

# **Making Inclusion Operational**

Legal and Institutional Resources for World Bank Staff  
on the Inclusion of Disability Issues in Investment  
Projects

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# Contents

<b>Acronyms</b> .....	<b>iii</b>
<b>Acknowledgments</b> .....	<b>iv</b>
<b>Introduction</b> .....	<b>1</b>
<b>Part I. Background on Disability</b> .....	<b>3</b>
Concept of disability .....	3
Diversity of disability .....	5
Breaking down language barriers and use of terms.....	7
Disability and the Millennium Development Goals.....	8
Principles and trends.....	11
<b>Part II. Including Disability in the Project Cycle</b> .....	<b>14</b>
The project cycle .....	14
Project concept note .....	17
Project information document .....	17
Integrated safeguards data sheet .....	18
Inspection panel .....	18
Environmental/social assessment .....	19
Project appraisal document.....	20
Project status report.....	23
Legal agreement.....	24
Procurement.....	24
Supervision .....	25
Implementation completion and results report .....	25
<b>Annexes</b>	
<b>Annex 1. Glossary</b> .....	<b>26</b>
<b>Annex 2. Checklists</b> .....	<b>31</b>
<b>Annex 3. Additional Resources</b> .....	<b>47</b>
<b>Boxes</b>	
Box 1. Examples of societal barriers .....	5
Box 2. Terms used in this paper .....	7
Box 3. People with disabilities and the MDGs: Examples of linkages .....	9
Box 4. General principles.....	12
Box 5. How international donors are addressing disability.....	13

Box 6. Disability and the project cycle..... 15

**Figures**

Figure 1. The poverty/disability cycle..... 10  
Figure 2. The project cycle..... 14

**Tables**

Table 1. Comparison of medical/charity and social/cultural models  
of disability..... 4  
Table 2. Rating scale for disability integration ..... 23

## Acronyms

<b>CAS</b>	Country Assistance Strategy
<b>CNS</b>	Concept Note Stage
<b>DAF</b>	Disability Accommodation Fund
<b>DANIDA</b>	Danish International Development Agency
<b>DPO</b>	Disabled People's Organization
<b>DFID</b>	Department for International Development (UK)
<b>EA</b>	Environmental Assessment
<b>EMP</b>	Environmental Management Plan
<b>EU</b>	European Union
<b>IBRD</b>	International Bank for Reconstruction and Development
<b>ICR</b>	Implementation Completion and Results Report
<b>ICF</b>	International Classification of Functioning, Disability and Health (WHO)
<b>IDA</b>	International Development Association
<b>IFC</b>	International Finance Corporation
<b>ISDS</b>	Integrated Safeguards Data Sheet
<b>MAP</b>	Multi-country HIV/AIDS Program
<b>MDGs</b>	Millennium Development Goals
<b>MTR</b>	Mid-term Review
<b>NGO</b>	Non-governmental organization
<b>NORAD</b>	Norwegian Agency for Development Cooperation
<b>OP</b>	Operational Policy
<b>OPCS</b>	Operations Policy and Country Services
<b>PAD</b>	Project Appraisal Document
<b>PCD</b>	Project Concept Document
<b>PIC</b>	Public Information Center
<b>PID</b>	Project Information Document
<b>PCN</b>	Project Concept Note
<b>PRSP</b>	Poverty Reduction Strategy Paper
<b>PSR</b>	Project Status Report
<b>PWD</b>	person with disabilities
<b>QER</b>	Quality Enhancement Review
<b>SA</b>	Social Assessment
<b>UN</b>	United Nations
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>USAID</b>	U.S. Agency for International Development
<b>WHO</b>	World Health Organization

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## Introduction

As part of its mandate to alleviate poverty, the World Bank has committed to including people with disabilities and disability issues fully in its development work. Disability is both a cause and a consequence of poverty; reaching the Millennium Development Goals is unlikely to be achieved unless the rights and needs of people with disabilities are considered in the process of development. To this end, the Bank is undertaking a number of initiatives to support its staff and development partners in better addressing disability issues. This paper is one of those initiatives and is intended to complement other disability-related initiatives of the Bank, such as the online Disability Knowledge Kit.

It is hoped that this paper will be a resource for staff in fulfilling the Bank's commitment to development that is inclusive of people with disabilities. Although there is, as yet, no separate Bank policy related to people with disabilities comparable to its policies on, for example, gender or indigenous peoples, existing Bank policies, procedures and activities can be effectively inclusive of disability issues in a way that has legal and practical relevance for achieving the Bank's mandate of fighting poverty.

This paper provides information to assist World Bank staff in including disability in the development agenda and activities of the Bank. It is not intended to promote special, separate disability and development projects, but rather, to help Bank staff incorporate people with disabilities and a disability perspective in their ongoing development work, as well as adopt an integrated and inclusive approach to disability. In addition to explanatory comments that address foundational disability contexts, principles, trends and the relevance of disability issues at different stages of a typical project cycle, this paper also includes three annexes:

- a glossary of terms, which defines many of the more technical and disability-specific terms used in this paper
- checklists that address specific actions that Bank staff can take to promote inclusive development for people with disabilities at various stages of the project cycle
- additional resources that provide further tools and information on inclusive development

To determine if this publication is a resource that you should be using, start by asking yourself the following questions:

- Might my work have a negative or positive impact on people with disabilities?
- Could I do more to promote inclusive development through the inclusion of people with disabilities in my work?
- Could my work produce a positive outcome for people with disabilities if adjusted to be inclusive of disability?

If your answer to any of these questions is “yes,” or if you are uncertain, then this publication is definitely for you. It is also suggested that you seek additional advice from Bank staff and other colleagues who are knowledgeable about disability issues. If you are

working on a Poverty Reduction Strategy Paper (PRSP), Country Assistance Strategy (CAS), multi-sector project (e.g., social fund, Multi-Country HIV/AIDS Program (MAP), or Poverty Reduction Support Credit), Environmental/Social Assessment, Poverty-Related Data Collection/Analysis, your answer should certainly be “yes.”

## PART I. BACKGROUND ON DISABILITY

*“Human well-being rests on economic prosperity and equal social and political participation for all. Development is about expanding the choices people have to lead lives of value.”*

United Nations, 2002

### Concept of Disability

Most readers’ understanding of disability will stem from the experiences they have had in their own cultures and societies, and those using this resource will thus likely have different conceptions of disability. One of the objectives of this knowledge base is to clarify the concept of disability as it is currently constructed in order to help facilitate World Bank staff work on disability issues. Disability should be broadly understood and conceptualized as a social construct in much the same way that gender, race and ethnicity are socially constructed. This construction originates in an almost exclusively negative interaction of a person with his or her environment. Some examples of the interaction are discrimination and social isolation, as well as attitudinal and structural barriers.

The concept of disability has evolved in recent years. A paradigm shift has moved disability from a medical to a social model. It is a shift that is essentially premised on a rights-based approach. The medical model emphasizes the impairment and the functioning of the person; it has traditionally focused on how to fix and take care of "them." The social/cultural model understands disability as the negative interaction between society’s barriers and people with different functional capacities or functional limitations (see Table 1). This is not to say that the medical model is *per se* a bad thing. For many people, including people with disabilities, application of the medical model is essential to the enjoyment of the human right to health. However, over time the international community has largely come to recognize that the medical model is not an effective or empowering conceptual framework for promoting the full inclusion of people with disabilities in society.

Impairments can be more or less disabling depending on the nature of the societies in which they occur. Thus, disability is itself a relative term. The social model emphasizes the societal barriers that exclude people with disabilities. These barriers are often environmental, institutional and attitudinal. It is these barriers that people with disabilities experience and that result in their social exclusion. In other words, "disability" is not something that people possess, nor is it a quality that is inherent in a person or a group. Rather, it results from the presence of societal barriers and the failure of some people to recognize differences. These barriers inhibit the full inclusion and participation of people with disabilities in social and economic activity.



**Table 1. Comparison of medical/charity and social/cultural models of disability**

<b>Assumption</b>	
<b>Medical/Charity Model*</b>	<b>Social/Cultural Model</b>
<ul style="list-style-type: none"> <li>• People with disabilities are the problem</li> <li>• People with disabilities are “sick” and need to be cured by doctors</li> <li>• People with disabilities will always be dependent on others</li> <li>• People with disabilities are “abnormal”</li> <li>• The provision of accommodations or social supports is a “favor” for which people with disabilities should be grateful</li> </ul>	<ul style="list-style-type: none"> <li>• People with disabilities are NOT the problem</li> <li>• Barriers created by society are the problem</li> <li>• Barriers include legal barriers, physical barriers, information barriers, attitudes</li> <li>• If barriers are removed, people with disabilities are fully capable of leading independent lives, participating and being fully included in society</li> <li>• People with disabilities are “normal,” i.e., disability is a natural and normal part of human variation</li> <li>• The removal of barriers and provision of accommodations and social supports is not a “favor,” but rather is fundamental to the full enjoyment of human rights by people with disabilities</li> </ul>
<b>Consequences</b>	
<b>Medical/Charity Model</b>	<b>Social/Cultural Model</b>
<ul style="list-style-type: none"> <li>• Lack of societal awareness and commitment to the removal of barriers</li> <li>• Violation of the autonomy of people with disabilities, with medical professionals and others acting as primary decision makers</li> <li>• People with disabilities may become passive recipients of charity and treatment, rather than active claimants of human rights</li> <li>• People with disabilities experience a sense of failure because they cannot be “cured,” and/or feel that they are social outcasts</li> <li>• People with disabilities may become permanently dependent on others and marginalized from society so that they do not fully enjoy their human rights</li> </ul>	<ul style="list-style-type: none"> <li>• Societal awareness of, and meaningful commitment to, the removal of barriers</li> <li>• Respect for the autonomy of people with disabilities</li> <li>• People with disabilities become active claimants of their human rights</li> <li>• People with disabilities become empowered as full participants in society and members of their communities</li> </ul>

\* It should be noted that this critique of the medical/charity model is not intended to wholly criticize this models *per se*, as it may be appropriate in particular contexts. Rather, the intention is to show how this model is an inappropriate paradigm for disability.

This way of understanding disability is important because it shows the need to identify, remove and prevent the creation of societal barriers. It also promotes an enabling environment that facilitates the inclusion of people with disabilities. Structures and services that have worked to exclude and pathologize people with disabilities in certain sectors (e.g., in policy, education, health and welfare, and employment) are now moving to recognize disability as difference—one that is a normal facet of the human experience. Understanding disability through the social model is a conceptual shift that arguably also needs to be included in the process of democratization and good governance. This is because the ability to participate effectively in civic life on the basis of equality with others is undeniably a condition essential for inclusive development.

Exclusion is not an intrinsic part of the human condition of being disabled. There are many people with disabilities that are included in society and contribute to it. This is often the case in societies where barriers have been removed and the state has addressed issues related to disability from a social and economic perspective. However, these actions are not a guarantee that exclusion is absent. In many developed countries, people with disabilities are institutionalized and relegated to the margins of society. The reasons include shame, prejudicial attitudes and paternalistic approaches, as well as the inability to access basic services, especially among the poor. Because disability discrimination is often subtle and insidious, it is critical to pay attention to the full spectrum of barriers that exclude people with disabilities, including programmatic and/or policy choices and attitudes.

**Box 1. Examples of societal barriers**

- Environmental barriers include inaccessible buildings, schools, clinics, water pumps, transport, roads and infrastructure.
- Institutional barriers include legislation that discriminates against people with disabilities, or an absence of legislation that might otherwise provide an enabling framework.
- Attitudinal barriers include negative stereotyping of people with disabilities, “pigeonholing” people with disabilities, social stigma and other forms of overt discrimination.

## **Diversity of Disability**

### **Who are we talking about and where are they?**

Since disability is best understood as a continuum, it can be difficult to assess accurately the precise number of people with disabilities. Country definitions vary widely, as do methodological approaches to measuring disability. How one chooses to define disability, moreover, depends very much on the reasons for collecting the data (e.g., establishing a disability pension scheme versus making public services accessible) and the data instrument used (e.g., a census, survey or administrative data). As a result, official statistics vary greatly.

To address this issue, the Bank has been working with the United Nations Washington Group on Disability Statistics and the World Health Organization (WHO) to establish an internationally comparable approach to measuring the general prevalence of disability. This approach draws on the functional framework embodied in the International Classification of Functioning developed by the WHO. In the few developing countries in which this approach has been implemented, findings indicate a disability rate of about 10 to 12 percent, with about 2 to 4 percent of the population having significant disabilities. This estimate is in line with the often-cited United Nations (U.N.) figure of a 10-percent disability rate (although this rate is best understood as an “informed guess,” based on data available from developed country sources).

