

**SALINAN**PRESIDEN  
REPUBLIK INDONESIA

UNDANG-UNDANG REPUBLIK INDONESIA  
NOMOR 19 TAHUN 2011  
TENTANG  
PENGESAHAN *CONVENTION ON THE RIGHTS OF PERSONS WITH  
DISABILITIES* (KONVENSI MENGENAI HAK-HAK  
PENYANDANG DISABILITAS)

DENGAN RAHMAT TUHAN YANG MAHA ESA

PRESIDEN REPUBLIK INDONESIA,

- Menimbang :
- a. bahwa hak asasi manusia merupakan hak dasar yang secara kodrati melekat pada diri manusia, bersifat universal dan langgeng sehingga itu harus dilindungi, dihormati, dan dipertahankan;
  - b. bahwa negara Republik Indonesia adalah negara yang berdasarkan Pancasila dan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 yang menghormati dan menjunjung tinggi harkat dan martabat manusia sehingga perlindungan dan pemajuan hak asasi manusia terhadap kelompok rentan khususnya penyandang disabilitas perlu ditingkatkan;
  - c. bahwa dalam upaya melindungi, menghormati, memajukan, dan memenuhi hak-hak penyandang disabilitas Pemerintah Republik Indonesia telah membentuk berbagai peraturan perundang-undangan yang mengatur mengenai perlindungan terhadap penyandang disabilitas;
  - d. bahwa Pemerintah Republik Indonesia telah menandatangani *Convention on the Rights of Persons with Disabilities* (Konvensi mengenai Hak-Hak Penyandang Disabilitas) pada tanggal 30 Maret 2007 di New York;
  - e. bahwa berdasarkan pertimbangan sebagaimana dimaksud dalam huruf a, huruf b, huruf c, dan huruf d perlu mengesahkan *Convention on the Rights of Persons with Disabilities* (Konvensi mengenai Hak-Hak Penyandang Disabilitas) dengan Undang-Undang;

Mengingat . . .



PRESIDEN  
REPUBLIK INDONESIA

- 2 -

- Mengingat :
1. Pasal 5 ayat (1), Pasal 11, Pasal 20, dan Pasal 28 I ayat (2) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945;
  2. Undang-Undang Nomor 37 Tahun 1999 tentang Hubungan Luar Negeri (Lembaran Negara Republik Indonesia Tahun 1999 Nomor 156, Tambahan Lembaran Negara Republik Indonesia Nomor 3882);
  3. Undang-Undang Nomor 24 Tahun 2000 tentang Perjanjian Internasional (Lembaran Negara Republik Indonesia Tahun 2000 Nomor 185, Tambahan Lembaran Negara Republik Indonesia Nomor 4012);
  4. Undang-Undang Nomor 17 Tahun 2003 tentang Keuangan Negara (Lembaran Negara Republik Indonesia Tahun 2003 Nomor 47, Tambahan Lembaran Negara Republik Indonesia Nomor 4286);

Dengan Persetujuan Bersama  
DEWAN PERWAKILAN RAKYAT REPUBLIK INDONESIA  
dan  
PRESIDEN REPUBLIK INDONESIA

MEMUTUSKAN:

Menetapkan : **UNDANG-UNDANG TENTANG PENGESAHAN *CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES* (KONVENSI MENGENAI HAK-HAK PENYANDANG DISABILITAS).**

Pasal 1

Mengesahkan *Convention on the Rights of Persons with Disabilities* (Konvensi mengenai Hak-Hak Penyandang Disabilitas) yang salinan naskah asli dalam bahasa Inggris dan terjemahannya dalam bahasa Indonesia sebagaimana terlampir dan merupakan bagian yang tidak terpisahkan dari Undang-Undang ini.

Pasal 2

Undang-Undang ini mulai berlaku pada tanggal diundangkan.

Agar . . .



PRESIDEN  
REPUBLIK INDONESIA

- 3 -

Agar setiap orang mengetahuinya, memerintahkan pengundangan Undang-Undang ini dengan penempatannya dalam Lembaran Negara Republik Indonesia.

Disahkan di Jakarta  
pada tanggal 10 November 2011  
PRESIDEN REPUBLIK INDONESIA,

ttd.

DR. H. SUSILO BAMBANG YUDHOYONO

Diundangkan di Jakarta  
pada tanggal 10 November 2011  
MENTERI HUKUM DAN HAK ASASI MANUSIA  
REPUBLIK INDONESIA,

ttd.

AMIR SYAMSUDIN

LEMBARAN NEGARA REPUBLIK INDONESIA TAHUN 2011 NOMOR 107

Salinan sesuai dengan aslinya  
KEMENTERIAN SEKRETARIAT NEGARA RI  
Deputi Hukum,





PRESIDEN  
REPUBLIK INDONESIA

PENJELASAN  
ATAS  
UNDANG-UNDANG REPUBLIK INDONESIA  
NOMOR 19 TAHUN 2011  
TENTANG  
PENGESAHAN *CONVENTION ON THE RIGHTS OF PERSONS WITH  
DISABILITIES* (KONVENSI MENGENAI HAK-HAK  
PENYANDANG DISABILITAS)

I. UMUM

Negara Republik Indonesia yang berdasarkan Pancasila dan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 menghormati dan menjunjung tinggi harkat dan martabat manusia. Hak asasi manusia sebagai hak dasar yang secara kodrati melekat pada diri manusia, bersifat universal dan langgeng, juga dilindungi, dihormati, dan dipertahankan oleh Negara Republik Indonesia, sehingga perlindungan dan pemajuan hak asasi manusia terhadap kelompok rentan khususnya penyandang disabilitas perlu ditingkatkan.

Pada tanggal 13 Desember 2006 Majelis Umum Perserikatan Bangsa-Bangsa telah mengeluarkan Resolusi Nomor A/61/106 mengenai *Convention on the Rights of Persons with Disabilities* (Konvensi tentang Hak-Hak Penyandang Disabilitas). Resolusi tersebut memuat hak-hak penyandang disabilitas dan menyatakan akan diambil langkah-langkah untuk menjamin pelaksanaan konvensi ini.

