascertain what accessibility requirements are required for all the different types of facilities.

For instance, in Canada, the National Research Council of Canada is responsible for the development of a model National Building Code. Most provinces adopt The National Building Code, but some provinces such as Quebec and Ontario develop their own provincial code. Selected municipalities and institutions have also developed their own accessibility standards. In addition, there is an accessibility standard, CAN- CSA B651 Accessibility of the Built Environment Standard, developed by the Canadian Standards Association for required compliance by federal agencies and federally regulated corporations.

7.5.5 United States

In the United States, the situation is not too different. The Americans with Disabilities Act of 1990 (ADA) directed the U.S. Access Board to promulgate technical specifications for the Americans with Disabilities Act Accessibility Guidelines. The Board's guidelines serve as the baseline for standards used to enforce the ADA.

With respect to the States, Title III of the ADA authorizes the Department of Justice to certify that State laws, local building codes, or similar ordinances meet or exceed the ADA Standards for Accessible Design for new construction and alterations. In addition, there are three model building codes and each state has responsibility for adopting one of the model codes or developing their own building codes. All model building codes, however, have been influenced by the American National Standards Institute ANSI A117 Standard of Accessible and Usable Buildings and Facilities. Initially published in 1961 with primary attention paid to wheelchair access, it has expanded in scope over the years.

7.5.6 Australia

Australia has a similar system for building codes and standards. They have recently undertaken efforts to harmonize some of the technical specifications to make it easier for Australians to implement accessibility specifications.

7.5.7 Europe

In 2007 the Consortium of European Building Control (CEBC) undertook a study to compile information about access to the built environment, particularly disabled access, in Europe.¹³⁰ One of the objectives of the study was to aid in the form and content of legislation to develop a more pan-European consistency of approach to accessibility of the built environment.

A secondary purpose was to assist architects, surveyors, developers, builders and contractors, who work in the common market for services, construction and construction products.

The study has shown that the principles of the legislation vary very little in their

requirements and that there is a commonality of purpose running through the legislative requirements and associated guidance. Please see Annex for an excerpt from the CEBC report, ***Access for All in Europe***. The excerpt shows a chart setting out the main accessibility requirements of each country's legislation and whether or not there are building regulations and guidance on how to meet those requirements.

7.5.8 Other Countries

In Latin America, led by the Uruguay Standards Organization (UNIT) and the Inter-American Development Bank, efforts have been made to harmonize accessibility criteria for the built environment.

In many developing countries that do not have accessibility incorporated in their building codes, it is not uncommon to see the implementation of parts of accessibility guidelines and standards from other countries (e.g. India).

In Mexico there is a mandatory accessibility standard in place for federal buildings and health facilities. They provide a self-evaluation form annually to more than 300 properties and enter the data into a database. The objective is to have diagnostic information on the accessibility situation for over 15,000 federal properties. To date there is no monitoring at the State and Municipal level. One of the challenges for Mexico in implementing and monitoring the Convention is the fact that each State is an independent State.

7.5.9 ISO TC59/SC16 Accessibility and Usability of the Built Environment

The International Standards Organization (ISO) in 1993 initiated the development of an international standard on accessibility of the built environment. A Committee was formed and charged to define how the built environment should be designed, constructed and managed to enable people of all abilities to approach, enter, use, egress from and evacuate a building independently, in an equitable and dignified manner and to the greatest extent possible.

The Committee has representation from over 30 countries. The Standard is expected to be published in 2012 and will serve as a model to be adopted by both countries that do not have an accessibility standard and by countries that wish to adopt the international standard and harmonize technical specifications for accessibility. Indications are that the CEN Standard organizations may adopt the standard, thus harmonizing the accessibility standards that exist in the European Union.

The promulgation of this Standard will assist greatly in the implementation and monitoring of the Convention and will address the need for greater harmonization of accessibility standards around the world.

7.5.10 Best Practices in the Built Environment

Examples of best practices in the design of the built environment have been used as an educational and informational tool to promote Universal Design and Design for All.

In 2000 Agriculture Canada and the Canadian Human Rights Commission sponsored the first edition of ***International Best Practices in Universal Design: A Comparative Study*** authored by Betty Dion Enterprises Ltd. in Canada.¹³¹

This study compared the technical specification for accessibility in Canada, the United States, Japan, the Nordic countries, Fiji, and Beijing. A database of technical specification was created and compared resulting in a “best practice” selected by an Expert Panel. In addition to the technical specifications, examples of best practices in Universal Design were highlighted and photographs were featured.



Figure 68: Accessible toilet. Photo: Andres Balcazar

The study examined selected international accessibility codes and standards for both buildings and landscapes in order to determine best practices based upon Universal Design principles.

This publication has been used by a number of accessibility standard and code writing committees in the development of requirements for accessibility. For example, it was used in the preparation of the Hong Kong Accessibility Standard, the draft National Accessibility Guidelines for Mexico, and the Built Environment Standard for the Accessibility for Ontarians with Disabilities Act.

In 2004 a new study was expanded and published as the ***International Best Practices in Universal Design: A Global Review***¹³² and completed with the sponsorship of the Canadian Human Rights Commission, Agriculture Canada, the Office for Disability Issues (Human Resource and Social Development Canada), the National Disability Authority of Ireland, the Swedish Agency for

Disability Policy and Rehabilitation International. This study was conducted by Betty Dion Enterprises Ltd. and compared updated technical specifications from Canada, the United States, Sweden, Uruguay, Ireland, Spain, South Africa, Bangladesh, Philippines, Malaysia, Singapore, Australia and Lebanon. The document was made available in Canada in both French, English and alternate formats (DAISY). Again, examples of best practices were highlighted and photographs were featured in the document.



Figure 69: Tactile directional pavers. Photo: Andres Balcazar

Arrangements were made by the Global Alliance on Accessible Technologies and Environment for Spanish, Serbian and Arabic translations of the ***International Best Practices in Universal Design: A Global Review***. GAATES, founded in 2006, promoted the study widely resulting in over 6000 copies being distributed and was the recipient of the Dubai International Award for their contribution to the living environment.

The document compares the accessibility codes and standards for 31 key design elements of the built environment, from 16 international jurisdictions, including; the new standards from Canada (Canadian Standards Association, National Building Code), the United States (Americans with Disabilities Act Accessibility Guidelines), as well as standards from Mexico, Uruguay, Sweden, Ireland, Spain, South Africa, Bangladesh, Philippines, Malaysia, Singapore, Australia and Lebanon.



Figure 70: Audible, tactile, visual pedestrian signal - Europe. Photo: unknown

A number of other publications in North America addressed Universal Design. In 2001 the ***Universal Design Handbook*** was authored by Wolfgang Preisner and Elaine Ostroff and published by McGraw Hill. It contained a series of articles written by people involved in the field from around the world.

The Center for Universal Design in Raleigh, North Carolina, USA published a CD of ***Universal Design Exemplars***. It is a CD-Rom collection of 32 international award-winning Universal Design projects from architecture, exhibit design, industrial design, interior design and landscape architecture. Each project describes in detail the background, universal features and relationship to the Principles of Universal Design. The CD-Rom is an outstanding teaching tool for design educators and students, as well as for advocates of universal design.

Japan's held its first international Universal Design (UD) Conference in Yokohama in 2002 and soon will convene a universal design conference in Hamamatsu, Shizuoka Prefecture in 2010. (See their website at www.ud2010.net) Their focus is on UD as a means to the building of a social environment that respects the dignity of each individual, and that it was of urgent importance to create a more humane social system by rebuilding relations between users and designers and producers and by reinventing a system that places human beings at the center in all respects.

A recent meeting was held in Boston, Mass., USA entitled: "Breaking Down Barriers: Best Practices in Universal Design for Libraries" was organized by the Institute for Human Centered Design. (See their website at www.adaptenv.org)

In Europe, the European Union has funded a number of initiatives focusing on accessibility, some on heritage properties, while others are on tourism and transportation. The European Network on Accessible Tourism is a good source of information on best practices in tourism. (See their website at www.enat.org)

7.6 Best Practices in Accessible Transportation

An example of best practice for public transportation can be found in the Americans with Disabilities Act transportation provisions. In the United States, the Department of Transportation implements the ADA regulation accessible public transportation services, including city buses and public rail transit (e.g. subways, commuter rails, and Amtrak). Public transportation authorities may not discriminate against persons with disabilities in the provision of their services.¹³³ Project Action partners with transportation providers, the disability community and others to provide technical assistance and excellent resources online at <http://www.projectaction.org>.

A conference entitled TRANSED, dedicated to best practices in accessible transportation worldwide, is held every 3 years and will next take place in June 2010 in Hong Kong. The TRANSED conference provides an opportunity for governments, transportation providers and professionals to profile their best practices in the design, implementation on operation of accessible transportation.¹³⁴



Figure 71: Captioned security screening video. Photo: Betty Dion

Access Exchange International (AEI) is a non-governmental organization promoting accessible public transport for persons with disabilities and seniors in Latin America, Africa, Asia, and eastern Europe. AEI is lead by Tom Rickert and has influenced the implementation of accessible transportation around the world. They have authored a number of valuable studies including: ***Mobility for All: Accessible Transportation Around the World***. This introductory guide presents an overview of access to pedestrian infrastructure, bus, rail, door-to-door and other vehicles. English and Spanish versions may be downloaded at www.independentliving.org. Also available in Chinese, Indonesian, Japanese, Portuguese, or Vietnamese.¹³⁵

7.7 Best Practices in Accessible Habitats

In 2010 a study was undertaken of best practices in accessible and visitable housing standards. The report, prepared by Betty Dion Enterprises Ltd. for Canada Mortgage and Housing Corporation, undertook a careful analysis of Canadian national and provincial housing standards to assess the level of information on accessible housing. The study was undertaken due to the increased interest in accessible housing due to the demand for information on accessible housing options as the population of Canada is aging and beginning to experience some degree of disability.

Canadian building codes and standards are substantially based on the model National Building Code that does not have clearly codified requirements for accessible or visitable housing.



Figure 72: Accessible housing entrance. Photo: Betty Dion

In contrast, building and housing codes in Europe show a trend in requiring existing housing stock to be accessible and visitable whenever renovations are undertaken. Many European countries such as Denmark, England, Scotland and Sweden require that new housing be designed and built with accessibility in mind. Moreover, Japan has been developing housing for many years that meets the needs of the country's aging population.

The United Kingdom, the United States, Japan and Denmark are only some of the countries that have incorporated visitability into the codified requirements for housing. The report concluded that physical access to housing remains a major obstacle to people with disabilities throughout the world, especially people with mobility limitations. While many codes and standards have requirements for access to at least the main entrance in multi-unit dwellings, there continues to be a lack of information and codified requirements for single dwelling units.¹³⁶

8 National Implementation and Monitoring

The challenge ahead is the implementation of the Convention roadmap and translating the accessibility provisions into practice. This chapter discusses how the drafters of the Convention did not rely only on international monitoring for implementation. Instead, Article 33 was drafted in order to provide a domestic architecture for change. Here are the provisions:

Article 33: National implementation and monitoring

1. States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.
2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.
3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

8.1 National Implementation Roadmap

As stated above, the overall scheme of Article 33 requires States to:

- Designate a focal point or focal points within government for implementation;
- Consider establishing or designating a coordination mechanism within government to facilitate related action in different sectors and at different levels;
- Establish an independent framework, such as a national human rights institution, to promote and monitor implementation of the Convention; and
- Engage persons with disabilities and their representative organizations in all aspects of the effort.

While not explicit in the language of the Convention, it is expected that the national legal system, such as national courts and tribunals, will play significant roles at the domestic level to ensure that the rights set forth in the Convention are protected under the law.¹³⁷

8.1.1 Focal Points

The first milepost in the national implementation roadmap is to designate focal point(s) within government for implementation. This step looks to the existing institutional architecture of change within Government by engaging implementation bodies and seeking their coordination. This approach is a welcome strategy since one of the significant problems in addressing disability policy in governments has been government agencies and departments carrying out their work in separate “silos” without coordination.



Figure 73: UN Assembly. Photo: Betty Dion

The Convention does not specify the form that focal points should take, only that they should not act in isolation. They could be a government agency or a person within a ministry or group of ministries; an institution such as a disability advisory commission; a ministry for human rights; or any other form. The objective will be to identify the appropriate change agent(s) in the existing government structure as focal point(s) and to add to their duties Convention oversight and to coordinate implementation efforts through the domestic government architecture at the local, regional and national level.

This means that the focal point(s) will require appropriate human and financial resources and be empowered through legislative or other legal steps as a permanent institution and be situated at the highest level of government in order to carry out their duties.

One helpful resource is the “Thematic study by the Office of the United Nations High Commissioner for Human Rights on the structure and role of national mechanism for the implementation and monitoring of the Convention on the

rights of Persons with Disabilities” (hereinafter referred to as the OHCHR Study).¹³⁸

While noting that there are different government systems, the OHCHR Study suggests at paragraph 24 that an effective implementation model might be to adopt a two-pronged approach. First, one overall focal point for the Convention in government should be appointed in order to ensure general oversight and promotion.

Second, focal points at the level of each or most governmental departments and ministries should be appointed. As explained in paragraph 25, the rationale is that this approach would enable the involvement of government ministries who will be required to take action for full and effective implementation of the Convention. This would also enable representation for the national coordination mechanism provided for in Article 33.1. The OHCHR Study further notes that their mandate should include promoting awareness of the Convention within the ministry, participation in the action plan development, and monitoring and reporting as needed within their functional lines.

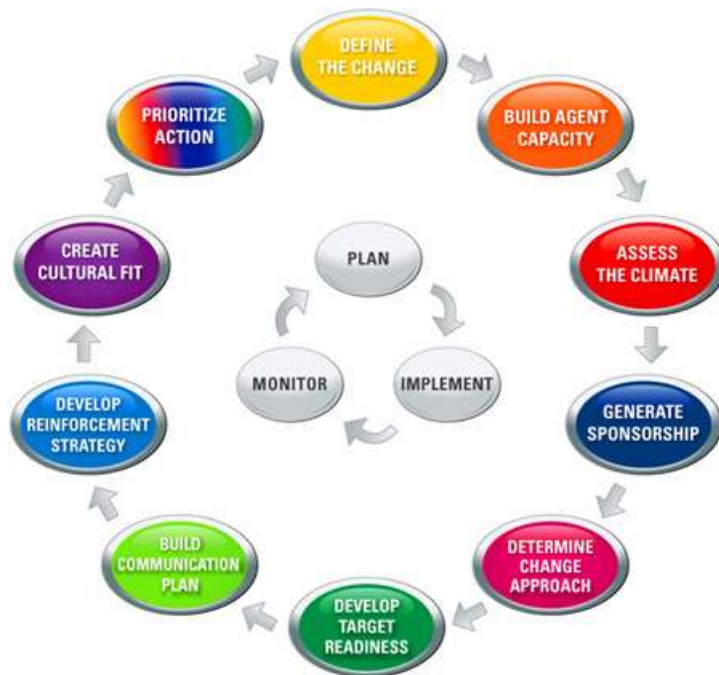


Figure 74: Implementation Planning. Photo: IMA Worldwide

The OHCHR Study also points out in paragraph 27 that due to the paradigm shift endorsed by the Convention away from the medical and social understanding of disability, the designation of the ministry of health as the government focal point should be avoided. The same concern also applies to the focal point designation of special education departments within ministries of education even though that

may be the case in some systems. It was also pointed out that the placement of the focal point within ministries of welfare and labor should also be reviewed since this is the practice in the majority of States Parties discussed in the study.

Instead, the OHCHR Study points out that the focal point designation should be of ministries with responsibility for justice and human rights. As an example, the study points to Australia where the Attorney-General's Department is designated as the joint focal point for implementing the Convention. Paragraph 28 points to the need for the focal point to be at the most senior level of government. Furthermore, the OHCHR Study in paragraph 31 highlights Guatemala and Slovenia as examples of focal point good practices and notes that Spain has "officially revised the mandate of existing entities to explicitly include the focal point function."

Here are some duties that would be appropriate for focal points under the Convention roadmap for implementation:

- Advise the Head of State/Government, policymakers and program planners on the development of policies, legislation, programs and projects with respect to their impact on persons with disabilities;
- Coordinate the activities of various ministries and departments on human rights and disability;
- Coordinate activities on human rights and disability at federal, national, regional, state, provincial and local levels of government;
- Revise strategies and policies to ensure that the rights of persons with disabilities are respected;
- Draft, revise or amend relevant legislation;
- Raise awareness about the Convention and Optional Protocol within the government;
- Ensure that the Convention and Optional Protocol are translated into local languages and issued in accessible formats;
- Establish an action plan for ratification of the Convention;
- Establish an action plan for implementation of the Convention;
- Monitor the implementation of the action plan on human rights and disabilities;
- Coordinate the preparation of the State's periodic reports;
- Raise awareness on disability-related issues and the rights of persons with disabilities among the public;
- Build capacity within the Government on disability-related issues;
- Ensure and coordinate the collection of data and statistics for effective policy programming and evaluation of implementation;
- Ensure that persons with disabilities participate in the development of policies and laws that affect them;
- Encourage persons with disabilities to participate in organizations and civil society, and encourage the creation of organizations of persons with disabilities.¹³⁹

With respect to accessibility, gaps in existing laws and practices will need to be evaluated for law reform in meeting the requirements of the Convention. For example, the focal point domestic agenda for accessibility can lead the way for a national building code that incorporates Universal Design; a government ICT procurement practice that requires accessibility in procured mainstream products, goods and services; the establishment of accessible information and communications, including emergency services for persons with disabilities; a strategy for availability and affordability of assistive technologies; practices for mainstreaming the disability perspective throughout the domestic agenda; steps for engaging the community of persons with disabilities; and so on as this list is not exhaustive.



Figure 75: Accessibility audit group. Photo: Betty Dion

The Convention implementation roadmap was written to enable meaningful law reform at the local level as long as the focal point(s) are empowered to lead the way. However, the roadmap as discussed is not complete because it will also require a framework for implementation that can act independent of government pressures that might comprise the mandate to promote, protect, and monitor implementation; and it requires an authentic engagement of persons with disabilities as further discussed below.

8.1.2 Coordination Mechanisms

Article 33.2 requires States Parties to maintain, strengthen, designate, or establish a framework that may include one or more independent mechanisms in order to “promote, protect and monitor implementation.”

It is significant that the text calls for the coordination mechanisms to be established according to “the principles relating to the status and functioning of national institutions for protection and promotion of human rights.”

These principles are a reference to the “Paris Principles” agreed by the United Nations General Assembly in 1993 for national human rights institutions.¹⁴⁰ There are many types of national human rights institutions and many have a relationship to the executive branch of government in some way. However, their level of independence is dependent upon a number of factors, including membership and how the institution operates. For example, as mentioned previously, in the U.S. the National Council on Disability serves as an independent federal agency that reports to Congress and the President as an advisor on disability matters and its membership is through appointment. Similarly, Australia’s National Disability Council provides advice to the government on disability related matters and also organizes consultations with the community of persons with disabilities.

It is likely that existing national human rights institutions may be able to carry out the independent mechanism function. For a discussion on this role as well as the participation of civil society, see the OHCHR Study referenced above in this section.

8.1.2.1 Paris Principles and Monitoring

The objective of the Paris Principles is to create independent and credible national human rights institutions and there are a number of responsibilities that these institutions must carry out. The Handbook for Parliamentarians explains the Convention linkage with the following detail:

Article 33 (2) of the Convention on the Rights of Persons with Disabilities requires States Parties to take these principles into account when designating or establishing mechanisms to promote, protect and monitor implementation of the Convention. According to the Paris Principles, such mechanisms must:

- Be independent of the Government, with such independence guaranteed either by statutory law or constitutional provisions;
- Be pluralistic in their roles and membership;
- Have as broad a mandate as possible, capable, in the context of the Convention, of collectively promoting, protecting and monitoring the implementation of all aspects of the Convention through various means, including the ability to make recommendations and proposals concerning existing and proposed laws and policies;
- Have adequate powers of investigation, with the capacity to hear complaints and transmit them to the competent authorities;
- Be characterized by regular and effective functioning;

- Be adequately funded and not subject to financial control, which might affect their independence; and
- Be accessible to the general public and, in the context of the Convention, particularly to persons with disabilities, including women with disabilities and children with disabilities, and their representative organizations.¹⁴¹

8.1.3 Mainstreaming & Engaging Persons with Disabilities

Mainstreaming and stakeholder engagement is a key ingredient in policy making and in any implementation effort impacting persons with disabilities. The mainstreaming of disability issues is referenced in Preamble (g) of the Convention "as an integral part of relevant strategies of sustainable development."

One interesting outcome of this approach comes from the UN Economic and Social Council and their report entitled, ***Mainstreaming Disability in the Development Agenda*** (E/CN.5/2008/6).¹⁴² The publication noted a World Bank report that during the fiscal years 2002-2006, only five per cent of new lending commitments had a disability component. As a result, "In March 2007, the World Bank issued a guidance note to assist its projects in better incorporating the needs of persons with disabilities, integrating a disability perspective into ongoing sector and thematic work programmes, and adopting an integrated and inclusive approach to disability."¹⁴³

Mainstreaming is a critical approach that enables policies and strategies to take the needs of persons with disabilities into account in all stages of policy development. Disability rights cannot be seen as a horizontal issue such as the sole responsibility of policymakers in welfare, labor or medical services. For example, during the data gathering survey of countries adopting accessible web design laws or policies, this writer noticed a government website where accessible content was only provided on certain web pages dealing with medical or welfare information. When asked about this practice, the governmental agency said it was not aware that persons with disabilities might also be interested or benefit from visiting other web pages of that government portal.

Perhaps one helpful definition of mainstreaming is this:

Mainstreaming disability . . . is the process of assessing the implications for disabled people of any planned action, including legislation, policies and programmes, in all areas and at all levels. It is a strategy for making disabled people's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies

and programmes in all political, economic and societal spheres so that disabled people benefit equally and inequality is not perpetuated. The ultimate goal is to achieve disability equality.¹⁴⁴



Figure 76: Young girl in a swing. Photo: Andres Balcazar

One key factor for success in mainstreaming is the engagement of individuals with disabilities that represent cross-disability issues to inform all policy sectors. By actively participating in the development and implementation of policies and strategies, persons with disabilities with experience from each disability sector can contribute to the determination of the most relevant and appropriate strategies for success. But once cross-disability representation is in place, be sure to plan accessible meetings and incorporate effective communication practices so that persons with disabilities can participate.¹⁴⁵

8.2 Monitoring

As discussed in Chapter 5, *Policy Development and Accessibility*, periodic reporting is mandated by the Convention where States submit reports to the Committee on Rights of Persons with Disabilities on measures taken to implement the Convention. At this time best practices are being collected and monitoring tools are being developed to aid in the reporting.

For example, the following resource is being made available in English and Russian translations by OHCHR: “Monitoring the Convention on the Rights of Persons with Disabilities: Guidance for Human Rights Monitors” and provides guidance on how to facilitate robust, evidenced reports by the States Parties.¹⁴⁶

With respect to the built environment, GAATES has been developing an Accessibility Monitoring Tool for the Built Environment based on previous monitoring endeavors for human rights commissions and government compliance initiatives. The tool provides a rating schedule for architectural elements deemed of key importance to the accessibility of the built environment, including public

rights of way, urban design elements and architectural features. The GAATES Monitoring Tool provides a concrete score that allows for benchmarking of accessibility and developing a national or state based accessibility implementation strategy.