According to the U.N., there are approximately 600 million people with disabilities in the world, with at least 80 percent of these individuals living in developing countries. Given this significant population, it is important to recognize the diversity within the disability community itself. For example, there are multiple causes of disability. These can range from

poor nutrition, dangerous working and/or living conditions, limited access to vaccination programs and health and maternity care, poor hygiene, bad sanitation, road accidents, lack of information or misinformation about the causes of impairments, war and conflict, and natural disasters.

It is estimated that as many as 50 percent of disabilities are preventable and directly linked to poverty. For example, the WHO currently estimates that there are 1.5 million blind children worldwide, with the largest number in Africa and Asia. In developing countries, up to 70 percent of blindness in children is either preventable or treatable. That said, it should be noted that although many World Bank activities address the prevention of disability (e.g., polio vaccination projects), the focus of this paper is on those people for whom prevention was not relevant or did not work.

People with disabilities are not a homogenous group. The U.N. Standard Rules on the Equalization of Opportunities for Persons with Disabilities notes that disability “summarizes a great number of different functional limitations occurring in any population in any country of the world. People may be disabled by physical, intellectual or sensory impairment, medical conditions or mental illness. Such impairments, conditions or illnesses may be permanent or transitory in nature.”

People with disabilities may have had a disability from birth or acquired it in childhood, their teenage years, later in life, during further education or while in employment. Their disability may have little impact on their ability to work and take part in society or it may have a major impact, requiring considerable support and assistance, with many variations in between. The most frequent types of disabilities are not those caused by birth defects or traumatic accidents. Instead, they are often musculoskeletal conditions, such as arthritis or cardiovascular conditions, typically caused by chronic degenerative processes that increase as a person ages. Among younger age groups, mental illness is the most prevalent disabling condition.

Among persons with disabilities, the following groups are considered particularly at risk of discrimination and frequently face discrimination on multiple grounds: women, children, elders, victims of torture, refugees and displaced persons and migrant workers. For instance, women with disabilities often experience discrimination on the basis of gender and impairment and/or disability; their literacy rates are also lower than their male counterparts. According to UNESCO, only one to two percent of children with disabilities in developing countries receive an education; the World Bank reports that roughly one-third of all children not enrolled in school have a disability.

## Breaking Down Language Barriers and Use of Terms

Depending on language and culture, different expressions are used when referring to persons with disabilities. If you are unsure of the appropriate term, a practical suggestion is to ask members of the disability community in the country(ies) where you are working what they consider the most acceptable terminology.

The World Bank supports disabled people in developing their own language and recommends asking individuals with disabilities for their preference. For ease of understanding and to acknowledge multiple viewpoints in this resource, this paper will use both the terms “persons with disabilities” and “disabled people.” This choice coincides with the most common terminology in the English language. (Some people prefer the term “persons with disabilities” to emphasize the person first and the disability second, while others promote the term “disabled people” to emphasize the role that society plays in their disability.) Good practice suggests that the expression used should not indicate that disability is perceived as a deviation from the norm. The term “persons with disabilities” is consistent with the language used by the U.N.

### Box 2. Terms used in this paper

Disability is the result of the process of disablement, which occurs when people with impairments experience barriers to their full participation in society and their recognition, enjoyment or exercise of human rights and fundamental freedoms in the civil, political, economic, social or cultural life, or any other field of human endeavor.

The concept of impairment encompasses the full and diverse range of functional impairments, including physical, sensory, neurological, psychiatric and intellectual—all of which may be permanent, intermittent, temporary, or perceived as impairment by society but not necessarily by individuals. It should be noted that not everyone in the disability community uses the word “impairment,” as some consider it to have a negative or “deficit” connotation. As a result, some people promote the use of the alternative term, “different functional statuses.” However, the term “impairment” is primarily used in this paper, as it is the term used in the U.N. Standard Rules on the Equalization of Opportunities for Persons with Disabilities.

A Glossary of Terms is available in Annex 1 that defines many of the more technical and disability-specific terms used in this paper.

## Disability and the Millennium Development Goals

*“People with disabilities are also people with extraordinary talent. Yet they are too often forgotten. When people with disabilities are denied opportunities, they are more likely to fall into poverty—and people living in conditions of poverty are more likely to develop disabilities. As long as societies exclude those with disabilities, they will not reach their full potential and the poor in particular will be denied opportunities that they deserve. I’m proud of the work we have done so far to create opportunities for disabled people to contribute fully to their communities. But we cannot achieve these goals alone. We must work closely with our development partners to remove the barriers that exclude disabled people and ensure equality of opportunity for every member of society”*

World Bank President Paul Wolfowitz

February 6, 2006

*“Unless disabled people are brought into the development mainstream, it will be impossible to cut poverty in half by 2015 or to give every girl and boy the chance to achieve a primary education by the same date, which are key among the Millennium Development Goals agreed to by more than 180 world leaders at the U.N. Millennium Summit in September 2000.”*

Former World Bank President James D. Wolfensohn

*Washington Post*, December 3, 2002

In 2000, the Millennium Development Goals (MDGs) were born from the Millennium Declaration, which represents an unprecedented global consensus on improving the condition of humanity throughout the world. Today the MDGs are seen as the centerpiece of the development agenda.

Notwithstanding the breadth and scope of the MDGs, people with disabilities continue to experience inequalities that are closely intertwined with all development challenges linked to the MDGs. Disability remains both a cause and consequence of poverty. Reaching the Millennium Development Goals is unlikely to be achieved unless the rights and needs of people with disabilities are considered in the process of development.

There is a clear indication that poor people with disabilities are more likely to be caught in a vicious cycle of poverty and disability, each of which is both a cause and a consequence of the other (see Figure 1). The risk of impairment is greater for a family that lives in poverty; a disabled family member places higher demands on family resources. For example, a sibling (often a girl) will stay home to care for a brother or sister with a disability because schools are inaccessible. As a result, the failure of society to be inclusive results in two children out of school and deprived of an education. The provisioning of basic resources and services often reverts to the family because of society’s failure to remove barriers and provide an enabling environment that would allow for full inclusion and participation of people with disabilities.

### Box 3. People with disabilities and the MDGs: Examples of linkages\*

#### **Eradicate Hunger and Poverty**

Disabled people make up as much as one-fifth of the world's poor.

#### **Achieve Primary Universal Education**

Forty million of the 115 million children not attending primary school in developing countries have disabilities.

#### **Promote Gender Equality and Empower Women**

Disabled women are more likely to be victims of sexual abuse. Violence against women causes psychological disabilities; certain disabilities, such as obstetric fistula, are particularly stigmatizing.

#### **Reduce Child Mortality**

Children with disabilities are at a higher risk of dying because of medical conditions, but also due to lack of access to public services and intense stigma—even within their own homes.

#### **Improve Maternal Health**

Disabled women have less access to public health information, placing them at greater risk of unwanted pregnancies and HIV/AIDS.

#### **Combat HIV/AIDS, Malaria and Other Diseases**

AIDS and other contagious diseases can be disabling in and of themselves. However, most significantly, efforts to halt these epidemics frequently do not encompass disabled people, putting them at higher risk of contracting these diseases.

#### **Ensure Environmental Sustainability**

Environmental dangers can lead to the onset of many types of disabilities; inaccessible environments prevent disabled people from taking part in economic and social activities.

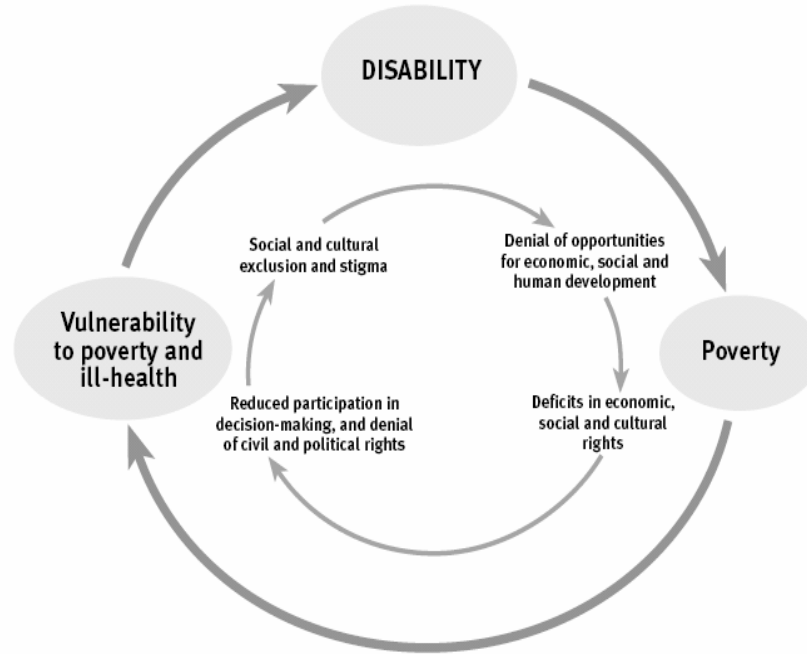
#### **Develop a Global Partnership for Development**

A partnership implies inclusion, which means everyone.

\* For a further examination of disability in the context of the MDGs, see Annex 3, “a. Addressing Disability in the Millennium Development Goals.”

It must be understood that the cost to society does not result from the disability *per se*; rather, it is the outcome of society's inability to remove barriers that excludes people with disabilities and often makes them dependent instead of independent. There is sufficient evidence that the short-term costs of education and integration of persons with disabilities is surpassed by the long-term savings to families and societies. This evidence suggests that inclusive development could ensure that countries enjoy large productivity gains and economic returns when people with disabilities are included in all aspects of development.

Figure 1. The poverty/disability cycle



Source: "Disability, Poverty and Development," U.K. Department for International Development, London, UK, February 2000.

Achieving international development targets for economic, social and human development will undoubtedly reduce the levels of disability in many poor countries. However, general improvements in living conditions will not be enough. Specific steps are still required, not only for prevention, but also to ensure that people with disabilities are able to participate fully in the development process, obtain a fair share of its benefits and claim their rights as full and equal members of society. An integrated approach is required that links prevention and rehabilitation with empowerment strategies and changes in attitudes.

In addition to the integrated approach, the use of a "twin-track approach" is important, namely: (i) mainstreaming disability throughout development programming and (ii) providing disability-specific programming in cases where particular supports are required. (Such an approach is currently being used in the human rights realm, where the International Convention on the Rights of Persons with Disabilities is being developed at the same time as efforts are being made to integrate disability issues into the work of existing human rights treaty bodies.) This approach is important for advancing the equalization of opportunities for people with disabilities and thus promoting an inclusive society. An inclusive society can be defined as a society where there is equal access to rights and opportunities for everyone, including people with disabilities.

## Principles and Trends

To achieve development that is inclusive of people with disabilities, three principles should be kept in mind, in addition to the general principles found in the International Convention on the Rights of Persons with Disabilities. These principles should be thought of not only as goals and objectives, but also as processes through which inclusive development for people with disabilities is achieved:

- **Inclusion:** people with disabilities should be accepted as equal partners in development and included as full participants in all development activities.
- **Equity:** people with disabilities should enjoy equitable access to the benefits resulting from development activities. As well, development activities should promote non-discrimination and equal opportunities for people with disabilities to participate in every facet of life—civil, political, economic, social and cultural.
- **Access:** people with disabilities should enjoy access to the built environment,<sup>1</sup> transportation, information and communications infrastructure so that they may be full participants in all aspects of life and enjoy the full range of human rights.

There can be no question that, in keeping with these principles, the development field is moving towards more comprehensive and meaningful inclusion of people with disabilities. The historic silence on disability-related issues in the development arena is reflective of much of society, where the terms of the debate around disability (typically premised on pity and paternalism) have generally remained repetitive and unchanged. However, we are now witnessing a new frontier where people with disabilities themselves are demanding to be included in all aspects of life. This is happening gradually and some encouraging trends are emerging.

With regard to wider trends in society, it is increasingly recognized in the international community that there should be no forced institutionalization, warehousing or segregation of people with disabilities. In particular, we see recognition of these trends in the International Convention on the Rights of Persons with Disabilities, the agreed text of which includes provisions for promoting the ability of people with disabilities to live independently in the community. Thus, we are seeing changes from:

- institutionalization to community living;
- segregated education to inclusive education;
- separate transport to transportation that is accessible to all; and
- segregated care to community care and support, together with community-based rehabilitation.

Other emerging trends include working with people with disabilities as partners in their own development as an essential means for ensuring the equalization of opportunity and economic empowerment. These trends are being increasingly expressed in the area of

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<sup>1</sup> See definition in Annex 1.



international cooperation, with donors and other development agencies addressing disability-related issues in their strategies and reports.