Pemerintah Indonesia telah menandatangani *Convention on the Rights of Persons with Disabilities* (Konvensi mengenai Hak-Hak Penyandang Disabilitas) pada tanggal 30 Maret 2007 di New York. Penandatanganan tersebut menunjukkan kesungguhan Negara Indonesia untuk menghormati, melindungi, memenuhi, dan memajukan hak-hak penyandang disabilitas, yang pada akhirnya diharapkan dapat memenuhi kesejahteraan para penyandang disabilitas.

Pada waktu menandatangani Konvensi mengenai Hak-Hak Penyandang Disabilitas, Indonesia menandatangani Konvensi tanpa reservasi. Akan tetapi, tidak menandatangani *Optional Protocol* Konvensi Hak-Hak Penyandang Disabilitas. Sebagai negara penandatanganan konvensi, Indonesia memiliki komitmen untuk meratifikasi Konvensi ini.

Dalam . . .



PRESIDEN  
REPUBLIK INDONESIA

- 2 -

Dalam upaya melindungi, menghormati, memajukan, dan memenuhi hak-hak penyandang disabilitas, Pemerintah Indonesia telah membentuk berbagai peraturan perundang-undangan yang mengatur perlindungan terhadap penyandang disabilitas. Berbagai peraturan perundang-undangan tersebut antara lain:

1. Undang-Undang Nomor 4 Tahun 1979 tentang Kesejahteraan Anak;
2. Undang-Undang Nomor 4 Tahun 1997 tentang Penyandang Cacat;
3. Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia;
4. Undang-Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak;
5. Undang-Undang Nomor 28 Tahun 2002 tentang Bangunan Gedung;
6. Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan;
7. Undang-Undang Nomor 20 Tahun 2003 tentang Sistem Pendidikan Nasional;
8. Undang-Undang Nomor 3 Tahun 2005 tentang Sistem Keolahragaan Nasional;
9. Undang-Undang Nomor 23 Tahun 2007 tentang Perkeretaapian;
10. Undang-Undang Nomor 17 Tahun 2008 tentang Pelayaran;
11. Undang-Undang Nomor 1 Tahun 2009 tentang Penerbangan;
12. Undang-Undang Nomor 11 Tahun 2009 tentang Kesejahteraan Sosial;
13. Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan;
14. Undang-Undang Nomor 25 Tahun 2009 tentang Pelayanan Publik;
15. Undang-Undang Nomor 36 Tahun 2009 tentang Kesehatan; dan
16. Undang-Undang Nomor 13 Tahun 2011 tentang Penanganan Fakir Miskin.

#### Pokok-Pokok Isi Konvensi

##### 1. Pembukaan

Pembukaan berisi pengakuan harga diri dan nilai serta hak yang sama bagi penyandang disabilitas, yaitu orang yang memiliki keterbatasan fisik, mental, intelektual, atau sensorik dalam jangka waktu lama yang dalam berinteraksi dengan lingkungan dan sikap masyarakatnya dapat menemui hambatan yang menyulitkan untuk berpartisipasi penuh dan efektif berdasarkan kesamaan hak. Oleh karena itu, pengakuan bahwa diskriminasi berdasarkan disabilitas merupakan pelanggaran terhadap martabat dan nilai yang melekat pada setiap orang.

##### 2. Tujuan . . .



PRESIDEN  
REPUBLIK INDONESIA

- 3 -

2. Tujuan  
Tujuan konvensi ini adalah untuk memajukan, melindungi, dan menjamin kesamaan hak dan kebebasan yang mendasar bagi semua penyandang disabilitas, serta penghormatan terhadap martabat penyandang disabilitas sebagai bagian yang tidak terpisahkan (*inherent dignity*).
3. Kewajiban Negara  
Kewajiban negara merealisasikan hak yang termuat dalam Konvensi, melalui penyesuaian peraturan perundang-undangan, hukum dan administrasi dari setiap negara, termasuk mengubah peraturan perundang-undangan, kebiasaan dan praktik-praktik yang diskriminatif terhadap penyandang disabilitas, baik perempuan maupun anak, menjamin partisipasi penyandang disabilitas dalam segala aspek kehidupan seperti pendidikan, kesehatan, pekerjaan, politik, olah raga, seni dan budaya, serta pemanfaatan teknologi, informasi dan komunikasi.
4. Hak-hak Penyandang Disabilitas  
Setiap penyandang disabilitas harus bebas dari penyiksaan atau perlakuan yang kejam, tidak manusiawi, merendahkan martabat manusia, bebas dari eksploitasi, kekerasan dan perlakuan semena-mena, serta memiliki hak untuk mendapatkan penghormatan atas integritas mental dan fisiknya berdasarkan kesamaan dengan orang lain. Termasuk didalamnya hak untuk mendapatkan perlindungan dan pelayanan sosial dalam rangka kemandirian, serta dalam keadaan darurat.
5. Implementasi dan Pengawasan Nasional  
Negara Pihak harus menunjuk lembaga pemerintah yang menangani masalah penyandang disabilitas yang bertanggungjawab terkait pelaksanaan Konvensi ini, dan membangun mekanisme koordinasi di tingkat pemerintah untuk memfasilitasi tindakan tersebut.
6. Laporan Negara Pihak dan Peran Komite Pemantau Konvensi Hak-Hak Penyandang Disabilitas  
Negara Pihak wajib membuat laporan pelaksanaan Konvensi ini 2 (dua) tahun setelah konvensi berlaku, dan laporan selanjutnya paling lambat setiap 4 (empat) tahun atau kapan pun jika diminta Komite Pemantau

Konvensi . . .



PRESIDEN  
REPUBLIK INDONESIA

- 4 -

Konvensi Hak-Hak Penyandang Disabilitas melalui Sekretaris Jenderal Perserikatan Bangsa-Bangsa. Komite Pemantau Konvensi Hak-Hak Penyandang Disabilitas membahas laporan yang disampaikan oleh Negara Pihak dan memberikan pertimbangan mengenai cara dan sarana meningkatkan kapasitas nasional untuk pelaksanaan Konvensi ini. Komite juga melakukan kerja sama internasional dan koordinasi dengan Komite Pemantau Instrumen Hak Asasi Manusia Internasional dan badan-badan Perserikatan Bangsa-Bangsa lainnya.