Figure 77: Conducting an accessibility audit. Photo: Betty Dion

With respect to ICT, one type of on-line tool currently available to assist States is the e-Accessibility Policy Maker Toolkit for Persons with Disabilities: A Joint ITU/G3ict Toolkit for Policy Makers Implementing the Convention.¹⁴⁷ The toolkit is a collection of best practices in the ICT sector and also provides an assessment framework based on the Convention.

Designed as a template to collect data and identify gaps, the assessment framework tool lists essential generic accessibility dispositions while emphasizing those that deal with ICT matters. The overall purpose of the toolkit is to help countries and their citizens look across all components and facets of their States' public (and private) operations in an effort to ascertain 'compliance' with the ICT accessibility provisions of the CRPD.

In particular, the toolkit is designed to encourage government policy makers and citizen leaders to engage their countries in striving for laws, policies, programs and practices that when implemented result in more: (a) accessible ICT infrastructure, (b) affordable ICT, and (c) available and effective assistive technology.

As discussed on the website, the ultimate focus of the toolkit self-assessment is to identify improvement areas that will be developed into further action plans. It is important to keep in mind that the assessment itself only provides a map of where the State stands right now in relation to the Convention and that the results drive the actions for the next step to be taken by the State. Integrating the results from self-assessment into public (and private) sector planning is a prerequisite to make the efforts produce results. The tool is at http://www.e-accessibilitytoolkit.org/toolkit/un_convention/assessment_framework.

9 ENDNOTES

Chapter 1

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3. See W3C Web Accessibility Initiative at <http://www.w3.org/WAI/>.
4. The Center for Universal Design, *supra*, at http://www.design.ncsu.edu/cud/about_ud/udprincipleshtmlformat.html#top.
5. Dion, Betty. Presentation at the United Nations: International Best Practices in Universal Design: A Comparative Study - Jenita, March 2006.
6. Alton, Charles, Global Environmental Solutions, August 12, 2004.
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9. United Nations Commitment to Advancement of the Status of Persons with Disabilities at www.un.org/esa/socdev/enable/disun.htm.
10. Canadian Human Rights Commission, *International Best Practices in Universal Design: A Global Review*, 2006.
11. Global Alliance on Accessible Technologies and Environments at www.gaates.org.

12. Alternate formats include Print, CD, and Daisy.
13. ISO TC59 SC16 Accessibility and Usability of the Built Environment, Introduction
14. "Electronic and Information Technology Accessibility Standards" found at 36 CFR Part 1194 and online at <http://www.access-board.gov/sec508/standards.htm>. The 1998 Amendments to the Rehabilitation Act authorized the U.S. Access Board to promulgate standards for the accessible design of technologies.
15. See W3C Web Content Accessibility Guidelines 1.0 online at <http://www.w3.org/TR/WCAG10/>.
16. Waddell, Cynthia. Chapter 17 "Worldwide Accessibility Laws and Policies" in ***Web Accessibility: Web Standards and Regulatory Compliance***, Apress, 2006.

Chapter 2 – No End Notes

Chapter 3

17. United Nations, ***From Exclusion to Equality- Realizing the rights of persons with disabilities, Handbook for parliamentarians on the Convention on the Rights of Persons with Disabilities and its Optional Protocol***, at p. 36.
18. *Id.*, at p. 32.
19. *Id.*, at p. 35.

Chapter 4

20. *Id.*, at p. 60.
21. *Id.*, at p. 61.
22. *Id.*, at p. 61-62.
23. *Id.*, at p. 62.
24. *Ibid.*
25. For example, see Section 508 of the U.S. Rehabilitation Act of 1973, as amended, at 29 U.S.C. §794d, and the U.S. Access Board Electronic and Information Technology Accessibility Standards at 36 CFR Part 1194.

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Chapter 5

31. This chapter expands upon the “Developing Policy” chapter written by Cynthia Waddell for the G3ict and ITU **e-Accessibility Toolkit for Policy Makers**, online at <http://www.e-accessibilitytoolkit.org/>.

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http://www.icdri.org/CynthiaW/the_digital_divide.htm. (Hereinafter referred to as Growing Digital Divide).

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38. See United Nations *Partnership on Measuring ICT for Development: Core ICT Indicators* online at <http://www.itu.int/ITU-D/ict/partnership/material/CoreICTIndicators.pdf>.

39. *Ibid.*

40. Partnership on Measuring ICT for Development, *The Global Information Society: a Statistical View*, at http://www.itu.int/ITU-D/ict/material/LCW190_en.pdf.

41. Text telephones are utilized by persons with hearing and speech disabilities.

42. See discussion of “Total Conversation” later in the chapter.

43. Talking ATMs are automated transaction machines primarily used by banks to enable customers to conduct transactions using both audio and visual features. By providing a jack for headphones, customers with visual disabilities can listen and follow audio prompts and perform transactions without viewing the ATM display screen. This means that banking services are available around the clock for all customers, including customers with visual disabilities.

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54. See ITU-T SG 16 Work on Accessibility, Total Conversation, at <http://www.itu.int/ITU-T/studygroups/com16/accessibility/conversation.html>.

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62. *Information Society and Inclusion: Linking European Policies*, European Commission 2006, p.5 at http://ec.europa.eu/information_society/activities/policy_link/brochures/document/inclusion.pdf.
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85. See Buy Accessible Wizard at <http://www.buyaccessible.gov/>.
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87. *Common Views Paper on Trade*, Japan/US/EU Trilateral IT-Electronics Association Meeting, Brussels, April 2008, at <http://209.85.141.104/search?q=cache:zUgFFm2B0LEJ:www.eicta.org/web/news/telecharger.php%3Fiddoc%3D663+Japanese+Standardization+Committee+on+ICT+Accessibility&hl=en&ct=clnk&cd=10&gl=us>
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Chapter 6 – No End Notes

Chapter 7

91. This chapter expands upon the “Developing Policy” chapter written by Cynthia Waddell for the 2010 G3ict and ITU “*e-Accessibility Toolkit for Policy Makers*,” online at <http://www.e-accessibilitytoolkit.org/>. It also draws upon best practices discussed by Cynthia Waddell in “*Meeting ICT Access and Service Needs for Persons with Disabilities: Major Issues for Development and Implementation of Successful Policies and Strategies*,” ITU Regional Workshop on ICT Accessibility for Persons with Disabilities for the Africa Region, Lusaka, Zambia, July 2008, at <http://www.itu.int/ITU-D/sis/PwDs/Seminars/Zambia/Documents/Presentations/009-Waddell%20Cynthia-Background%20paper.pdf>.
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112. See G3ict e-Accessibility Toolkit for Policy Makers at http://www.e-accessibilitytoolkit.org/toolkit/un_convention/assessment_framework. (Hereinafter G3ict e-Accessibility Toolkit.)
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115. Dr. Ennio V. Macagnano, 2006 Keynote “The Role of ICT in Design for All in South Africa” at http://dfasuomi.stakes.fi/EN/dfa2006/rovaniemi/programme/keynote_ennio.htm.
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121. *Phuket Declaration on Tsunami Preparedness for Persons with Disabilities*, Adopted March 1, 2007, at http://www.dinf.ne.jp/doc/english/prompt/ws070112_2.html.

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124. See U.S. Library of Congress website at <http://www.loc.gov/nls/reference/factsheets/audiobkplayers.html>.
125. See NIMAS website at <http://nimas.cast.org/>.
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127. See TPB Swedish Library website at <http://www.tpb.se/english/>.
128. See DAISY website at <http://www.daisy.org/about-us>.
129. Human Rights and Disabled Persons, III Prejudices and Discrimination against Disabled Persons: Areas, Form and Scope
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130. See Consortium of European Building Control, "Access for All in Europe," Building Control Report, December 2007, Issue 1, online at http://cebc.eu/images/stories/documents/reports/access_for_all_-_cebc_final_-_june_2008.pdf.
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134. See TRANSED conference website at <http://www.transed2010.hk/front/> for topics on Affordability and Accessibility; Environmental Concerns and New Technological Development in Accessible Transport; Accessibility Concerns and Solutions for those with Cognitive and Sensory Impairment; and Accessible Tourism.
135. See website at <http://www.globalride-sf.org/rnl.html#aeipubs> for free copies of AEI introductory guides on accessible transportation.

136. Compendium of Canadian Accessible Housing Codes and Standards, Canada Mortgage and Housing Corp., External Research Program, Betty Dion Enterprises Ltd., 2009

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137. *Handbook for Parliamentarians*, at p. 93.

138. OHCHR, “Thematic study by the Office of the United Nations High Commissioner for Human Rights on the structure and role of national mechanisms for the implementation and monitoring of the Convention on the Rights of Persons with Disabilities”, A/HRC/13/29 at www2.ohchr.org/english/issues/disability/documents.htm.

139. *Id.* at 95.

140. General Assembly resolution 48/134 of 20 December 1993.

141. *Id.* at 99.

142. See *Mainstreaming Disability in the Development Agenda*, UN Economic & Social Council, E/CN.5/2008/6 at <http://www.un.org/disabilities/documents/reports/e-cn5-2008-6.doc>.

143. *Social Analysis and Disability: A Guidance Note: Incorporating Disability-Inclusive Development into Bank-Supported Projects* (World Bank, March 2007), at <http://siteresources.worldbank.org/DISABILITY/Resources/280658-1172606907476/SAanalysisDis.pdf>.

144. Miller, Carol and Bill Albert, *Mainstreaming Disability in Development: Lessons from Gender Mainstreaming* (March 2005); paper contribution for study on enabling persons with disabilities to reduce poverty at http://www.disabilitykar.net/research/red_main.html.

145. For example, meeting documents should be made available in alternate formats so that persons with visual disabilities can access the content; meeting rooms and restrooms should be accessible for persons with mobility disabilities; and sign language interpreters, real time captioning, assistive listening devices and TTYs, as appropriate, should be available upon request for persons with hearing disabilities. An excellent guide for developing accessible meeting policies is the ***Guide to Planning Inclusive Meetings and Conferences***, by the Treasury Board of Canada Secretariat, 2009 (French and English) at http://www.hrsdc.gc.ca/eng/disability_issues/doc/gpim/guide.pdf. (Alternate formats available on demand).

146. OHCHR “Monitoring the Convention on the Rights of Persons with Disabilities: Guidance for Human Rights Monitors” HR/P/PT/17 at www.ohchr.org/Documents/Publications/Disabilities_training_17EN.pdf.

147. See G3ict e-Accessibility Toolkit, *supra*.

10 Annexes

10.1 Convention on the Rights of Persons with Disabilities and Optional Protocol

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Preamble

The States Parties to the present Convention,

(a) *Recalling* the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

(b) *Recognizing* that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,

(c) *Reaffirming* the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,

(d) *Recalling* the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

(e) *Recognizing* that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others,

(f) *Recognizing* the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the

policies, plans, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities,

(g) Emphasizing the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development,

(h) Recognizing also that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person,

(i) Recognizing further the diversity of persons with disabilities,

(j) Recognizing the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support,

(k) Concerned that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,

(l) Recognizing the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries,

(m) Recognizing the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty,

(n) Recognizing the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,

(o) Considering that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them,

(p) Concerned about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status,

(q) Recognizing 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,

(r) *Recognizing* that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalling obligations to that end undertaken by States Parties to the Convention on the Rights of the Child,

(s) *Emphasizing* the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,

(t) *Highlighting* the fact that the majority of persons with disabilities live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on persons with disabilities,

(u) *Bearing in mind* that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of persons with disabilities, in particular during armed conflicts and foreign occupation,

(v) *Recognizing* the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,

(w) *Realizing* that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Bill of Human Rights,

(x) *Convinced* that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities,

(y) *Convinced* that a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities will make a significant contribution to redressing the profound social disadvantage of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, in both developing and developed countries,

Have agreed as follows:

Article 1

Purpose

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Article 2

Definitions

For the purposes of the present Convention:

“Communication” includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

“Language” includes spoken and signed languages and other forms of non spoken languages;

“Discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;

“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

“Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Article 3

General principles

The principles of the present Convention shall be:

(a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;

(b) Non-discrimination;

(c) Full and effective participation and inclusion in society;

(d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;

(e) Equality of opportunity;

(f) Accessibility;

(g) Equality between men and women;

(h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 4

General obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

(a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;

(b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;

(c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;

(d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;

(e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;

(f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;

(g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;

(h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;

(i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in this Convention so as to better provide the assistance and services guaranteed by those rights.

2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.

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, through their representative organizations.

4. Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.

5. The provisions of the present Convention shall extend to all parts of federal states without any limitations or exceptions.

Article 5

Equality and non-discrimination

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

Article 6

Women with disabilities

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

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 on an equal basis with other children.

2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given

due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

Article 8

Awareness-raising

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

(a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;

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

(c) To promote awareness of the capabilities and contributions of persons with disabilities.

2. Measures to this end include:

(a) Initiating and maintaining effective public awareness campaigns designed:

(i) To nurture receptiveness to the rights of persons with disabilities;

(ii) To promote positive perceptions and greater social awareness towards persons with disabilities;

(iii) To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;

(b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;

(c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;

(d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

Article 9

Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

(a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

(b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures:

(a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;

(b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

(c) To provide training for stakeholders on accessibility issues facing persons with disabilities;

(d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;

(e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;

(f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

(g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

(h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an

early stage, so that these technologies and systems become accessible at minimum cost.

Article 10

Right to life

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

Article 11

Situations of risk and humanitarian emergencies

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

Article 12

Equal recognition before the law

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.
5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit,

and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

Article 13

Access to justice

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

Article 14

Liberty and security of the person

1. States Parties shall ensure that persons with disabilities, on an equal basis with others:

(a) Enjoy the right to liberty and security of person;

(b) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.

2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of this Convention, including by provision of reasonable accommodation.

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.

2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

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, including their gender-based aspects.
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 Parties 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 and takes into account gender- and age-specific needs.
5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

Article 17

Protecting the integrity of the person

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

Article 18

Liberty of movement and nationality

1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:

(a) Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;

(b) Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;

(c) Are free to leave any country, including their own;

(d) Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.

2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

Article 19

Living independently and being included in the community

States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

(a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;

(b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;

(c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Article 20

Personal mobility

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

(a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;

(b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;

(c) Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;

(d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

Article 21

Freedom of expression and opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

(a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;

(b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;

(c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;

(d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;

- (e) Recognizing and promoting the use of sign languages.

Article 22
Respect for privacy

1. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.
2. States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

Article 23
Respect for home and the family

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:
 - (a) The right of all persons 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;
 - (b) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;
 - (c) Persons with disabilities, including children, retain their fertility on an equal basis with others.
2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.
3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing 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.

4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

Article 24

Education

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to:

(a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;

(b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;

(c) Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

(a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

(b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;

(c) Reasonable accommodation of the individual's requirements is provided;

(d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;

(e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

(a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;

(b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

(c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

Article 25

Health

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on

the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

(a) Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;

(b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;

(c) Provide these health services as close as possible to people's own communities, including in rural areas;

(d) Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;

(e) Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;

(f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

Article 26

Habilitation and rehabilitation

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:

(a) Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;

(b) Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.

2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.

3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

Article 27

Work and employment

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

(a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;

(b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;

(c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;

(d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;

(e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;

(f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;

(g) Employ persons with disabilities in the public sector;

(h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;

(i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;

(j) Promote the acquisition by persons with disabilities of work experience in the open labour market;

(k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

Article 28

Adequate standard of living and social protection

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

(a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;

(b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;

(c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;

(d) To ensure access by persons with disabilities to public housing programmes;

(e) To ensure equal access by persons with disabilities to retirement benefits and programmes.

Article 29

Participation in political and public life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:

(a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

(i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

(ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

(iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

(b) To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

(i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

(ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

Article 30

Participation in cultural life, recreation, leisure and sport

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

(a) Enjoy access to cultural materials in accessible formats;

(b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;

(c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.

2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.

3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:

(a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;

(b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;

(c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues;

(d) To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;

(e) To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

Article 31

Statistics and data collection

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

(a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;

(b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.

3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

Article 32

International cooperation

1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:

(a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;

(b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;

(c) Facilitating cooperation in research and access to scientific and technical knowledge;

(d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.

2. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

Article 33

National implementation and monitoring

1. States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.

2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

Article 34

Committee on the Rights of Persons with Disabilities

1. There shall be established a Committee on the Rights of Persons with Disabilities (hereafter referred to as “the Committee”), which shall carry out the functions hereinafter provided.

2. The Committee shall consist, at the time of entry into force of the present Convention, of twelve experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of eighteen members.
3. The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention. When nominating their candidates, States Parties are invited to give due consideration to the provision set out in article 4, paragraph 3, of the present Convention.
4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities.
5. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
7. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of six of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.
8. The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.
9. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the

qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.

10. The Committee shall establish its own rules of procedure.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention, and shall convene its initial meeting.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

13. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 35

Reports by States Parties

1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.

2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.

3. The Committee shall decide any guidelines applicable to the content of the reports.

4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4, paragraph 3, of the present Convention.

5. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 36

Consideration of reports

1. Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.
2. If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. Should the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.
3. The Secretary-General of the United Nations shall make available the reports to all States Parties.
4. States Parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports.
5. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, funds and programmes of the United Nations, and other competent bodies, reports from States Parties in order to address a request or indication of a need for technical advice or assistance contained therein, along with the Committee's observations and recommendations, if any, on these requests or indications.

Article 37

Cooperation between States Parties and the Committee

1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.
2. In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.

Article 38

Relationship of the Committee with other bodies

In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:

(a) The specialized agencies and other United Nations organs 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 the specialized agencies 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. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

Article 39

Report of the Committee

The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities, and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

Article 40

Conference of States Parties

1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.

2. No later than six months after the entry into force of the present Convention, the Conference of the States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General of the United Nations biennially or upon the decision of the Conference of States Parties.

Article 41 Depositary

The Secretary-General of the United Nations shall be the depositary of the present Convention.

Article 42 Signature

The present Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 30 March 2007.

Article 43 Consent to be bound

The present Convention shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organizations. It shall be open for accession by any State or regional integration organization which has not signed the Convention.

Article 44 Regional integration organizations

1. "Regional integration organization" shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by this Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.
2. References to "States Parties" in the present Convention shall apply to such organizations within the limits of their competence.
3. For the purposes of article 45, paragraph 1, and article 47, paragraphs 2 and 3, of the present Convention, any instrument deposited by a regional integration organization shall not be counted.
4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 45

Entry into force

1. The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.
2. For each State or regional integration organization ratifying, formally confirming or acceding to the Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.

Article 46

Reservations

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.
2. Reservations may be withdrawn at any time.

Article 47

Amendments

1. Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.
2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.
3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of this article which relates exclusively to articles 34, 38, 39 and 40 shall enter into force for all States Parties on the thirtieth day after the number of instruments of acceptance

deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.

Article 48
Denunciation

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

Article 49
Accessible format

The text of the present Convention shall be made available in accessible formats.

Article 50
Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

The States Parties to the present Protocol have agreed as follows:

Article 1

1. A State Party to the present Protocol ("State Party") recognizes the competence of the Committee on the Rights of Persons with Disabilities ("the Committee") to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention.
2. No communication shall be received by the Committee if it concerns a State Party to the Convention that is not a party to the present Protocol.

Article 2

The Committee shall consider a communication inadmissible when:

- (a) The communication is anonymous;
- (b) The communication constitutes an abuse of the right of submission of such communications or is incompatible with the provisions of the Convention;
- (c) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;
- (d) All available domestic remedies have not been exhausted. This shall not be the rule where the application of the remedies is unreasonably prolonged or unlikely to bring effective relief;
- (e) It is manifestly ill-founded or not sufficiently substantiated; or when
- (f) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.

Article 3

Subject to the provisions of article 2 of the present Protocol, the Committee shall bring any communications submitted to it confidentially to the attention of the State Party. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

Article 4

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.

2. Where the Committee exercises its discretion under paragraph 1 of this article, this does not imply a determination on admissibility or on the merits of the communication.

Article 5

The Committee shall hold closed meetings when examining communications under the present Protocol. After examining a communication, the Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

Article 6

1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end submit observations with regard to the information concerned.

2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.

3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.

4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.

5. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.

Article 7

1. The Committee may invite the State Party concerned to include in its report under article 35 of the Convention details of any measures taken in response to an inquiry conducted under article 6 of the present Protocol.
2. The Committee may, if necessary, after the end of the period of six months referred to in article 6, paragraph 4, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.

Article 8

Each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 6 and 7.

Article 9

The Secretary-General of the United Nations shall be the depositary of the present Protocol.

Article 10

The present Protocol shall be open for signature by signatory States and regional integration organizations of the Convention at United Nations Headquarters in New York as of 30 March 2007.

Article 11

The present Protocol shall be subject to ratification by signatory States of the present Protocol which have ratified or acceded to the Convention. It shall be subject to formal confirmation by signatory regional integration organizations of the present Protocol which have formally confirmed or acceded to the Convention. It shall be open for accession by any State or regional integration organization which has ratified, formally confirmed or acceded to the Convention and which has not signed the Protocol.

Article 12

1. "Regional integration organization" shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the Convention and the present Protocol. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by the Convention and the present Protocol. Subsequently,

they shall inform the depositary of any substantial modification in the extent of their competence.

2. References to “States Parties” in the present Protocol shall apply to such organizations within the limits of their competence.

3. For the purposes of article 13, paragraph 1, and article 15, paragraph 2, of the present Protocol, any instrument deposited by a regional integration organization shall not be counted.

4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the meeting of States Parties, with a number of votes equal to the number of their member States that are Parties to the present Protocol. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 13

1. Subject to the entry into force of the Convention, the present Protocol shall enter into force on the thirtieth day after the deposit of the tenth instrument of ratification or accession.

2. For each State or regional integration organization ratifying, formally confirming or acceding to the present Protocol after the deposit of the tenth such instrument, the Protocol shall enter into force on the thirtieth day after the deposit of its own such instrument.

Article 14

1. Reservations incompatible with the object and purpose of the present Protocol shall not be permitted.

2. Reservations may be withdrawn at any time.

Article 15

1. Any State Party may propose an amendment to the present Protocol and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a meeting of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a meeting, the Secretary-General shall convene the meeting under the auspices of the United Nations. Any amendment adopted by a majority

of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

Article 16

A State Party may denounce the present Protocol by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

Article 17

The text of the present Protocol shall be made available in accessible formats.

Article 18

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Protocol shall be equally authentic.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Protocol.

10.2 Reporting Guidelines for States Parties on the Convention

See Next page



Convention on the Rights of Persons with Disabilities

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Guidelines on treaty-specific document to be submitted by states parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities

Note by the Secretary-General

1. In accordance with article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities (the Convention), each State Party undertakes to submit to the Secretary-General of the United Nations, for consideration by the Committee on the Rights of Persons with Disabilities (the Committee), a report on measures taken to give effect to its obligations under the Convention: (a) within two years after the entry into force of the Convention for the State concerned, and (b) thereafter at least every four years and whenever the Committee so requests. Article 36, paragraph 1, also provides that the Committee may request further information from the States Parties.

2. The purpose of reporting guidelines is to advise States Parties on the form and content of their reports, so as to facilitate the preparation of reports and ensure that these are comprehensive and presented in a uniform manner by States Parties. Compliance with the reporting guidelines will also reduce the need for the Committee to request further information under article 36 and under rule 36, paragraph 3, of its rules of procedure.