**Box 4. General principles**

The International Convention on the Rights of Persons with Disabilities is particularly notable for its inclusion of an article that explicitly elaborates general principles. Although such articles are common in environmental and other fields, such an article is unusual in the human rights context. It is hoped that the express articulation of general principles will assist in the interpretation and implementation of the Convention. The “fundamental principles” of the Convention (as of August 25, 2006) are expressed as:

- (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 disability 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.

### **Box 5. How international donors are addressing disability**

**Asian Development Bank:** Developed “Disability Brief Identifying and Addressing the Needs of Disabled People.”

**Austria:** Reference to the needs of children and people with disabilities is an integral part of the law that established the Austrian Development Agency (2003).

**Denmark:** The study, “From Charity toward Inclusion: The Way Forward for Disability Support through Danish NGOs” (2000), was commissioned by the Ministry of Foreign Affairs/DANIDA. It resulted in 13 recommendations for DANIDA’s criteria for disability support.

**European Union (EU):** In March 2003, the EU produced a guidance note on disability and development for EU delegations and services to address disability in their daily work. Three EU-ACP (African Caribbean Pacific) resolutions have also passed since 2001 that are relevant to mainstreaming disability.

**Finland:** “Disability Dimension in Development Action” (2000) is the result of intensive collaboration between disabled people’s organizations (DPOs) and the Department of International Development Cooperation (DIDC) to create an explicit policy on disability and development.

**Italy:** The Italian Cooperation “Guidelines Concerning Disabled People” (2003) has been adopted by the General Directorate for Development Cooperation of the Ministry of Foreign Affairs.

**Nordic Countries:** After almost a decade of intensive collaboration between DPOs and Development Cooperations and/or ministries of foreign affairs, Norway, Denmark, Finland and Sweden have approved a document with steps to include disability in Nordic development cooperation.

**Norway:** The Norwegian Agency for Development Cooperation (NORAD) produced guidelines on “Planning and Monitoring for the Inclusion of Disability Issues in Mainstream Development Activities” in 2002.

**Sweden:** The Swedish International Development Agency’s “Development Cooperation for Children and Adults with Disabilities” (1999) summarizes previous experience and current international policy issues with a strong human rights approach.

**United Kingdom:** The Department for International Development (DFID) has adopted a twin-track approach to disability. This approach seeks to mainstream disability issues alongside specific initiatives to empower and enhance the lives of people with disabilities.

**United States:** The U.S. Agency for International Cooperation (USAID) has a mandatory reference policy paper that articulates its commitment to pursue advocacy for, outreach to and inclusion of people with physical and mental disabilities, to the maximum extent feasible, in the design and implementation of USAID programming, and provides guidance for making that commitment operational (e.g., through standards for accessibility in USAID-financed construction). It is the product of a comprehensive consultative process between USAID and its partners and responds to issues identified in that process. In addition, the United States Congress has required the State Department to include the human rights conditions of people around the world with disabilities in its annual country reports.

**WHO:** Disability prevention and rehabilitation is a key focus area of the WHO, which has taken the lead in programs to eliminate and reduce the incidence of disabling diseases, such as polio, TB and malaria. WHO champions and supports the development of community-based rehabilitation across the world. It also leads in the gathering of disability data and has developed the International Classification of Functioning, Disability and Health (ICF) to act as a global system for data collection.

## PART II. INCLUDING DISABILITY IN THE PROJECT CYCLE

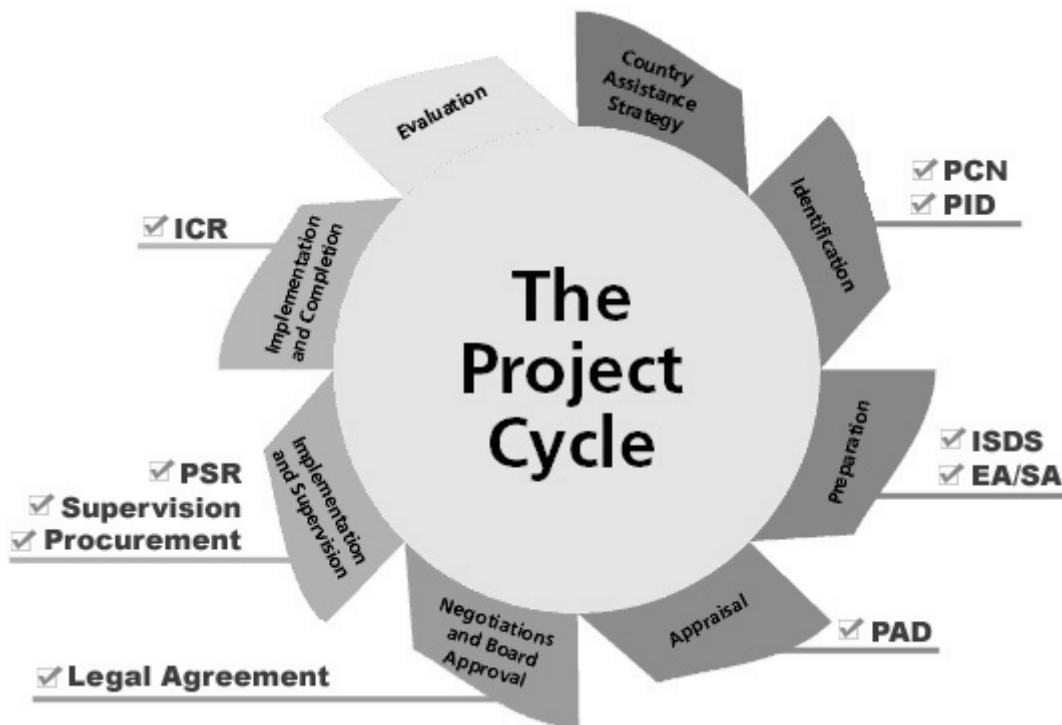
Each of the following sections is intended to:

1. Explain the relevance of the document and/or stage in the project cycle to disability. That is, the sections ask the question: What opportunities exist for the positive inclusion of people with disabilities and disability issues?
2. Explain the role that Bank staff may take in seizing these opportunities, highlighting practical steps to ensure that relevant issues are raised with the project team in a timely manner.

Associated checklists can be found in Annex 2.

### The Project Cycle

Figure 2. The project cycle



## Box 6. Disability and the project cycle

### IDENTIFICATION

#### Project Concept Note (PCN)

Ensure early identification of disability opportunities:

- Identify domestic legislation and accessibility standards
- Comply with legislation and/or standards at meetings and consultations
- Address barriers precluding participation of persons with disabilities (PWD) in meetings and consultations
- Include government departments and/or officials responsible for disability issues
- Include disability leaders and disabled people's organizations
- Check CAS and/or PRSP for disability references
- Archive consultations and discussions

#### Project Information Document (PID)

Capture disability issues to alert those inside and outside the Bank:

- Include disability issues referenced in the PCN
- Convey nature of project disability components
- Distribute PID through Public Information Centers (PICs) and other information outlets

### PREPARATION

#### Integrated Safeguards Data Sheet (ISDS)

Expressly address disability when applying Bank Safeguards Policies for Indigenous Peoples and Involuntary Resettlement:

- Screen for the presence of people with disabilities in indigenous populations and populations affected by resettlement
- Actively consult affected people with disabilities throughout project consultation and development process
- Avoid adverse effects for affected people with disabilities
- Minimize, mitigate and compensate adverse project impacts on people with disabilities that cannot be avoided
- Ensure project benefits extend to people with disabilities

#### Environmental/Social Assessments (EA/SA)

Determine and address significant potential project effects on people with disabilities:

- Address disability issues as part of environmental screening
- Include people with disabilities in the EA screening process
- Avoid potentially adverse impacts that could result for people with disabilities
- Consider project alternatives
- Highlight EA findings and recommendations for inclusion in later project documents

### APPRAISAL

#### Project Appraisal Document (PAD)

Fully elaborate disability issues:

- Capture and expand on issues addressed in PCN and PID
- Respond to issues raised during project concept consultations
- Reflect best and most accurate disability data available
- Include disability to facilitate meaningful Quality Enhancement Review (QER)
- Include budgets reflective of disability components
- Reflect PAD in revised and updated PID

## Box 6, continued. Disability and the project cycle

### NEGOTIATION AND BOARD APPROVAL

#### Legal Agreement

Clarify and specify roles, definitions and standards that apply to project disability components:

- Provide disability-related definitions
- Specify standards, legislation and/or operational guidelines to be used to implement project disability components
- Gather data on implementation of project disability components through financial management system
- Include project disability components in project description
- Identify people and processes needed to implement and monitor project disability components
- Reference procedures and standards needed to ensure accessible procurement and non-discrimination in hiring of consultants with disabilities

### IMPLEMENTATION AND SUPERVISION

#### Procurement

Ensure procurement processes and outcomes do not inadvertently create barriers to inclusion of disabled people:

- Ensure that goods and services purchased are consistent with relevant standards and client country agreements regarding accessibility
- Ensure that contract bidding processes are accessible, permitting people with disabilities equal opportunity to participate in bidding
- In the case of a co-financed operation, review and agree on any disability standards promoted by donors

#### Supervision

Determine whether there is appropriate compliance with loan agreement provisions most relevant to people with disabilities:

- Ensure that tools, policies and guidelines (e.g., operational manuals, etc.) utilized in supervision activities are inclusive of disability
- Obtain information directly from local disabled people's organizations in order to facilitate assessment activities

#### Project Status Report (PSR)

Monitor and supervise implementation of disability issues:

- Ensure PSR project development objectives reflect the disability objectives of the PAD
- Capture project disability components in project performance ratings
- Capture project disability components in safeguard compliance assessments
- Capture project disability components in legal covenant compliance assessments
- Gather disability-related data from people with disabilities and others during site visits
- Conduct follow-up with people with disabilities to generate solutions to implementation problems

### IMPLEMENTATION AND COMPLETION

#### Implementation Completion and Results (ICR) Report

Provide a full and accurate reflection of the degree to which the project disability components have been implemented in order to build institutional capacity and memory:

- Be accurate and explicit in addressing project disability components
- Address lessons learned regarding implementation of project disability components in consultation with people with disabilities

## Project Concept Note (PCN)

At this preliminary stage of the project life cycle, the Project Concept Note (PCN) and, in particular, the PCN drafting process, can contribute to the successful inclusion of disability in two important ways:

**1. Convening Role.** The PCN is drafted following extensive consultations with the government. In many instances, the consultation process also encompasses discussions with civil society, allowing a broad spectrum of stakeholders to participate in identifying relevant issues and to discuss potential development solutions. If disability issues are to be adequately included in the later phases of the project life cycle, it is important at this stage of consultations that:

- disability issues be identified and discussed during this consultation phase
- any Country Assistance Strategy (CAS) or Poverty Reduction Strategy Paper (PRSP) documents be reviewed for references to disability issues that should be discussed
- people with disabilities and their representative organizations be included in these consultations, not only to ensure that relevant disability issues are identified by staff with the necessary expertise, but because people with disabilities have the right to contribute to the development process on an equal basis with other citizens and members of civil society

**2. Precedent.** Explicitly referencing disability in the PCN helps ensure that later project documents and activities do not fail to include disability. Although the PCN format does not lend itself to in-depth discussion of project issues, even a brief reference can contribute to the successful inclusion of people with disabilities and disability issues in later stages of the project life cycle.

***Checklist.** A PCN checklist is available in Annex 2 to assist Bank staff in ensuring that the PCN, and PCN drafting process, fully address disability.*

## Project Information Document (PID)

The Project Information Document (PID) is usually the first opportunity for those outside the Bank to learn about a project as it has been conceptualized and to contact the project team if they wish to bid for work or be involved in other ways. Referencing disability in the PID is thus an important means of alerting those with disability expertise to the existence of a relevant project. The earlier that disability experts are brought into a project, the more efficiently and effectively disability-related components of the project can be implemented.

***Checklist.** A PID checklist is available in Annex 2 to assist Bank staff in ensuring that the PID fully addresses disability.*

## Integrated Safeguards Data Sheet (ISDS)

The Integrated Safeguards Data Sheet (ISDS) is a very important step for people with disabilities because it is the first opportunity to discuss and determine whether disability issues will be analyzed as part of the project design and review. Project actions and Safeguard Policies are particularly important to people with disabilities, given that environmental factors may either facilitate the access and participation of people with disabilities or constitute disabling barriers.

The identification of disabilities issues through the ISDS is vital for three reasons:

1. It is the initial analysis of project environmental factors, which include social issues for Safeguard Policies; this analysis leads to a potential assessment of impacts on people with disabilities and possible mitigations to help avoid or reduce such impacts.
2. It brings three Safeguard Policies into the project with direct relevance to potential disabilities issues: OP 4.01: Environmental Assessment, OP 4.10: Indigenous Peoples and OP 4.12: Involuntary Resettlement.
3. Early identification of disability issues is extremely important for the purposes of project planning and design.