## II. PASAL DEMI PASAL

### Pasal 1

Apabila terjadi perbedaan penafsiran terhadap terjemahannya dalam bahasa Indonesia, maka digunakan salinan naskah aslinya dalam bahasa Inggris.

### Pasal 2

Cukup jelas.

TAMBAHAN LEMBARAN NEGARA REPUBLIK INDONESIA NOMOR 5251

**CONVENTION ON THE RIGHTS OF PERSONS  
WITH DISABILITIES**





## 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 the present 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 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 the present 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 the present 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 lifelong 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 of the United Nations, 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 States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General 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 the present Convention. Such organizations shall declare, in their instruments of formal

confirmation or accession, the extent of their competence with respect to matters governed by the present 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 the present 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 present 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 of the United Nations 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.

TERJEMAHAN  
KONVENSI HAK-HAK PENYANDANG  
DISABILITAS





## Konvensi Hak-Hak Penyandang Disabilitas

### Pembukaan

*Negara-Negara Pihak pada Konvensi ini,*

(a) *Mengingat kembali* prinsip-prinsip yang diproklamasikan dalam Piagam Perserikatan Bangsa-Bangsa yang mengakui martabat dan nilai yang melekat serta Hak-hak yang setara dan tidak terpisahkan bagi seluruh anggota keluarga manusia sebagai dasar dari kebebasan, keadilan, dan perdamaian di dunia,

(b) *Mengakui* bahwa Perserikatan Bangsa-Bangsa, di dalam Deklarasi Universal Hak Asasi Manusia dan di dalam Kovenan-kovenan Internasional mengenai Hak Asasi Manusia, telah memproklamasikan dan menyetujui bahwa setiap orang berhak atas seluruh hak dan kebebasan sebagaimana yang telah diatur di dalamnya, tanpa perbedaan dalam bentuk apa pun,

(c) *Menegaskan kembali* universalitas, ketidakterpisahkan, kesalingtergantungan, dan kesalingterkaitan dari semua hak asasi manusia dan kebebasan-kebebasan fundamental serta kebutuhan bagi penyandang disabilitas untuk dijamin pemenuhan Hak-Haknya tanpa diskriminasi,

(d) *Mengingat kembali* Kovenan Internasional tentang Hak-Hak Ekonomi, Sosial dan Budaya, Kovenan Internasional tentang Hak-Hak Sipil dan Politik; Konvensi Internasional tentang Penghilangan Semua Bentuk Diskriminasi Rasial; Konvensi tentang Penghilangan Segala Bentuk Diskriminasi terhadap Perempuan; Konvensi Menentang Penyiksaan dan Perlakuan atau Penghukuman Lain yang Kejam, Tidak Manusiawi atau Merendahkan Martabat Manusia; Konvensi Hak-Hak Anak; dan Konvensi Internasional tentang Perlindungan Hak-Hak Semua Pekerja Migran dan Anggota Keluarganya,

(e) *Mengakui* bahwa disabilitas merupakan suatu konsep yang terus berkembang dan disabilitas merupakan hasil dari interaksi antara orang-orang dengan keterbatasan kemampuan dan sikap serta lingkungan yang menghambat partisipasi penuh dan efektif mereka di dalam masyarakat berdasarkan kesetaraan dengan yang lainnya,

(f) *Mengakui* pentingnya pedoman prinsip dan kebijakan yang termuat dalam Program Aksi Dunia mengenai Penyandang Disabilitas dan dalam Peraturan-Peraturan Standar mengenai Persamaan Kesempatan bagi Penyandang Disabilitas dalam mempengaruhi promosi, perumusan dan evaluasi atas kebijakan, rencana, program dan aksi pada tingkat nasional, regional dan internasional untuk lebih menyamakan kesempatan bagi penyandang disabilitas,

(g) *Menekankan* pentingnya pengarusutamaan isu-isu disabilitas sebagai bagian integral dari strategi yang relevan bagi pembangunan yang berkesinambungan,

(h) *Mengakui juga* bahwa diskriminasi atas setiap orang berdasarkan disabilitas merupakan pelanggaran terhadap martabat dan nilai yang melekat pada setiap orang,

(i) *Mengakui pula* keragaman penyandang disabilitas,

(j) *Mengakui...*

(j) *Mengakui* perlunya memajukan dan melindungi hak asasi manusia semua penyandang disabilitas, termasuk mereka yang memerlukan dukungan yang lebih intensif,

(k) Memperhatikan bahwa, walaupun telah ada berbagai instrumen dan upaya dimaksud, penyandang disabilitas masih terus menghadapi hambatan dalam partisipasi mereka sebagai anggota masyarakat yang setara dan pelanggaran terhadap hak asasi manusia mereka di seluruh penjuru dunia,

(l) *Mengakui* pentingnya kerja sama internasional bagi meningkatkan kondisi kehidupan penyandang disabilitas di setiap negara, khususnya di Negara-Negara berkembang,

(m) *Mengakui* bahwa kontribusi-kontribusi berharga baik yang ada maupun potensial yang diberikan oleh penyandang disabilitas terhadap keseluruhan kesejahteraan dan keragaman dari komunitas mereka, dan bahwa pemajuan atas penikmatan penuh dari penyandang disabilitas akan Hak-Hak asasi dan kebebasan fundamental mereka dan partisipasi penuh dari penyandang disabilitas akan menghasilkan peningkatan rasa kepemilikan dan kemajuan-kemajuan yang signifikan di dalam pembangunan kemanusiaan, sosial, dan ekonomi masyarakat serta penghapusan kemiskinan,

(n) *Mengakui* pentingnya otonomi dan kemerdekaan individu bagi penyandang disabilitas, termasuk kebebasan mereka untuk menentukan pilihan,

(o) *Mempertimbangkan* bahwa penyandang disabilitas harus memiliki kesempatan untuk secara aktif terlibat dalam proses pengambilan keputusan mengenai kebijakan dan program, termasuk yang terkait secara langsung dengan mereka,