3. States should consider the reporting process, including the process of preparation of their reports, not only as a means to ensure compliance with their international obligations, but also as an opportunity to take stock of the state of human rights protection within their jurisdiction for the purpose of more efficient policy planning and implementation of the Convention. The report preparation process thus offers an occasion for each State Party to:

(a) Conduct a comprehensive review of the measures it has taken to harmonize national law and policy with the provisions of the relevant international human rights treaties to which it is a party;

(b) Monitor progress made in promoting the enjoyment of the rights set forth in the treaties in the context of the promotion of human rights in general;

(c) Identify problems and shortcomings in its approach to the implementation of the treaties;

(d) Plan and develop appropriate policies to achieve these goals.

Furthermore, States Parties should encourage and facilitate the involvement of non-governmental organizations, including organizations of persons with disabilities in the preparation of reports. Such constructive engagement on the part of these organizations will enhance the quality of reports as well as promote the enjoyment by all of the rights protected by the Convention. The reports should contain an explanation of the procedure used to consult with civil society and in particular with representative organisations of persons with disabilities and the measures taken to ensure that this process was fully accessible.

4. States Parties must recognize and respect the diversity of persons with disabilities and ensure that their report is not generalized, but specific to different types of disability.

5. The Committee adopts the present guidelines that take into account the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN/2/Rev.5). These guidelines will be updated in future to take into account the evolving practice of the Committee in relation to the application of the Convention, as reflected in its concluding observations, general comments and statements.

6. The text of the guidelines on treaty-specific documents to be submitted by States Parties under articles 35 of the Convention is contained in the annex to the present document.

Annex

Guidelines on the treaty-specific document to be submitted by States Parties under article 35 of the Convention on the Rights of Persons with Disabilities

A. The existing reporting system and organization of information to be included in the common core document and in the treaty-specific document submitted to the Committee on the Rights of Persons with Disabilities

A.1 State reports submitted under the harmonized guidelines on reporting under the international human rights treaties consist of two parts: a common core document and treaty-specific documents.

A.2 The common core document

A.2.1 The common core document should contain general information about the reporting State, the general framework for the protection and promotion of human rights, disaggregated according to sex, age, main population groups and disability, as well as information on non-discrimination and equality, and effective remedies, in accordance with the harmonized guidelines.

A.3 The treaty-specific document

A.3.1 The treaty-specific document submitted to the Committee on the Rights of Persons with Disabilities should not repeat the information included in the common core document or merely list or describe the legislation adopted by the State Party. Rather, it should contain specific information relating to the implementation, in law and in fact, of articles 1 to 33 of the Convention, taking into account analytical information on recent developments in law and practice affecting the full realization of the rights recognized in the Convention by all persons, with all forms of disabilities within the territory or jurisdiction of the State Party. It should also contain detailed information on substantive measures taken towards the aforementioned goals and the resulting progress achieved. Where applicable, this information should be presented in relation to policy and legislation of persons without disabilities. In all cases, it should indicate data sources.

A.3.2 In relation to the rights recognized in the Convention, the treaty-specific document should indicate:

(a) Whether the State Party has adopted policies, strategies and a national legal framework for the implementation of each Convention right, identifying the resources available for that purpose and the most cost-effective ways of using such resources;

(b) Whether the State Party has adopted comprehensive disability anti-discrimination legislation to put into effect provisions of the Convention in this regard;

(c) Any mechanisms in place to monitor progress towards the full realization of the Convention rights, including recognition of indicators and related national benchmarks in relation to each Convention right, in addition to the information provided under appendix 3 of the harmonized guidelines and taking into account the framework and tables of illustrative indicators outlined by the Office of the United Nations High Commissioner for Human Rights (OHCHR) (HRI/MC/2008/3);

(d) Mechanisms in place to ensure that a State Party's obligations under the Convention are fully integrated in its actions as a member of international organizations;

(e) The incorporation and direct applicability of each Convention right in the domestic legal order, with reference to specific examples of relevant legal cases;

(f) The judicial and other appropriate remedies in place enabling victims to obtain redress in the case their Convention rights have been violated;

(g) Structural or other significant obstacles arising from factors beyond the State Party's control which impede the full realization of the Convention rights, including details of the steps being taken to overcome them;

(h) Statistical data on the realization of each Convention right, disaggregated by sex, age, type of disability (physical, sensory, intellectual and mental), ethnic origin, urban/rural population and other relevant categories, on an annual comparative basis over the past four years;

A.3.3 The treaty-specific document should be delivered in accessible electronic format and in print.

A.3.4 The report should follow paragraphs 24 to 26 and 29 of the harmonized reporting guidelines.

A.3.5 The format of the Convention-specific document should be in accordance with paragraphs 19 to 23 of the harmonized reporting guidelines. The initial report should not exceed 60 pages, and subsequent Convention-specific documents should be limited to 40 pages. Paragraphs should be numbered sequentially.

A.4 Initial reports

A.4.1 The initial Convention-specific document, together with the common core document, constitutes the State Party's initial report and is the State Party's first opportunity to present to the Committee the extent to which its laws and practices comply with the Convention.

A.4.2 A State Party should deal specifically with every article of the Convention; in addition to information contained in the common core document, a detailed analysis of the impact of legal norms on persons with disabilities' factual situation and the practical availability, implementation and effect of remedies for violations of provisions of the Convention paying special attention to particularly vulnerable population groups such as women and children should be provided and explained in the Convention-specific document.

A.4.3 The initial Convention-specific document should, to the extent that such information is not already contained in the common core document, outline any distinctions, exclusions or restrictions made on the basis of

disability, even of a temporary nature, imposed by law, practice or tradition, or in any other manner on the persons with disabilities' enjoyment of each provision of the Convention.

A.4.4 The initial Convention-specific document should contain sufficient quotations from, or summaries of the relevant constitutional, legislative, judicial and other texts which guarantee and provide remedies in relation to the rights and provisions of the Convention, in particular when those are not attached to the report or are not available in one of the working languages of the United Nations.

A.5 Periodic reports

A.5.1 The subsequent Convention-specific document, which, together with the common core document, forms a subsequent periodic report, should focus on the period between the consideration of the State Party's previous report and the presentation of the current report.

A.5.2 Periodic Convention-specific documents should be structured so as to follow the articles of the Convention. If there is nothing new to report under any article, it should be so stated.

A.5.3 There should be at least three starting points for such subsequent Convention-specific documents:

(a) Information on the implementation of concluding observations (particularly "Concerns" and "Recommendations") from the previous report, and explanations for instances of non-implementation or difficulties encountered;

(b) An analytical and result-oriented examination by the State Party of additional legal and other appropriate steps and measures taken towards the implementation of the Convention;

(c) Information on any remaining or emerging obstacles to the exercise and enjoyment by persons with disabilities of their human rights and fundamental freedoms in the civil, political, economic, social, cultural or any other field, as well as information on measures envisaged to overcome these obstacles.

A.5.4 Periodic Convention-specific documents should in particular address the impact of measures taken, and should analyze trends over time in eliminating discrimination against persons with disabilities and ensuring persons with disabilities' full enjoyment of their human rights.

A.5.5 Periodic Convention-specific documents should also address the implementation of the Convention with respect to different groups of persons with disabilities, in particular those subject to multiple forms of discrimination.

A.5.6 Where a fundamental change has occurred in the State Party's political and legal approach affecting the implementation of the Convention or new legal or administrative measures have been introduced by the State Party which requires the annexure of texts, and judicial or other decisions, such information should be provided in the Convention-specific document.

A.6 Exceptional reports

A.6.1 The present guidelines do not affect the Committee's procedure in relation to any exceptional reports that may be requested and are governed by the Committee's rules of procedure.

A.7 Annexes to reports

A.7.1 If needed, the report should be delivered in electronic format and in print accompanied by a sufficient number of copies, in one of the working languages of the United Nations, of the principal legislative, judicial, administrative and other supplementary documentation that the reporting States may wish to have distributed to all members of the Committee to facilitate the consideration of their report. These texts may be submitted in accordance with paragraph 20 of the harmonized guidelines on reporting.

A.8 Measures to implement outcomes of United Nations conferences, summits and reviews

A.8.1 The Convention-specific document should also include information on the implementation of the disability elements of the Millennium Development Goals and on the outcomes of other relevant United Nations conferences, summits and reviews.

A.9 General recommendations

A.9.1 General recommendations adopted by the Committee should be taken into account in preparing the Convention-specific document.

A.10 Reservations and declarations

A.10.1 General information on reservations and declarations should be included in the common core document in accordance with paragraph 40 (b) of the harmonized reporting guidelines. In addition, specific information in respect to reservations and declarations to the Convention should be included in the Convention-specific document submitted to the Committee, the Committee's statements on reservations and, where applicable, the Committee's concluding observations. Any reservation to or declaration relating to any article of the Convention by the State Party should be explained and its continued existence clarified.

A.10.2 States Parties that have entered general reservations which do not refer to a specific article, or which are directed at articles 4, 5 and 12 should report on the interpretation and the effect of those reservations. States Parties should provide information on any reservations or declarations they may have lodged with regard to similar obligations in other human rights treaties.

A.11 ILO Conventions

A.11.1 If a State Party is a participant to any of the International Labour Organization (ILO) Conventions listed in appendix 2 of the harmonized guidelines, or to any other relevant conventions of United Nations specialized agencies, and has already submitted reports to the supervisory committee(s) concerned that are relevant to any of the rights recognized in the Convention, it should append the respective parts of those reports rather than repeat the information in the treaty-specific document. However, all matters which arise

under the Convention and are not fully covered in those reports should be dealt with in the present treaty-specific document.

A.12 Optional Protocol

A.12.1 If the State Party has ratified or acceded to the Optional Protocol and the Committee has issued views entailing provision of a remedy or expressing any other concern, relating to a communication received under that Protocol, the Convention-specific document should include further information about the remedial steps taken as well as other steps taken to ensure that any circumstance giving rise to the communication does not recur. Reports also should indicate any provisions of legislation currently in force that the State party considers an obstacle to the implementation of the Optional Protocol, and whether there are plans to review such provisions.

A.12.2 If the State Party has ratified or acceded to the Optional Protocol and the Committee has conducted an inquiry under article 6 of the Optional Protocol, the Convention-specific document should include details of any further measures taken in response to an inquiry, and to ensure that the violations giving rise to the inquiry do not recur.

B. Segment of the treaty-specific document submitted to the Committee relating to general provisions of the Convention

Articles 1 to 4 of the Convention

These articles establish the purpose, definitions, general principles and obligations of the Convention.

States Parties should report on:

- 1 The definition of disability used to collect the data being analysed, which impairments have been included, and the conceptualization of “long- term”
- 2 The ways and means by which the domestic law defines and understands the concepts provided in articles 1 and 2 of the Convention, and in particular any laws, regulations, social customs or practices that discriminate on the ground of disability
- 3 The ways and means by which the State Party defines and understands the concept of “reasonable accommodation”, and the requirement of “disproportionate and undue burden”, providing examples
- 4 In what manner the general principles and obligations established under articles 3 and 4 of the Convention have been implemented, and how it intends to ensure their effective realization, in particular the principle of promotion of the full realization of the rights under the Convention without discrimination based on disability as provided under article 4 and provide examples
- 5 Disaggregated and comparative statistical data on the effectiveness of specific anti-discrimination measures and the progress achieved towards ensuring equal realization of each of the Convention rights by persons with disabilities including a gender- and age-based perspective

6 Which Convention rights the State Party has endeavoured to implement progressively and which it has committed to implement immediately. Describe the impact of the latter measures

7 The degree of involvement of persons with disabilities including women, boys and girls with disabilities in the development, implementation and evaluation of legislation and policies to introduce the Convention. It should also be indicated the diversity of persons with disabilities who have been involved in these processes with a gender, and age based perspective

8 Whether the State has measures that provide higher levels of protection of the rights of persons with disabilities than those included in the Convention, in line with paragraph 4 of article 4

9 How it has been ensured that the provisions of the Convention extend to all parts of the States, without any limitation or exception, in the case of federal or very decentralized States.

C. Segment of the report relating to specific rights

Article 5 - Equality and non-discrimination

This article recognizes that all persons are equal before the law with entitlement to equal protection and benefit of the law on equal grounds without any discrimination.

States Parties should report on:

- 1 Whether persons with disabilities are able to use the law to protect or pursue their interests on an equal basis to others
- 2 Effective measures taken to guarantee persons with disabilities equal and effective legal protection against all types of discrimination, including the provision of reasonable accommodation
- 3 Policies and programmes, including affirmative action measures, to achieve the de facto equality of persons with disabilities, taking into account their diversity.

Article 8 - Awareness-raising

This article establishes the obligation of States Parties to conduct effective awareness raising policies to promote a positive image of persons with disabilities. The report should contain information on the measures taken to raise awareness of persons with disabilities, to foster respect for their rights and dignity, their capabilities and contributions, and to combat stereotypes, and prejudices against them.

States Parties should report on:

- 1 Public-awareness campaigns directed to general society, within the education system and actions undertaken through mainstream media
- 2 Actions undertaken to raise awareness and inform persons with disabilities and other parts of society on the Convention and the rights it includes

Article 9 - Accessibility

This article establishes the obligation of States Parties to take appropriate measures to enable persons with disabilities to live independently as possible and to participate fully in all aspects of life.

States Parties should report on:

- 1 Legislative and other measures taken to ensure to persons with disabilities, access on an equal basis with others to the physical environment (including the use of signal indicators and street signs), to transportation, information and communications, (including information and communications technologies and systems) and to other facilities and services provided to the public including by private entities, both in urban and in rural areas according to article 9, paragraphs 2 (b) to (h), of the Convention
- 2 Technical standards and guidelines for accessibility; as well as on the auditing of their fulfilment and sanctions for noncompliance; and whether resources obtained by means of money sanctions are applied to encourage accessibility actions
- 3 The use of public procurement provisions and other measures that establish compulsory accessibility requirements
- 4 The identification and elimination of obstacles and barriers to accessibility including from both within the public and the private sector, and national accessibility plans established with clear targets and deadlines

Article 10 - Right to life

This article reaffirms the inherent right to life of persons with disabilities on an equal basis with others.

States Parties should report on:

- 1 Whether the legislation recognizes and protects the right to life and survival of persons with disabilities on an equal basis with others
- 2 Whether persons with disabilities are being subject to arbitrary deprivation of life

Article 11 - Situations of risk and humanitarian emergencies

This article obliges States Parties to ensure the protection and safety of persons with disabilities in situations of risk, such as situations resulting from armed conflicts, humanitarian emergencies or natural disasters.

States Parties should report on any measures taken to ensure their protection and safety including measures taken to include persons with disabilities in national emergency protocols.

States Parties should report on measures taken to ensure that humanitarian aid relief is distributed in an accessible way to people with disabilities caught in humanitarian emergency, in particular measures taken to ensure that sanitation and latrine facilities in emergency shelters and refugee camps are available and accessible for persons with disabilities.

Article 12 - Equal recognition before the law

This article reaffirms that persons with disabilities have the right to recognition as persons before the law.

States Parties should report on:

- 1 Measures taken by the State Party to ensure that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life, in particular such measures as to ensure the equal right of persons with disabilities to maintain their physical and mental integrity, full participation as citizens, own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and their right not to be arbitrarily deprived of their property
- 2 Whether legislation does or does not exist which restricts the full legal capacity on the basis of disability, as well as actions being taken towards conformity with article 12 of the Convention
- 3 The support available to persons with disabilities to exercise their legal capacity and manage their financial affairs
- 4 The existence of safeguards against abuse of supported decision-making models
- 5 Awareness-raising, and education campaigns in relation to equal recognition of all persons with disabilities before the law

Article 13 - Access to justice

This article recognizes the right of persons with disabilities to have effective access to justice on an equal basis to others, without being excluded from legal proceedings.

States Parties should report on:

- 1 Measures taken to ensure the effective access to justice at all stages of the legal process, including investigative and other preliminary stages, by all persons with disabilities
- 2 Measures taken to ensure effective training of personnel in the national justice and prison system, in the respect for the rights of persons with disabilities
- 3 The availability of reasonable accommodations, including procedural accommodations that are made in the legal process to ensure effective participation of all types of persons with disabilities in the justice system, whatever the role which they find themselves in (for example as victims, perpetrators, witness or member of jury, etc.)
- 4 Age-related accommodations to ensure effective participation of children and young persons with disabilities

Article 14 - Liberty and security of the person

This article ensures that persons with disabilities enjoy the right to liberty and personal security, and are not deprived of their liberty, unlawfully or arbitrarily, on the basis of the existence of a disability.

States Parties should report on:

- 1 Measures taken by the State Party to ensure that all persons with all forms of disabilities enjoy the right to liberty and security of person and that no person is deprived of her/his liberty on the basis of her/his disability
- 2 Actions being taken to abolish any legislation that permits the institutionalization or the deprivation of liberty of all persons with all forms of disabilities
- 3 Legislative and other measures put in place to ensure that persons with disabilities who have been deprived of their liberty are provided with the required reasonable accommodation, and benefit from the same procedural guarantees as all other persons to enjoy fully their remaining human rights

Article 15 - Freedom from torture or cruel, inhuman or degrading treatment or punishment

This article establishes the protection of persons with disabilities from being subjected to torture, cruel, inhuman and degrading treatment or punishment.

States Parties should report on:

- 1 Measures taken to protect effectively persons with disabilities from medical or scientific experimentation without their free and informed consent, including persons with disabilities who need support in exercising their legal capacity
- 2 The inclusion of persons with disabilities in national strategies and mechanisms to prevent torture

Article 16 - Freedom from exploitation, violence and abuse

This article protects persons with disabilities from all forms of exploitation, violence and abuse, both within and outside the home, paying special attention to children and women with disabilities.

States Parties should report on:

- 1 Legislative, administrative, social, educational and other measures taken to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including the gender and child based aspects
- 2 Social protection measures to assist and support persons with disabilities, including their families and caregivers, and to prevent, recognize and report instances of exploitation, violence and abuse, including the gender- and child-based aspects
- 3 Measures taken to ensure that all services and programmes designed to serve persons with disabilities are effectively monitored by independent authorities
- 4 Measures taken to ensure that all persons with disabilities who are victims of violence have access to effective recovery, rehabilitation and social re-integration services and programmes

5 Measures taken to ensure that all services and resources available to prevent and support victims of violence are accessible to persons with disabilities

6 Legislation and policies, including women and child focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

Article 17 - Protecting the integrity of the person

This article establishes the right to respect for the physical and mental integrity of persons with disabilities.

States Parties should report on:

1 Measures taken to protect persons with disabilities from medical (or other) treatment given without the free and informed consent of the person

2 Measures taken to protect all persons with disabilities from forced sterilization, and girls and women from forced abortions

3 The existence, composition and role of independent review organizations to ensure the fulfilment of this right, as well as the programmes and measures adopted by these bodies

Article 18 - Liberty of movement and nationality

This article recognizes the right of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality.

States Parties should report on:

1 Legislative or administrative measures taken to ensure the right of persons with disabilities to acquire a nationality and to not be deprived of it, as well as to ensure the right of persons with disabilities to enter or leave the country arbitrarily

2 Measures taken to ensure that every newborn child with a disability be registered upon birth and given a name and a nationality

Article 19 - Living independently and being included in the community

This article recognizes the right of persons with disabilities to live independently and to participate in the community.

States Parties should report on:

1 The existence of available independent living schemes, including the provision of personal assistants for persons who so require

2 The existence of in-house support services allowing persons with disabilities to live in their community

3 The existence and range of options of residential services for living arrangements, including shared and sheltered accommodation which take into account the form of disability

4 The degree of accessibility for persons with disabilities to community services and facilities provided to the general population

Article 20 - Personal mobility

This article recognizes the right of persons with disabilities to move freely with the greatest possible independence.

State Parties should report on:

- 1 Measures to facilitate the personal mobility of persons with disabilities, including the use of signal indicators and street signs for accessibility, in the manner and the time of their choice, as well as their access to forms of assistance (human, animal, or assistive technologies and devices), at an affordable cost
- 2 Measures taken to ensure that the technologies are high quality, affordable, and user-friendly
- 3 Measures taken to give training in mobility skills to persons with disabilities and specialist staff
- 4 Measures taken to encourage entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities

Article 21 - Freedom of expression and opinion, and access to information

This article recognizes the right of persons with disabilities to freedom of expression and opinions, including the freedom to seek, receive and impart information and ideas through all forms of communication of their choosing.

States Parties should report on:

- 1 Legislative and other measures taken to ensure that information provided to the general public is accessible to persons with disabilities in a timely manner and without additional cost
- 2 Legislative and other measures taken to ensure that persons with disabilities can use their preferred means of communication in all forms of official interaction and access to information, such as sign language, Braille, augmentative and alternative communication, and all other accessible means
- 3 Measures taken to urge private entities and mass media to provide their information and services in an accessible form for persons with disabilities, including measures taken to prevent the blocking or restriction of access to information in alternative formats by the private sector
- 4 Degree of accessibility of mass media and percentage of public websites that comply with the Web Accessibility Initiative (WAI) standards
- 5 Legislative and other measures taken linked to the official recognition of sign language(s)

Article 22 - Respect for privacy

This article recognizes the right of all persons with disabilities to the protection of their private life, honour and reputation.

States Parties should report on the measures taken to protect the privacy of personal, health and rehabilitation related information of persons with disabilities.

States parties should report on measures taken so that persons with disabilities not be concealed on the pretext of protection of privacy.

Article 23 - Respect for home and the family

This article recognizes the right of persons with disabilities to marriage and to found a family, to decide freely on the number of children to have, and to retain their fertility on an equal basis to others.

States Parties should report on:

- 1 Measures taken to ensure that persons with disabilities may exercise the right to marry and to found a family on the basis of full and free consent
- 2 Measures taken so that persons with disabilities have access to family planning, assistive reproduction and adoption or fostering programmes
- 3 Measures taken to ensure that parents with disabilities, who so require, are provided with the adequate support in their child-rearing responsibilities, ensuring the parent-child relationship
- 4 Measures taken to ensure that no child is separated from her/his parents because of the disability of either the child or one or both of the parents
- 5 Measures taken to support fathers and mothers, and the families of boys and girls with disabilities, in order to prevent concealment, abandonment, neglect or segregation of the boy or girl with a disability
- 6 Measures taken to avoid institutionalization of boys and girls with disabilities whose parents are unable to care for them, and ensure that they are provided with alternative care from the wider family, or when this is not possible, in a family setting in the wider community
- 7 Measures taken to prevent the forced sterilization of persons with disabilities, especially with girls and women

Article 24 - Education

This article recognizes the right of persons with disabilities to education on the basis of equal opportunity, ensuring an inclusive education system at all levels and the facilitation of access to lifelong learning.

State Parties should report on:

- 1 Measures taken to ensure that every child with disabilities has access to early-stage education, and mandatory primary, secondary and higher education
- 2 Information on the number of boys and girls with disabilities in early-stage education
- 3 Information on the existing significant differences in the education of boys and girls in the different education levels and whether there are policies and legislation to cater for these differences

- 4 Legislative and other measures that ensure that schools and materials are accessible and that individualized reasonable accommodation and support required by persons with disabilities is provided to ensure effective education and full inclusion
- 5 Availability of specific skills-training services for children, adults or teachers who so require in Braille, sign languages, augmentative and alternative communication, mobility and other areas
- 6 Measures taken for the promotion of the linguistic identity of deaf persons
- 7 Measures taken to ensure education is delivered in the most appropriate languages, modes, means of communication, and environments for the individual
- 8 Measures to ensure an adequate training on disability to professionals in the education system, as well as measures to incorporate persons with disabilities in the education team
- 9 Number and percentage of students with disabilities in tertiary education
- 10 Number and percentage of students with disabilities by gender and fields of study
- 11 Reasonable accommodation provisions and other measures to ensure access to lifelong learning education
- 12 Measures taken by the State to ensure early identification of persons with disabilities and their education needs

Article 25 - Health

This article recognizes that persons with disabilities have the right to the enjoyment of the highest attainable standard of health, ensuring access for persons with disabilities to health services, including health-related rehabilitation, that are gender-sensitive, in their community and without financial cost.