In addition, the Bank's Public Disclosure Policy offers a process for interacting with the public, NGOs, DPOs and other interested parties so that they may provide important input regarding disability-related aspects of a project.

**Checklists.** *Two checklists for OP 4.10 and OP 4.12 are available in Annex 2 to assist Bank staff in ensuring that these Safeguard Policies are fully utilized to address disability.*

## Inspection Panel

Established in 1993 by the Executive Directors of the Bank, the Inspection Panel serves as an accountability mechanism for the World Bank (i.e., for the IBRD and IDA; the IFC has a separate oversight mechanism). According to the Panel's website, its primary purpose is to "address the concerns of the people who may be affected by Bank projects and to ensure that the Bank adheres to its operational policies and procedures during design, preparation and implementation phases of projects."

In complying with its relevant social safeguard policies and procedures (as further discussed below), the Bank may require the design and implementation of certain measures under Bank social policies (e.g., Indigenous Peoples, Involuntary Resettlement and Physical Cultural Resources). These measures may include a Resettlement Framework or Action Plan, or an Indigenous Framework or Plan. Whenever applicable, these policy instruments should identify and address people with disabilities in the context of the Bank-supported project in question. Failure to comply with such measures could lead to a Request for Inspection by affected parties (Panel rules simply require that two or more people, or a representative

organization, file a Request for Inspection), and, possibly, to an investigation by the Panel to ascertain if the Bank followed applicable Policies and Procedures.

Additional information on the Inspection Panel can be found at:  
<http://www.inspectionpanel.org>.

## **Environmental/Social Assessments (EA/SA)**

The Environmental Assessment (EA), OP 4.01, has great relevance for people with disabilities because it provides an opportunity to review, evaluate and document project impacts on disabled people and identify possible mitigation measures where necessary. Additionally, it can provide an opportunity for the involvement of people with disabilities during assessment activities. It can also lead to legally binding requirements for the project through the Environmental Management Plan (EMP). The EMP is a formal requirement for Category A projects in accordance with paragraphs 7 and 20 of OP 4.01 and paragraph 12 of BP 4.01. For Category B projects, the need for an EMP is decided on a case-by-case basis.

The EA process is critical to disability issues for five key reasons:

1. At this point, actual project actions are reviewed for their potential impacts on people with disabilities and solutions to avoid (or mitigations to reduce) these impacts are developed.
2. Impacts and mitigations are documented.
3. The Bank's Public Disclosure Policy offers a process for interacting with the public, NGOs, disabled people's organizations (DPOs) and other interested parties that would have important input into disability issues.
4. Mitigations are made part of the EMP, to be implemented through the legal documents for the project during implementation and supervision.
5. Project costs for dealing with disability issues can be incorporated into the final project design and costs. (It should be noted that these costs need not be particularly substantial; the earlier that disability issues are incorporated into the planning stage, the lower these costs should be).

In accordance with OP 4.01, paragraph 2, the EA is a process whose breadth, depth and type of analysis depends on the nature, scale and potential environmental impact of the proposed project. In the context of disability issues, a significant impact on people with disabilities could mean:

- Any potential physical or social barrier from a project that results from the interaction of people with different levels of functioning and a given environment (e.g., a natural environment of air, water, land and/or human health and safety or other social aspects) that does not take these differences into account. In other words, people with physical, sensory or mental impairments are disabled not because of a diagnosable condition, but because they are denied access to education, labor markets, public services or the physical infrastructure of a society.



- Possible exclusion or barriers lead to poverty and more disability by increasing an individual's vulnerability to malnutrition, disease, unsafe living and working conditions or loss of livelihood.
- Lack of preventive measures or actions to avoid the possible occurrence of physical, sensory, neurological, psychiatric or intellectual impairments.
- Potential actions that themselves that may not have a substantial disabling effect, but when taken with other existing, planned or foreseeable project actions (whether financed by the Bank or other funding sources) have a substantial cumulative impact on vulnerable individuals or groups.

Significant effects need to be noted in a project EA, even if the actions can be mitigated to reduce or avoid their impact.

***Checklist.** A checklist is available in Annex 2 to assist Bank staff in ensuring that the OP 4.01 Environmental Assessment Safeguard Policy is fully utilized to address disability.*

## **Project Appraisal Document (PAD)**

Failure to address disability issues within a Project Appraisal Document (PAD) and its associated technical annexes may result in inadequate coverage of disability issues in legal agreements and significantly inhibit the ability of the Task Team and client country to achieve the disability-related objectives envisioned for the project. Coverage of disability issues within a PAD should thus provide guidance and specificity regarding:

- the activities that will be undertaken;
- how these activities will be monitored; and
- specifically, how people with disabilities will be involved and benefit as stakeholders in the project.

In order to provide this needed level of coverage, disability issues should ideally be mainstreamed throughout the various sections of a PAD. The sections and sub-sections of a typical PAD in which disability might be most appropriately discussed are indicated below:

### **Strategic Context and Rationale**

- **Country and sector issues:** these sections could address the full inclusion of people with disabilities as part of a client country's poverty reduction strategy, where the poverty reduction strategy might involve the removal of societal barriers which currently restrict the participation of people with disabilities.
- **Rationale for Bank involvement:** this section could address how the Bank's actions related to disability are consistent with current trends and the actions and policies of other international agencies and major stakeholders that currently address disability in their work.

- **Higher-level objectives to which the project contributes:** incorporation of disability into the project may relate to achievement of CAS objectives, as well as client-country compliance with international obligations that stem, for example, from human rights and other treaties.

### **Project Description**

- **Project development objective and key indicators:** if people with disabilities are, or are part of, the primary target group, a PAD should indicate what the principal outcome for people with disabilities would be and how progress towards achieving this outcome should be measured. (When considering issues of monitoring, due consideration should be given to ensuring that people with disabilities are themselves part of the project monitoring and evaluation process.)
- **Project components:** disability-related project components may be elaborated in more detail in this section, including greater coverage of people with disabilities as principal target groups, objectives, key inputs and outputs.
- **Lessons learned and reflected in the project design:** this section may be used to indicate how a project incorporates current best practices related to disability and development, as drawn from the Bank's prior work and that of other international actors. (People with disabilities and their representative organizations are, of course, an excellent source of information related to best practices that may be of relevance for the project.)

### **Implementation**

- **Partnership arrangements:** an increasing number of development agencies have developed policies to address disability in their work; these policies may impact any joint financing conducted with the Bank.
- **Institutional and implementation arrangements:** in selecting institutions responsible for implementation, due consideration should be given to whether the institution has the capacity to address the disability issues specific to the project and whether additional institutions should be brought into the project to provide capacity in this regard. With respect to procurement, consideration should also be given to ensuring that the implementing institutions have access to appropriate accessibility standards so that procurement purchases do not inadvertently lead to inaccessibility in, for example, project construction. Care should also be taken to ensure that people with disabilities are not excluded from participation in procurement bidding and acquisitions processes.
- **Monitoring and evaluation of outcomes/results:** project results indicators should capture progress made in achieving disability-related objectives both during implementation and after a project is completed. Care should be taken to ensure that the indicators chosen do not inadvertently solicit project implementation actions that perpetuate outmoded and paternalistic approaches towards disability issues. Additionally, people with disabilities themselves and their representative organizations should be involved in the project monitoring process and, where necessary, they—

together with representatives from the other monitoring institutions—should be supported in improving their capacity to engage in monitoring.

- **Sustainability:** an important aspect of sustainability is the capacity of relevant actors to further the project objectives. In the case of disability, capacity building may be needed to facilitate the sustainable and effective engagement of important stakeholders, including government institutions that have traditionally ignored disability or utilized outmoded and paternalistic approaches to disability, people with disabilities, disabled people's organizations and others.
- **Loan/credit conditions and covenants:** to the extent that any legal covenants are required to ensure implementation of disability-related project objectives, these should be referenced here.

### Appraisal Summary

- **Economic and financial analyses:** in assessing the financial soundness of a project, it may be necessary to show how the costs associated with including people with disabilities relate to the costs associated with the exclusion of people with disabilities. In this regard, it may be helpful to provide calculations for both the short and long term, as the costs of inclusion often entail an initial cost, but the costs of exclusion continue for many years into the future.
- **Technical:** here again, it may be relevant to reference best practices and/or international standards relating to the inclusion of people with disabilities, as well as discuss how the technical design or approach of a project complies with, or deviates from, those standards.
- **Fiduciary:** cost-benefit analyses should be incorporated into the project design (e.g., a cost-benefit analysis of the utility of addressing accessibility in the early stages of construction projects).
- **Social:** see section above entitled "Environmental/Social Assessments."
- **Environment:** see section above entitled "Environmental/Social Assessments."
- **Safeguard Policies:** see section above entitled "Integrated Safeguards Data Sheet."
- **Technical annexes:** the following technical annexes would be appropriate places to include more detailed information related to the situation of people with disabilities in a country, the steps undertaken by the Bank and others to improve their situation, detailed economic analyses and supporting data, and monitoring and supervision frameworks that encompass the disability components of a project:
  - country/ sector/ program background
  - major related projects financed by the Bank and/or other agencies
  - results framework and monitoring
  - detailed project description
  - project costs
  - implementation arrangements

- financial management and disbursement arrangements
- procurement
- economic and financial analysis
- safeguard policy issues (especially EMPs, Indigenous Peoples Action Plan and Involuntary Resettlement Plans)
- project processing
- documents in the project file
- statement of loans and credits
- country at a glance
- map(s)

Given that the Quality Enhancement Review (QER) is considered the “definitive closure point” in the PAD drafting process, the elaboration of disability issues in a PAD should be completed in sufficient time for those references to be assessed in the QER.

**Checklist.** *A checklist is available in Annex 2 to assist Bank staff in ensuring that the PAD fully addresses disability.*

## **Project Status Report (PSR)**

The Project Status Report (PSR) offers opportunities to address disability issues to World Bank staff who either create the initial PSR, compile information to be reflected within the PSR framework or review the PSR.

### **Special Cases: Disability Component**

The following example integrates disability into the individual components ratings scale included in the OPCS Guidelines to Staff on Project Supervision:

Para a.14 Projects are rated for integrating disability by:

- conducting disability issues analysis;
- ensuring the participation of people with disabilities as appropriate throughout the project process;
- monitoring a project’s differential impact on people with disabilities; and
- collecting disaggregated disability data to reflect and monitor progress in integrating disability.

These four areas are rated according to the scale shown in Table 2.

**Table 2. Rating scale for disability integration**

Highly Satisfactory (HS)	Disability components (analysis, integration, monitoring and disaggregated data collection) are being implemented in a timely and satisfactory manner.
Satisfactory (S)	Implementation of the critical aspects of disability components is proceeding in a timely and satisfactory manner. There are some problems with certain other aspects, but these are not

	undermining the progress of implementing the disability components and are being addressed by the borrower/implementing agency.
Unsatisfactory (U)	There are major problems in implementing some or all of the project disability components, including aspects critical to the success of the components and the project as a whole. However, appropriate measures are being taken by the borrower/implementing agency to address the problems.
Highly Unsatisfactory (HU)	As in “U,” but problems are not being addressed appropriately.

**Checklist.** *A checklist is available in Annex 2 to assist Bank staff in ensuring that the PSR fully addresses disability.*

## Legal Agreement

As the embodiment of the final terms and conditions of project implementation, the Legal Agreement sets forth the parameters of the responsibilities of the parties, including their responsibilities regarding the disability-related components of the project. The Legal Agreement, therefore, provides an opportunity to clarify and specify roles, definitions and standards that should be utilized in project implementation as it relates to the issue of disability.

Before addressing the relevant content of the Legal Agreement, it should be noted that the negotiations process also provides an opportunity to be inclusive of disability. Specifically, it may provide an opportunity to include the issue in discussions with government representatives who have responsibility for disability issues within their country, whether or not those individuals will have direct responsibility for project implementation. If a project is intended to have a positive impact on people with disabilities, then those responsible for addressing disability issues should be included, as the project will undoubtedly influence their larger program of work.

**Checklist.** *A checklist of standard Legal Agreement sections is available in Annex 2 and should be considered during the drafting and negotiations process to determine whether those sections should include references relevant to the disability components of a project. In addition, sample draft language has been included to indicate how disability issues could be addressed within the legal agreement.*

## Procurement

Procurement processes and outcomes have relevance in the project cycle for people with disabilities in two ways:

1. **Impact on project outcomes.** Especially where project implementation entails the purchase of goods and services, and/or the construction of buildings or infrastructure, procurement practices can have a huge impact on people with disabilities. Those engaged in the procurement of equipment and supplies will have the opportunity to choose between selecting items that promote accessibility for

people with disabilities and those that do not. If projects are to avoid creating barriers to the inclusion and participation of people with disabilities in society, procurement specialists must be aware of both relevant accessibility standards and client-country agreements regarding accessibility so that the procurement process can support access for disabled people.