(p) Memperhatikan kondisi sulit yang dihadapi penyandang disabilitas yang rentan terhadap berbagai bentuk diskriminasi ganda atau buruk berdasarkan ras, warna kulit, jenis kelamin, bahasa, agama, pendapat politik atau lainnya, kebangsaan, etnis, asal usul *indigenous* atau kelompok sosial, kepemilikan, kelahiran, umur, atau status lainnya,

(q) *Mengakui* bahwa penyandang disabilitas perempuan dan anak perempuan seringkali mempunyai resiko yang lebih besar terhadap kekerasan, cedera atau pelecehan, perlakuan yang menelantarkan atau mengabaikan, perlakuan buruk atau eksploitasi, baik di dalam maupun di luar rumah,

(r) *Mengakui* bahwa penyandang disabilitas anak harus mendapatkan penikmatan penuh atas semua Hak-Hak asasi manusia dan kebebasan fundamental berdasarkan kesetaraan dengan anak lainnya, dan mengingat kembali kewajiban-kewajiban untuk tujuan tersebut yang harus dilakukan oleh Negara-Negara Pihak dari Konvensi Hak-Hak Anak,

(s) *Menekankan* perlunya memasukkan perspektif gender dalam semua upaya untuk pemajuan penikmatan penuh hak asasi manusia dan kebebasan fundamental oleh penyandang disabilitas,

(t)Menyoroti . . .

(t) *Menyoroti* kenyataan bahwa mayoritas penyandang disabilitas hidup dalam kondisi kemiskinan, dan dalam kaitan ini mengakui kebutuhan mendesak untuk mengatasi dampak negatif kemiskinan terhadap penyandang disabilitas,

(u) *Mengingat* bahwa kondisi perdamaian dan keamanan yang berdasarkan pada penghormatan penuh pada tujuan dan prinsip yang termuat dalam Piagam Perserikatan Bangsa-Bangsa dan bahwa pemenuhan instrumen-instrumen hak asasi manusia yang dapat diterapkan merupakan bagian yang tidak terpisahkan dari perlindungan sepenuhnya penyandang disabilitas, khususnya pada saat konflik bersenjata dan pendudukan asing,

(v) *Mengakui* pentingnya aksesibilitas kepada lingkungan fisik, sosial, ekonomi dan kebudayaan, kesehatan dan pendidikan, serta informasi dan komunikasi, yang memungkinkan penyandang disabilitas untuk menikmati sepenuhnya semua hak asasi manusia dan kebebasan fundamental,

(w) *Menyadari* bahwa individu, selain memiliki kewajiban terhadap individu lainnya dan masyarakat di mana ia berada, mempunyai tanggung jawab untuk memperjuangkan pemajuan dan pemenuhan hak-hak yang diakui di dalam Piagam Internasional Hak-Hak Asasi Manusia.

(x) *Meyakini* bahwa keluarga adalah unit kelompok alami dan fundamental dari masyarakat dan berhak atas perlindungan dari masyarakat dan negara, dan bahwa penyandang disabilitas dan anggota keluarga mereka harus memperoleh perlindungan dan bantuan yang diperlukan untuk memungkinkan keluarga berkontribusi terhadap penikmatan penuh dan setara atas hak-hak penyandang disabilitas,

(y) *Meyakini* bahwa suatu konvensi internasional yang komprehensif dan integral untuk memajukan dan melindungi hak-hak dan martabat penyandang disabilitas akan memberikan kontribusi signifikan guna mengatasi ketidakberuntungan sosial yang mendalam dari penyandang disabilitas dan memajukan partisipasi mereka pada lingkup sipil, politik, ekonomi, sosial, dan kebudayaan berdasarkan kesempatan yang setara, baik di negara berkembang maupun negara maju,

*Telah menyetujui hal-hal sebagai berikut:*

#### **Pasal 1 Tujuan**

Tujuan Konvensi ini adalah untuk memajukan, melindungi dan menjamin penikmatan penuh dan setara semua hak asasi manusia dan kebebasan fundamental oleh semua penyandang disabilitas, dan untuk meningkatkan penghormatan atas martabat yang melekat pada mereka.

Penyandang disabilitas termasuk mereka yang memiliki keterbatasan fisik, mental, intelektual, atau sensorik dalam jangka waktu lama di mana ketika berhadapan dengan berbagai hambatan, hal ini dapat menghalangi partisipasi penuh dan efektif mereka dalam masyarakat berdasarkan kesetaraan dengan yang lainnya.

**Pasal 2 . . .**

## **Pasal 2 Definisi**

Untuk tujuan Konvensi ini:

"Komunikasi" mencakup bahasa, tayangan teks, Braille, komunikasi tanda timbul, cetak besar, multimedia yang dapat diakses maupun bentuk-bentuk tertulis, audio, *plain-language*, pembaca-manusia dan bentuk-bentuk, sarana dan format komunikasi augmentatif maupun alternatif lainnya, termasuk informasi dan teknologi komunikasi yang dapat diakses;

"Bahasa" mencakup bahasa lisan dan bahasa isyarat serta bentuk-bentuk bahasa nonlisan yang lain;

"Diskriminasi berdasarkan disabilitas" berarti setiap perbedaan, pengecualian, atau pembatasan atas dasar disabilitas yang bermaksud atau berdampak membatasi atau meniadakan pengakuan, penikmatan atau pelaksanaan, atas dasar kesetaraan dengan yang lainnya terhadap semua hak asasi manusia dan kebebasan fundamental dalam bidang politik, ekonomi, sosial, kebudayaan, sipil atau lainnya. Hal ini mencakup semua bentuk diskriminasi, termasuk penolakan atas pemberian akomodasi yang beralasan;

"Akomodasi yang beralasan" berarti modifikasi dan penyesuaian yang perlu dan sesuai, dengan tidak memberikan beban tambahan yang tidak proporsional atau tidak semestinya, apabila diperlukan dalam kasus tertentu, guna menjamin penikmatan atau pelaksanaan semua hak asasi manusia dan kebebasan fundamental penyandang disabilitas berdasarkan kesetaraan dengan yang lainnya;

"Desain universal" berarti desain produk, lingkungan, program dan pelayanan yang dapat digunakan oleh semua orang, semaksimal mungkin, tanpa memerlukan suatu adaptasi atau desain khusus. "Desain universal" tidak mengecualikan alat bantu bagi kelompok penyandang disabilitas tertentu pada saat diperlukan.