States Parties should report on:

- 1 Legislative and other measures that protect against discrimination and ensure that persons with disabilities have the same access to quality health services, including in the area of sexual and reproductive health
- 2 Measures taken to ensure that persons with disabilities have access to disability-related health rehabilitation in their community freely and without financial cost
- 3 Health services, early detection and intervention programmes, as appropriate, to prevent and minimize the emergence of secondary disabilities, paying attention to children, women and the elderly, including in rural areas
- 4 Legislative and other measures to ensure that general public health campaigns are accessible for persons with disabilities
- 5 Measures put in place to train doctors and other health professionals on the rights of persons with disabilities, including in rural areas

- 6 Legislative and other measures to ensure that any health treatment is provided to persons with disabilities on the basis of their free and informed consent
- 7 Legislative and other measures that ensure protection against discrimination in the access to health insurance and other insurance, when these are required by law
- 8 Measures taken to insure that sanitation facilities are not simply available, but fully accessible
- 9 Measures taken to increase awareness and information in various accessible formats, including in Braille, for HIV/AIDS and malaria prevention

Article 26 - Habilitation and rehabilitation

This article establishes the measures to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life, through comprehensive habilitation and rehabilitation programmes, in the areas of health, employment, education and social services.

States Parties should report on:

- 1 General habilitation and rehabilitation programmes for persons with disabilities, in the areas of health, employment, education and social services, including early intervention, peer support, and the availability of these services and programmes in rural areas
- 2 Measures taken to ensure that participation in habilitation and rehabilitation services and programmes is voluntary
- 3 The promotion of initial and continuous training for professionals and staff working in habilitation and rehabilitation programmes
- 4 Measures taken for the promotion, availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation
- 5 Measures taken for the promotion of international cooperation in the exchange of assistive technologies in particular with Third World countries

Article 27 - Work and employment

This article recognizes the right of persons with disabilities to work and to gain a living by participation in a labour market and work environment that is open, inclusive and accessible, including for those who acquire a disability during the course of employment.

States Parties should report on:

- 1 The legislative measures taken to ensure protection against discrimination in all stages of employment and in any form of employment and to recognize the right of persons with disabilities to work on a basis of equality with others, in particular the right to equal pay for equal work

- 2 The impact of targeted employment programmes and policies in place to achieve full and productive employment among persons with disabilities according to paragraphs 1 (a to g) of the Convention
- 3 The impact of measures to facilitate re-employment of persons with disabilities, who are made redundant as a result of privatization, downsizing and economic restructuring of public and private enterprises according to paragraph 1 (e) of the Convention
- 4 Availability of technical and financial assistance for the provision of reasonable accommodations, including the promotion of the establishment of cooperatives and start ups in order to encourage entrepreneurialism
- 5 Affirmative and effective action measures for the employment of persons with disabilities in the regular labour market
- 6 Positive and effective action measures for the prevention of harassment of persons with disabilities in workplace
- 7 Accessibility of persons with disabilities to open employment and vocational training services, including those for the promotion of self employment
- 8 Information on existing significant differences in employment between men and women with disability and whether there are policies and legislation to cater for these differences in order to promote the advancement of women with disabilities
- 9 Identification of the most vulnerable groups among persons with disabilities (including by providing examples) and policies and legislation in place for their inclusion in the labour market
- 10 Measures taken for the promotion of the trade union rights of persons with disabilities
- 11 Measures taken to assure the retention and retraining of workers who suffer a workplace injury resulting in a disability preventing them from performing their previous tasks
- 12 Provide information on the work of persons with disabilities in the informal economy in the State Party, and the measures taken to enable them to move out of the informal economy, as well as on measures taken to ensure their access to basic services and social protection
- 13 Describe the legal safeguards in place to protect workers with disabilities from unfair dismissal, and forced or compulsory labour according to article 27, paragraph 2
- 14 Measures taken to ensure persons with disabilities who have technical and vocational skills are empowered with the support needed for their entry and re-entry to the labour market according to paragraph 1 (k)
- 15 Measures taken to ensure students with disabilities the same access to the general labour market
- 16 Measures taken to ensure various forms of work, such as work on location, telecommuting (off-site/at home) and subcontracting, and work opportunities offered by new communication technologies

Article 28 - Adequate standard of living and social protection

This article recognizes the right of persons with disabilities to an adequate standard of living and to social protection.

States Parties should report on:

- 1 Measures taken to ensure availability and access by persons with disabilities to clean water, adequate food, clothing and housing and provide examples
- 2 Measures taken to ensure access by persons with disabilities to services, devices and other appropriate assistance at affordable prices, including the availability of programmes that cover disability related extra financial costs
- 3 Measures taken to ensure access by persons with disabilities, in particular women and girls and older persons with disability, to social protection programmes and poverty reduction programmes
- 4 Measures towards public housing programmes and retirement benefits and programmes for persons with disabilities
- 5 Measures taken to recognize the connection between poverty and disability

Article 29 - Participation in political and public life

This article guarantees political rights to persons with disabilities.

States Parties should report on:

- 1 Legislation and measures to guarantee to persons with disabilities, in particular persons with mental or intellectual disability, political rights, including, if it is the case, existing limitations and actions taken to overcome them
- 2 Measures taken to ensure the right to vote of all persons with disabilities, on their own or to be assisted by a person of their choice
- 3 Measures taken to ensure the full accessibility of the voting procedures, facilities and materials
- 4 Indicators measuring the full enjoyment of the right to participate in political and public life of persons with disabilities
- 5 Support provided, if any, to persons with disabilities for the establishment and maintenance of organizations to represent their rights and interests at local, regional and national level

Article 30 - Participation in cultural life, recreation, leisure and sport

This article recognizes the right of persons with disabilities to take part in cultural life, develop and utilize their creative, artistic and intellectual potential, recognition and support of their specific cultural and linguistic identity, and to participate in recreational, leisure and sporting activities on an equal basis with others.

States Parties should report on:

- 1 Measures taken to recognize and promote the right of persons with disabilities to take part on an equal basis with others in cultural life,

including opportunities to develop and utilize their creative, artistic and intellectual potential

2 Measures taken to ensure that cultural, leisure, tourism and sporting facilities are accessible to persons with disabilities, taking into account children with disabilities, including through the conditional use of public procurement and public funding

3 Measures taken to ensure that intellectual property laws do not become a barrier for persons with disabilities in accessing cultural materials, including participation in relevant international efforts

4 Measures taken to promote deaf culture

5 Measures taken to support the participation of persons with disabilities in sports, including elimination of discriminatory and differentiated treatment of persons with disabilities in the awarding of prizes and medals;

6 Measures taken to ensure that children with disabilities have access on an equal basis with all other children to participation in play, recreation, leisure and sporting facilities, including those made within the school system

D. Segment of the reporting relevant to the specific situation of boys, girls and women with disabilities

Article 6 - Women with disabilities

Although gender aspects should be mainstreamed in each of the articles where applicable, under this specific article the report should include information regarding measures taken by the State Party to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the Convention rights and fundamental freedoms, and the elimination of all forms of discrimination.

States Parties should report on:

1 Whether gender inequality of women and girls with disabilities is recognized at legislative and policy levels, as well as within programme development

2 Whether girls and women with disabilities enjoy all human rights and fundamental freedoms on an equal basis with boys and men with disabilities

3 Whether girls and women with disabilities enjoy all human rights and fundamental freedoms on an equal basis with other girls and women without disabilities

Article 7 - Children with disabilities

The report should include supplementary information where applicable, regarding measures taken by the State Party to ensure the full enjoyment by children with disabilities of all Convention rights and fundamental freedoms, in particular to ensure that all actions concerning children with disabilities are in the best interests of the child.

States Parties should report on:

- 1 The principles that underpin decision-making in relation to boys and girls with disabilities
- 2 Whether boys and girls with disabilities are able to express their views on all matters that affect them freely, and receive appropriate assistance according to their disability and age to practice this right
- 3 Relevant differences in the situations among boys and girls with disabilities
- 4 Whether children with disabilities are viewed as right-bearers on an equivalent basis to other children

E. Segment of the report relevant to specific obligations

Article 31 - Statistics and data collection

This article regulates the process of collection of data by the State Party.

States Parties should report on:

- 1 Measures taken to collect disaggregated appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the Convention respecting human rights and fundamental freedoms, ethics, legal safeguards, data protection, confidentiality and privacy
- 2 The dissemination of these statistics and measures to ensure their accessibility by persons with disabilities
- 3 Measures taken to ensure the full participation of persons with disabilities in the process of data collection and research

Article 32 - International cooperation

This article recognizes the importance of the State's international cooperation in support of national efforts towards the realization of the purpose and objectives of the Convention.

States Parties as donor countries or beneficiaries of international cooperation should report on:

- 1 Measures taken to guarantee that international cooperation be inclusive and accessible by persons with disabilities
- 2 Measures taken to guarantee that donor funds are properly used by recipient States (including by providing examples, numbers and percentages of successful targeted funding)
- 3 Programmes and projects which specifically target persons with disabilities and the percentage of the total budget allocated to them
- 4 Affirmative-action measures taken towards the inclusion of the most vulnerable groups among persons with disability, such as women, children, etc.
- 5 Degree of participation of persons with disabilities in the design, development and evaluation of programmes and projects
- 6 Degree of mainstreamed action towards persons with disabilities in the general programmes and projects developed

7 Actions toward facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices

8 Whether policies and programmes targeting the Millennium Development Goals (MDGs) take into account the rights of persons with disabilities

9 On the development, progress, and effectiveness of programmes for the exchange of technical know-how and expertise for the assistance of persons with disabilities

Article 33 - National implementation and monitoring

This article regulates the national application and follow-up of the Convention.

The States Parties should report on:

1 Measures taken to designate one or more focal points within the Government for matters relating to the implementation of the Convention, giving due consideration to the establishment or designation of a coordination mechanism within the Government to facilitate related action in different sectors and at different levels

2 The establishment of a framework, including one or more independent mechanisms, as appropriate and measures taken to promote, protect and monitor implementation of the Convention, taking into account the principles relating to the status and function of national institutions for the protection and promotion of human rights

3 Measures taken to involve civil society, in particular persons with disabilities and their representative organizations, including gender perspectives, in the monitoring process and the preparation of the report

4 On the integration of disability issues on the agenda of all governmental agencies to assure that various departments are equally aware of disability rights and can work towards their promotion

5 On the operations of Government departments and their programs and functions relating to persons with disabilities

6 On budget allocations for the purpose of national implementation and monitoring

10.3 Checklist for Reporting on Compliance with Accessibility Components of the CRPD

The UN Office of the High Commissioner for Human Rights (OHCHR) has developed and made available Reporting Guidelines for States Parties on the Convention. The Guidelines are available in multiple languages and are available from the OHCHR web site on the right hand side under the heading “Reporting to the Committee”

at <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>.

The English version of the Reporting Guidelines can be found at <http://www2.ohchr.org/SPdocs/CRPD/CRPD-C-2-3.doc>.

The OHCHR developed the Reporting Guidelines in order to provide advice and a standardized format for the content of their reports and to facilitate the preparation of reports. It was anticipated that compliance with the Reporting Guidelines would also reduce the need for the Committee to request further information.

This checklist is based on the Reporting Guidelines developed by the OHCHR for the treaty-specific report relating to the general provisions and specific rights of the Convention (Parts B and C of the Reporting Guidelines Annex).

The checklist is provided for information purposes only and is not an official document. It should not be confused with the official OHCHR Reporting Guidelines. The checklist has been developed for gathering appropriate information specified by the Reporting Guidelines that must be analyzed and submitted. The checklist approach provides Action Items and a series of questions relating to the types of information to be sought and reported. The checklist is by no means exhaustive, but is meant to provide some guidance.

Each checklist segment of Convention provisions begins with the Reporting Guideline developed by OHCHR. This is followed by Action Items on where and how to gather the data required for further analysis and reporting. These Action Items include guidance on agencies and departments that might have jurisdiction over or responsibilities relating to the identified issue. A series of questions follow the Action Items that provide further guidance on who to contact and suggestions for questions to consider as the report is prepared under the Reporting Guidelines.

All “NGO” references in the checklist refer to non-governmental organizations of persons with disabilities, including representatives of children with disabilities. In addition, “literature scan” includes statistical reports or data, including gender and age based statistics. This is due to the reporting requirement to provide disaggregated and comparative statistical data.

Accessibility designers are another group that should be consulted as they are a vast source of expertise and knowledge. Many architects, interior designers, web accessibility specialists and persons with disabilities themselves who are accessibility specialists are aware of national, international and local best practices and systems.

Articles 1 to 4 of the Convention

Reporting Guideline Excerpt:

These articles establish the purpose, definitions, general principles and obligations of the Convention.

States Parties should report on:

1. The definition of disability used to collect the data being analyzed, which impairments have been included, and the conceptualization of “long- term”
2. The ways and means by which the domestic law defines and understands the concepts provided in articles 1 and 2 of the Convention, and in particular any laws, regulations, social customs or practices that discriminate on the ground of disability
3. The ways and means by which the State Party defines and understands the concept of “reasonable accommodation”, and the requirement of “disproportionate and undue burden”, providing examples
4. In what manner the general principles and obligations established under articles 3 and 4 of the Convention have been implemented, and how it intends to ensure their effective realization, in particular the principle of promotion of the full realization of the rights under the Convention without discrimination based on disability as provided under article 4 and provide examples
5. Disaggregated and comparative statistical data on the effectiveness of specific anti-discrimination measures and the progress achieved towards ensuring equal realization of each of the Convention rights by persons with disabilities including a gender- and age-based perspective
6. Which Convention rights the State Party has endeavoured to implement progressively and which it has committed to implement immediately. Describe the impact of the latter measures

7. The degree of involvement of persons with disabilities including women, boys and girls with disabilities in the development, implementation and evaluation of legislation and policies to introduce the Convention. It should also be indicated the diversity of persons with disabilities who have been involved in these processes with a gender, and age based perspective
8. Whether the State has measures that provide higher levels of protection of the rights of persons with disabilities than those included in the Convention, in line with paragraph 4 of article 4
9. How it has been ensured that the provisions of the Convention extend to all parts of the States, without any limitation or exception, in the case of federal or very decentralized States.

Data Collection for Articles 1- 4

Action Items

- ☐ Determine the parameters for the definition of disability and types of impairments that will be used for collecting data through the literature scans and NGO interviews; define what is meant by having a “long-term” disability.
- ☐ Conduct a literature scan, NGO interview, and public meeting on legislation, regulations, social customs or practices that impact accessibility and discriminate on the basis of disability.
- ☐ Conduct a literature scan and NGO interview on definitions of disability and their application; note that several variations may have been developed in your country for various purposes such as gathering statistics, determining social benefits, determining employment and educational training, deploying assistive technologies, and any legislation using disability related terminology.
- ☐ Conduct a literature scan and NGO interview on legislation, policies, laws, regulations, social customs or practices that incorporate the Article 2 definition of “Communication” (including sign language, accessible ICT and information in alternate formats), “Language” (including signed languages and other forms of non-spoken languages) and “Universal Design”.
- ☐ Conduct a literature scan and NGO interview on the State’s definition of reasonable accommodation and its application. Determine the ways and means by which the concept is applied, including the use of the legal terms “disproportionate” and “undue burden.” Determine whether or not reasonable accommodation includes accessibility provisions such as

access to the built environment, transportation, ICT and/or information in various alternate formats.

- ☐ Conduct a literature scan and NGO interview on the efforts to promote research and development of universally designed goods, services, equipment and facilities that require the minimum possible adaptation and the least cost.
- ☐ Conduct a literature scan and NGO interview on efforts to promote the availability and use of universally designed goods, services, equipment and facilities.
- ☐ Conduct a literature scan and NGO interview on the development of standards and guidelines that promote the universal design of goods, services, equipment and facilities.
- ☐ Conduct a literature scan and NGO interview on the research and development and promotion of the availability and use of new technologies, including ICT, mobility aids, devices, and assistive technologies.
- ☐ Conduct a literature scan and NGO interview on efforts to train professionals and staff working with persons with disabilities on the Convention.
- ☐ Conduct a literature scan and NGO interview on the accessibility of various customs. Identify social, religious, ethnic, cultural, traditional, language, and geography factors that impact the treatment and accessibility for persons with disabilities.

Questions to Consider

1. Have legislation and administrative measures been adopted to promote the human rights of persons with disabilities, including women and children with disabilities?
2. Have legislative and other measures been adopted to abolish discrimination?
3. Does the State protect and promote the rights of persons with disabilities in all policies and programs?
4. Has the State stopped any practice that breaches the rights of persons with disabilities?
5. Does the public sector respect the rights of persons with disabilities?

6. Do the private sector and the individual citizens respect the rights of persons with disabilities?
7. Has the State undertaken research and development of accessible goods, services and technology for persons with disabilities and does it encourage others to undertake such research?
8. Does the State provide accessible information about assistive technologies to persons with disabilities?
9. Does the State promote training on the rights of the Convention to professionals and staff who work with persons with disabilities?
10. Does the State consult with and involve persons with disabilities in developing and implementing legislation and policies and in the decision-making processes that concern them?
11. What further steps need to be taken to incorporate the Article 1 and 2 provisions into domestic law?
12. What further steps need to be taken to implement the accessibility provisions in Articles 3 and 4?
13. Is there a national State Ministry of Office for Disability Issues, responsible for the creation, implementation and monitoring of accessibility legislation, policies and practices?
14. Is there a provincial/state/regional Office for Disability Issues, responsible for the creation, implementation and monitoring of accessibility policies?
15. Is there an independent National Human Rights Institute engaged in Convention implementation and monitoring activities?
16. Has there been harmonization of legislation, codes, standards, regulations and guidelines related to accessibility?
17. Types of organizations to contact:
 - Public and Private - - National and provincial/state/regional bodies responsible for statistics related to population and/or disability.
 - Community groups, private disability service organizations, universities and organizations of persons with disabilities.
 - Government departments responsible for social services, Convention implementation and disability issues.
 - Independent National Human Rights Institutes
 - Government or private organizations responsible for the development of codes and standards.

Article 5 - Equality and non-discrimination

Reporting Guideline Excerpt:

This article recognizes that all persons are equal before the law with entitlement to equal protection and benefit of the law on equal grounds without any discrimination.

States Parties should report on:

1. Whether persons with disabilities are able to use the law to protect or pursue their interests on an equal basis to others
2. Effective measures taken to guarantee persons with disabilities equal and effective legal protection against all types of discrimination, including the provision of reasonable accommodation
3. Policies and programmes, including affirmative action measures, to achieve the de facto equality of persons with disabilities, taking into account their diversity.

Data Collection for Article 5

Action Items

- ☐ Conduct a literature scan and NGO interview on complaint resolutions and legal or administrative decisions for data on persons with disabilities using the accessibility provisions of the law to protect or pursue their interests on an equal basis; disaggregate data on women and children with disabilities.
- ☐ Conduct a literature scan, NGO interview and public meeting on legislative, judiciary or administrative measures that provide effective legal protection against all types of discrimination, including the provision of reasonable accommodation.
- ☐ Conduct a literature scan and NGO interview on accessibility policies and programmes, including affirmative action measures, that provide de facto equality of persons with disabilities and take into account their diversity; examples include reasonable accommodation for changes to the physical environment, the provision of ICT, assistive technologies and information in accessible formats.

Questions to Consider

1. Is there an organization responsible for receiving and investigating complaints based on disability rights legislation?
2. Are complaints investigated in a timely and professional manner?
3. Are effective remedies available for accessibility complaints?
4. Are there affirmative actions measures for accessibility or equivalent means to achieve de facto equality of persons with disabilities?
5. Do these affirmative action measures recognize the accessibility requirements for the diversity of persons with disabilities?
6. Are there incentive programs (such as building modification or ICT grants, tax credits, etc.) in place to assist the private sector in meeting their obligations under “reasonable accommodation” requirements?

Examples of Organizations to contact:

- Department or Ministry of Justice or similar organization
- Department or Ministry of Education and/or Employment or similar organization
- Human Rights Commissions, Committees or Tribunals, the national and provincial/state level, and National Human Rights Institutes

Article 8 - Awareness-raising

Reporting Guideline Excerpt:

This article establishes the obligation of States Parties to conduct effective awareness raising policies to promote a positive image of persons with disabilities. The report should contain information on the measures taken to raise awareness of persons with disabilities, to foster respect for their rights and dignity, their capabilities and contributions, and to combat stereotypes, and prejudices against them.

States Parties should report on:

1. Public-awareness campaigns directed to general society, within the education system and actions undertaken through mainstream media
2. Actions undertaken to raise awareness and inform persons with disabilities and other parts of society on the Convention and the rights it includes.

Data Collection for Article 8

Action Items

- ☐ Conduct a survey and NGO interview of public entities, including the education system, on public awareness campaigns undertaken to promote a positive image of persons with disabilities.
- ☐ Conduct a survey and NGO interview of mainstream media public awareness campaigns undertaken to promote a positive image of persons with disabilities.
- ☐ Conduct a survey and NGO interview on actions undertaken to inform persons with disabilities on the accessibility provisions of the Convention; include surveys of disability organizations as well as public entities impacted by compliance with the Convention.

Questions to Consider

1. Do the public awareness campaigns include a positive image of women and children with disabilities?
2. Do mainstream media promote the diversity of persons with disabilities, including gender and age, in a positive light?
3. What measures were taken to raise awareness of persons with disabilities, to foster respect for their rights and dignity, their capabilities and contributions, and to combat stereotypes, and prejudices against them?

Article 9 - Accessibility

Reporting Guideline Excerpt:

This article establishes the obligation of States Parties to take appropriate measures to enable persons with disabilities to live independently as possible and to participate fully in all aspects of life.

States Parties should report on:

1. Legislative and other measures taken to ensure to persons with disabilities, access on an equal basis with others to the physical environment (including the use of signal indicators and street signs), to transportation, information and communications, (including information and communications technologies and systems) and to other facilities and services provided to the public including by private entities, both in urban and in rural areas according to article 9, paragraphs 2 (b) to (h), of the Convention

2. Technical standards and guidelines for accessibility; as well as on the auditing of their fulfillment and sanctions for noncompliance; and whether resources obtained by means of money sanctions are applied to encourage accessibility actions
3. The use of public procurement provisions and other measures that establish compulsory accessibility requirements
4. The identification and elimination of obstacles and barriers to accessibility including from both within the public and the private sector, and national accessibility plans established with clear targets and deadlines.

Data Collection for Article 9

Action Items

- ☐ Conduct a literature scan, NGO interview and public meeting on legislative, regulatory, judicial and administrative measures taken to ensure access to the physical environment, including the use of signal indicators and street signs; urban and rural buildings and indoor facilities such as schools, housing, medical facilities and workplaces.
- ☐ Conduct a literature scan, NGO interview and public meeting on legislative, regulatory, judicial and administrative measures taken to ensure universal access to transportation, roads and other outdoor urban and rural facilities.
- ☐ Conduct a literature scan, NGO interview and public meeting on legislative, regulatory, judicial and administrative measures taken to ensure Universal Design of ICT and ICT systems as well as access to ICT and assistive technologies.
- ☐ Conduct a survey, NGO interview and public meeting on measures taken to ensure that private entities that offer facilities and services open to the public take into account all aspects of accessibility for persons with disabilities.
- ☐ Conduct a survey, NGO interview and public meeting on measures taken to promote the design, development, production and distribution of accessible ICT and systems at an early stage so that they are accessible at minimum cost.
- ☐ Identify the built environment, transportation and ICT technical standards and guidelines for accessibility that have been adopted by the State;

include auditing steps for completion of the technical standards and sanctions for noncompliance.