2. **Equal opportunity in contracts bidding.** People with disabilities should not be seen merely as stakeholders in the outcome of projects, but as active and equal participants in project implementation. The procurement process should therefore be made accessible to ensure that people with disabilities have equal opportunity to participate in procurement contract bidding processes. For example, meetings to discuss procurement bidding opportunities should be held in accessible locations and information related to the procurement process should be accessible to people with disabilities. It may also be necessary to conduct trainings for procurement specialists and task team members so that World Bank consultant hiring practices do not discriminate against disabled applicants. Finally, in co-financed operations, it is recommended that donors review and agree on any disability standards promoted by them.

## Supervision

The objective of supervision activities is to determine whether loan proceeds have been used in accordance with the purposes of a loan. In the context of inclusive development, this means determining whether the loan agreement provisions most relevant to people with disabilities have been appropriately complied with. In order to accomplish this task, the tools, policies and guidelines utilized in supervision activities should ideally be inclusive of disability issues so that supervision activities automatically take disability-related issues into account. In this regard, readers are encouraged to consult the sections of this paper addressing the EA/SA, ISDS and PSR. Furthermore, in order to carry out the kinds of assessments called for in those documents, Bank staff must have access to accurate information regarding the nature and scope of implementation activities related to people with disabilities. As noted in several project life-cycle checklists, access to PSRs that are inclusive of disability issues, as well as information from local disabled people's organizations, can be invaluable in this regard.

## Implementation Completion and Results (ICR) Report

By the time the ICR is drafted, the loan disbursement period has concluded and there is therefore little that can be done to further impact the implementation of disability-related project components. However, the ICR itself serves as an invaluable source of information, providing an historical record of the Bank's achievements in ensuring inclusive development for people with disabilities. Furthermore, the ICR can provide lessons learned to assist future projects in more effectively ensuring the full inclusion of people with disabilities.

***Checklist.** A checklist is available in Annex 2 to assist Bank staff to ensure that the ICR fully addresses disability.*

## Annex 1. Glossary

### B

**Barrier.** Those aspects of society that intentionally or unintentionally exclude people with disabilities from full participation and inclusion in society. Barriers can be physical, informational, legal, institutional, environmental, attitudinal, etc.

**Built Environment.** That which is commissioned, designed, constructed and managed for use by people and which includes external and internal environments and any component, facility or product that is a fixed part of them.

### C

**Country Assistance Strategy (CAS).** This document forms the blueprint for World Bank assistance to a country. In low-income countries, the CAS is based on the priorities identified in the country's Poverty Reduction Strategy Paper (PRSP). The goals outlined in the CAS guide the priorities of the Bank's lending program and are a useful source of information for interested stakeholders and businesses wishing to identify potential future areas of Bank lending.

### D

**Disability.** The result of the process of disablement, which occurs when people with impairments experience barriers to their full participation in society and their recognition, enjoyment or exercise of human rights and fundamental freedoms in the civil, political, economic, social, cultural or any other field.

**Disability Accommodation Fund (DAF).** The Disabilities Accommodation Fund is designed to provide managers at the World Bank with a source of easily accessible funding to make reasonable accommodations for the work-related needs of staff with disabilities.

**Disabled People's Organization (DPO).** A non-governmental organization managed and led by people with disabilities.

### E

**Environmental Assessment (EA)/Social Assessment (SA).** An EA is required of projects proposed for Bank financing to help ensure that they are environmentally sound and sustainable. It analyzes the likely environmental and social impacts of a planned project, as well as steps to mitigate possible harm. The EA is one of the ten environmental, social, and legal safeguard policies of the World Bank and is considered to be the umbrella policy for environmental "Safeguard Policies." The EA part of the project cycle is driven by the country working with the Bank and can take anywhere from a few months to three years, depending on the complexity of the project being proposed. The Bank plays a supporting role, offering analysis and advice upon request. The Social Assessment (SA) can be prepared

independently at any time during the project cycle, or in association with other safeguard assessments, such as the EA, Involuntary Resettlement, and Indigenous Peoples.

**Environmental Management Plan (EMP).** An EMP consists of a set of mitigation, monitoring and institutional measures to be taken during implementation to offset adverse environmental and social project impacts that are identified during preparation of the EA.

## I

**Impairment.** A concept that encompasses the full and diverse range of functional impairments, including physical, sensory, neurological, psychiatric and intellectual—all of which may be permanent, intermittent, temporary or perceived as impairment by society, but not necessarily by individuals.

**Implementation Completion and Results (ICR) Report.** This report assesses the results of an operation upon completion of each loan financed by the World Bank. Operational staff prepare these self-evaluations for every completed project. The ICR identifies accomplishments, problems and lessons learned. It is submitted to the Bank Board of Executive Directors for information purposes.

**Inclusive Design.** A process whereby designers, manufacturers and service providers ensure that their products and environments address the widest possible audience, irrespective of age or ability.

**Integrated Safeguards Data Sheet (ISDS).** After a project's first formal review of the Project Concept Note (PCN), the ISDS is prepared, along with the Project Information Document (PID), and made public. It identifies key issues under the World Bank's Safeguard Policies for environmental and social issues and provides information about how they will be addressed during project preparation. There are ten Safeguard Policies identified for consideration and determination on the ISDS. In addition, the World Bank information disclosure policy, BP 17.50: Public Disclosure, helps ensure public disclosure of project information and documents early and often throughout the project cycle.

## L

**Legal Agreement.** This document sets forth the terms and conditions of a World Bank loan; it is formally signed by the Bank and representatives of the country seeking to borrow funds.

**Long-term or irreversible effect on people with disabilities.** Possible project impacts that can have a lasting adverse influence on the ability of a disabled person to participate in society. For example, the impact of denying a disabled child physical or social access to education can have an effect that continues into adulthood. Similarly, a missed training opportunity for an adult disabled person can deny them the ability to be employable and constitute a lasting barrier into old age. (In accordance with OP 4.01, paragraph 8 and footnote 10, irreversible impacts may be considered "sensitive").



## M

**Medical/charity model of disability.** Now considered outdated and disempowering, this conceptual framework for disability emphasizes the impairment and functioning of the person as the central issue and focuses on treatment, cure and charitable assistance as methodologies for improving the lives people with disabilities.

## P

**Physical Accessibility.** A characteristic of the built environment, the quality of which is dependent on usability. That is, the means of access to, in and within the environment, which can be determined by measurement or other agreed means.

**Poverty Reduction Strategy Paper (PRSP).** The World Bank uses the Poverty Reduction Strategy (PRS) approach in low-income countries, a process that involves widespread consultation and consensus building on how to boost development. As part of this process, a national Poverty Reduction Strategy is prepared by a country, creating a framework to better coordinate and align donor programs behind national priorities. The government consults a wide cross-section of local groups and combines this with an extensive analysis of poverty, as well as economic analysis. The government determines its own priorities from this process and produces targets for reducing poverty over a three- to five-year period. These priorities are outlined in a Poverty Reduction Strategy Paper (PRSP). The Bank and other aid agencies then align their assistance efforts with the country's own strategy—a proven way of improving development effectiveness.

**Project Appraisal Document (PAD).** This document includes all information that the World Bank Board of Executive Directors needs to approve Bank financing of a proposal and forms the basis of legal agreements. Before 1999, this document was called the Staff Appraisal Report.

**Project Concept Note (PCN).** Once a project has been identified, the World Bank team creates this four-to-five-page internal document, which outlines the basic elements of a project, its proposed objective, likely risks, alternative scenarios to conducting the project and a likely timetable for the project approval process.

**Project Information Document (PID).** This document is prepared after an internal review of the Project Concept Note and is released publicly through the Bank's Infoshop. It is usually four to five pages long and includes a brief description of the project and its objectives. It also contains the name of the World Bank Task Manager or Team Leader who is supervising the projects—a useful contact for companies interested in bidding for work on the project. The PID is an essential resource for tailoring bidding documents to the project concerned.

**Project Status Report (PSR).** This document is a concise summary of key project information. It includes assessments by the supervision task team (IT) of various aspects of project performance and risks, such as the achievement of project implementation and development objectives, issues affecting project implementation and corresponding remedial

actions. It is an internal reporting tool that draws on the *aide-mémoire* used by supervision task teams for external dialogue with the borrower. It is also a management tool. Project performance assessments in individual PSRs provide the basis for assessing the performance of the World Bank portfolio of projects under implementation by country, sector, region, etc., as well as for the purposes of portfolio management.

## **Q**

**Quality Enhancement Review (QER).** This document is a review of a project by a panel of experts and peers that is conducted during the early stages of project design. It is intended to provide timely and high-quality input to the task team when such inputs can make a difference. Typically, this occurs at the Project Concept Document (PCD) stage, prior to the Mid-term Review (MTR) and the Concept Note Stage (CNS). The task team leader usually drafts the panel's terms-of-reference and identifies specific issues on which the task team seeks guidance from the Panel.

## **R**

**Reasonable Accommodation.** When needed in a particular case, necessary and appropriate modification and adjustments that do not impose a disproportionate or undue burden ensure that persons with disabilities enjoy or exercise all human rights and fundamental freedoms on an equal basis with others.

## **S**

### **Significant effect on people with disabilities.**

1. Any potential physical or social barrier from a project that results from the interaction of people with different levels of functioning and a given environment (e.g., a natural environment of air, water, land and/or human health and safety or other social aspects) that does not take these differences into account. In other words, people with physical, sensory or mental impairments are disabled not because of a diagnosable condition, but because they are denied access to education, labor markets, public services and the physical infrastructure of a society.
2. Possible exclusion or barriers that lead to poverty and more disability by increasing people's vulnerability to malnutrition, disease, unsafe living and working condition, or loss of livelihood.
3. Lack of preventive measures or actions to avoid the possible occurrence of physical, sensory, neurological, psychiatric or intellectual impairments.
4. Potential actions that may not have a substantial disabling effect by themselves, but taken cumulatively with other existing, planned or foreseeable project actions (whether financed by the Bank or other funding sources) have a substantial impact on vulnerable individuals or groups.

Significant effects should be noted in a project Environmental Assessment (EA), even if the actions can be mitigated to reduce or avoid their impact.

**Social/cultural model of disability.** A rights-based approach to disability that understands disability as a social construct, not an inherent quality. In other words, "disability" is not something that people possess, nor is it inherent in a person or group; rather, it is the inability of society to recognize differences and remove barriers that inhibits the full inclusion and participation of people with disabilities. The social model emphasizes the removal of societal barriers that exclude people with disabilities, including environmental, institutional and attitudinal barriers.

**Supervision.** Activities intended to determine whether loan proceeds have been used in accordance with the purposes of a loan.

## U

**Universal Design/ Inclusive Design.** The design of products, environments, programs and services so that they will be usable by all people to the greatest extent possible, without the need for adaptation or specialized design.

## Annex 2. Checklists

- a. Safeguard Policies Checklists
  - i) OP 4.01: Environmental Assessment Checklist
  - ii) OP 4.12: Involuntary Resettlement Checklist
  - iii) OP 4.10: Indigenous Peoples Checklist
- b. PCN Checklist
- c. PID Checklist
- d. PAD Checklist
- e. PSR Checklist
- f. Legal Agreement Checklist and Sample Language
- g. ICR Checklist

## a. Safeguard Policies Checklists

### i) Checklist for OP 4.01: Environmental Assessment

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**Have disability issues been adequately incorporated into the environmental screening?**

Recognizing the potential environmental impact of the proposed project (and subprojects) and any significant effects on people with disabilities should be part of the determination of what category of EA (e.g., A or B) needs to be prepared, since projects could have significant adverse and/or irreversible effects on people with disabilities. As they are all a part of human environment, the three elements of human health, safety, and social aspects should be fully considered when conducting screening.

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**Have people with disabilities been brought into the EA screening process?**

Having identified who and where the people with disabilities are, steps should be taken to ensure their participation (and the participation of any of their representative organizations) in project consultation and planning phases. Only through their meaningful participation can it be determined whether the project will affect them and, if so, what steps should be taken as a result.

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**Does the project avoid potentially adverse effects for people with disabilities?**

A number of tools may be utilized to identify the impact of the project on people with disabilities. Recognizing missed opportunities is critical, as a missed opportunity to reduce or eliminate needless social or physical barriers during the Bank-funded project cycle can have long term negative impacts on people with disabilities. For example, missing opportunities in client projects to provide physical access such as bathrooms in schools, public transportation, or curb cuts in sidewalks can have a lasting effect that spans twenty years or longer. In addition, it can impact the ability for people with disabilities to access the social aspects of life such as schools for education, health facilities for health care, employment, or transportation to participate in the political and social processes of their community. These social effects will also have lasting effects that promote long-term poverty for people with disabilities and possibly their family members. Such effects essentially become irreversible because the client country lacks the funds and desire to retrofit facilities at an even higher cost later.