## **Pasal 3 Prinsip Umum**

Prinsip-prinsip Konvensi adalah sebagai berikut:

(a) Penghormatan pada martabat yang melekat, otonomi individu; termasuk kebebasan untuk menentukan pilihan, dan kemerdekaan perseorangan;

(b) Nondiskriminasi;

(c) Partisipasi penuh dan efektif dan keikutsertaan dalam masyarakat;

(d) Penghormatan pada perbedaan dan penerimaan penyandang disabilitas sebagai bagian dari keragaman manusia dan kemanusiaan;

(e) Kesetaraan. . .

- (e) Kesetaraan kesempatan;
- (f) Aksesibilitas;
- (g) Kesetaraan antara laki-laki dan perempuan;
- (h) Penghormatan atas kapasitas yang terus berkembang dari penyandang disabilitas anak dan penghormatan pada hak penyandang disabilitas anak untuk mempertahankan identitas mereka.

#### **Pasal 4 Kewajiban Umum**

1. Negara-Negara Pihak berjanji untuk menjamin dan memajukan realisasi penuh dari semua hak asasi manusia dan kebebasan fundamental bagi semua penyandang disabilitas tanpa diskriminasi dalam segala bentuk apapun yang didasari oleh disabilitas. Untuk itu, Negara-Negara Pihak berjanji:

(a) Mengadopsi semua peraturan perundang-undangan, administratif dan kebijakan lainnya yang sesuai untuk implementasi hak-hak yang diakui dalam Konvensi ini;

(b) Mengambil semua kebijakan yang sesuai, termasuk peraturan perundang-undangan, untuk mengubah atau mencabut ketentuan hukum, peraturan, kebiasaan, dan praktik-praktik yang berlaku yang mengandung unsur diskriminasi terhadap para penyandang disabilitas;

(c) Mempertimbangkan perlindungan dan pemajuan hak asasi manusia dari penyandang disabilitas dalam semua kebijakan dan program;

(d) Menahan diri dari keterlibatan dalam tindakan atau praktik apapun yang bertentangan dengan Konvensi ini dan menjamin bahwa otoritas dan lembaga publik bertindak sesuai dengan Konvensi ini;

(e) Mengambil semua kebijakan yang sesuai untuk menghilangkan diskriminasi yang didasari oleh disabilitas yang dilakukan oleh setiap orang, organisasi atau lembaga swasta;

(f) Melaksanakan atau memajukan penelitian dan pengembangan barang, jasa, peralatan, dan fasilitas yang didesain secara universal, sebagaimana dijelaskan pada Pasal 2 dalam Konvensi ini, yang memerlukan penyesuaian seminimal mungkin dan biaya terkecil guna memenuhi kebutuhan khusus penyandang disabilitas, untuk memajukan ketersediaan dan kegunaannya, dan untuk memajukan desain universal dalam pengembangan standar-standar dan pedoman-pedoman;

(g) Melaksanakan . . .

(g) Melaksanakan atau memajukan penelitian dan pengembangan, dan untuk memajukan ketersediaan dan penggunaan teknologi baru, termasuk teknologi informasi dan komunikasi, alat bantu mobilitas, peralatan dan teknologi bantu, yang cocok untuk penyandang disabilitas, dengan memberikan prioritas kepada teknologi dengan biaya yang terjangkau;

(h) Menyediakan informasi yang dapat diakses kepada para penyandang disabilitas mengenai alat bantu mobilitas, peralatan dan teknologi bantu bagi penyandang disabilitas, termasuk teknologi baru serta bentuk-bentuk bantuan, layanan dan fasilitas pendukung lainnya;

(i) Memajukan pelatihan bagi para profesional dan personil yang bekerja dengan penyandang disabilitas tentang hak asasi manusia sebagaimana diakui di dalam Konvensi ini sehingga mereka lebih dapat memberikan bantuan dan pelayanan yang dijamin oleh hak-hak tersebut.

2. Terkait dengan hak-hak ekonomi, sosial dan budaya, setiap Negara Pihak mengambil tindakan sejauh dimungkinkan sumber daya yang ada dan, bilamana perlu, di dalam kerangka kerja sama internasional dengan maksud agar dapat mencapai perwujudan penuh hak-hak ini secara progresif, tanpa menaruh prasangka terhadap kewajiban-kewajiban yang terdapat di dalam Konvensi ini yang menurut hukum internasional dapat segera diterapkan.

3. Dalam pengembangan dan pelaksanaan peraturan perundang-undangan dan kebijakan untuk implementasi Konvensi ini, dan dalam proses pengambilan keputusan lainnya menyangkut masalah-masalah yang terkait dengan penyandang disabilitas, Negara-Negara Pihak harus berkonsultasi secara erat dan aktif melibatkan para penyandang disabilitas, termasuk penyandang disabilitas anak, melalui organisasi-organisasi yang mewakili mereka.

4. Dalam Konvensi ini, tidak terdapat hal-hal yang dapat mempengaruhi setiap ketentuan yang lebih kondusif terhadap realisasi hak-hak penyandang disabilitas dan yang mungkin ada dalam ketentuan hukum Negara Pihak atau hukum internasional yang berlaku untuk Negara Pihak. Tidak boleh ada pembatasan atau pengurangan apa pun atas hak asasi manusia dan kebebasan fundamental yang telah diakui atau terdapat di suatu Negara Pihak pada Konvensi ini berdasarkan hukum, konvensi, peraturan atau kebiasaan, dengan alasan bahwa Konvensi ini tidak mengakui hak-hak atau kebebasan tersebut, atau mengakuinya pada tingkatan yang lebih rendah.

5. Ketentuan-ketentuan yang ada di dalam Konvensi ini harus menjangkau seluruh bagian negara-negara federal tanpa pembatasan atau pengecualian.