- ☐ Determine whether or not money sanctions and incentive programs are applied to encourage compliance with the technical standards for accessibility.
- ☐ Survey accessibility procurement laws, regulations, policies and practices as well as other measures that establish compulsory accessibility requirements.
- ☐ Compile universal accessibility audits of all public sector facilities and private sector facilities open to the public and identify barrier removal plans for accessibility.
- ☐ Ensure that national accessibility plans are established for the removal of barriers to accessibility with clear targets and deadlines.

Questions to Consider

Clause 1

1. Are legislation and policies provided to address accessibility of the physical environment?
2. Are legislation and policies provided to address accessible transportation?
3. Are legislation and policies provided to address accessibility of information and communications technologies?
4. Are legislation and policies in place to address accessibility to public and private broadcasting?
5. Is there national, state or provincial, municipal legislation provided for accessibility?
6. Are there reports issued by human rights bodies addressing accessibility?
7. Is there other rights based legislation that addresses accessibility?
8. Are there reports issued by organizations of persons with disabilities addressing accessibility?
9. Are there regulations on accessible transportation?

10. Are there standards established on accessible transportation?
11. Are there Codes of Practice in place?

Clause 2

12. Are there technical specifications on accessibility of the built environment?
13. Who has jurisdiction over the design of the physical environment, including urban planning?
14. Are the technical specifications mandatory for all jurisdictional elements and facilities of the built environment? Are transportation facilities included in national / state building codes and standards?
15. Do they include stations, terminals, means of transport (planes, trains, buses, taxis, ferries, etc) and services (on board assistance, reservation services, etc)?
16. Are international standards referenced?
17. Are mandatory technical standards in place for the purchase and maintenance of transportation systems accessible to people with disabilities?
18. Are private facilities such as office buildings or shopping centres and public facilities such as federal government facilities, educational institutions, hospitals required to be universally accessible?
19. Are there sanctions in place for non-compliance?
20. Are there incentive programs in place to reward accessibility compliance?
21. Are there sanctions for non-compliance such as fines, penalties, or payment required if the state makes the improvements on behalf of an organization?
22. Are there incentives for self-compliance such as tax credits, tax rebates, etc?

Clause 3

23. Is there an accessible procurement policy in place at the national and/or state level?

24. Are procurement guidelines in place requiring the purchase and maintenance of accessible hardware and software?
25. Are policies in place requiring that information be provided in alternate formats such as in Braille or electronically?
26. Are mandatory technical standards in place for the purchase and maintenance of accessible information and communications technologies, including access to websites, access to telephone and TTY communication, broadcasting and assistive technologies?
27. Are ICT systems such as web pages, interactive self service devices required to be accessible for all users including people with disabilities, for both public and private operators?
28. Are guidelines in place to obtain assistive technologies, when necessary?

Clause 4

29. Are there mandatory reporting requirements on compliance with accessibility policies and standards to Parliament or Council? Municipal legislation?
30. Is there an agency or organization that has issued reports on the identification and elimination of obstacles and barriers to accessibility of the private sector?
31. Are clear targets established based on the list of deficiencies and deadlines established?
32. Are reports and recommendations reported to the National Focal Point and constitute part of the national accessibility plan?
33. Is annual monitoring conducted of the deadlines and awards and sanctions provided?
34. Has there been an allocation of sufficient resources for implementation of the accessibility provisions?

Article 11 - Situations of risk and humanitarian emergencies

Reporting Guideline Excerpt:

This article obliges States Parties to ensure the protection and safety of persons with disabilities in situations of risk, such as situations resulting from armed conflicts, humanitarian emergencies or natural disasters.

States Parties should report on any measures taken to ensure their protection and safety including measures taken to include persons with disabilities in national emergency protocols.

States Parties should report on measures taken to ensure that humanitarian aid relief is distributed in an accessible way to people with disabilities caught in humanitarian emergency, in particular measures taken to ensure that sanitation and latrine facilities in emergency shelters and refugee camps are available and accessible for persons with disabilities.

Data Collection for Article 11

Action Items

- ☐ Conduct a literature scan, NGO interview and public meeting regarding emergency response plans (National, provincial, state, and regional emergency planning documents) to ensure that measures are taken to include persons with disabilities.
- ☐ Review publications and reports produced by both international and national organizations of persons with disabilities that relate to emergency planning and evacuation.
- ☐ Review building code and standard accessibility requirements to assess application to emergency and temporary facilities.
- ☐ Review notification and communication measures to ensure accessibility for all users.
- ☐ Determine if all emergency facilities and shelters are required to be accessible to persons with disabilities.
- ☐ Review reconstruction and rebuilding plans to ensure that all emergency evacuation measures include persons with disabilities.
- ☐ Review if there is accessible transportation included in emergency planning documents.

- ☐ Review if there is a provision for accessible housing in reconstruction planning.

Questions to Consider

1. Is there a national emergency response strategy in place for the State?
2. Are persons with disabilities included in the plan?
3. Are persons with disabilities consulted in the development of the plan?
4. Is accessibility of the physical environment, transportation and ICT systems included in the plan?
5. Is communication provided using plain and simple language as well as simple pictograms for everyone, including persons with cognitive impairments?
6. Are emergency notifications provided in multiple formats via radio, TV, telephone, outdoor loud speaker, etc. to ensure that everyone receives appropriate information?
7. Do emergency notifications by telephone include text messages and TTY communications for the deaf and hard of hearing?
8. Is information provided visually via captioning on TV, utilizing interpreters at public gatherings, posted notices, newspapers, flyers, etc. for people who are deaf or hard of hearing?
9. Are emergency first aid facilities and shelters universally accessible to persons with disabilities including latrines and sanitary facilities?
10. Do persons with disabilities take priority or at least have equal access when there is limited shelter space and resources available?
11. Do reconstruction measures for both public and private facilities take into account persons with all disability?
12. Is accessible transportation available for persons with disabilities to access evacuation and relief stations and shelters?
13. When transportation infrastructure needs to be replaced due to war or natural disaster, are there protocols, requirements and legislation in place that require the procurement of accessible transportation such as trains, buses, taxis, station locations, station facilities (including access routes, washrooms, signage, etc)?

Article 12 - Equal recognition before the law

Reporting Guideline Excerpt:

This article reaffirms that persons with disabilities have the right to recognition as persons before the law.

States Parties should report on:

1. Measures taken by the State Party to ensure that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life, in particular such measures as to ensure the equal right of persons with disabilities to maintain their physical and mental integrity, full participation as citizens, own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and their right not to be arbitrarily deprived of their property.
2. Whether legislation does or does not exist which restricts the full legal capacity on the basis of disability, as well as actions being taken towards conformity with article 12 of the Convention
3. The support available to persons with disabilities to exercise their legal capacity and manage their financial affairs
4. The existence of safeguards against abuse of supported decision-making models
5. Awareness-raising, and education campaigns in relation to equal recognition of all persons with disabilities before the law.

Data Collection for Article 12

Action Items

- ☐ Conduct a literature scan, NGO interview, and public meeting on whether or not there are legislative, judicial and administrative human rights provisions that enable persons with disabilities to enjoy legal capacity on an equal basis as others in all aspects of life.
- ☐ Conduct a literature scan, NGO interview, and public meeting on whether or not there are legislative, judicial and administrative human rights provisions that restrict the full legal capacity on the basis of disability and actions being taken to conform those restrictions to the provisions of Article 12.

- ☐ Conduct a literature scan, NGO interview and public meeting on whether or not there is support available to persons with disabilities to exercise their legal capacity and to manage their financial affairs.
- ☐ Conduct a literature scan, NGO interview and public meeting on the existence and effectiveness of awareness-raising and education plans regarding equal recognition of all persons with disabilities before the law.

Questions to Consider

1. Are there accessibility supports (sign language, augmentative communication, assisted communication) in place to ensure persons with disabilities are able to exercise their legal capacity and manage their financial affairs?
2. Are accessibility policies, including reasonable accommodation, in place to support the legal capacity of persons with disabilities?
3. Do persons with disabilities have access to sign language interpretation, augmentation communication, etc., while dealing with financial institutions?
4. Are justice, financial and governmental buildings and facilities accessible to persons with disabilities?
5. Are there safeguards in place against abuse of supported decision making models?
6. Are there ombudsmen or advocates in place to support persons with disabilities?

Article 13 - Access to justice

Reporting Guideline Excerpt:

This article recognizes the right of persons with disabilities to have effective access to justice on an equal basis to others, without being excluded from legal proceedings.

States Parties should report on:

1. Measures taken to ensure the effective access to justice at all stages of the legal process, including investigative and other preliminary stages, by all persons with disabilities
2. Measures taken to ensure effective training of personnel in the national

justice and prison system, in the respect for the rights of persons with disabilities

3. The availability of reasonable accommodations, including procedural accommodations that are made in the legal process to ensure effective participation of all types of persons with disabilities in the justice system, whatever the role which they find themselves in (for example as victims, perpetrators, witness or member of jury, etc.)
4. Age-related accommodations to ensure effective participation of children and young persons with disabilities.

Data Collection for Article 13

Action Items

- ☐ Conduct a literature scan, NGO interview and public meeting on whether or not there are legislative, judicial and administrative human rights provisions that enable persons with disabilities to have effective access to justice on an equal basis to others, without being excluded from legal proceedings.
- ☐ Conduct a literature scan and NGO interview on the accessibility of justice system buildings, facilities, transportation, services, and ICT.
- ☐ Conduct a literature scan, NGO interview and public meeting on policies and practices relating to access to justice by persons with disabilities at all stages of the legal process, including investigative and other preliminary stages.
- ☐ Conduct a literature scan, NGO interview and public meeting on policies and practices relating to age-related accommodations to ensure effective participation of children and young persons with disabilities.
- ☐ Conduct a literature scan, NGO interview and government interview for information on measures taken to ensure effective training programs on disability awareness and human rights for personnel in the national justice and prison system, including police officers, corrections officers, lawyers, and judges.
- ☐ Conduct a literature scan and NGO interview on policies related to presentation of information and effective communication to ensure it is accessible to all users.
- ☐ Review if all police stations, courthouses, detention facilities, etc. are required to be accessible to persons with disabilities.

- Conduct a literature scan, NGO interview and public meeting on the availability of reasonable accommodations and procedure accommodations for the legal process for all types of persons with disabilities in the justice system no matter as to their role such as victim, perpetrator, witness, juror, judge, etc.

Questions to Consider

1. Are sign language interpreters available for use by persons with communicative disabilities (Deaf, Hard of hearing, Speech impaired, Deaf/Blind) for effective communication when communicating with justice system personnel such as police, lawyers, judges?
2. Are print documents available in alternate formats?
3. Are buildings and facilities universally accessible to persons with disabilities (including facilities such as police stations, police holding areas, court houses, prisons; with accessible features such as accessible washrooms, waiting areas, access to telephones, recreation, etc.)?
4. Are supported communication or augmentative communication for persons with physical or cognitive disabilities available to ensure their ability to participate in all stages of the justice system?

Examples of Organizations to contact include:

- Department of Justice; or similar department in justice system for judges, prosecutors, lawyers, etc
- Department of Corrections; or similar department in justice system responsible for jails, prisons, detention centres
- Association of Police Chiefs; or similar organizations or body responsible for policing standards, education and training at the national/provincial/regional levels
- Training colleges and institutes for police and corrections officers
- Law schools for lawyers, notaries, judges, etc.

Article 14 - Liberty and security of the person

Reporting Guideline Excerpt:

This article ensures that persons with disabilities enjoy the right to liberty and personal security, and are not deprived of their liberty, unlawfully or arbitrarily, on the basis of the existence of a disability.

States Parties should report on:

1. Measures taken by the State party to ensure that all persons with all forms of disabilities enjoy the right to liberty and security of person and that no person is deprived of her/his liberty on the basis of her/his disability due to inaccessibility
2. Actions being taken to abolish any legislation that permits the institutionalization or the deprivation of liberty of all persons with all forms of disabilities
3. Legislative and other measures put in place to ensure that persons with disabilities who have been deprived of their liberty are provided with the required reasonable accommodation, and benefit from the same procedural guarantees as all other persons to enjoy fully their remaining human rights.

Data Collection for Article 14

Action Items

- ☐ Conduct a literature scan, NGO interview and public meeting on whether or not there are legislative, judicial and administrative human rights provisions that enable persons with disabilities to enjoy the right to liberty and personal security and are not deprived of their liberty, unlawfully or arbitrarily, on the basis of disability due to inaccessibility.
- ☐ Conduct a literature scan, NGO interview and public meetings on actions being taken to abolish any legislation that permits the institutionalization or the deprivation of liberty of all persons with disabilities due to inaccessible buildings, transportation or ICT in the justice system.
- ☐ Review if there are legislative, policies and practices, or other measures in place relating to the provision of reasonable accommodation for persons with disabilities who have been deprived of their liberty.

- ☐ Review if there are legislative, policies and practices or other measures in place to ensure that persons with disabilities are able to exercise their right to procedural guarantees.
- ☐ Conduct a literature scan and NGO interview for information on policies and practices related to training programs on disability awareness for justice system personnel including police officers, corrections officers, lawyers, judges.
- ☐ Conduct an environmental scan on policies related to presentation of information to ensure it is accessible to all users.

Questions to Consider

1. Have measures been taken by the State to ensure that persons with disabilities enjoy the right to liberty and personal security and are not deprived of their liberty on the basis of disability?
2. Are sign language interpreters and/or other assistive aids and devices available for use by persons with communicative disabilities (Deaf, Hard of hearing, Speech impaired, Deaf/Blind) to ensure effective communication and that they are not deprived of their liberty or personal security?
3. Are print documents available in alternate formats?
4. Are buildings and facilities accessible to persons with disabilities (including facilities such as police stations, police holding areas, court houses, prisons; with accessible features such as accessible washrooms, waiting areas, access to telephones, recreation, etc.)?

Examples of Organizations to contact:

- Department of Justice; or similar department responsible for the development and enforcement of legislation, etc.
- Human Rights Commissions at the national and provincial/state level
- National Human Rights Institutes responsible for investigating complaints
- Ministry or Department responsible for Corrections and the development and maintenance of holding facilities.

Article 16 - Freedom from exploitation, violence and abuse

Reporting Guideline Excerpt:

This article protects persons with disabilities from all forms of exploitation, violence and abuse, both within and outside the home, paying special attention to children and women with disabilities.

States Parties should report on:

1. Legislative, administrative, social, educational and other measures taken to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including the gender and child based aspects
2. Social protection measures to assist and support persons with disabilities, including their families and caregivers, and to prevent, recognize and report instances of exploitation, violence and abuse, including the gender- and child-based aspects
3. Measures taken to ensure that all services and programmes designed to serve persons with disabilities are effectively monitored by independent authorities
4. Measures taken to ensure that all persons with disabilities who are victims of violence have access to effective recovery, rehabilitation and social re-integration services and programmes
5. Measures taken to ensure that all services and resources available to prevent and support victims of violence are accessible to persons with disabilities
6. Legislation and policies, including women and child focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

Data Collection for Article 16

Action Items

- ☐ Conduct a literature scan, NGO interview and public meeting on whether or not there are legislative, administrative, social, educational and other measures that protect persons with disabilities from all forms of

exploitation, violence and abuse, both within and outside the home, including children and women with disabilities.

- ☐ Conduct a literature scan, NGO interview and public meeting on social protection measures to assist and support persons with disabilities, including their families and caregivers, and to prevent, recognize and report instances of exploitation, violence and abuse, including gender and child-based aspects.
- ☐ Conduct a literature scan, NGO interview and public meeting to determine whether or not measures are taken to ensure that all services and programmes designed to serve persons with disabilities are effectively monitored by independent authorities who are trained in recognizing accessibility requirements of the Convention.
- ☐ Conduct a literature scan on whether or not there are national and provincial/state/regional victim compensation and rehabilitation programs.
- ☐ Conduct a literature scan for information and statistics on crimes involving the possible exploitation of persons with disabilities, including children and women with disabilities.
- ☐ Conduct a literature scan, NGO interview and public meeting for measures taken to ensure that all services and resources available to prevent and support victims of violence are accessible to persons with disabilities
- ☐ Conduct a literature scan, NGO interview and public meeting for measures, policies and procedures in place to ensure that all persons with disabilities who are victims of violence have access to effective recovery, rehabilitation and social re-integration services and programmes.
- ☐ Conduct a literature scan, NGO interview and public meeting for legislation, policies ensure that instances of exploitation, violence and abuse against persons with disabilities, including women and children, are investigated, and , where appropriate, prosecuted.

Questions to Consider

1. Is there Human Rights legislation protection for persons with disabilities?
2. Is there other legislation in place or policies and practices that protect persons with disabilities from exploitation, violence and abuse?
3. Are social protection measures, services and programs information available in accessible formats?
4. Do criminal code provisions specifically cover violence against persons with disabilities, including women and children?

5. Are there social programs, policies and legislation in place to protect persons with disabilities who have been victims of violence related to education and job training?
6. Are there programs, policies and legislation in place to protect persons with disabilities who have been victims of violence due to health and recreation and rehabilitation services?
7. Are there programs, policies and legislation in place to protect persons with disabilities who have been victims of abuse due to financial management and social security programmes and services?
8. Are relocation services, transportation, ICT, facilities, housing, and shelters universally accessible?
9. Do staff have the capacity to communication with individuals who are deaf, hard of hearing, speech impaired or have a cognitive impairment or mental illness?

Examples of Organizations to contact:

- Department or Government Ministry responsible for social programs (national, provincial and regional levels)
- Department or Government Ministry responsible for Justice and Victims (national, provincial and regional levels)
- Organizations which advocate for victims rights, rehabilitation and compensation
- Organizations with statistics on violence (national, provincial/state, regional and international)
- Selected shelters and rehabilitation centres, both in major cities and smaller urban and rural areas in order to obtain a snap shot of the typical situation

Article 18 - Liberty of movement and nationality

Reporting Guideline Excerpt:

This article recognizes the right of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality. States Parties should report on:

1. Legislative or administrative measures taken to ensure the right of persons with disabilities to acquire a nationality and to not be deprived of it, as well as to ensure the right of persons with disabilities to enter or leave the country arbitrarily
2. Measures taken to ensure that every newborn child with a disability be registered upon birth and given a name and a nationality.

Data Collection for Article

Action Items

- ☐ Conduct a literature scan, NGO interview and public meeting on legislative or administrative measures taken to ensure the right of persons with disabilities to acquire a nationality and to not be deprived of it.
- ☐ Conduct a literature scan, NGO interview and public meeting on legislative or administrative measures taken to ensure the right of persons with disabilities to enter or leave the country arbitrarily.
- ☐ Conduct a literature scan, NGO interview and public meeting on legislative, administrative and other measures taken to ensure that every newborn child with a disability be registered upon birth and given a name and nationality.
- ☐ Assess whether or not information is available in alternate formats concerning the right of persons with disabilities to liberty of movement and freedom to choose their residence and nationality.
- ☐ Review if all transportation facilities and services are universally accessible to persons with disabilities.
- ☐ Review if all information on traveling to and from the country is available in alternate formats, including information and support for persons with disabilities wishing to obtain a passport or visa.

Questions to Consider

1. What are the policies and legislation related to registration of births and what measures are taken for newborns with disabilities?
2. What are the policies, procedures and legislation provisions for issuing passports and visas for adults and children with disabilities? Is biometric data required such as a thumbprint or an iris scan? What is the procedure should a thumbprint or iris scan not be possible due to loss of limb or eye?
3. Are there policies and/or Codes of Practices related to independent travel on all modes of transportation? (Air, train, ferry, bus/coach, automobile)
4. Are there any physical accessibility barriers to entering or leaving the country?

Examples of Organizations to contact:

- Department or Government Ministry responsible for issuing birth certificates, and conducting birth registrations, etc
- Department or Government Ministry responsible for issuing passports and visas
- Department of International and or Foreign Affairs, or similar department
- Ministry, Department, Office, Agency, Commission or similar department responsible for registering births of foreign nationals, immigrants, etc
- Ministry, Department, Office, Agency, Commission or similar department regulating travel within the country and for border crossings.

Article 19 - Living independently and being included in the community

Reporting Guideline Excerpt:

This article recognizes the right of persons with disabilities to live independently and to participate in the community.

States Parties should report on:

1. The existence of available independent living schemes, including the provision of personal assistants for persons who so require
2. The existence of in-house support services allowing persons with

disabilities to live in their community

3. The existence and range of options of residential services for living arrangements, including shared and sheltered accommodation which take into account the form of disability
4. The degree of accessibility for persons with disabilities to community services and facilities provided to the general population.

Data Collection for Article 19

Action Items

- ☐ Conduct a literature scan, NGO interview, and public meeting on legislative or administrative measures taken to ensure the right of persons with disabilities to live independently and to participate in the community.
- ☐ Conduct a review of accessibility policies and practices relating to community services and accessible facilities.
- ☐ Conduct a review of the availability of accessible housing options for persons with disabilities, including supported as well as independent living.
- ☐ Conduct a literature scan of programs, policies and other measures providing independent living schemes and the provision of personal assistants for persons with disabilities who require them.
- ☐ Conduct a literature scan of programs, policies and other measures providing in-house support services, including financial supports allowing persons with disabilities to live in their community.
- ☐ Conduct a literature scan, NGO interview and public meeting concerning the existence and options for residential services and living arrangements, including shared and sheltered accommodations for persons with disabilities, including women and children.
- ☐ Conduct an accessibility audit of community services and facilities provided to the general population to determine the degree of accessibility for persons with disabilities.

Questions for Consideration

1. Are there a range of housing options available to persons with disabilities living in the community?

2. Are accessibility codes and standards applicable to community service facilities?
3. Are accessibility codes and standards applicable to a range of housing options?
4. Are there assistance programs for persons with disabilities living in family situations?
5. Are there assistive living programs in independent living situations?
6. Are there assistive living programs in group home situations?
7. Are there financial assistance programs for persons using assistive living programs?
8. What percentage of community services and facilities open to the general population are accessible to persons with disabilities, including women and children?

Examples of Organizations to contact:

- Department or Government Ministry responsible for social services (national, provincial/state and regional level)
- National organizations of people with disabilities
- National, provincial/state and regional organizations that provide services to people with disabilities.

Article 20 - Personal mobility

Reporting Guideline Excerpt:

This article recognizes the right of persons with disabilities to move freely with the greatest possible independence.