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**Have project alternatives been considered?**

Analysis should identify ways of improving project selection, siting, planning, design, and implementation, by considering risks and impacts in its area of influence. It should also consider ways to prevent, minimize, mitigate, or compensate for adverse environmental impacts and enhance positive impacts. It should also consider the physical and social aspects of a proposed project in an integrated way with the economic, financial, institutional, and technical analyses. In all these considerations, people with disabilities and their representative organizations should be consulted, as they are best placed to assess the practical ramifications of a project, as well as ways to mitigate or enhance the project impacts.

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**Have findings and recommendations from the EA been highlighted for inclusion in later project documents?**

Should mitigation measures be needed they are based on the EA findings and recommendations, which should in turn be set out in the legal agreements, any EMP, and other relevant project documents. Therefore, care should be taken to ensure that the EA document and findings adequately account for disability issues, so that they may form the basis for references in these later project documents.

## ii) Checklist for OP 4.12: Involuntary Resettlement

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**Has consideration been given to people with disabilities within the population of those affected by involuntary resettlement?**

In identifying people with disabilities impacted by this Safeguards Policy, consideration should be given to those people with disabilities directly subject to involuntary resettlement, as well as those affected by involuntary resettlement, e.g. those living in areas into which people may be moved, or those for whom essential services may be disrupted as a result of the resettlement. It should be remembered that people with disabilities are more likely to face impoverishment when community institutions and social networks are weakened, kin groups dispersed, and the potential for mutual help diminished or lost as a result of resettlement.

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**Have people with disabilities been brought into the project consultation and development process?**

Having identified who and where the people with disabilities are, steps should be taken to ensure their participation (and the participation of any of their representative organizations) in project consultation and planning phases. Only through their meaningful participation can it be determined whether the project will affect them and, if so, what steps should be taken as a result.

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**Does the project avoid potentially adverse effects for people with disabilities?**

A number of tools, such as screening, the Resettlement Action Plan, and the Resettlement Policy Framework, may be utilized to identify the impact of the project on people with disabilities. (Please consult the online disability knowledge kit to sample these tools.)

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**Have all viable alternative project designs been considered?**

Because of the potential for severe economic, social, and environmental risks to people with disabilities, their needs should be factored into decision-making regarding involuntary resettlement and how to avoid or minimize unnecessary project impairments that create or exacerbate any disabling characteristic of the project. People with disabilities and their representative organizations should, of course, participate in discussions exploring these alternatives.

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**Have sufficient investment resources been provided?**

Without the institutional resources for projects to remove or reduce social and physical barriers that have disabling effects on people, there will be inequity for all persons displaced by the project to share in project benefits.

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**Has impact to livelihood been sufficiently explored?**

A key area for people with disabilities is their ability to achieve independence and a livelihood. This Safeguards Policy addresses loss of income through the following, all of which should be considered in light of the people with disabilities who may be impacted by the resettlement: whether or not the affected persons must move to another location, application to all components of the project that result in involuntary resettlement regardless of the source of financing, offer of support after displacement to restore their livelihood and standards of living, and, provision of development assistance in addition to compensation measures such as training, or job opportunities.

### **iii) Checklist for OP 4.10: Indigenous Peoples**

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**Has consideration been given to people with disabilities within the population of Indigenous Peoples?**

Early in project preparation, the Bank undertakes a screening (typically utilizing a qualified social scientist with expertise on the social and cultural groups in the project area) to determine whether Indigenous Peoples are present in, or have collective attachment to, the project area. This screening process should be utilized to further determine the presence of people with disabilities within any populations of Indigenous Peoples.

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**Have indigenous people with disabilities been brought into the project consultation and development process?**

Having identified who and where the people with disabilities are, steps should be taken to ensure their participation (and the participation of any of their representative organizations) in project consultation and planning phases. Only through their meaningful participation can it be determined whether the project will affect them and, if so, what steps should be taken as a result.

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**Does the project avoid potentially adverse effects for indigenous people with disabilities?**

A number of tools may be utilized to identify the impact of the project on indigenous people with disabilities.

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**When avoidance is not feasible, how can such effects be minimized, mitigated or compensated for indigenous people with disabilities?**

The Bank Safeguard Policy requires that where a project will have negative effects, those effects must be minimized, mitigated or compensated for to the extent possible. If discrimination against indigenous people with disabilities is to be avoided, care should be taken to ensure that:

1. Any potentially negative effects for indigenous people with disabilities are identified; and
  2. Where negative effects are found (be they negative effects for people with disabilities and/or the wider population of indigenous peoples), the steps taken to minimize / mitigate / or compensate such effects effectively extend to indigenous people with disabilities, and are developed with their participation and support.
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**Will the social and economic benefits of the project extend to indigenous people with disabilities?**

Bank-financed projects are intended to ensure that Indigenous Peoples receive social and economic benefits that are culturally appropriate and gender and inter-generationally inclusive. These social and economic benefits should similarly be

enjoyed by indigenous people with disabilities, especially women with disabilities and other groups of indigenous people with disabilities who may historically have faced discrimination in their enjoyment of social and economic benefits.

## **b. PCN Checklist**

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**Have relevant domestic legislation and accessibility standards been identified and obtained?**

Once a country has been identified as a possible client, Bank staff should research and obtain copies of any domestic legislation addressing people with disabilities, as well as accessibility standards. Such documents can be compared with the international standards and documents from other countries, in order to assess what approach, if any, the country takes to addressing disability issues (e.g. non-discrimination, social welfare, fully accessibility, etc.), and to what degree this approach is in keeping with international disability standards.

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**Do project identification meetings and consultations comply with relevant legislation and/or standards?**

Meetings must facilitate access for people with disabilities for them to be full participants in project consultations. It is not enough to invite people with disabilities to participate if the modalities of participation effectively exclude them, e.g. because meeting rooms do not physically allow for their entry, or because information (spoken or written) cannot be readily obtained or understood. If a country already has adequate accessibility standards then these may be used as a guide to ensure accessibility. Alternatively, there are many regional, international and other domestic standards that could be utilized instead in partnership with the client government. People with disabilities themselves are an invaluable resource in this regard, and should certainly be consulted in the event of questions or concerns regarding accessibility. World Bank staff seeking to ensure accessibility may wish to contact the Bank's Disability Accommodation Fund (DAF) to obtain funding to pay for any necessary accommodations.

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**Do project identification meetings and consultations take into account barriers that may preclude participation of people with disabilities?**

As well as ensuring that meetings comply with relevant accessibility regulations and standards, care should be taken to ensure that other barriers to participation are also addressed. For example, the meeting facilities themselves may be accessible, but transport to the meeting location may be inaccessible to people with disabilities. In such instances, alternative meeting locations should be considered, as well perhaps as alternative transportation. Again, participants with disabilities should be consulted to ensure that appropriate solutions are implemented to facilitate their participation. In addition, information and capacity barriers should be addressed, so that people with disabilities are not precluded from meaningful participation because of lack of familiarity, for example, with Bank information and processes that may be highly technical and difficult to intersect for those who have not had prior exposure. Trainings and/or accessible information materials for prospective participants may be of assistance in this regard. It is important that people with disabilities be seen during the process, so that others may better understand that they are part of the process and can be effective contributing members, not just for disabilities issues, but all issues regarding community development. World Bank staff seeking to ensure accessibility may wish to contact the Bank's Disability Accommodation Fund (DAF) to obtain funding to pay for any necessary accommodations.

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**Who are the government departments/officials responsible for disability issues in the country, and have they been included?**

Some governments designate specific ministries to address disability issues, whilst others utilize disability offices with cross-sectoral responsibility. To the extent possible, these government representatives should be included in any project identification activities.



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**Who are the disability leaders and disabled people’s organizations in the country, and have they been included?**

Identifying disability representatives in advance can help to ensure that invitations to meetings and consultations are issued with sufficient notice. Whether or not “umbrella” DPOs exist, care should be taken to ensure that invited DPOs represent a broad spectrum of disability issues and groups. Remember, people with disabilities and the issues of concern to people with disabilities span the full spectrum of physical and social actions and activities (e.g., access to education, health care, businesses, political processes, and inclusion in society in general).

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**Have the CAS and/or PRSP been checked for references to disability?**

Disability is now recognized as an issue which should be included in the CAS and PRSP. Where disability references exist in these documents, they should be used as points of departure in project identification activities, to help the Bank ensure the success of implementing and including people with disabilities.

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**Have consultations and discussions conducted during the project identification phase been archived?**

To the extent possible, meetings and consultations held during the project identification phase should be recorded, summarized and/or archived in a manner that facilitates review at later stages in the project life cycle. The content of those discussions can, for example, be an invaluable resource to those engaged in the drafting of documents such as the PAD, legal agreements, and technical Annexes, where disability issues must be addressed with greater specificity than in the PCN or PID. Whilst privacy should, of course, be preserved where appropriate, to the extent possible records of consultations should include contact information for participants, so that individuals and/or groups may be contacted again in the future should there be a need for follow-up.

## **c. PID Checklist**

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**Does the PID capture the disability issues referenced in the PCN?**

Disability components of projects should not only be referenced in the internal Bank documents, but should also be included in public project documents. In this manner, the Bank can better highlight its work in this area, and also more readily access the expertise needed to successfully implement disability-inclusive projects.

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**Does the PID adequately convey the nature of the disability components of the project?**

The PID does not typically elaborate the project in great detail, but to the extent possible it should indicate the nature of the disability components. By providing more detail, those interested in contributing to the project will be better able to assess whether they have the relevant expertise. For example, a project might seek to make a school accessible to children with disabilities and this should be referenced in the PID. However, in the absence of more detail it may not be clear whether there is a need for expertise in the area of accessible construction, or inclusive education, or both.

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**Are there other information outlets where the PID may be posted?**

The PID is obtainable from the Bank InfoShop, as well as the Bank's web site, but these resources may not be readily available to everyone with relevant expertise to contribute to a project. To the extent possible, the PID should also be publicized elsewhere (e.g. web sites addressing disability and development), and if possible, disseminated directly to organizations (especially disabled people's organizations) in the country and/or region implicated in the project.

## **d. PAD Checklist**

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**Do the disability-related components of the PAD adequately reflect and expand upon the disability issues highlighted in the PCN and PID?**

If disability issues have been addressed from the project conceptualization phase onwards, references to relevant disability issues should be included in both the PCN and initial PID. The PCN and PID should thus be consulted to ensure that the PAD is consistent with these references, and that no issues have been omitted.

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**Do the project components adequately respond to issues raised by participants in the project concept consultations and discussions?**

Given that the PCN and PID documents are not very detailed, it may also be useful to consult documentation summarizing the project concept consultations and discussions. Participants in these discussions may have raised issues not captured in the PCN or PID, and/or they may have proposed solutions and implementation methodologies that could better inform the drafting of the PAD.

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**Does disability data included in the PAD represent the best and most accurate data available?**

Data addressing the situation of people with disabilities is often difficult to obtain, and that which is available may not necessarily be accurate. For example, statistics addressing the numbers of people with disabilities in a particular region will be influenced by the definition of disability used, and if the definition is restrictive and not broadly inclusive of people with a wide array of impairments, the numbers of people with disabilities potentially affected by a project may be underestimated. In order to obtain accurate data it may be necessary to consult a variety of sources, including government departments, organizations of people with disabilities, academic institutions, and/or intergovernmental agencies engaged in research on disability statistics.

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**Have the disability-related project components been developed sufficiently to facilitate a meaningful QER?**

Although it may be possible to introduce disability-related concepts into the PAD (and later during project implementation) following the QER, information relevant to the inclusion of disability should be provided early in the PAD formulation process, so that disability references can be fully and effectively elaborated.

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**Have the disabilities issues been incorporated into the project costs?**

The costs of resources to properly analyze and implement identified disability issues need to be accounted for in the overall project planning costs. This includes implementation and supervision related costs.

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**Have any changes reflected in the PAD been incorporated into the revised PID?**

The PID is usually updated following completion of the PAD, and care should be taken to ensure that references to disability-related aspects of the project are reflective of developments made during the drafting of the PAD.

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## **e. PSR Checklist**

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**Does the content of the PSR reflect the disability-related components of the project?**

The PSR should be used as a tool to monitor implementation of the disability-related aspects of the project, just as it is used to monitor other aspects of project implementation. To this end, project development objectives included in the PSR should reflect the disability-related objectives identified in the PAD.

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**Do Project Performance Ratings capture disability-related components of the project?**

The performance indicators should provide a sufficient means of monitoring the inclusion of people with disabilities and implementation of disability-specific aspects of the project.