**Pasal 5 . . .**

**Pasal 5**  
**Persamaan dan Nondiskriminasi**

1. Negara-Negara Pihak mengakui bahwa semua manusia adalah setara di hadapan dan di bawah hukum dan berhak, tanpa diskriminasi, untuk mendapatkan perlindungan dan manfaat hukum yang setara.
2. Negara-Negara Pihak harus melarang semua diskriminasi yang didasari oleh disabilitas serta menjamin perlindungan hukum yang setara dan efektif bagi penyandang disabilitas terhadap diskriminasi yang didasari oleh alasan apa pun.
3. Dalam rangka memajukan kesetaraan dan menghapuskan diskriminasi, Negara-Negara Pihak harus mengambil langkah-langkah yang sesuai untuk menjamin tersedianya akomodasi yang beralasan.
4. Kebijakan-kebijakan khusus yang diperlukan untuk mempercepat atau mencapai kesetaraan *de facto* bagi penyandang disabilitas tidak boleh dianggap sebagai diskriminasi di bawah ketentuan-ketentuan yang ada dalam Konvensi ini.

**Pasal 6**  
**Penyandang Disabilitas Perempuan**

1. Negara-Negara Pihak mengakui bahwa penyandang disabilitas perempuan dan anak perempuan adalah rentan terhadap diskriminasi ganda, dan dalam kaitan ini harus mengambil kebijakan-kebijakan untuk menjamin penikmatan penuh dan setara bagi mereka atas semua hak asasi manusia dan kebebasan fundamental.
2. Negara-Negara Pihak harus mengambil semua kebijakan yang sesuai untuk menjamin pengembangan, pemajuan, dan pemberdayaan perempuan secara penuh, dengan bertujuan untuk memberikan jaminan kepada mereka atas pelaksanaan dan penikmatan hak asasi manusia dan kebebasan fundamental sebagaimana ditetapkan dalam Konvensi ini.

**Pasal 7**  
**Penyandang Disabilitas Anak**

1. Negara-Negara Pihak harus mengambil semua kebijakan yang diperlukan untuk menjamin penikmatan penuh semua hak asasi manusia dan kebebasan fundamental oleh penyandang disabilitas anak atas dasar kesetaraan dengan anak lainnya.
2. Dalam semua tindakan yang menyangkut penyandang disabilitas anak, kepentingan terbaik bagi anak harus menjadi pertimbangan utama.

3. Negara . . .

3. Negara-Negara Pihak harus menjamin bahwa penyandang disabilitas anak memiliki hak untuk mengemukakan pandangan mereka secara bebas pada semua hal yang mempengaruhi mereka, pandangan mereka dipertimbangkan sesuai dengan usia dan kematangan mereka, atas dasar kesetaraan dengan anak lainnya, dan disediakan bantuan disabilitas dan sesuai dengan usia mereka untuk merealisasikan hak dimaksud.

#### **Pasal 8 Peningkatan Kesadaran**

1. Negara-Negara Pihak berjanji untuk mengadopsi kebijakan-kebijakan yang segera, efektif, dan sesuai sebagai berikut:

(a) Untuk meningkatkan kesadaran seluruh masyarakat, termasuk pada tingkat keluarga, mengenai penyandang disabilitas, dan untuk memelihara penghormatan atas hak-hak dan martabat para penyandang disabilitas;

(b) Untuk melawan stereotip, prasangka, dan praktik-praktik yang merugikan menyangkut penyandang disabilitas, termasuk yang didasarkan jenis kelamin dan usia, dalam seluruh bagian kehidupan;

(c) Untuk memajukan kesadaran atas kemampuan dan kontribusi dari para penyandang disabilitas.

2. Kebijakan-kebijakan untuk mencapai tujuan tersebut meliputi :

(a) Mengawali dan mempertahankan secara efektif kampanye kesadaran masyarakat yang dirancang untuk:

- (i) Menumbuhkan penerimaan atas hak-hak penyandang disabilitas;
- (ii) Meningkatkan persepsi positif dan kesadaran sosial yang lebih besar terhadap para penyandang disabilitas;
- (iii) Memajukan pengakuan terhadap keahlian, kualitas dan kemampuan penyandang disabilitas, serta kontribusi mereka pada tempat kerja dan pasar tenaga kerja;

(b) Memelihara di semua tingkatan sistem pendidikan, termasuk pada semua anak sejak usia dini, suatu sikap hormat terhadap hak-hak penyandang disabilitas;

(c) Mendorong semua komponen media untuk menggambarkan penyandang disabilitas dalam cara yang konsisten sesuai dengan tujuan Konvensi ini;

(d) Memajukan program pelatihan peningkatan kesadaran mengenai penyandang disabilitas dan hak-hak penyandang disabilitas.

**Pasal 9 . . .**



**Pasal 9**  
**Aksesibilitas**

1. Agar penyandang disabilitas mampu hidup secara mandiri dan berpartisipasi secara penuh dalam semua aspek kehidupan, Negara-Negara Pihak harus mengambil kebijakan yang sesuai untuk menjamin akses bagi penyandang disabilitas, atas dasar kesetaraan dengan yang lainnya, terhadap lingkungan fisik, transportasi, informasi, dan komunikasi, termasuk teknologi dan sistem informasi dan komunikasi, serta terhadap fasilitas dan layanan lainnya yang terbuka atau tersedia untuk publik, baik di daerah perkotaan maupun pedesaan. Kebijakan-kebijakan ini, yang harus meliputi identifikasi dan penghapusan kendala serta halangan terhadap aksesibilitas, harus diterapkan pada, antara lain:

(a) Gedung, jalan, sarana transportasi, dan fasilitas dalam dan luar ruang lainnya, termasuk sekolah, perumahan, fasilitas medis, dan tempat kerja;

(b) Informasi, komunikasi, dan layanan lainnya, termasuk layanan elektronik dan layanan gawat darurat.

