

UNEDITED VERSION

COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES
Fourth session
04-08 October 2010

OUTLINE

**Day of General Discussion
on “Article 9 of the CRPD – The Right to Accessibility”**

07 October 2010

The Convention on the Rights of Persons with Disabilities was adopted on 13 December 2006 and entered into force on 3 May 2008. It counts now with more than 50 states parties.

The Committee on the Rights of Persons with Disabilities, the body of independent experts responsible for reviewing progress made by states parties in implementing the Convention on the Rights of Persons with Disabilities decided, during its third session, to devote its forthcoming annual Day of General Discussion (DGD) on 07 October 2010 to the subject of “Article 9 of the CRPD - the Right to Accessibility”.

The purpose of the Day of General Discussion is to foster a deeper understanding of the contents and implications of the Convention as they relate to specific articles or topics. Representatives of Governments, other United Nations human rights mechanisms, United Nations bodies and specialized agencies, non-governmental organizations, National Human Rights Institutions as well as private individuals, companies and experts are welcome.

The Committee has identified the Right to Accessibility under Article 9 as one of the cardinal rights and principles of the Convention. This means that the implementation of Article 9 is part of the implementation of the other articles of the Convention, and at the same time a free standing right of persons with disabilities.

The purpose of the Day of General Discussion, therefore, is to:

- Explore the meaning of Article 9; its linkage to the other articles (in particular articles 4, 8, 14, 18, 19, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32); and the implications of the article for enabling persons with disabilities to live independently and participate fully in all aspects of life;
- Focus on identifying the gaps and priority issues that need to be addressed in order to further the enjoyment of the Right to Accessibility;

- Promote the full access to persons with disabilities, on an equal basis with others, to the physical environment, to transportation, to information and to communications;
- Identify, review and share best practical practices and experiences in supported decision-making in order to translate them into a basis for international standard on accessibility.

As the theme of its 2010 Day of General Discussion has a wide scope, the Committee proposes to hold the discussions in a single working group divided into sessions, each of them focusing on one of the topics below:

Session I

Topic: The right to access on an equal basis with others to the physical environment and transportation.

1. New proposals for the elimination of obstacles and barriers to physical accessibility.

Suggested issues for review:

Considering identified obstacles and barriers to physical accessibility, both in urban and in rural areas, examine new proposals to be discussed for the elimination of these barriers. Consider the conditions of local government entities such as centers and institutions for persons with disabilities, and the collective and public means of transportation.

2. Definition of international indicators of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public.

Suggested issues for review:

What can be defined as essential elements when dealing with physical accessibility? The standards, including, inter alia, width of doorways, level access, emergency evacuation procedures, toilets, use of signage, lightning, decoration, as well an evaluation of concrete improvements in the implementation of Article 9 (1) (a) (2) (d) (e). How can such minimal standards be translated into international indicators and guidelines?

How to define and incorporate international indicators that would be able to meet the needs of all persons with disabilities? Could any best practices be developed and taken into consideration as principles?

3. Defining the concept of “Universal design”.

Suggested issues for review:

How to concretely implement article 2 (5), on the concept of “Universal design”, in a global context where common public welfare is juxtaposed to private initiative and economic interests?

4. Measures concerning the provision of appropriate means of transportation.

Suggested issues for review:

According to article 9 (1) (a) of the Convention, examine to which extent means of transportation are considered crucial for the provision of access to basic rights such as education, work and health services for persons with disabilities.

5. *Reservations to Article 9.*

Suggested issues for review:

Are reservations and declarations to article 9 compatible with the object and purpose of the Convention?

Session II

Topic: The right to access on an equal basis with others to virtual and material information and communications.

1. *According to Article 30 (3), States Parties shall take all appropriate steps 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; examine the possibility of copyright exceptions for visual impaired people.*

2. *Developing inclusive policies for persons with disabilities to access virtual and material information and knowledge.*

Suggested issues for review:

Areas of government and tools involved; guidelines for the development of inclusive policy; role of multiple stakeholders; resources required to succeed.

3. *Developing concrete and specific international indicators (standards) concerning web accessibility, and with regard to computers and mobile phones.*

Suggested issues for review:

Consider existing examples, such as the US Texas Administrative Code, title 1, part 10, chapter 206, subchapter C, rule 206.70 – Accessibility and Usability of Institution of Higher Education Web Sites, and existing initiatives on providing information to persons with disabilities, such as Microsoft, Apple, Adobe, Yahoo, Google, W3C (development of e-banking services through mobile phone) and others.

4. *International cooperation and partnerships for the purposes of communication accessibility.*

Suggested issues for review:

How international cooperation shall intervene in the issue concerning copyright versus accessibility, in particular, and in the subject of accessibility in general?

According to article 32(1)(a), consider the possibility of partnership with international organizations as UNESCO, ITU, WIPO, UNCTAD, to provide technical assistance in

order to help States Parties to meet their obligations. Examine potential partnership with international cooperation agencies for development and development banks.

5. Raising awareness about existing opportunities for persons with disabilities.

Suggested issues for review:

How to raise awareness about existing opportunities, including education to self-empowerment and self-supporting employment? Consider the role of media in raising awareness of existing opportunities.

How to disseminate statistics and data collection, regarding article 31(3), and ensure their accessibility to persons with disabilities?

Session III

Topic: Discussion of the best practices on the implementation and promotion of the Right to Accessibility.

1. Implementation and fulfillment of the Right to Accessibility.

Suggested issues for review:

How has the Right to Accessibility been implemented in national law, both in States Parties and non-States Parties? What is the gap, if any, between existing legislation and the rights enshrined in the Convention?

Explore the possibility for States to directly producing, distributing and promoting accessible virtual and material information and communication technologies, and systems at minimum cost.

2. Scope of the Right to Accessibility and its linkage with other rights.

Suggested issues for review:

In what ways is the Right to Accessibility mutually reinforcing with other articles of the Convention, including those that recognize the right to access to just and favourable conditions of work (article 27), education (article 24) and health services (article 25); individual autonomy in specific areas of life and those that require provision of support?

3. The challenges of the effective implementation of the obligations arising under Article 9 and practical measures to provide training for stakeholders on evaluating accessibility.

Suggested issues for review:

How to measure and evaluate the effectiveness of the implementation of the obligations arising under article 9?

4. The role of independent monitoring bodies.

Suggested issues for review:

Explore and share new experiences of independent monitoring bodies, including NGOs and National Human Rights Institutions (NHRIs), in terms of controlling and monitoring the development made by States Parties concerning the implementation of the Right to Accessibility.

Participation and facilitators

Participants will be free to join and present reports for any and all of sessions. The sessions will be conducted by a facilitator indicated in due course by the Committee.

The Day of General Discussion is a public meeting that the CRPD intends to hold on a yearly basis during its fall session. For more information, please kindly contact the CRPD Secretariat at: **crpd@ohchr.org** or write to UNOG-OHCHR, CH-1211 Geneva 10, Switzerland.