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**Do assessments of compliance with Safeguard Policies capture disability-related elements?**

As discussed above, the Bank's Safeguard Policies provide an opportunity to address disability and be inclusive of people with disabilities. To the extent that it has been determined that a particular project triggers the application of Bank Safeguard Policies, assessments of compliance with those Policies should encompass disability-related aspects of those Policies.

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**Do assessments of compliance with Legal Covenants capture disability-related elements?**

As noted in the next section, the Legal Agreement should clarify and specify roles, definitions, and standards that should be utilized in the project implementation as it relates to disability. Thus, assessments of compliance with Legal Covenants should ensure that disability-specific provisions in the Legal Agreement have been adhered to.

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**Do site visits provide information needed to determine implementation of disability-related aspects of the project?**

Site visits provide an important source of information to include in the PSRs and to assess the implementation of the project. Care should thus be taken to ensure that data collected provides a basis for assessing whether disability-related aspects of the project are being implemented in accordance with the project's objectives. An important source of this information is people with disabilities themselves. Thus, provision should be made to ensure that site visits include interaction with people with disabilities and their representative organizations. Such meetings must be made accessible so that people with disabilities may participate in a meaningful way. World Bank staff seeking to ensure accessibility may wish to contact the Bank's Disability Accommodation Fund (DAF) to obtain funding to pay for any necessary accommodations.

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**Does the PSR reveal a need for further follow-up?**

Care should be taken when reviewing the PSRs to see whether disability-related aspects of the project are being implemented as envisioned. If information is inadequate to make a determination regarding these elements of the project, then steps should be undertaken to obtain that information from those in the field, as well as project partners – particularly people with disabilities themselves. Where the PSR reveals a problem with compliance or implementation of disability-related project components, this should prompt follow-up to determine the nature of the problem(s) and necessary solutions. To the extent possible, the generation and implementation of those solutions should be inclusive of people with disabilities.

## f. Legal Agreement Checklist

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**Definitions**

It is not uncommon in the Legal Agreement to define the population affected by the project, and it is often the case that the population in question is greater than just those found within the geographic parameters of the project. It is therefore important to ensure that such definitions encompass people with disabilities. Depending upon the nature of the project, it may be necessary to explicitly reference people with disabilities, or alternatively it may be more appropriate to craft a broad definition of population that will clearly be interpreted as inclusive of people with disabilities. In some instances it may be appropriate to include the definition of disability utilized in the client country. However, if this latter approach is adopted, care should be taken to ensure that the domestic definition is truly inclusive of the disability population impacted by the project, as some domestic legislation/regulation definitions are not broadly inclusive of the full range of people with disabilities. Where the domestic definition does not provide the scope of coverage needed for a project, it may be useful to incorporate a definition from another domestic, regional or international context.

Consideration should also be given to including other disability-related definitions in the Legal Agreement. For example, it may be necessary to define what is meant by “accessibility” (and, in particular, what standards are implicated in assessing accessibility), or “reasonable accommodation.” To the extent that the project envisions partnerships with disability NGOs, if those NGOs are not specifically mentioned by name, it may be necessary to define the type of NGOs involved. For example, a project might envision involvement of organizations **of** disabled persons, as distinct from organizations **for** disabled persons, and these distinctions may have to be addressed in the definitions section to ensure clarity of interpretation.

**Execution of the project**

This section provides an opportunity to specify how the Borrower will carry out its obligations to implement the project. Relevant disability standards (such as accessibility standards, and non-discrimination requirements), domestic legislation, and operational guidelines, should be specified in this section, and elaborated more fully in the Legal Agreement Annexes/schedules as appropriate. For example, where existing Bank guidelines or procedures (which would typically be referenced in the Legal Agreement) do not yet provide guidance on disability-related matters, it may be necessary to amend those Bank documents within the context of the specific project, so that the Borrower receives the most complete disability guidance available.

**Financial covenants**

This section typically incorporates obligations for the Borrower to maintain a financial management system that facilitates reporting on the operations, resources and expenditures related to the project. In order to facilitate supervision (and ultimately review) of the project implementation, it would be preferable to incorporate reporting on disability-related project components into this management system. For example, as well as gathering records of receipts and expenditures related to procurement actions, it would be useful to indicate whether (and how) items and services procured comply with

the relevant accessibility and non-discrimination standards.

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#### **Description of the project**

Typically drawn from the PID and PAD documents, the project description as provided in the Legal Agreement may or may not be particularly detailed, depending upon the nature of the specific project. Even where the description does not provide a high level of detail, given the legally binding nature of the agreement, inclusion of references to the disability-related components of the project will assist in ensuring that due regard is given to these project components by those tasked with the project implementation.

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#### **Implementation**

This section typically addresses the procedural aspects of implementation, and especially coordination between the Borrower and other actors involved in the project implementation. To the extent that the project addresses disability issues, it should ensure that those involved in implementation have the capacity to monitor whether the project's disability components have been adequately and appropriately implemented. It may also be appropriate in this section to name, or specify procedures for selecting, disabled people's organizations (and other relevant disability actors) to participate in these processes.

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#### **Procurement**

Sometimes addressed in a schedule or Annex of the Legal Agreement, the procurement section provides a higher degree of specificity regarding the standards and procedures that should be utilized when procuring goods and services. As noted above, as well as referencing the standard Bank requirements with regard to procurement, it may be advisable to amend these procedures/requirements to reflect project commitments to ensuring accessibility of goods and services, and non-discrimination in the hiring of consultants.

**Draft Language**

The following *draft language* provides specific examples of how disability issues could be incorporated into legal agreements in projects addressing the areas of infrastructure, education, and health. The column on the left provides excerpts of existing language, and suggested additions or amendments to that language (which seek to address disability-related issues better) are indicated in the underlined text. The column on the right explains the rationale for these changes.

**Project: Infrastructure**

**Development objectives:**

To support the CAS objectives, the development objective of the Project is to increase the mobility possibilities for people and goods, in a socially, financially and economically sustainable fashion.

Proposed Change	Reason for Change
<p><b>ARTICLE I: General Conditions; Definitions</b></p> <p>(ab) <u>“Universal Accessibility Principles” means an approach to the design of all infrastructure projects and affected environments so as to be usable by everyone, to the greatest extent possible, regardless of age, ability, or situation.</u></p>	<p>Unfortunately, many physical and informational environments remain inaccessible to people with disabilities, not because of a lack of resources to implement the accessibility standards, but because of a lack of <i>awareness</i> of the existence of standards or the need to apply, monitor, and enforce these standards to address accessibility. The addition of this definition helps prompt the needed awareness and education.</p>
<p><b>ARTICLE I: General Conditions; Definitions</b></p> <p>(ac) <u>“Vulnerable Groups” means people that, for the purposes of the project, may be disadvantaged or disproportionately impacted by the project because of their gender, ethnicity, religion, culture, disability, or age. These groups may be impacted by lack of access to physical structures or social inclusion, or historically disenfranchised from the dominant societal group.</u></p>	<p>A key policy and institutional reform supported by this project is implementation of the National Rural Transport Strategy (NRTS). The participation in the NRTS process included workshops with vulnerable groups, which identified people specifically included such as women, youth, people with disabilities, and elderly, during project preparation work. It is important to include this definition so these vulnerable groups, especially disabled people, are not overlooked and are part of the binding legal agreements between the client and World Bank.</p>
<p><b>ARTICLE III</b> <b>Execution of the Project</b></p> <p>Section 3.01. (a) The Borrower declares its commitment to the objectives of the Project as set forth in Schedule 2 to this Agreement, and, to this end, shall carry out the Project through MITH with due diligence and efficiency and in conformity with appropriate administrative and financial, public health, resettlement and environmental practices <u>with special attention to the needs of vulnerable groups</u>, and shall provide, promptly as needed, the funds, facilities, services and other resources required for the Project.</p> <p>OR</p> <p><b>“Execution of the Project</b></p> <p>Section 3.01. ... through MITH with due diligence and efficiency and in conformity with appropriate administrative and financial, public health, resettlement and environmental practices <u>with special attention to the needs of vulnerable people such as disabled persons, elderly, children, and women</u>, and shall provide, promptly as needed, the funds, facilities, services and other resources required for the Project.</p>	<p>The objective of this project in Schedule 2 states that the Borrower is to, “... increase the mobility possibilities for people and goods in its territory through: (i) <i>decreasing social, economic and financial transport costs</i>; (ii) increasing sectoral management capacity of MITH; (iii) <i>improving mobility for the rural population</i>; and (iv) improving road network conditions. Also, “Reorganizing and strengthening MITH ... all through <i>technical advisory services, training, sensitization campaigns and acquisition of equipment.</i>”</p> <p>Specific reference to Vulnerable Groups in the definitions section enables disabled people to claim rights to full consideration regarding the project’s objectives, institutional support, and sector reforms. If there is not such a specific reference to vulnerable groups in the definitions section, then reference to vulnerable people (including persons with disabilities) elsewhere in the text can be used to establish their rights and entitle them to full consideration.</p>

<p><b>SCHEDULE 2</b> <b>Description of the Project</b></p> <p><b>Part A: Institutional Support and Sector Reforms</b> ...; all through technical advisory services, training, sensitization campaigns and acquisition of equipment, <u>including education to understand the needs and impacts of projects on people such as disabled persons, elderly, children, and women who may experience lack of access to physical structures or social inclusion, or historical disenfranchisement from the dominant societal group.</u></p>	<p>If it is possible to change or add language to the project description in Schedule 2, then reference to people highly vulnerable to impacts from projects - such as disabled people - should be added to the training and education process for people who are in charge of administering and supervising the overall project elements. Without proper training and education, vulnerable groups - such as disabled people - will be unnecessarily impacted and pushed further into poverty, due to lack of understanding of how to meet the objective of the project to increase mobility <i>possibilities</i> to decrease <i>social, economic, and financial</i> transportation costs.</p>
<p><b>SCHEDULE 3</b> <b>Procurement</b></p> <p>Part A: General Goods and works shall be procured in accordance with the provisions of Section I of the “Guidelines for Procurement under IBRD Loans and IDA Credits” published by the Bank in January 1995 and revised in January and August 1996, September 1997, January 1999 (the Guidelines) and the following provisions of this Section, <u>including universal accessibility principles and standards.</u></p>	<p>Universal accessibility is to help inclusion of the greatest number of people. Procurement standards establish a legal basis for helping ensure as many people as possible are included. This is extremely important for disabled people because the increased costs for infrastructure access, such as in this transportation project, are very low-cost or no-cost if done during the original planning and construction.</p>
<p><b>Part B: International Competitive Bidding</b> ...</p> <p>(b) <u>Preference for domestically manufactured goods and domestic contractors and due regard for consultants from vulnerable groups</u></p> <p>The provisions of paragraphs 2.54 and 2.55 of the Guidelines and Appendix 2 thereto shall apply to goods manufactured in the territory of the Borrower and works to be carried out by domestic contractors. <u>In addition to the other requirements of this section, special consideration should be given to the procurement of consultants from vulnerable groups (e.g. women, people with disabilities), and the procurement process should reasonably accommodate consultant applicants from such groups.</u></p>	<p>An affirmative statement to use vulnerable groups, such as disabled people, for goods and services promotes non-discrimination, economic independence and social inclusion. It also builds a foundation for disabled people and other vulnerable groups to become educated and trained for jobs.</p>
<p><b>2. Institutional Arrangements</b> <b>Project Coordination Unit</b></p> <p>(a) The Borrower shall establish at MITH a Project Coordination Unit ....</p> <p>(c) Without limitation upon the provision of Paragraph (a) of this Section, the PCU shall consist of the following staff with terms of reference, qualifications and experience satisfactory to the Association: (i) a Project Coordinator; (ii) a chief financial officer; (iii) a procurement specialist; (iv) monitoring and evaluation specialist; (v) an accountant; <u>(vi) social and environmental assessment specialist</u>, and (vii) support staff.</p>	<p>Social and environmental assessment staff are more familiar with handling new and emerging issues such as those associated with disabled people. Having a social and/or environmental representative on the PCU helps open the possibility for engaging disability and other issues relevant to vulnerable people in a meaningful way.</p>
<p><b>3. Environmental Management Plan and</b></p>	<p>Without specific reference to disabled people and other</p>

