



**OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS**



Human rights of persons with disabilities

Human Rights Resolution 2005/65

The Commission on Human Rights,

Recalling that all persons with disabilities have the right to protection against discrimination and to full and equal enjoyment of all human rights, as laid down, inter alia, in the provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention concerning Vocational Rehabilitation and Employment (Disabled Persons), 1983 (No. 159) of the International Labour Organization,

Recalling and reaffirming commitments relating to the human rights and fundamental freedoms of persons with disabilities made at the major United Nations conferences and summits since 1990 and their follow-up processes and stressing the importance of mainstreaming the disability issue in their implementation,

Reaffirming its resolution 2004/52 of 20 April 2004 on human rights of persons with disabilities,

Recalling General Assembly resolutions 37/52 of 3 December 1982, by which it adopted the World Programme of Action concerning Disabled Persons, 48/96 of 20 December 1993, by which it adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, 56/168 of 19 December 2001, by which it established the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, 58/132 of 22 December 2003 and 59/198 of 20 December 2004,

Taking note of the draft resolutions of the Commission for Social Development of 18 February 2005 on a comprehensive and integral international convention on protection and promotion of the rights and dignity of persons with disabilities, and on the further promotion of equalization of opportunities by, for and with persons with disabilities, and protection of the human rights of persons with disabilities,

Reaffirming the universality, indivisibility and interdependence of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their

full enjoyment without discrimination, and convinced of the contribution that a convention will make in this regard,

Welcoming the firm support of the international community for such a convention and the continued engagement in its elaboration,

Recognizing the considerable contribution of civil society, including non-governmental organizations, especially organizations of persons with disabilities, as well as national human rights institutions, in promoting the full and equal enjoyment of all human rights by persons

with disabilities, and welcoming in this regard their active participation in the work of the Ad Hoc Committee,

Concerned that persons with disabilities face discrimination and may be affected by multiple discrimination,

Emphasizing the need to include a gender perspective in all efforts to promote and protect the full and equal enjoyment of all human rights by persons with disabilities,

Expressing grave concern that situations of armed conflict have especially devastating consequences for the human rights of persons with disabilities,

Concerned at the extent of disabilities caused by the indiscriminate use of anti-personnel mines and other weapons which may be deemed to be excessively injurious or to have indiscriminate effects, and at the long-lasting impact of these weapons which prevent the full and effective enjoyment of human rights, particularly among civilian populations, and welcoming increased international efforts to address this issue,

Reaffirming its commitment to ensuring that the human rights of persons with disabilities and their concerns for full participation in all aspects of society continue to be addressed in all of its work and reaffirming in this regard the Commission's continued commitment to contribute to the process of the elaboration of an international convention,

1. *Urges* Governments to take active measures to:
 - (a) Ensure the full and equal enjoyment by persons with disabilities of all human rights and fundamental freedoms;
 - (b) Prevent and prohibit all forms of discrimination against persons with disabilities;
 - (c) Ensure equal opportunities for full participation of persons with disabilities in all spheres of life;
 - (d) Integrate a gender perspective in all efforts to promote and protect the full and equal enjoyment of all human rights by persons with disabilities;

2. Welcomes the reports of the Ad Hoc Committee on its third, fourth and fifth sessions (A/AC.265/2004/5, A/59/360 and A/AC.265/2005/2);

3. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on progress in the implementation of the recommendations contained in the study on the human rights of persons with disabilities (E/CN.4/2005/82);

4. *Calls upon* the Office of the United Nations High Commissioner for Human Rights to continue to consider in its activities implementing the recommendations that relate to it in the study on human rights and disability, submitted to the Commission at its fifty-eighth session, as well as to continue to strengthen collaboration with other United Nations agencies and bodies;

5. *Also calls upon* the Office of the High Commissioner to report to the Commission at its sixty-second session on progress in the implementation of the recommendations contained in the study on human rights and disability and on the achievement of the objectives set forth in the programme of work of the Office in relation to the human rights of persons with disabilities;

6. *Welcomes* the past and future contributions and support of the Office of the High Commissioner to the work of the Ad Hoc Committee, and requests the Office to continue these in close collaboration with the Department of Economic and Social Affairs of the United Nations and also with other relevant bodies and agencies of the United Nations;

7. *Requests* the Office of the High Commissioner to prepare an expert paper, focusing on the lessons learned from existing monitoring mechanisms, possible relevant improvements and possible innovations in monitoring mechanisms for a comprehensive and integral international convention on the protection and promotion of the rights and dignity of persons with disabilities, and to make the paper available to the Ad Hoc Committee at its seventh session;

8. *Welcomes* the important progress achieved so far in the negotiation of a draft convention and invites Member States and observers to continue to participate actively and constructively in the Ad Hoc Committee with a view to the early conclusion of a draft text of a convention, in order to present it to the General Assembly, as a matter of priority, for its adoption;

9. *Urges* that further efforts be made to ensure the active participation of non-governmental organizations in the Ad Hoc Committee, in accordance with General Assembly resolution 56/510 of 23 July 2002 and based on the decision of the Ad Hoc Committee on the modalities for the participation of non-governmental organizations in its work;

10. *Urges* Member States, observers, civil society and the private sector to continue to contribute to the United Nations Voluntary Fund on Disability, including the voluntary fund established by the General Assembly in resolution 57/229 of 18 December 2002, to support the participation of non-governmental organizations and experts from developing countries, in particular from the least developed countries, in the work of the Ad Hoc Committee;

11. *Invites* all special rapporteurs, in carrying out their mandates, to take into account the full and equal enjoyment of all human rights by persons with disabilities;

12. *Underlines* the importance of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities for the promotion and protection of the full and equal enjoyment of all human rights by persons with disabilities and invites the Special Rapporteur on disability of the Commission for Social Development to address the Commission on Human Rights at its sixty-second session on her experience in disability and human rights-related issues, drawing from the experience gained by her and the panel of experts through monitoring the Standard Rules, and looks forward to a continued involvement of the Special Rapporteur in issues relating to disability within the Commission on Human Rights in order to mainstream a disability perspective;

13. *Invites* human rights treaty monitoring bodies to take into account the concerns of persons with disabilities in their lists of issues and concluding observations, to consider drafting general comments and recommendations on the full enjoyment of human rights by persons with disabilities and to integrate a disability perspective into their monitoring activities;

14. *Urges* Governments to address fully, in consultation with, inter alia, national human rights institutions and organizations of persons with disabilities, the question of the

human rights of persons with disabilities in complying with their reporting obligations under the relevant United Nations human rights instruments and welcomes the efforts of those Governments that have begun to do so;

15. *Invites* national human rights institutions and non-governmental organizations to strengthen their work on human rights and disability, including by participating actively in the work of the Ad Hoc Committee in elaborating a draft convention, and to enhance their level of contributions to the work of the treaty monitoring bodies;

16. *Calls upon* all United Nations organizations and specialized agencies and intergovernmental institutions for development cooperation to integrate a disability and human rights perspective into their activities and to reflect this in their activity reports;

17. *Requests* the Secretary-General and the Office of the United Nations High Commissioner on Human Rights to include in relevant reports to the General Assembly and the Commission information on the progress of efforts to ensure the full recognition of and the full and equal enjoyment of all human rights by persons with disabilities and to make such reports available to the Ad Hoc Committee for its forthcoming sessions;

18. *Decides* to continue its consideration of this question at its sixty-second session under the same agenda item.

*59th meeting
20 April 2005*

[Adopted without a vote. See chap. XIV, E/CN.4/2005/L.10/Add.14]