State Parties should report on:

1. Measures to facilitate the personal mobility of persons with disabilities, including the use of signal indicators and street signs for accessibility, in the manner and the time of their choice, as well as their access to forms of assistance (human, animal, or assistive technologies and devices), at an affordable cost
2. Measures taken to ensure that the technologies are high quality, affordable, and user-friendly

3. Measures taken to give training in mobility skills to persons with disabilities and specialist staff
4. Measures taken to encourage entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

Data Collection for Article 20

Action Items

- ☐ Conduct a literature scan, NGO interview and public meeting on legislative or administrative measures taken to ensure the right of persons with disabilities to move freely with the greatest possible independence.
- ☐ Conduct a literature scan, NGO interview and public meeting on measures, programs and policies in place to ensure that mobility aids, devices and assistive technologies that are produced and made available are high quality, affordable, and user-friendly.
- ☐ Conduct a literature scan, NGO interview, and public meeting regarding technical codes, standards, policies, and practices for an accessible built environment, transportation and ICT.
- ☐ Conduct a literature scan and NGO interview on rehabilitation, physiotherapy and occupational therapy programs directed towards persons with disabilities in order to provide them with the skills necessary for independent mobility.
- ☐ Conduct an accessibility review of information of communication systems that provide information on mobility within the community.
- ☐ Conduct a literature review of accessible training programs for persons with disabilities and specialist staff that support the mobility of persons with disabilities.

Questions to Consider

1. Are there accessibility codes and standards in place?
2. Are there policies and practices requiring accessibility of the built environment, transportation and ICT?
3. Do public access routes have technical specifications such as street signs, crosswalk signals, clear routes of public spaces, etc. Do they take into account the needs of all users, and the needs of persons with disabilities (People who are blind, deaf, hard of hearing, mobility impaired, etc.)?

4. Are assistive technologies provided to persons with disabilities at a reasonable cost?
5. Is accessible training available on using assistive technologies?
6. Are there government programs developed to assist in the provision of assistive technologies?
7. Are there programs or policies to encourage private enterprise to develop technologies that are accessible from the outset?
8. Are there procurement policies, grants or tax credits for research and development of accessible ICT and assistive technologies?
9. Are there government programs developed to encourage private enterprise to develop assistive aids and mobility devices that are affordable, readily available, and easily adaptable to be usable by a wide range of people with a range of mobility impairments?
10. Are programs available that are administered privately by insurance companies or by the State at a national, provincial/state, regional or local level that provide assistance to persons with disabilities who need to acquire accessible ICT and assistive technologies and devices (computers, screen readers, software, software aids, ergonomic or adapted desks, etc)?
11. Is there recognition of the benefit and use of services animals; including guide dogs for people who are blind, hearing dogs for people who are deaf or hard of hearing, assistance dogs for people with mobility impairments, therapy dogs for people with autism, seizure alert dogs for people with epilepsy, etc?

Examples of Organizations to contact:

- Department or Government Ministry responsible for social services (national, provincial/state and regional level)
- Department or Government Ministry/Ministries responsible for revenue, finance and taxation (national, provincial/state and regional level). They may be one department or several different departments
- National organizations of persons with disabilities
- Private companies and organizations, as well as national, provincial/state and regional organizations that develop technologies for use by persons with disabilities
- Private companies and organizations, as well as national, provincial/state and regional organizations that develop ICT, assistive technologies, and mobility aids and devices for use by persons with disabilities

- Rehabilitation institutes, facilities and hospitals that are either operated with public funds via the government, or private facilities that operate via a pay per use system

Article 21 - Freedom of expression and opinion, and access to information

Reporting Guideline Excerpt:

This article recognizes the right of persons with disabilities to freedom of expression and opinions, including the freedom to seek, receive and impart information and ideas through all forms of communication of their choosing.

States Parties should report on:

1. Legislative and other measures taken to ensure that information provided to the general public is accessible to persons with disabilities in a timely manner and without additional cost
2. Legislative and other measures taken to ensure that persons with disabilities can use their preferred means of communication in all forms of official interaction and access to information, such as sign language, Braille, augmentative and alternative communication, and all other accessible means
3. Measures taken to urge private entities and mass media to provide their information and services in an accessible form for persons with disabilities, including measures taken to prevent the blocking or restriction of access to information in alternative formats by the private sector
4. Degree of accessibility of mass media and percentage of public websites that comply with the Web Accessibility Initiative (WAI) standards
5. Legislative and other measures taken linked to the official recognition of sign language(s).

Data Collection for Article 21

Action Items

- ☐ Conduct a literature scan, NGO interview, and public meeting on legislative, judicial or administrative measures taken to ensure the right of

persons with disabilities to freedom of expression and opinions, including freedom to seek, receive and impart information and ideas through all forms of communication of their choosing.

- ☐ Conduct a literature scan, NGO interview, and public meeting on legislation, regulations, measures and programs in place that ensure that information provided to the general public is accessible to persons with disabilities in a timely manner and without additional cost.
- ☐ Conduct a literature scan, NGO interview, and public meeting on legislation, measures and programs in place that ensure that persons with disabilities can use their preferred means of communication in all forms of official interaction and access to information. (Examples include sign language, Braille, augmentative and alternative communication, etc.)
- ☐ Conduct a literature scan for incentive programs such as tax credits, rebates, grants or other financial incentives, to encourage and facilitate the provision of information and services in an accessible form for persons with disabilities; also determine if there are penalties such as loss of broadcast license, etc. that would also encourage the production of accessible information and services.
- ☐ Conduct a literature scan, NGO interview and public meeting concerning any blocking or restriction of access to information in alternative formats by the private sector.
- ☐ Conduct an accessibility audit of mass media and public websites that are designed to be accessible according to the Web Accessibility Initiative (WAI) standards; determine percentage of accessibility for both types of websites.
- ☐ Conduct a literature scan, NGO interview, and public meeting on legislative and other measures taken for the official recognition of sign language(s).

Questions to Consider

1. Are alternative communication formats such as sign language, Braille, descriptive video and other augmentative communication formats covered by human rights legislation?
2. Are alternative communication formats such as sign language, Braille, descriptive video and other augmentative communication formats readily available upon request in locations where other standard information is found?

3. Is there legislation related to the official languages of the States Party at the national, provincial/state and/or regional level?
4. Are alternate formats, Braille and signage language recognized and/or included in any formal definitions in legislation?
5. Review broadcasting codes, regulations and standards to determine if:
 - Captioning and/or descriptive video is required for all regularly scheduled TV programming, including news broadcasts?
 - Captioning and on screen sign language is required for emergency messages and/or broadcasts such as natural emergencies: tornadoes, hurricanes, typhoons, tsunamis, other extreme weather phenomenon, as well as for other potential hazards such as terror alerts, etc?
6. Are web pages and other information provided by regular TV broadcasters, Radio stations and newspaper, accessible to all users, including people with disabilities who rely on assistive and adaptive technologies such as screen readers, sticky keys, mouse-less technologies etc.?
7. Are there statistics gathered either publicly (via the national, provincial/state, regional or local statistic body) or privately via organizations promoting or interested in the development of accessible web and Internet technologies. (Web site development companies, international ICT organizations such as W3C, mass media organization surveys, etc.)?
8. Are there fines, licensing restrictions, or penalties for failure to comply with requirements for captioning, descriptive video, Braille, on screen sign language, etc?

Examples of Organizations to contact:

- Department, Government Ministry, or quasi governmental commission, agency or committee responsible for broadcast legislation and/or operating rules (usually found at the national level, but additional regulations could apply at the provincial/state and regional level)
- Department or Government Ministry/Ministries responsible for revenue, finance and taxation (national, provincial/state and regional level) May be one department or several different departments.
- Professional organizations representing; Translators, sign language interpreters associations, the national associations of persons with disabilities
- Private enterprise that undertake captioning, descriptive video, Braille, etc.

- Codes, standards and guideline developers of technical specifications for the Internet and websites

Article 22 - Respect for privacy

Reporting Guideline Excerpt:

This article recognizes the right of all persons with disabilities to the protection of their private life, honour and reputation.

States Parties should report on:

1. Measures taken to protect the privacy of personal, health and rehabilitation related information of persons with disabilities
2. Measures taken so that persons with disabilities not be concealed on the pretext of protection of privacy.

Data Collection for Article 22

Action Items

- ☐ Conduct a literature scan, NGO interview, and public meeting on legislative, judicial or administrative measures taken to ensure the right of all persons with disabilities to the protection of their private life, honour and reputation.
- ☐ Conduct a literature scan, NGO interview and public meeting on measures taken to protect the privacy of personal, health and rehabilitation related information of persons with disabilities.
- ☐ Conduct a literature scan, NGO interview and public meeting on legislation, regulations and measures in place to protect the privacy and confidentiality of personal, health and rehabilitation information when it is shared through a third party facilitator, such as a sign language interpreter, a TTY relay service, or an advocate or guardian.
- ☐ Conduct a literature scan, NGO interview and public meeting on professional codes and standards of conduct for sign language interpreters, TTY relay service operators, advocates or guardians.
- ☐ Conduct a literature scan, NGO interview and public meeting on legislation, regulations and measures in place so that persons with disabilities are not concealed on the pretext of protection of privacy.

Questions to Consider

1. Are sign language interpreters subject to a professional code of conduct for privacy or do they sign an affidavit or take an oath of confidentiality when working, particularly in the health care and rehabilitation fields?
2. Are TTY Relay operators subject to a professional code of conduct for privacy or do they sign an affidavit or take an oath of confidentiality?
3. Are disability advocates subject to a professional code of conduct for privacy or do they sign an affidavit or take an oath of confidentiality?
4. When a person self identifies or discloses that they have a disability and require a reasonable accommodation, is their request kept confidential? Are there controls in place that limit the number of people with access to this information?

Examples of Organizations to contact:

- Department or Ministry of Health, Healthy and Welfare, or Social Services, etc. at the national, provincial/state and regional level
- Professional or private institutions that train sign language interpreters and TTY Relay personnel
- Telephone or telecommunication companies that provide TTY Relay services
- Privacy Commissioner, or similar body if one exists, at the national, provincial/state level
- Association of medical office personnel, doctors and hospitals
- Association of persons with disabilities
- Associations of sign language interpreters
- Telecommunication companies

Article 23 - Respect for home and the family

Reporting Guideline Excerpt:

This article recognizes the right of persons with disabilities to marriage and to found a family, to decide freely on the number of children to have, and to retain their fertility on an equal basis to others.

States Parties should report on:

1. Measures taken to ensure that persons with disabilities may exercise the right to marry and to found a family on the basis of full and free consent
2. Measures taken so that persons with disabilities have access to family planning, assistive reproduction and adoption or fostering programmes
3. Measures taken to ensure that parents with disabilities, who so require, are provided with the adequate support in their child-rearing responsibilities, ensuring the parent-child relationship
4. Measures taken to ensure that no child is separated from her/his parents because of the disability either the child or one or both of the parents
5. Measures taken to support fathers and mothers, and the families of boys and girls with disabilities, in order to prevent concealment, abandonment, neglect or segregation of the boy or girl with a disability
6. Measures taken to avoid institutionalization of boys and girls with disabilities whose parents are unable to care for them, and ensure that they are provided with alternative care from the wider family, or when this is not possible, in a family setting in the wider community
7. Measures taken to prevent the forced sterilization of persons with disabilities, especially with girls and women.

Data Collection for Article 23

Action Items

- ☐ Conduct a literature scan, NGO interview, and public meeting on legislative, judicial or administrative measures taken to ensure that persons with disabilities may exercise the right to marry and to found a family on the basis of full and free consent.

- ☐ Conduct a literature scan, NGO interview, and public meeting on measures taken so that persons with disabilities have access to family planning, assistive reproduction and adoption or fostering programmes.
- ☐ Conduct a review of accessible programs for habilitation options, adequate support for child-rearing, and care of children with disabilities so that no child with a disability is separated from the family due to built environment barriers.
- ☐ Conduct an environmental scan for policies, programs and measures such as grants, tax credits, tax rebates related to making accessibility related improvements and conversions to the built environment family home or living environment.

Questions to Consider

1. Do persons with mobility impairments have physical access to medical facilities such as clinics and health centres that deal with family planning, assistive reproduction, and adoption or fostering programmes?
2. Can persons with communication impairments access information on family planning, assistive reproduction and adoption or fostering programmes in alternate formats?
3. Are there respite care facilities designed to meet the needs of all children with disabilities?
4. Is information and financial support available to assist in accessibility for families?
5. Are there respite care facilities designed to meet the needs of adults with disabilities?

Examples of Organizations to contact:

- Ministry or Departments of Health and/or Social Services
- Ministry or Departments for Education and/or Learning
- Respite Care Facilities, Hospices, Rehabilitation Centres and Hospitals
- Organizations specializing in family planning, assistive reproduction, adoption and/or fostering
- Provincial/state or regional School boards that set policies on students and attendance.

Article 24 - Education

Reporting Guideline Excerpt:

This article recognizes the right of persons with disabilities to education on the basis of equal opportunity, ensuring an inclusive education system at all levels and the facilitation of access to lifelong learning.

State Parties should report on:

1. Measures taken to ensure that every child with disabilities has access to early-stage education, and mandatory primary, secondary and higher education
2. Information on the number of boys and girls with disabilities in early-stage education
3. Information on the existing significant differences in the education of boys and girls in the different education levels and whether there are policies and legislation to cater for these differences.
4. Legislative and other measures that ensure that schools and materials are accessible and that individualized reasonable accommodation and support required by persons with disabilities is provided to ensure effective education and full inclusion
5. Availability of specific skills-training services for children, adults or teachers who so require in Braille, sign languages, augmentative and alternative communication, mobility and other areas
6. Measures taken for the promotion of the linguistic identity of deaf persons
7. Measures taken to ensure education is delivered in the most appropriate languages, modes, means of communication, and environments for the individual
8. Measures to ensure an adequate training on disability to professionals in the education system, as well as measures to incorporate persons with disabilities in the education team
9. Number and percentage of students with disabilities in tertiary education
10. Number and percentage of students with disabilities by gender and fields of study
11. Reasonable accommodation provisions and other measures to ensure

access to lifelong learning education

12. Measures taken by the State to ensure early identification of persons with disabilities and their education needs.

Data Collection for Article 24

Action Items

- ☐ Conduct a literature scan, NGO interview, and public meeting on measures taken to recognize the right of persons with disabilities to education on the basis of equal opportunity; an inclusive education system at all levels for lifelong learning.
- ☐ Conduct accessibility audits of the built environment to determine the physical accessibility of schools from the primary, secondary and post-secondary facilities.
 - In situations where there are multiple facilities or campuses, are all accessible?
 - Are all classrooms, labs, gymnasiums etc, within each facility accessible?
- ☐ Conduct accessibility audits of transportation systems including buses, bus stops, and trains used to transport children to and from schools.
- ☐ Conduct a literature review of policies and practices on the provision of accessible information and materials for teachers and students.
- ☐ Conduct an inventory of accessible information of library resources in education libraries.
- ☐ Conduct a literature review of accessibility codes and standards for the built environment at the national / state and municipal level to assess their application to all schooling facilities including early child schooling and technical schools.
- ☐ Conduct a literature review on legislation requiring accessible facilities to facilitate the full integration of children with disabilities into mainstream education and school programs (national, provincial/state and regional levels).
- ☐ Conduct a literature review on legislation and policies related to accessible communication and information to facilitate the full integration of children

with disabilities into mainstream education and school programs (national, provincial/state and regional levels).

- ☐ Conduct a literature scan on policies, programs and courses for teachers, professors, etc on disability awareness and accessibility related to the built environment, communication and information.

Questions for Consideration

1. Are reasonable accommodations available and what type of accommodations?
 - For example: improvements to the built environment, adaptive aids, technology aids, teaching assistants, note takers, information provided in alternate formats such as Braille, audio formats, large print, extra time for assignments and examinations.
2. Do programs for teacher certification include course modules on persons with disabilities and youth with disabilities that include information on alternate formats, assistive technologies, alternate learning options, etc. that would assist teachers in identifying youth with hidden disabilities, as well as learning disabilities, and provide them with the tools to encourage and enable lifelong learning?
3. Are policies and practices in place to assess the reasonable accommodations for all students and teachers?
4. Are fire safety procedures in place for the safe evacuation of persons with disabilities in all educational facilities?
5. Are educational libraries equipped with library resources in alternate formats?
6. Are teachers equipped to provide education utilizing alternate communications including sign language and supported communication?
7. Are all classrooms, labs, gymnasiums etc, within each facility universally accessible?
8. Have audits or reports been prepared on the accessibility of all educational facilities?
9. Have implementation programs been developed to address accessibility deficiencies?

10. Do budgets allocate funds for accessibility upgrades for students and teachers?

Examples of Organizations to contact:

- Departments or Ministries of Education (national, provincial/state level)
- School boards and association of school boards at the provincial/state and regional levels to gather information from accessibility audits already completed, or to conduct audits to gather the required information.
- Companies (regular public transportation systems or private school bus transportation companies, etc) that provide transportation used by school boards, independent schools, private schools, etc.
- Teachers colleges, institutions, universities, etc, that provide formal training and certification for teachers.
- National, provincial/state and regional organizations that collect statistics on youth and disability related to education (numbers of children with disabilities in schools, level attained, number who graduate, etc.)
- National, provincial/state and regional organizations that collect statistics on education, schools, school boards and facilities (accessible school facilities, accessible programs, number of communication facilitators such as sign language interpreters, funding for the production of alternate formats, etc.)

Article 25 - Health

Reporting Guideline Excerpt:

This article recognizes that persons with disabilities have the right to the enjoyment of the highest attainable standard of health, ensuring access for persons with disabilities to health services, including health-related rehabilitation, that are gender-sensitive, in their community and without financial cost.

States Parties should report on:

1. Legislative and other measures that protect against discrimination and ensure that persons with disabilities have the same access to quality health services, including in the area of sexual and reproductive health
2. Measures taken to ensure that persons with disabilities have access to disability-related health rehabilitation in their community freely and without financial cost
3. Health services, early detection and intervention programmes, as appropriate, to prevent and minimize the emergence of secondary disabilities, paying attention to children, women and the elderly, including in rural areas
4. Legislative and other measures to ensure that general public health campaigns are accessible for persons with disabilities
5. Measures put in place to train doctors and other health professionals on the rights of persons with disabilities, including in rural areas
6. Legislative and other measures to ensure that any health treatment is provided to persons with disabilities on the basis of their free and informed consent
7. Legislative and other measures that ensure protection against discrimination in the access to health insurance and other insurance, when these are required by law
8. Measures taken to insure that sanitation facilities are not simply available, but fully accessible
9. Measures taken to increase awareness and information in various accessible formats, including in Braille, for HIV/AIDS and malaria prevention.

Data Collection for Article 25

Action Items

- ☐ Conduct a literature scan, NGO interview, and public meeting on measures taken to recognize the right of persons with disabilities to the enjoyment of the highest attainable standard of health, ensuring access to health services and health-related rehabilitation that are gender-sensitive, in the community and without financial cost.
- ☐ Conduct a literature scan, NGO interview, and public meeting on the availability and accessibility of the following programmes and services to prevent and minimize the emergence of secondary disabilities for persons with disabilities, especially children, women and the elderly:
 - Health services and programmes, including insurance, in urban and rural areas;
 - Early detection services and programmes in urban and rural areas; and
 - Intervention services and programmes, as appropriate, in urban and rural areas.
- ☐ Conduct a literature scan, NGO interview and public meeting on legislation, policies, regulations and measures to protect the privacy of a person who requires a third party intervener for communication. (i.e. Sign language interpreter, TTY Relay operator, etc.)
- ☐ Conduct a literature scan on legislation, policies, regulations and measures to ensure that health services information and awareness materials are available in alternate formats. (Topics include but are not limited to: sexual reproductive health, detection and intervention programmes, disability-related health rehabilitation, HIV/AIDS, malaria, etc.)
- ☐ Conduct a literature scan on legislative and other measures to ensure that general public health campaigns are accessible for persons with disabilities, and available in alternate formats.
- ☐ Conduct a literature scan and NGO interview on measures taken in both urban and rural areas to train doctors and other health professionals on the rights of persons with disabilities and that the training is conducted in an accessible manner.
- ☐ Conduct a literature scan, NGO interview and public meeting on legislative and other measures to ensure that any health treatment is provided to

persons with disabilities on the basis of their free and informed consent and that the measures taken are implemented in an accessible manner.

- ☐ Conduct accessibility audits of the physical accessibility of public health facilities, clinics and hospitals that deliver public health services, public health programs and public health awareness campaigns.
- ☐ Conduct accessibility audits of the health facilities and surrounding built and exterior environments to determine:
 - The physical accessibility of community health clinics, doctors offices, hospitals, rehabilitation centres, long term residential care facilities, hospices, facilities for seniors and the elderly, respite care facilities for youth and adults
 - In situations where there are multiple facilities or campuses, are all accessible?
 - Are all labs, examination rooms, washrooms, treatment rooms, etc within each facility accessible?
 - Are all transportation services accessible?
 - Are all information and communications services accessible, including all content posted on websites?

Questions to Consider

1. Are there policies and practices in place to provide information on the protection and rights of persons in a variety of alternate formats?
2. Is there an ombudsman, or Ethics officer, whose sole purpose is to protect and advocate for the patients rights?
3. Is information that is publicly available – health care information, hospital admittance information and paperwork, etc - also available in various accessible formats?
4. Are public health campaigns delivered in a variety of communication modes including sign language?
5. Are health insurance and health related official documents available in alternate formats?
6. Have audits or reports been prepared on the accessibility of all health care facilities?

7. Have implementation programs been developed to address these deficiencies?
8. Are accessibility codes and standards for the built environment applicable to all health care facilities?
9. Are policies and practices in place to assess reasonable accommodations for all patients with disabilities, including women and children?
10. Are fire safety procedures in place for the safe evacuation of persons with disabilities in all health care facilities?
11. Are health related admission and permission information available in alternate formats?
12. Are health care providers subject to training in disability awareness and communication techniques in order to provide services utilizing alternate communications including sign language and supported communication?
13. Are policies and practices in place to provide medical information in alternate formats?
14. Do budgets allocate funds for accessibility upgrades for health facilities?
15. Are health care facilities in rural areas accessible to people with disabilities in terms of:
 - Physical access to medical facilities, doctor's offices and community health centres?
 - Ability to communicate and provide information in various alternate formats?

Examples of Organizations to contact:

- Department or Ministry of Health, Healthy and Welfare, Social Services, etc. at the national, provincial/state and regional level.
- Privacy Commissioner, or similar body if one exists, at the national, provincial/state level.
- Hospitals or Hospital associations
- Private and public insurance companies
- Organizations of people with disabilities
- Medical Associations, Association of Doctors, Physicians and Practitioners
- Medical schools and teaching facilities

Article 26 - Habilitation and rehabilitation

Reporting Guideline Excerpt:

This article establishes the measures to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life, through comprehensive habilitation and rehabilitation programmes, in the areas of health, employment, education and social services.

States Parties should report on:

1. General habilitation and rehabilitation programmes for persons with disabilities, in the areas of health, employment, education and social services, including early intervention, peer support, and the availability of these services and programmes in rural areas
2. Measures taken to ensure that participation in habilitation and rehabilitation services and programmes is voluntary
3. The promotion of initial and continuous training for professionals and staff working in habilitation and rehabilitation programmes
4. Measures taken for the promotion, availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation
5. Measures taken for the promotion of international cooperation in the exchange of assistive technologies in particular with Third World countries.

Data Collection for Article 26

Action Items

- ☐ Conduct a literature scan, NGO interview, and public meeting on measures to enable persons with disabilities to attain and maintain maximum independence and full inclusion and participation in comprehensive habilitation and rehabilitation programs; including health, employment, education and social services.
- ☐ Conduct a literature scan, NGO interview, and public meeting on measures taken to ensure that participation in habilitation and rehabilitation services and programmes is voluntary.