2. Negara-Negara Pihak harus juga mengambil kebijakan-kebijakan yang tepat untuk:

(a) Mengembangkan, menyebarluaskan, dan memantau pelaksanaan standar minimum dan panduan untuk aksesibilitas terhadap fasilitas dan layanan yang terbuka atau tersedia untuk publik;

(b) Menjamin bahwa sektor swasta yang menawarkan fasilitas dan layanan yang terbuka atau tersedia untuk publik mempertimbangkan seluruh aspek aksesibilitas bagi penyandang disabilitas;

(c) Menyelenggarakan pelatihan bagi pemangku kepentingan tentang masalah aksesibilitas yang dihadapi oleh penyandang disabilitas;

(d) Menyediakan di dalam gedung dan fasilitas lain yang terbuka untuk publik, tanda-tanda dalam huruf Braille dan dalam bentuk yang mudah dibaca dan dipahami;

(e) Menyediakan bentuk-bentuk bantuan langsung dan perantara, termasuk pemandu, pembaca, dan penerjemah bahasa isyarat profesional, untuk memfasilitasi aksesibilitas terhadap gedung dan fasilitas lain yang terbuka untuk publik;

(f) Meningkatkan bentuk bantuan dan dukungan lain yang sesuai bagi penyandang disabilitas untuk menjamin akses mereka terhadap informasi;

(g) Meningkatkan akses bagi penyandang disabilitas terhadap sistem serta teknologi informasi dan komunikasi yang baru, termasuk internet;

(h) Memajukan sejak tahap awal desain, pengembangan, produksi, dan distribusi teknologi dan sistem informasi dan komunikasi yang dapat diakses, sehingga teknologi dan sistem ini dapat diakses dengan biaya yang minimum.

**Pasal 10 . . .**

**Pasal 10  
Hak untuk Hidup**

Negara-Negara Pihak menegaskan kembali bahwa setiap manusia memiliki hak yang melekat untuk hidup dan wajib mengambil seluruh langkah yang diperlukan untuk menjamin pemenuhan secara efektif oleh penyandang disabilitas atas dasar kesetaraan dengan yang lainnya.

**Pasal 11  
Situasi Berisiko dan Darurat Kemanusiaan**

Negara-Negara Pihak harus mengambil semua kebijakan yang diperlukan untuk menjamin perlindungan dan keselamatan penyandang disabilitas dalam situasi berisiko, termasuk situasi konflik bersenjata, darurat kemanusiaan, dan terjadinya bencana alam, selaras dengan kewajiban mereka di bawah hukum internasional, termasuk hukum humaniter internasional dan hukum hak asasi manusia internasional.

**Pasal 12  
Kesetaraan Pengakuan di Hadapan Hukum**

1. Negara-Negara Pihak menegaskan kembali bahwa penyandang disabilitas memiliki hak atas pengakuan sebagai individu di hadapan hukum di mana pun berada.
2. Negara-Negara Pihak harus mengakui bahwa penyandang disabilitas merupakan subyek hukum yang setara dengan lainnya di semua aspek kehidupan.
3. Negara-Negara Pihak harus mengambil kebijakan yang sesuai untuk menyediakan akses oleh penyandang disabilitas dalam bentuk dukungan yang mungkin diperlukan oleh mereka dalam melaksanakan kewenangan mereka sebagai subyek hukum.
4. Negara-Negara Pihak harus menjamin bahwa semua kebijakan, yang menyangkut pelaksanaan kewenangan sebagai subyek hukum, mengandung pengamanan yang sesuai dan efektif untuk mencegah penyalahgunaan berdasarkan hukum hak asasi manusia internasional. Pengamanan tersebut harus menjamin bahwa kebijakan menyangkut pelaksanaan kewenangan sebagai subyek hukum menghormati hak-hak, kehendak dan pilihan penyandang disabilitas bersangkutan, bebas dari konflik kepentingan dan pengaruh yang tidak semestinya, proporsional dan disesuaikan dengan keadaan penyandang disabilitas bersangkutan, diterapkan dalam waktu sesingkat mungkin dan dikaji secara teratur oleh otoritas atau badan judisial yang kompeten, mandiri dan tidak memihak. Pengamanan harus bersifat proporsional hingga pada tingkat di mana kebijakan semacam ini memberikan dampak terhadap hak dan kepentingan penyandang disabilitas bersangkutan.

5. Merujuk . . .

5. Merujuk dengan ketentuan-ketentuan dalam pasal ini, Negara-Negara Pihak harus mengambil segala kebijakan yang sesuai dan efektif untuk menjamin kesamaan hak bagi penyandang disabilitas dalam memiliki atau mewarisi properti, dalam mengendalikan masalah keuangan mereka dan dalam memiliki kesetaraan akses terhadap pinjaman bank, kredit perumahan, dan bentuk-bentuk lain kredit keuangan, dan harus menjamin bahwa penyandang disabilitas tidak dikurangi kepemilikannya secara sewenang-wenang.

### **Pasal 13 Akses terhadap Keadilan**

1. Negara-Negara Pihak harus menjamin akses yang efektif terhadap keadilan bagi penyandang disabilitas atas dasar kesetaraan dengan yang lainnya, termasuk melalui pengaturan akomodasi secara prosedural dan sesuai dengan usia, dalam rangka memfasilitasi peran efektif penyandang disabilitas sebagai partisipan langsung maupun tidak langsung, termasuk sebagai saksi, dalam semua persidangan, termasuk dalam penyidikan dan tahap-tahap awal lainnya.

2. Dalam rangka menolong terjaminnya akses efektif terhadap keadilan bagi penyandang disabilitas, Negara-Negara Pihak harus meningkatkan pelatihan yang sesuai bagi mereka yang bekerja di bidang penyelenggaraan hukum, termasuk polisi dan sipir penjara.

### **Pasal 14 Kebebasan dan Keamanan Penyandang Disabilitas**

1. Negara-Negara Pihak harus menjamin bahwa penyandang disabilitas, atas dasar kesetaraan dengan yang lainnya:

(a) Menikmati hak atas kebebasan dan keamanan;

(b) Tidak dicabut kebebasannya tanpa alasan hukum atau secara sewenang-wenang, dan bahwa setiap pencabutan kebebasan adalah selaras dengan hukum, dan bahwa adanya disabilitas tidak boleh menjadi alasan pembenaran bagi pencabutan kebebasan.

