

Briefing on Draft UN Convention on the Rights of People with Disabilities UNICEF Child Protection Section – September 2006

UNICEF, in coordination with the International Disability Caucus (IDC), advocated for specific attention to children with disabilities in the Draft Disability Convention in order to reinforce and complement the CRC. After 8 rounds of negotiations, the Convention's final text now includes several child-specific references, raising the profile of children with disabilities and imposing obligations on governments to ensure they are afforded equal respect for their rights.

The Convention is expected to be adopted at the General Assembly's 61st session that begins in September. It will then be open for signing and ratification by Member States.

Child-specific references in the final text of the Draft UN Disability Convention include:

- **Preamble:** Recognition of the full human rights of children with disabilities.
- **Article 3, General Principles:** Respect for and recognition of the evolving capacities of children with disabilities.
- **Article 4, General Obligations:** When introducing legislation, policies and programmes which affect persons with disabilities, governments must also consult with children with disabilities through their representative organizations.
- **Article 7, Children with Disabilities:** (1) State Parties' obligation to take measures to ensure the enjoyment of all rights by children with disabilities; (2) Requirement to consider their best interests; (3) State Parties' to ensure their right to express views and mechanisms for feedback on an equal basis with other children and to provide them with the necessary support to realize that right.
- **Article 8, Awareness-raising:** Measures to combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on gender and age.
- **Article 13, Access to Justice:** States Parties to 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.
- **Article 16, Freedom from Exploitation, Violence and Abuse:** Age and gender sensitive assistance to prevent violence; protection services to be age and gender sensitive; effective gender and child specific legislation and policies to ensure that exploitation, violence and abuse are identified, investigated and where appropriate, prosecuted.
- **Article 18, Liberty of Movement:** Right to birth registration.
- **Article 23, Respect for the Home and the Family:** Recognition of equal rights of children to family life: support for families to prevent concealment, abandonment, neglect and segregation; requirement, where children with disabilities cannot live with immediate families, to provide care within the wider family or community.
- **Article 24, Education:** Requirement that all children with disabilities are not excluded from free and compulsory primary and secondary education on the basis of disability; measures to ensure that the education of persons, and in particular children, who are blind, deaf and deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual.
- **Article 30, Participation in Cultural life, Recreation, Leisure and Sport:** Requirement to ensure that children with disabilities have equal access to participation in play, recreation, leisure and sporting activities.
- **Article 33, National monitoring:** Implementation must take account of gender and age specific issues.