- ☐ Conduct a literature scan and NGO interview of training programs, including their accessibility, for professionals and staff working in habilitation and rehabilitation programmes.
- ☐ Conduct a review of policies and practices for health related information in various alternate formats.
- ☐ Conduct accessibility audits on the physical accessibility of facilities where educational programs are available to persons with disabilities.
- ☐ Conduct accessibility audits on the physical accessibility of facilities (such as sports facilities, theatres, exercise facilities, etc.) where health, employment, education and social services programs for persons with disabilities are provided.

Questions to Consider

1. Are habilitation and rehabilitation facilities and information accessible to persons with disabilities, if they are a patient, or service provider?
2. Is information on habilitation and rehabilitation available in alternate formats?
3. Are professionals and office staff in habilitation and rehabilitation trained in disability awareness and accessibility?
4. Are there programs in place on the promotion and use of assistive technologies?
5. Are programs provided in accessible facilities utilizing accessible ICTs?
6. Does the State participate in international events on assistive technologies?

Examples of Organizations to contact:

- Ministry or Department of Social Services or similar department responsible for social programs, social benefits, etc.
- Ministries, Departments, Offices, Agencies, etc, responsible for disabilities issues, at the national, provincial/state, regional levels.
- Sports, Recreation, Theatre and Arts organizations, etc. at the national, provincial/state and local levels.
- Rehabilitation hospitals, facilities, institutes, etc.

Article 27 - Work and employment

Reporting Guideline Excerpt:

This article recognizes the right of persons with disabilities to work and to gain a living by participation in a labour market and work environment that is open, inclusive and accessible, including for those who acquire a disability during the course of employment.

States Parties should report on:

1. The legislative measures taken to ensure protection against discrimination in all stages of employment and in any form of employment and to recognize the right of persons with disabilities to work on a basis of equality with others, in particular the right to equal pay for equal work
2. The impact of targeted employment programmes and policies in place to achieve full and productive employment among persons with disabilities according to paragraphs 1 (a to g) of the Convention
3. The impact of measures to facilitate re-employment of persons with disabilities, who are made redundant as a result of privatization, downsizing and economic restructuring of public and private enterprises according to paragraph 1 (e) of the Convention
4. Availability of technical and financial assistance for the provision of reasonable accommodations, including the promotion of the establishment of cooperatives and start ups in order to encourage entrepreneurialism
5. Affirmative and effective action measures for the employment of persons with disabilities in the regular labour market
6. Positive and effective action measures for the prevention of harassment of persons with disabilities in workplace
7. Accessibility of persons with disabilities to open employment and vocational training services, including those for the promotion of self employment
8. Information on existing significant differences in employment between men and women with disability and whether there are policies and legislation to cater for these differences in order to promote the advancement of women with disabilities
9. Identification of the most vulnerable groups among persons with

disabilities (including by providing examples) and policies and legislation in place for their inclusion in the labour market

10. Measures taken for the promotion of the trade union rights of persons with disabilities
11. Measures taken to assure the retention and retraining of workers who suffer a workplace injury resulting in a disability preventing them from performing their previous tasks
12. Provide information on the work of persons with disabilities in the informal economy in the State Party, and the measures taken to enable them to move out of the informal economy, as well as on measures taken to ensure their access to basic services and social protection
13. Describe the legal safeguards in place to protect workers with disabilities from unfair dismissal, and forced or compulsory labour according to article 27, paragraph 2
14. Measures taken to ensure persons with disabilities who have technical and vocational skills are empowered with the support needed for their entry and re-entry to the labour market according to paragraph 1 (k)
15. Measures taken to ensure students with disabilities the same access to the general labour market
16. Measures taken to ensure various forms of work, such as work on location, telecommuting (off-site/at home) and subcontracting, and work opportunities offered by new communication technologies.

Data Collection for Article 27

Action Items

- ☐ Conduct a literature scan, NGO interview, and public meeting on the right of persons with disabilities to work and gain a living by participation in a labour market and work environment that is open, inclusive and accessible, including those who acquire a disability during the course of employment.
- ☐ Conduct a literature scan on legislation, programs and policies related to targeted employment programmes and policies that are in place to achieve full and productive employment among persons with disabilities, including the right to equal pay for equal work and access to assistive technologies, information in various alternate formats and reasonable accommodation.

- ☐ Conduct a literature scan, NGO interview of information presented in the general labour market, and the policies and practices on accessibility of it for people with communication disabilities.
- ☐ Conduct a review of policies and practices related to accessibility of all work places, including accessible design of employment intranet and Internet web sites.
- ☐ Conduct a review of policies and practices, including technical and financial assistance, related to the provision of reasonable accommodations.
- ☐ Conduct a review of policies and practices related to accessibility provisions in building codes and standards and assess their application to all work areas.
- ☐ Conduct a literature scan of legislation, programs and policies in place to assist people who acquire disabilities while on the job. (For example, workers compensation programs, financial and tax benefit programs that offer credits, rebates, wage matching, etc. that encourage and provide an incentive to employers to train, re-train and hire persons with disabilities.)
- ☐ Conduct a literature scan and NGO interview, and public meeting on measures taken to ensure accessible forms of work, including the use of ICT and assistive technologies in telecommuting, subcontracting and work.

Questions to Consider

1. Are there policies and practices in place relating to accessibility of all work places?
2. Are there policies and practices in place to ensure reasonable accommodation?
3. Are there policies and practices in place for the provision of assistive technologies?
4. Are there policies and practices in place for the provision of accessible ICTs?
5. Are university, college and technical institute programs directed inclusive of persons with disabilities?
6. Do training programs have materials in various alternate formats and are training program websites designed according to W3C Web Accessibility Initiative industry standards?

7. Are there government programs, policies, measures (tax rebates, tax credits, grants etc) that encourage and facilitate reasonable accommodations (such as changes to the built environment, provision of assistive devices, and adaptive technologies, provision of information in alternate formats, etc.) for persons with disabilities?
8. Are there affirmative action recruitment programs for persons with disabilities? And are they promoted in accessible media?
9. Are all employment retraining and support programs provided in universal accessible facilities and available with accessible ICTs?
10. Are trade unions located in universally accessible facilities and do they provide accessible information and communications?
11. Is employment recruitment information provided in alternate formats?
12. Is there an accessible procurement policy and program in place to ensure that all new ICTs are accessible?

Examples of Organizations to contact:

- Human Rights Commissions, committees and Tribunals
- Colleges, Technical Institutes, Universities, Training Institutes
- Ministry or Department of Labour and/or Employment
- Labour Unions and/or organizations
- Organizations of people with disabilities
- Workplace Safety Insurance/Compensation Boards

Article 28 - Adequate standard of living and social protection

Reporting Guideline Excerpt:

This article recognizes the right of persons with disabilities to an adequate standard of living and to social protection.

States Parties should report on:

1. Measures taken to ensure availability and access by persons with disabilities to clean water, adequate food, clothing and housing and provide examples
2. Measures taken to ensure access by persons with disabilities to services, devices and other appropriate assistance at affordable prices, including the availability of programmes that cover disability related extra financial costs

3. Measures taken to ensure access by persons with disabilities, in particular women and girls and older persons with disability, to social protection programmes and poverty reduction programmes
4. Measures towards public housing programmes and retirement benefits and programmes for persons with disabilities
5. Measures taken to recognize the connection between poverty and disability.

Data Collection for Article 28

Action Items

- ☐ Conduct a literature scan, NGO interview, and public meeting on the right of persons with disabilities to an adequate standard of living and to social protection.
- ☐ Conduct a literature scan, NGO interview, and public meeting on measures taken to ensure access by persons with disabilities to clean water, adequate food, clothing and housing; including access to services, devices and assistance at affordable prices.
- ☐ Conduct audits on the physical accessibility of communal water facilities, depots, cisterns, wells, etc. for access by persons with disabilities.
- ☐ Conduct a review of policies and practices relating to the provision of accessible built environments and transportation for access to all food, clothing and housing facilities.
- ☐ Conduct accessible ICT and built environment audits on common markets, stores, shops, etc. which sell and distribute clothing, food and general merchandise.
- ☐ Conduct a literature scan, NGO interview and public meeting on measures taken to ensure access by persons with disabilities, especially women and girls and older persons, to social protection programmes and poverty reduction programmes.
- ☐ Conduct a literature scan, NGO interview and public meeting on accessible public housing programmes and retirement benefits and programmes for persons with disabilities.
- ☐ Conduct a literature scan on legislation, policies and measures related to the development, construction and conversion of accessible housing for persons with different types of disabilities as well as accessible transportation to and from accessible housing.

- Conduct a literature scan on legislation, policies and measures related to the availability of programmes that cover disability related extra financial costs such as assistive devices, assistive technologies and conversion of materials into alternate formats.

Questions to Consider

1. Are accessibility provisions in building codes and standards applicable to single homes and dwellings and/or multi-unit apartment dwellings and housing?
2. Is information on programs designed to help persons with disabilities find affordable physically accessible housing available in alternate formats?
3. Is information on saving programs administered by the national, provincial/state or regional governments directed specifically to meeting the needs of persons with disabilities available in various alternate formats?
4. Are all facilities and programs that offer poverty reduction programs for youth at risk, providing education, job skills training, and rehabilitation services accessible to persons with disabilities?
5. Are social protection policies and practices available in alternate formats?
6. Do the poverty reduction programs offer training and education materials in various alternate formats?

Examples of Organizations to contact:

- National, provincial/state and regional building authorities responsible for building codes, standards and guidelines
- National, provincial/state and regional building authorities responsible for building permits and building construction
- Social housing registries at the provincial/state, regional level
- Community housing organizations for people with disabilities.
- Community organizations responsible for the creation, construction and administration of accessible properties for people with disabilities
- Department or Ministry of Finance, Revenue and/or taxation, or other such organization that deals with supplementary income plans or programs.
- Department, Ministry, Agency or Office for Child Services and/or Protective Care etc.

Article 29 - Participation in political and public life

Reporting Guideline Excerpt:

This article guarantees political rights to persons with disabilities.

States Parties should report on:

1. Legislation and measures to guarantee to persons with disabilities, in particular persons with mental or intellectual disability, political rights, including, if it is the case, existing limitations and actions taken to overcome them
2. Measures taken to ensure the right to vote of all persons with disabilities, on their own or to be assisted by a person of their choice
3. Measures taken to ensure the full accessibility of the voting procedures, facilities and materials
4. Indicators measuring the full enjoyment of the right to participate in political and public life of persons with disabilities
5. Support provided, if any, to persons with disabilities for the establishment and maintenance of organizations to represent their rights and interests at local, regional and national level.

Data Collection for Article 29

Action Items

- ☐ Conduct a literature scan, NGO interview and public meeting, on legislation, policies and measures, including building codes and standards, to determine whether voting stations and locations are covered by accessibility requirements of the built environment.
- ☐ Conduct a literature scan, NGO interview and public meeting on measures taken to ensure the full accessibility of the voting procedures, facilities and materials.
- ☐ Conduct a literature scan on legislation, policies and measures relating to the accessibility of candidate information in various alternate formats.
- ☐ Conduct a literature scan on legislation, policies and measures related to the accessibility of campaign broadcasts (radio, television, pod-casts,

- etc.), campaign information, speeches by candidates, debates among candidates, etc.
- ☐ Conduct a literature scan, NGO interview and public meeting on legislation, policies and measures to determine if persons with disabilities are able to vote independently, and either without assistance or with the assistant of their choosing.
 - ☐ Conduct accessibility audits of building and facilities commonly used as voting and polling stations and of ICT commonly used at voting and polling locations. For example; schools, libraries, churches, government offices, etc.

Questions to Consider

1. Is there human rights legislation in place to guarantee the right of persons with disabilities to access political and public life?
2. Are there policies and practices in place to provide accessibility and reasonable accommodation to persons with disabilities to enable them to participate in political and public life?
3. Are accessibility building codes and standards in place for all political venues and areas of public life?
4. Is accessible transportation available to ensure access to political and public events in the community?
5. Is sign language provided at all political and public events?
6. Is information on all public events provided via accessible ICTs?
7. Are registration and election materials available in alternate formats?
8. Are ballots, voting centre and voting instructions, etc. available in alternate formats?
9. Does the voting procedure enable persons with disabilities to vote independently and without assistance?
10. Does the voting procedure enable a person with a visual impairment to vote independently and without assistance?

Examples of Organizations to contact:

- National, provincial/state and regional building authorities responsible for building codes, standards and guidelines
- Department or Ministry or other similar government body responsible for elections, voting and polling.

Article 30 - Participation in cultural life, recreation, leisure and sport

Reporting Guideline Excerpt:

This article recognizes the right of persons with disabilities to take part in cultural life, develop and utilize their creative, artistic and intellectual potential, recognition and support of their specific cultural and linguistic identity, and to participate in recreational, leisure and sporting activities on an equal basis with others.

States Parties should report on:

1. Measures taken to recognize and promote the right of persons with disabilities to take part on an equal basis with others in cultural life, including opportunities to develop and utilize their creative, artistic and intellectual potential
2. Measures taken to ensure that cultural, leisure, tourism and sporting facilities are accessible to persons with disabilities, taking into account children with disabilities, including through the conditional use of public procurement and public funding
3. Measures taken to ensure that intellectual property laws do not become a barrier for persons with disabilities in accessing cultural materials, including participation in relevant international efforts
4. Measures taken to promote deaf culture
5. Measures taken to support the participation of persons with disabilities in sports, including elimination of discriminatory and differentiated treatment of persons with disabilities in the awarding of prizes and medals;
6. Measures taken to ensure that children with disabilities have access on an equal basis with all other children to participation in play, recreation, leisure and sporting facilities, including those made within the school system.

Action Items

- ☐ Conduct a literature scan, NGO interview, and public meeting on the right of persons with disabilities, including children, to take part in cultural life, recreation, leisure and sporting activities on an equal basis with others.

- ☐ Conduct a literature scan on legislation, policies and measures, including building codes and standards, to determine whether or not all recreation, leisure, tourism, sport and cultural locations are covered by accessibility requirements of the built environment.
- ☐ Conduct a literature scan on legislation, policies and measures relating to the universal accessibility of built environment and transportation for recreation, leisure, sport and cultural facilities and venues.
- ☐ Conduct a literature scan on legislation, policies and measures related to the accessibility of information and communications.
- ☐ Conduct a literature scan on legislation, policies and measures on whether or not persons with disabilities, including children, are able to participate in all areas of recreation, leisure, sport and cultural life.
- ☐ Conduct a literature scan on legislation, policies and measures to ensure that children with disabilities have access on an equal basis with all other children to participation in play, recreation, leisure and sporting facilities, including those within the school system.
- ☐ Conduct accessibility audits of building and facilities and transportation commonly used for sporting, recreation, leisure and cultural life.
- ☐ Conduct accessibility audits of ICTs commonly used for sporting, recreation, leisure and cultural life.
- ☐ Conduct a literature scan for legislation, policies and measures taken to ensure that cultural, leisure, tourism and sporting facilities are accessible to persons with disabilities, including children with disabilities.
- ☐ Conduct a literature scan for legislation, policies and measures taken to support the participation of persons with disabilities in play, recreation, leisure and sports, including the elimination of discriminatory and differentiated treatment of persons with disabilities in the awarding of prizes and medals.
- ☐ Conduct universal accessibility audits on the physical accessibility of facilities where sports and recreation programs available to persons with disabilities are provided.
- ☐ Conduct universal accessibility audits on the physical accessibility of facilities where creative and artistic programs are provided.

Questions to Consider

1. Is there human rights legislation in place to guarantee the right and access to recreation, leisure, sport and cultural life?
2. Are there policies and practices in place to provide accessibility and reasonable accommodation to persons with disabilities to enable them to participate in recreation, leisure, sport and cultural life?
3. Are accessibility building codes and standards in place applicable to all recreation, leisure, sport and cultural venues and areas of public life?
4. Is accessible transportation available to ensure access to recreation, leisure, sport and cultural events in the community?
5. Is sign language available at all recreation, leisure, sport and cultural public events?
6. Is information on all public events provided via accessible ICTs?
7. Are information materials on recreation, leisure, sport and cultural events available in alternate formats?
8. Are educational facilities physically accessible to persons with disabilities, if they are a student, teacher, teacher's aid, etc?
9. Are sporting facilities physically accessible to persons with disabilities, if they are a: spectator, participant, coach, trainer, doctor, trainer, therapist, nutritionist, etc?
10. Are arts facilities (theatres, music halls, dance halls, museums, galleries, etc) physically accessible to persons with disabilities, if they are a: spectator, participant, artist, musician, dancer, instructor, curator, etc.?
11. Is the information provided at facilities available in both visual and audible formats for all information?

Examples of Organizations to contact:

- Ministry or Department of Social Services or similar department responsible for social programs, social benefits, etc.
- Ministries, Departments, Offices, Agencies, etc, responsible for disabilities issues, at the national, provincial/state, regional levels.
- Sports, Recreation, Theatre and Arts organizations, etc. at the national, provincial/state and local levels.
- Rehabilitation hospitals, facilities, institutes, etc.

10.4 Mapping of Accessibility Topics to Convention Articles

10.4.1 Built Environment

UN Convention on the Rights of Persons with Disabilities – Articles including Built Environment	Article	Section
Type of Built Environment Accessibility		
Interaction between persons with disabilities & attitudinal & environmental barriers	Preamble	(e)
World Programme of Action and Standard Rules	Preamble	(f)
Universal Design is a component of Sustainable Development	Preamble	(g)
Barriers in Participation	Preamble	(k)
Accessibility	Preamble	(v)
Interaction with various barriers	1	
Communication Definition	2	
Discrimination- Denial of Reasonable Accommodation (RA)	2	
Reasonable Accommodation Definition	2	
Universal Design Definition	2	
Accessibility	3	(f)
Undertake or Promote Research & Development of Universally designed goods, services, equipment; promote UD in development of standards and guidelines	4	(f)
Undertake or Promote Research & Development, availability and use of new technologies including ICT	4	(g)
Training of Professionals	4	(i)
Provide Accessible Information to persons with disabilities	4	(h)
Take all steps to ensure RA provided	5	3
These measures, which shall include the identification and elimination of obstacles and barriers to accessibility	9	1
Take measures to ensure equal access to physical environment, transportation; identify and eliminate barriers; applies to services open or provided to public in urban and rural areas	9	1
Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces	9	(a)
Information, communications and other services, including electronic services and emergency services.	9	(b)

Develop, promulgate and monitor implementation of minimum standards & guidelines for accessibility of services open or provided to public	9	2(a)
Ensure that private entities offering services open or provided to the public take into account accessibility	9	2(b)
Provide training on accessibility	9	2(c)
Provide Braille signage and in easy to read and understand forms for buildings and other facilities	9	2(d)
Provide live assistance; interpreters for access to facilities	9	2(e)
Provide other forms of assistance for access to information	9	2(f)
Promote access to new ICT and systems, including Internet	9	2(g)
Situations of risk -protection and safety	12	
Promote the rehabilitation and social reintegration of persons with disabilities victims of violence (BE implied)	16	4
Right to immigration proceedings (BE-implied)	18	(b)
Right to live in the community, with choices equal to others	19	
Choice of place of residence	19	(a)
Access to community services and facilities	19	(c)
Personal mobility (transportation inferred)	20	(a)
Access to the provision of information (BE- implied)	21	(a)
Use of Braille, (signage inferred)	21	(b)
Right to family life – (BE inferred)	21	(e)
Health care facilities in their own communities	25	(c)
Ensure that persons with disabilities are not excluded from general education system on basis of disability; access to schools	24	1, 2(a), 2(b)
RA provided in education	24	2(c)
Ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning on equal basis; ensure RA is provided [BE implied]	24	5
Provide health services as close as possible to people's own communities, including rural areas [BE implied]	25	(c)
Inclusion in the community	26	1
Training of professionals	26	2
Accessible work environment	27	1
Reasonable accommodation	27	1(i)
Adequate standard of housing	28	1
Public housing programs	28	2(d)
Accessible voting facilities	29	(a), (i)
Access to cultural life	30	1

Access to cultural performances, libraries, tourism, monuments, cinemas	30	1(c)
Access to recreation, leisure and sporting venues	30	5(c)
Access to play	30	5(d)

10.4.2 Information and Communications Technologies

UN Convention on the Rights of Persons with Disabilities – Articles Including Information and Communication Technologies	Article	Section
Type of ICT or Programmatic Access		
Interaction between persons with disabilities & attitudinal & environmental barriers	Preamble	(e)
Importance of World Programme of Action and Standard Rules on the Equalization of Opportunities for Persons with Disabilities	Preamble	(f)
Mainstreaming disability issues	Preamble	(g)
Barriers in Participation	Preamble	(k)
Accessibility	Preamble	(v)
Interaction with barriers	1	
Communication Definition	2	
Language Definition	2	
Discrimination- Denial of Reasonable Accommodation (RA)	2	
Reasonable Accommodation Definition	2	
Universal Design (UD) Definition	2	
Accessibility	3	(f)
Undertake or promote research & development of Universally designed goods, services, equipment; promote UD in development of standards and guidelines	4	(f)
Undertake or promote research & development, availability and use of new ICT and AT; priority to affordable ICT	4	(g)
Provide Accessible Information about Assistive Technologies (AT) and new technologies	4	(h)
Promote training of professionals and staff working with persons with disabilities on rights recognized in UNCRPD [ICT and AT implied]	4	(i)
Take all steps to ensure RA provided	5	3
Take measures to ensure equal access to information and communications, including ICT and systems; identify and eliminate barriers; applies to services open or provided to public in urban and rural areas	9	1

Information, communications and other services, including electronic and emergency	9	1(b)
Develop, promulgate and monitor implementation of minimum standards & guidelines for accessibility of services open or provided to public	9	2(a)
Ensure that private entities offering services open or provided to the public take into account accessibility	9	2(b)
Provide training on accessibility	9	2(c)
Provide Braille signage and in easy to read and understand forms for buildings and other facilities	9	2(d)
Provide live assistance; interpreters for access to facilities	9	2(e)
Provide other forms of assistance for access to information	9	2(f)
Promote access to new ICT and systems, including the Internet	9	2(g)
Promote design, development, production and distribution of accessible ICT and systems at early stage so they become accessible at minimum cost	9	2(h)
Provide access to the support required to exercise legal capacity	12	3
Ensure equal access to bank loans, mortgages and other forms of financial credit [ICT implied]	12	5
Ensure protection and safety of persons with disabilities in situations of risk, including armed conflict, humanitarian emergencies & natural disasters [ICT and AT implied]	11	
Effective access to justice on equal basis; effective role as direct/indirect participant such as witness in all legal proceedings [implied ICT]	13	1
Ensure liberty and security by RA	14	2
Provision of information & education on how to avoid, recognize and report violence and abuse [ICT implied]	16	2
Promote the rehabilitation and social reintegration of persons with disabilities victims of violence [ICT implied]	16	4
Access to documentation of nationality or ID, immigration proceedings [ICT implied]	18	1(b)
Ensuring access to support living independently & included in community [ICT implied]	18	(b)
Facilitate access to AT, including affordable AT	20	(b)
Providing training in mobility skills to persons with disabilities and staff [ICT and AT implied]	20	(c)
Encourage entities (vendors) that produce AT to take into account all aspects of mobility	20	(d)