2. Negara-Negara Pihak harus menjamin jika penyandang disabilitas dicabut kebebasannya melalui proses apa pun, mereka berhak, atas dasar kesetaraan dengan yang lainnya, terhadap jaminan-jaminan yang selaras dengan hukum hak asasi manusia internasional dan harus diperlakukan sesuai dengan tujuan dan prinsip Konvensi ini, termasuk ketentuan akomodasi yang beralasan.

Pasal 15 . . .

**Pasal 15**

**Kebebasan dari Penyiksaan dan Perlakuan atau Penghukuman lain yang Kejam, Tidak Manusiawi, atau Merendahkan Martabat Manusia**

1. Tidak seorangpun boleh disiksa atau mendapat perlakuan atau penghukuman yang kejam, tidak manusiawi, dan merendahkan martabat manusia. Secara khusus, tidak seorangpun boleh dijadikan percobaan medis atas ilmiah tanpa persetujuan bebas dari yang bersangkutan.
2. Negara-Negara Pihak harus mengambil semua kebijakan peraturan perundang-undangan, administratif, yudisial atau kebijakan lainnya yang efektif guna mencegah penyandang disabilitas, berdasarkan kesetaraan dengan yang lainnya, menjadi korban dari penyiksaan atau perlakuan atau penghukuman kejam, tidak manusiawi, dan merendahkan martabat manusia.

**Pasal 16**

**Kebebasan dari Eksploitasi, Kekerasan, dan Pelecehan**

1. Negara-Negara Pihak harus mengambil semua kebijakan yang sesuai di bidang peraturan perundang-undangan, administratif, sosial, pendidikan dan kebijakan lainnya untuk melindungi penyandang disabilitas dari semua bentuk eksploitasi, kekerasan, dan pelecehan, termasuk aspek-aspek berbasis gender dari tindakan-tindakan tersebut, baik di dalam maupun di luar rumah;
2. Negara-Negara Pihak harus juga mengambil kebijakan yang sesuai untuk mencegah semua bentuk eksploitasi, kekerasan, dan pelecehan dengan menjamin, antara lain, bahwa bantuan dan dukungan yang diberikan kepada penyandang disabilitas, keluarganya, dan perawatnya, sesuai bentuknya dan sensitif terhadap gender serta usia, termasuk menyediakan informasi dan pendidikan tentang bagaimana mencegah, mengenali dan melaporkan kasus-kasus eksploitasi, kekerasan dan pelecehan. Negara-Negara Pihak harus menjamin bahwa pelayanan perlindungan bersifat sensitif usia, gender dan disabilitas.
3. Untuk mencegah terjadinya segala bentuk eksploitasi, kekerasan dan pelecehan, Negara-Negara Pihak harus menjamin bahwa semua fasilitas dan program didesain untuk melayani penyandang disabilitas dipantau secara efektif oleh otoritas independen.
4. Negara-Negara Pihak harus mengambil kebijakan yang sesuai guna memajukan pemulihan fisik, kognitif dan psikologis, rehabilitasi dan reintegrasi sosial penyandang disabilitas yang menjadi korban dari segala bentuk eksploitasi, kekerasan atau pelecehan, termasuk melalui penyediaan pelayanan perlindungan. Pemulihan dan reintegrasi tersebut harus dilaksanakan dalam lingkungan yang menjamin kesehatan, kesejahteraan, penghormatan, martabat dan kemandirian orang serta harus mempertimbangkan kebutuhan yang berdasarkan gender dan usia.

5. Negara . . .

5. Negara-Negara Pihak harus menerapkan peraturan perundang-undangan dan kebijakan yang efektif, termasuk kebijakan dan perundang-undangan yang terfokus pada perempuan dan anak, untuk menjamin bahwa kasus-kasus eksploitasi, kekerasan dan pelecehan terhadap penyandang disabilitas diidentifikasi, diselidiki, dan dihukum apabila dipenuhi syarat.

**Pasal 17**  
**Melindungi Integritas Penyandang Disabilitas**

Setiap penyandang disabilitas memiliki hak untuk mendapatkan penghormatan atas integritas mental dan fisiknya atas dasar kesetaraan dengan yang lainnya.

**Pasal 18**  
**Kebebasan Bergerak dan Kewarganegaraan**

1. Negara-Negara Pihak harus mengakui hak-hak penyandang disabilitas atas kebebasan bergerak, kebebasan memilih tempat tinggal dan kewarganegaraan, atas dasar kesetaraan dengan yang lainnya, termasuk dengan menjamin bahwa penyandang disabilitas:

(a) Memiliki hak untuk memperoleh dan mengubah kewarganegaraan dan tidak dirampas kewarganegaraannya secara sewenang-wenang atau berdasarkan disabilitasnya;

(b) Tidak dibatasi kemampuannya, atas dasar disabilitas, untuk memperoleh, memiliki, dan menggunakan dokumen kewarganegaraan mereka atau identitas lainnya, atau untuk memanfaatkan proses-proses relevan seperti yang proses keimigrasian, yang mungkin diperlukan untuk memfasilitasi penggunaan hak kebebasan bergerak;

(c) Bebas meninggalkan suatu negara, termasuk negara asalnya;

(d) Tidak dirampas hak untuk masuk kembali ke negara asalnya, secara sewenang-wenang atau atas dasar disabilitas.

2. Penyandang disabilitas anak segera setelah kelahiran harus didaftarkan, dan sejak lahir harus memiliki hak atas sebuah nama, hak untuk memperoleh kewarganegaraan dan, selama memungkinkan, hak untuk mengetahui dan diasuh orang tuanya.

**Pasal 19**  
**Hidup Secara Mandiri dan Dilibatkan Dalam Masyarakat**

Negara-Negara Pihak pada Konvensi ini mengakui hak yang sama dari semua penyandang disabilitas untuk dapat hidup di dalam masyarakat, dengan pilihan-pilihan yang setara dengan yang lainnya, dan harus mengambil kebijakan-kebijakan yang efektif dan sesuai untuk memfasilitasi penikmatan penuh atas hak ini oleh penyandang disabilitas dan keterlibatan dan partisipasi penuh mereka di dalam masyarakat, termasuk dengan menjamin bahwa:

a) Penyandang . . .