Ensure persons with disabilities can seek, receive and impart information & ideas through all forms of communication of their choice	21	
Provide information for the public in accessible formats and technologies appropriate to disability in timely manner without additional cost	21	(a)
Use sign language, Braille, augmentative & alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions	21	(b)
Use private entities that provide services to the public, including the Internet, to provide information and services in accessible and usable formats	21	(c)
Encourage mass media, including Internet providers of information, to make their services accessible	21	(d)
Recognize and promote the use of sign languages	21	(e)
No arbitrary or unlawful interference with private communications	22	
Access to age-appropriate information on reproductive and family planning education	23	1(b)
Appropriate assistance to people with disabilities in performance of child-rearing responsibilities; [ICT and AT implied]	23	2
Provide early and comprehensive information, services and support to children with disabilities & their families	23	3
Provide alternative care where the immediate family is unable to care for a child with disabilities [ICT and AT implied]	23	5
Ensure that persons with disabilities are not excluded from general education system on basis of disability; access to inclusive quality and free primary and secondary education; [ICT and AT implied]	24	2(a), 2(b)
RA provided in education	24	2(c)
Ensure support for effective education within general education system [ICT and AT]	24	2(d)
Effective individualized support measures are provided to maximize academic and social development consistent with goal of full inclusion	24	2(e)
Facilitate learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, peer support and mentoring [ICT and AT implied]	24	3(a)
Facilitate learning of sign language and promote linguistic identity of the deaf community	24	3(b)

Ensure education of persons with disabilities and children who are blind, deaf or deaf/blind, is delivered in appropriate languages and modes and means of communication that maximizes academic and social development	24	3(c)
Employ teachers, including teachers with disabilities who are qualified in sign language and/or Braille	24	4
Ensure that people with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning on equal basis; ensure RA is provided [ICT and AT implied]	24	5
Access to health services [ICT and AT implied]	25	
Provide access to free or affordable health care and programs [ICT and AT implied]	25	(a)
Provide health services including early identification and intervention and services designed to minimize further disabilities to everyone, including children and older adults	25	(b)
Provide health services as close as possible to people's own communities, including rural areas [ICT implied]	25	(c)
Require health professionals to provide care of same quality as to others [ICT and AT implied]	25	(d)
Prohibit discrimination in provision of health and life insurance and provide in fair and reasonable manner [ICT and AT implied]	25	(e)
Prevent discriminatory denial of health care or health services [ICT and AT implied]	25	(f)
Take measures to organize, strengthen and extend comprehensive habilitation and rehabilitation services and programs particularly in health, employment, education and social services; conduct assessment of individual needs and strengths at earliest possible stage [ICT and At implied]	26	1
Promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation [ICT and AT implied]	26	2
Promote availability, knowledge and use of AT and ICT as they relate to habilitation and rehabilitation	26	3
Promote the rights of persons with disabilities to work in accessible labor market and work environment [ICT and AT implied]	27	1
Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing education [ICT and AT implied]	27	1(d)

Promote employment including assistance in maintaining employment [ICT and AT implied]	27	1(e)
Promote opportunities for self-employment, entrepreneurship and development of cooperatives and starting one's own business [ICT and AT implied]	27	1(f)
Employ persons with disabilities in public sector [ICT and AT implied]	27	1(g)
Promote employment of persons with disabilities in private sector [ICT and AT implied]	27	1(h)
Ensure that RA is provided in the workplace	27	1(i)
Promote acquisition by persons with disabilities of work experience in the open labor market [ICT and AT implied]	27	1(j)
Promote vocational & professional rehabilitation, job retention and return-to-work programmes for persons with disabilities [ICT and AT implied]	27	1(k)
Promote the right to adequate standard of living and social protection; right to continuous improvements of living conditions [ICT and AT implied]	28	1
Ensure access to services, devices and other assistance for disability-related needs [ICT and AT implied]	28	2(a)
Ensure access by persons with disabilities to social protection programs and poverty reduction programs [ICT and AT implied]	28	2(b)
Ensure access by persons with disabilities and families to assistance with disability-related expenses, including adequate training, counseling, financial assistance and respite care [ICT and AT implied]	28	2(c)
Ensure access by persons with disabilities to public housing programs	28	2(d)
Ensure access by persons with disabilities to retirement benefits and programs [ICT and AT implied]	28	2(e)
Ensure effective and full participation in political and public life, including right to vote and to stand for election	29	(a)
Ensure that voting procedures, facilities, materials are appropriate, accessible and easy to understand and use [ICT and AT implied]	29	(a)(i)
Protect the right to vote by secret ballot in elections, to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of AT and new technologies where appropriate	29	(a)(ii)
Guarantee free expression of the will of persons with disabilities as electors and, where necessary, at their request, allow assistance in voting by a person of their own	29	(a)(iii)

choice [ICT implied]		
Promote and encourage participation of persons with disabilities in non-government organizations concerned with public and political life of the country, and in activities and administration of political parties [ICT and AT implied]	29	(b)(i)
Promote and encourage persons with disabilities to form and join organizations to represent persons with disabilities at international, national, regional and local levels [ICT and AT]	29	(b)(ii)
Take all measures to ensure persons with disabilities enjoy access to cultural materials in accessible formats [ICT and AT implied]	30	1(a)
Take all measures to ensure persons with disabilities enjoy access to television programs, films, theatre and other cultural activities in accessible formats [ICT and AT implied]	30	1(b)
Take all measures to ensure persons with disabilities enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services and as far as possible, monuments and sites of national cultural importance [ICT and AT implied]	30	1(c)
Take measures to enable persons with disabilities to develop and utilize their creative, artistic, & intellectual potential [ICT and AT implied]	30	2
Take steps in accordance with international law to ensure that laws protecting intellectual property rights do not constitute a barrier to access by persons with disabilities to cultural materials [ICT and AT implied]	30	3
Ensure persons with disabilities are entitled to recognition and support of their cultural and linguistic identity, including sign language and deaf culture [ICT and AT implied]	30	4
Encourage and promote participation in mainstream sporting activities at all levels [ICT and AT implied]	30	5(a)
Ensure that persons with disabilities have opportunity to organize, develop and participate in disability-specific sporting and recreational activities and ensure equal access to instruction, training and resources [ICT and AT implied]	30	5(b)
Ensure that persons with disabilities have access to sporting, recreational and tourism venues [ICT and AT implied]	30	5(c)
Ensure that children with disabilities have equal access with other children to participate in play, recreation and leisure and sporting activities, including those in the school system [ICT and AT implied]	30	5(d)

Ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities	30	5(e)
Ensure statistics and data collection used to formulate and implement policies carrying out the Convention are accessible to persons with disabilities [ICT implied]	31	3
Ensure that international cooperation, including international development programs, is accessible to persons with disabilities [ICT and AT implied]	32	1(a)
Facilitate and support capacity-building, including the exchange and sharing of information, experiences, training programs and best practices [ICT]	32	1(b)
Facilitate cooperation in research and access to scientific and technical knowledge [ICT implied]	32	1(c)
Provide technical and economic assistance, including access to and sharing of accessible and assistive technologies and through transfer of technologies	32	1(d)
Designate one or more focal points for matters relating to the implementation of the UNCRPD and a coordination mechanism within government to facilitate action in different sectors and at different levels [ICT and AT implied]	33	1
Establish a mechanism for monitoring implementation [ICT implied]	33	2
Ensure civil society and persons with disabilities and representatives can participate fully in the monitoring process [ICT and AT implied]	33	3
Establish a Committee on Persons with Disabilities [ICT implied]	34	1
Consult persons with disabilities In nominating candidates to Committee [ICT implied]	34	3
Secretary-General of the UN shall provide necessary staff and facilities for effective performance of the functions of the Committee [ICT implied]	34	11
States Parties shall make their reports to the Committee widely available to the public and facilitate access [ICT implied]	36	4
Text of Convention shall be made available in accessible formats. Note that text of Optional Protocol must also be available in accessible formats (Article 17).	49	

10.5 Communication Guidelines

Here are some helpful effective communication guidelines to follow when speaking or writing about persons with disabilities; Adapted with permission from <http://www.washington.edu/doit/Brochures/Technology/comp.access.html#help>.

General Guidelines

- Ask a person with a disability if he/she needs help before providing assistance.
- Talk directly to the person with a disability, not through the person's companion or interpreter.
- Refer to a person's disability only if it is relevant to the conversation. When doing so, refer to the person first and then the disability. "A man who is blind" is better than "a blind man" because it emphasizes the person first.
- Avoid negative descriptions of a person's disability. For example, "a person who uses a wheelchair" is more appropriate than "a person confined to a wheelchair." A wheelchair is not confining- it's liberating!
- Ask for permission before you interact with a person's guide dog or service animal.

Visual Disabilities

- Be descriptive for people with visual disabilities. Say, "The computer is about three feet to your left," rather than "The computer is over there."
- When guiding people with visual disabilities, offer them your arm rather than grabbing or pushing them.

Learning Disabilities

- Offer directions and instructions both orally and in writing. If asked, read instructions to individuals who have specific learning disabilities.
- Provide a quiet area without distractions.

Mobility Disabilities

- Sit or position yourself at the approximate height of people sitting in wheelchairs when you interact with them.

Speech Disabilities

- Listen carefully.

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- Repeat what you think you understand and then ask the person with the speech disability to clarify and/or repeat the portion that you did not understand.

Deaf or Hard of Hearing

- Face people with hearing disabilities so they can see your lips.
- Do not cover your mouth with your hand.
- Speak clearly at a normal volume. Speak more loudly only if requested.
- Use paper and pencil if the person who is deaf does not read lips or if more accurate communication is needed.
- In groups, raise hands to be recognized, so that the person who is deaf knows who is speaking.
- When using an interpreter, speak directly to the person who is deaf; when an interpreter voices what a deaf person signs, look at the deaf person, not the interpreter.

Psychiatric Disabilities

- Provide information in clear, calm and respectful tones.
- Allow opportunities for addressing specific questions

10.6 Consortium of European Building Control (CEBC) Table*

Non Domestic / Commercial	Austria	Belgium	Croatia	Cyprus	Czech	Denmark	England &	Estonia	Finland	France	Germany	Iceland	Ireland	Italy	Latvia	Lithuania	Netherlands	Northern	Norway	Poland	Scotland	Slovak	Slovenia	Spain	Sweden
Is disabled access covered by legislation?	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Is disabled access a Building Regulation matter?	✓	-	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Are the Regulations performance based?	✓	-	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	✓	✓	✓
Is there supporting technical guidance?	✓	-	✓	-	-	✓	✓	-	-	-	✓	✓	✓	✓	✓	-	-	✓	✓	✓	✓	-	✓	✓	✓
Do the Regulations apply to non-dwellings?	✓	-	-	✓	-	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Do the Regulations apply to extensions as well as new buildings?	✓	-	-	✓	-	✓	✓	✓	✓	✓	-	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Do the Regulations apply to the approach to the building?	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Are maximum gradients to external ramps specified?	-	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Do the Regulations apply to external stairways?	-	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	✓	✓	✓	✓	✓	✓	✓	✓
Do the Regulations apply to minimum width of entrance doors?	-	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Do the Regulations stipulate automatic doors at entrances?	-	✓	✓	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	✓
Do the Regulations control visibility of large glazed areas?	-	✓	✓	-	✓	-	✓	-	-	✓	✓	-	✓	✓	✓	✓	-	✓	✓	✓	✓	-	✓	✓	✓

Are reception areas and lobbies controlled by the Regulations?	-	✓	✓	✓	✓	✓	✓	-	✓	✓	✓	-	-	✓	✓	✓	-	✓	✓	✓	✓	-	✓	✓	-
Do the Regulations control widths of corridors and hallways?	-	✓	✓	✓	✓	✓	✓	-	-	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	✓	✓	-	✓	✓
Do the Regulations control internal door widths?	-	✓	✓	-	✓	✓	✓	-	-	✓	✓	✓	✓	✓	✓	✓	-	✓	✓	✓	✓	✓	✓	✓	✓
Do the Regulations control the gradient of internal ramps?	-	✓	✓	-	✓	✓	✓	-	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Do the Regulations control internal stairs?	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	✓	✓	✓	✓	✓	-	✓	✓	✓	✓	✓	✓	✓	✓
Are passenger lifts required by the Regulations	✓	✓	✓	-	✓	✓	✓	-	✓	✓	✓	✓	✓	✓	✓	✓	-	-	✓	✓	✓	✓	✓	✓	✓
Can platform lifts and stairlifts be considered as an alternative?	✓	✓	✓	-	✓	-	✓	-	✓	-	-	✓	✓	✓	✓	✓	-	✓	-	✓	✓	✓	✓	✓	✓
Do the Regulations require toilets for the disabled?	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	✓	✓	✓	✓	✓	✓	✓	✓	✓
Do the Regulations control the colour/contrast of internal surfaces?	✓	-	✓	-	-	-	✓	✓	-	✓	✓	-	-	✓	✓	✓	-	✓	✓	-	✓	-	✓	-	✓
Do the Regulations require low level counters etc. at reception areas?	-	✓	✓	-	✓	-	✓	-	✓	✓	✓	-	-	✓	✓	✓	-	✓	-	-	✓	-	✓	✓	-
Are induction loops required for the deaf?	-	-	✓	-	✓	-	✓	-	✓	✓	-	✓	-	-	✓	-	-	✓	✓	-	✓	✓	✓	✓	-
Are wayfinding signs required?	-	-	✓	-	✓	-	✓	✓	✓	✓	✓	-	-	✓	✓	✓	-	✓	✓	-	-	✓	✓	✓	✓
Is artificial lighting controlled by the Regulations?	-	-	✓	-	✓	-	✓	✓	-	✓	✓	✓	-	✓	✓	-	-	-	✓	✓	-	-	✓	✓	✓
Is means of escape in case of fire for disabled people controlled?	-	-	✓	-	✓	✓	-	-	-	✓	-	-	✓	-	-	-	-	✓	-	-	-	✓	✓	-	-
Are building management action plan accepted with trade off for alarms, areas of refuge, etc.?	-	-	✓	-	✓	-	✓	✓	-	✓	-	-	✓	✓	-	-	-	✓	✓	-	✓	-	✓	-	-

*Consortium of European Building Control, Building Control Report, December 2007, Issue 1

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Disabled Peoples' International at www.dpi.org

Free Web Accessibility Checker and Education Portal at <http://www.CynthiaSays.com>

Global Alliance on Accessible Technologies and Environments at www.gaates.org

Global Alliance for ICT and Development at www.un-gaid.org/

International Center for Disability Resources on the Internet at www.icdri.org

International Institute for Sustainable Development at www.iisd.ca

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The Center for Universal Design, College of Design, North Carolina State
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World Wide Web Consortium (W3C) Web Accessibility Initiative at
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10.8 Glossary

Accessibility – a characteristic of the built and ICT environments that is dependent on the usability of the means of access by everyone, including persons with disabilities.

Accessible (Accessibility of the Built Environment) — a site, building, and its facilities that can be approached, entered, and used by people, including those with physical, sensory, or cognitive disabilities.

Accessible Design – the design of the built and ICT environments that are usable by everyone, including persons with disabilities.

Accessible Information Systems - Information systems that are designed to be usable by everyone, including persons with disabilities.

Accessibility of the Internet/Web – see Web Accessibility.

Accessible Route — A continuous unobstructed path of travel connecting all accessible elements and spaces of a building, facility or environment, that is usable by all persons, including those with physical, sensory or cognitive disabilities. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.

Adaptive strategies - techniques that persons with disabilities use to assist in using computers or other devices. For example, someone who cannot see a web page may tab through the links on a page as one strategy for helping skim the content. For more, see W3C Web Accessibility Initiative at <http://www.w3.org/WAI/EO/Drafts/PWD-Use-Web/#tools>.

Adaptive Technologies – See Assistive Technologies.

Alternative (alternate) format — information presented in Braille, in large print, on tape, or electronically (e.g., CD-ROM, diskette).

Alternative or Alternate text– used in web page markup to provide access to the content of an image so that screen readers can read it to the user.

Area of Rescue Assistance / Area of Refuge - An area where persons unable to use stairways can remain temporarily to await instructions or assistance during emergency evacuation.

Assembly Area - A room or space accommodating a group of individuals for recreational, educational, political, social, civic, or amusement purposes, or for the consumption of food and drink.

Assistive technologies - products used by persons with disabilities to help accomplish tasks that they cannot accomplish otherwise or could not do easily otherwise. When used with computers, assistive technologies are sometimes referred to as adaptive software or hardware. For examples of assistive technologies, see W3c Web Accessibility Initiative at www.w3.org/WAI/EO/Drafts/PWD-Use-Web/#tools.

Augmentative Communication – An alternative way to enable persons with language disorders to communicate through assistive technology devices such as computers or hand held devices. Low technology such as picture communication systems can also be used as augmentative communication.

Barrier Free Design – Design and planning that addresses the needs of persons with disabilities.

Barrier Free Path of Travel - See Accessible Routes.

Built Environment - Exterior and interior environments and any element, component that is designed, constructed and managed to be used by people.

Cane-detectable — Any object or a change in surface texture that falls within the detection range of a long white cane used by persons with visual disabilities.

Captioning - An on-screen display of text for spoken dialogue and other meaningful sounds, which is synchronized with the audio.

Clear Floor Space - The minimum unobstructed floor or ground space required to accommodate a single, stationary wheelchair and occupant.

Communication- As defined in Article 2 of the Convention, it “includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology.”

Descriptive Video - Provides the visually impaired and blind community access to the world of visual content. Described video is located on the secondary audio track. A narrator provides vocal description of the visual action observed such as an actor's body language, unspoken acting, scene changes and other visual aspects within the natural pauses in the dialogue.

Discrimination on the basis of disability- As defined in Article of the Convention, it means “any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition,

enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.”

Dwelling Unit - A single unit which provides a kitchen or food preparation area, as well as rooms and spaces for living, bathing, sleeping, etc. Dwelling units include a single family homes or townhouse: an apartment building.

Language- As defined in Article 2 of the Convention, it “includes spoken and signed languages and other forms of non-spoken languages.”

Linguistic Identity- the identification with a language and its speakers as well as the identification with linguistic varieties such as dialects or sociolects and their speakers. Language is an essential part of what defines a culture or civilization. The identity of an individual person is defined by social affiliation. The language used in his social environment, transmitted to him by social and linguistic interactions, forms his linguistic identity.

Medical Model of Disability – the theory that people are disabled because of their physical or sensory impairment. For example, a paraplegic is disabled because of their paralysis and they rely on a wheelchair for mobility.

Mentoring- Informal communication, usually face-to-face and during a sustained period of time, between a person who is perceived to have greater relevant knowledge, wisdom, or experience (the mentor) and a person who is perceived to have less (the protégé).

Orientation and Mobility Skills- Skills that enable persons with visual disabilities to acquire systematic orientation to and safe movement within their environments in school, home, and community; includes an understanding of spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (for example, using sound at a traffic light to cross the street); the ability to use the long cane, as appropriate, to supplement visual travel skills or as a tool for safely negotiating the environment for persons with no available travel vision; to understand and use remaining vision and distance low vision aids, as appropriate; and techniques and tools as appropriate for each individual.

Peer Support- Occurs when people provide knowledge, experience, emotional, social or practical help to each other.

Pedestrian route - A continuous and unobstructed path of travel within a pedestrian circulation area path that provides accessibility.

Pedestrian area - Pedestrian areas apply to both exterior and interior spaces and can include circulation routes such as walkways, corridors and aisles as well as open spaces such as meeting spaces, lobbies, terraces and public plazas.

Pedestrian right-of-way - That portion of the public right-of-way that is dedicated to the unrestricted movement of persons.

Public right-of-way - Private property or public land, usually in interconnected corridors, that is acquired for or devoted to pedestrian and vehicular purposes.

Cross slope - The slope that is perpendicular to the direction of travel.

Reasonable Accommodation: As defined in Article 2 of the Convention, it means “necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.”

Refreshable or Dynamic Braille - The use of a mechanical display where dots (pins) can be raised and lowered dynamically to allow any Braille characters to be displayed. See also W3C Web Accessibility Initiative www.w3.org/WAI/EO/Drafts/PWD-Use-Web/#brailleoutput.

Routes of Travel – See Accessible Route.

Running slope - The slope that is parallel to the direction of travel.

Screen Magnifier - Screen magnification is software used primarily by individuals with low vision that magnifies a portion of the screen for easier viewing. See also W3C Web Accessibility Initiative at www.w3.org/WAI/EO/Drafts/PWD-Use-Web/#screenmag.

Screen Readers - Software used by individuals who are blind or who have dyslexia that interprets what is displayed on a screen and directs it either to speech synthesis for audio output, or to refreshable Braille for tactile output.

Signage - Information provided in a form of visual and tactile communication that incorporates one or more of the following elements: alpha and numeric symbols, pictograms, illustrations (plans, etc.), and Braille.

Sign Language - The use of gestures consisting of hand-shape, position, movement, and orientation of hands to the body and to each other, to either make a complete word or the spelling of a word; can include facial expressions.

Slope - The ratio of rise (height) to run (length) on an inclined surface.

Social Model of Disability – Viewpoint that a person has a disability because his/her environment is not accessible. For example, a person who is blind has a disability because their environment is not designed for easy mobility using a long white cane.

Speech (or voice) recognition - Technology used by persons with some physical disabilities or temporary injuries to hands and forearms as an input method in some voice browsers.

Tactile markings - Lettering and graphics that are slightly raised above the surface that serve as tactile indicators for persons with visual disabilities.

Tactile walking surface - A surface detectable underfoot or by a long white cane, to assist persons with low vision or blindness by alerting or guiding them, by means of installing one of two standardized surface patterns.

Text Telephone (TTY), Tele-Typewriter (TTY), TDD (Telecommunication Devices for the Deaf) – Devices that allow persons with deaf and/or speech disabilities to communicate. TTY/TDD stands for a group of telecommunication devices that make it easier for persons with deaf and/or speech disabilities to talk over telephone lines. Machinery or equipment employs interactive text based communications through the transmission of coded signals across the standard telephone network.

Transfer space - An unobstructed area adjacent to a fixture, allowing the positioning of a wheelchair to enable a person to transfer to that fixture.

Universal Accessibility – See Universal Design.

Universal Design –As defined in Article 2 of the Convention, it means “the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not include assistive devices for particular groups of persons with disabilities where this is needed.”

Universal Toilet Room (accessible individual washroom) - Washrooms containing a single water closet (toilet fixture) intended for private use. Universal toilet rooms are often used by more than one person at a time such as a person with an attendant to assist with hygiene routines.

Undue Burden/Disproportionate Burden: The exception to providing a reasonable accommodation. If the accommodation required would impose an undue burden or disproportionate burden on the person or entity expected to provide it, then a failure to provide it would not constitute discrimination. Legislation in a number of countries requires that factors be taken into account when determining whether or not the accommodation requested amounts to an undue burden. These factors can include the cost involved when compared to

the overall budget of the entity, the impact on the operations of the entity, the discriminatory effect if the accommodation is not provided, and so on.

Visitable home – A house that everyone regardless of mobility disabilities can visit, use the washroom and exit the home.

Visual notification – A feature that allows deaf or hard of hearing users to receive a visual alert of a warning or message that might otherwise be issued by sound. Examples include fire alarm strobe lights, door knocking flashing lights, and phone ringing flashing lights.

Wayfinding - A consistent use and organization of definite sensory cues from the environment.

Web Accessibility - Means that persons with disabilities can perceive, understand, navigate, and interact with the Web, and that they can contribute to the Web. Web accessibility also benefits others, including older adults with changing abilities due to aging. Web accessibility encompasses all disabilities that affect access to the Web, including visual, auditory, physical, speech, cognitive, and neurological disabilities. See also W3C Web Accessibility Initiative (WAI) – Introduction to Web Accessibility at www.w3.org/WAI/intro/accessibility.php.