<p><b>Resettlement Policy Framework</b> ...</p> <p>(b) The Borrower shall:</p> <p>(i) take all necessary actions to minimize to the extent possible any displacement, involuntary resettlement, or loss by persons of shelter, productive assets or access to productive assets or income or means of livelihood, temporarily or permanently arising from the implementation of the Project <u>with special attention to the needs of vulnerable people, such as disabled persons, elderly, children, and women;</u> and</p>	<p>vulnerable groups past projects have demonstrated a high likelihood of overlooking the needs of such people. The addition of a reference to people highly vulnerable to impacts from projects (such as disabled people) helps to ensure that disabled people are included in the project's Implementation Program.</p>
<p><b>SCHEDULE 7</b> <b>Monitoring Indicators</b></p> <p>Outcome/Impact Indicators</p> <p>1. 10 % decrease in non-urban road transport fares.</p> <p>2. Average access time to health care facilities, <u>including access for disabled people, children, and elderly,</u> has decreased by 20% in project intervention areas.</p> <p>3. Average access time to primary schools, <u>including access for disabled children,</u> has decreased by 20% in project intervention areas.</p> <p>4. 100 % of classified road network's condition has improved.</p> <p>5. <u>100% of new and substantially modified construction includes universal access for disabled persons, elderly, mothers with children, and children.</u></p> <p>Key output indicators</p> <p>...</p> <p>11. 50 % of the rural households have access to affordable transport services and/or means of transport <u>including disabled adults and children.</u></p>	<p>Safety and access for as many people as possible will help meet the objective of this project to have the Borrower, "... increase the mobility possibilities for people and goods in its territory through: (i) <i>decreasing social, economic and financial transport costs;</i> (ii) increasing sectoral management capacity of MITH; (iii) <i>improving mobility for the rural population;</i> and (iv) improving road network conditions. Increased safety and the inclusion and mainstreaming of all people in daily societal activities can be promoted through such access.</p>

**Project: Education**

**Development Objectives:**

In support of the CAS Objectives (to increase access by the poor to quality education, reduce drop-outs, absenteeism and overcrowding, improve teacher training) the project aims:

- (i) to improve the quality and efficiency of lower secondary education and test them at a limited number of schools in order to gain acceptance before extending reforms to the rest of the system
- (ii) to improve the school environment by supporting rehabilitation and repair of schools;
- (iii) to enhance the ability of national and regional institutions to design, plan for, and implement sustainable education reforms.



Proposed Change	Reason for Change
<p><b>ARTICLE I</b></p> <p><b>Definitions</b></p> <p><u>“(ac) “Children from socially and economically disadvantaged group” means children who have limited access to educational opportunities due to their gender, ethnicity, religion, culture, disability, age or economic background.</u></p>	<p>It is important to include this definition so vulnerable children, especially children with disabilities, are not overlooked and are part of the binding legal agreements.</p>
<p><b>ARTICLE III</b></p> <p>Execution of the Project's Section 3.01</p> <p>(a) The Borrower declares its commitment to the objectives of the Project as set forth in Schedule 2 to this Agreement , and, to this end, shall carry out the Project through MEC, with the assistance of the RTM, and with due diligence and efficiency and in conformity with appropriate educational, technical, administrative, financial, engineering and environmental practices <u>with special attention to the needs of vulnerable children</u>, and in accordance with the Operational Manual, and shall provide, promptly as needed, the funds, facilities, services and other resources required for the Project.</p>	<p>The objective of this project in schedule 2 states the Borrower is “to improve the quality, <i>equity</i> and efficiency of Secondary Education...”</p> <p>Specific reference to vulnerable children in the definitions section enables children with disabilities to claim rights to full consideration regarding the project’s objectives, institutional support, and sector reforms. If a specific reference to vulnerable children is not included in the definitions section, then the reference in the text to vulnerable children establishes their rights and entitles them to full consideration.</p>
<p><b>SCHEDULE 2</b></p> <p><b>Description of the Project's</b></p> <p>The objective of the Project is to assist the Borrower in the design and implementation of the first phase of a long term education reform program which will improve the quality, equity, and efficiency of Lower Secondary Education, <u>to address the educational needs of all children, especially from socially and economically disadvantaged groups.</u></p>	<p>It is important to insert a precise reference to vulnerable children, since “equity” alone may be too ambiguous a term. Education is vital to ensuring a better quality of life for all children. Without proper education, vulnerable children, such as children with disabilities, will be pushed further into poverty.</p>

**Country: Nigeria – health project**

**Development objectives:**

This project is part of a multi-country program that will contribute to a global public good: the eradication of Poliomyelitis by 2005 (an objective of the WHO through its Global Polio Eradication Initiative (GPEI)). The purpose of this project is to assist the Government of Nigeria to interrupt transmission of wild poliovirus by the end of 2003 and sustain these efforts throughout the period 2003-05, through effective oral polio vaccine (OPV) coverage of the target population.

ARTICLE I: General Conditions; Definitions	Reason for Change
<p><u>Section 1.02 (new xv) “Universal Accessibility Principles” means an approach to the design of all infrastructure projects and affected environments so as to be usable by everyone, to the greatest extent possible, regardless of age, ability, or situation.</u></p> <p><u>Section 1.02 (new xvi) “Vulnerable Groups” means people that, for the purposes of the project, may be disadvantaged or disproportionately impacted by the project because of their gender, ethnicity, religion, culture, disability, or age. These groups may be impacted by lack of access to physical structures or social inclusion, or historically disenfranchised from the dominant societal group.</u></p>	<p>Unfortunately, many physical and informational environments remain inaccessible for people with disabilities, not because of a lack of resources to implement the accessibility standards, but because of a lack of <i>awareness</i> of the existence of standards or the need to apply, monitor, and enforce these standards to address accessibility. The inclusion of a definition of “vulnerable groups” assists in raising awareness of the need for the project to take such groups into account, and when referenced in operative sections of the legal agreement it can be used to ensure that the needs of specific groups, such as people with disabilities, are specifically taken into account.</p>

<p><b>ARTICLE III: Execution of the Project</b></p> <p>Section 3.01. The Borrower declares its commitment to the objectives of the Project as set forth in Schedule 2 to this Agreement and, to this end, shall carry out the Project through FMOH with due diligence and efficiency and in conformity with appropriate medical, administrative and financial policies and practices, <u>with particular attention to the needs of vulnerable groups as defined in Section 1.02</u>, and shall provide, promptly as needed, the funds, facilities, services and other resources required for the Project.</p>	<p>The objective of the project is to promote eradication of the Poliomyelitis virus through the provision of vaccine. By including a reference here to “the needs of vulnerable groups as defined in Section 1.02,” the overall objective of the project must be inclusive of the needs of these groups, including people with disabilities. Further details on how this can be achieved are set forth in further sections of the legal agreement.</p>
<p><b>SCHEDULE 2: Description of the Project</b></p> <p>Part B:  Immunization of children under five years of age using oral polio vaccine under  Supplemental Immunization Activities organized by NPI, <u>with specific attention to the immunization of children from vulnerable groups including girls and children with disabilities.</u></p>	<p>Here is an example of how specificity can be brought to the broader provision contained in Article III. Schedule 2 contains a more detailed description of the project, and calls for immunization of children. By including a further reference to examples of vulnerable sub-categories (such as girls and children with disabilities), and the need to be attentive to them, the immunization activity is inclusive of these groups.</p>
<p><b>SCHEDULE 3: Procurement</b></p> <p>Section I. Procurement of Goods  Part A: General  Goods shall be procured in accordance with the provisions of paragraph 3.9 of the “Guidelines for Procurement under IBRD Loans and IDA Credits” published by the Bank in January 1995 and revised in January and August 1996, September 1997 and January 1999 (the Guidelines), <u>universal accessibility principles and standards</u>, and the following provisions of this Schedule:</p> <p>Section II. Employment of Consultants  Part C: Other Procedures for the Selection of Consultants  <u>2. Due regard for consultants from vulnerable groups</u>  <u>In addition to the other requirements of this section, special consideration should be given to the procurement of consultants from vulnerable groups (e.g. women, people with disabilities), and the procurement process should reasonably accommodate consultant applicants from such groups.</u></p>	<p>As noted in the section on definitions, there is often little awareness of the existence of standards regarding accessibility, and this in turn can result in the inadvertent building of barriers through procurement of inaccessible goods and services. By referencing “universal accessibility principles and standards” in both the definitions section and the section on procurement of goods, the legal agreement now ensures that accessibility standards are fully taken into account in the procurement process.</p> <p>The language added in Section II draws attention to the need for the consultant procurement process to be inclusive of consultants from vulnerable groups, such as consultants with disabilities, both in terms of the application and selection processes. Such provisions should not only help to avoid direct or indirect discrimination against consultants from such groups, but may also help to recruit consultants with additional expertise of relevance to the project.</p>
<p><b>SCHEDULE 5: Project Indicators</b></p> <p>2. Coverage of SIAs. <i>Target:</i> coverage for OPV is at least 80% in each endemic State, <u>including coverage of vulnerable groups in endemic States, such as children with disabilities.</u></p>	<p>Schedule 5 included project indicators, and a broad reference to “80% in each endemic State.” The language added here should help to ensure that that 80% is inclusive of those who might inadvertently be left out of the vaccination activities, such as children with disabilities, and ensure that measurements of coverage take into account coverage of those from vulnerable groups.</p>

## **g. ICR Checklist**

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**Is the ICR accurately reflective of the degree to which disability-related project components were implemented?**

It is important that the ICR reference the steps taken to implement the disability-related objectives of the report. Without explicit coverage of these issues a reviewer may not realize that the project sought to be inclusive of people with disabilities, in turn making it more difficult for the Bank to conduct self-assessments of its achievements in the area of disability and development. Moreover, it is critically important that the references to implementation of disability-related project components be accurate, as future projects may rely on this data in their own project planning and implementation.

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**Are the ICR “lessons learned” inclusive of lessons relevant to the inclusion of people with disabilities and disability issues in Bank projects?**

So that future projects may improve upon the project’s attempts to be inclusive of people with disabilities, the section(s) of the ICR addressing lessons learned should address lessons related to the implementation of disability-related project components. To the extent possible, the identification of lessons learned should be done in consultation with people with disabilities and their representative organizations, as they can offer a unique perspective and ensure that suggested strategies are appropriate.

### **Annex 3. Additional Resources**

- a. Addressing Disability in the Millennium Development Goals
- b. Suggested Reading
- c. Good Practices Note: Lebanon Community Development Project
- d. Draft International Convention on the Rights of Persons with Disabilities (as of August 25, 2006)
- e. Draft Optional Protocol to the International Convention on the Rights of Persons with Disabilities (as of August 25, 2006)

## a. Addressing Disability in the Millennium Development Goals

The following resource briefly examines each of the MDGs, and provides examples of how disability is relevant to the achievement of these goals.

### Box 6. People with disabilities and the MDGs

**MDG 1. Eradicate extreme poverty and hunger.** Disability and poverty are intertwined. It will not be possible to achieve this MDG if the needs of people with disabilities are ignored.

**MDG 2. Achieve universal primary education.** This goal cannot be achieved without reaching out to disabled children. Of the 115 million children not attending primary school in the developing world, about 40 million are estimated to have disabilities. Many of these children may have mild to moderate disabilities, such as dyslexia or mental health or intellectual disabilities, which can cause grade repetition and dropout.

**MDG 3. Promote gender equality and empower women.** Poor women and girls with disabilities have the least power in society. Violence against girls and women is an important cause of both psychological and physical disabilities, and some disabilities affect only women (see MDG 5).

**MDG 4. Reduce child mortality.** Children with disabilities are at greater risk of dying, not only because of life-threatening medical conditions or lack of access to public services but also because in many cultures they are neglected or sometimes even left to die. Often this results from the stigma associated with disability.

**MDG 5. Improve maternal health.** This goal ties directly to the notion of disability prevention. Disabled women are more likely to be victims of sexual abuse. This puts them at greater risk of unwanted pregnancies and sexually transmitted infections. Women also experience gender-related disabilities, such as obstetric fistula, which are particularly stigmatizing and preventable.

**MDG 6. Combat HIV/AIDS, malaria, and other diseases.** As with other disabilities, issues of stigma and reduced functional capacity are central. To effectively stamp out the HIV/AIDS epidemic, the entire population, including disabled people, must be reached. Preliminary research shows that disabled people have at least the same level of risk of HIV/AIDS as people without disabilities. The misguided but prevalent belief that having sex with a disabled person is safe because they are not sexually active, or the less prevalent but even more disturbing belief that sexual relations with a disabled person is a method of curing HIV/AIDS, makes including people with disabilities in the fight against the virus even more important.

**MDG 7. Ensure environmentally sustainable development.** This goal ties both to the prevention of disability and the mitigation of its consequences. Environmental risks, such as contaminated water or natural disasters, lead to various types of disabilities. In reconstructing infrastructure that has been affected by natural disasters, it is important to follow principles of universal design, so that barriers preventing disabled people from participating in the social and economic activity of the community are not re-erected.

**MDG 8. Develop a global partnership for development.** A partnership implies inclusion, which means everyone. Through e-discussions and a series of conferences, the Bank has been working with organizations of people with disabilities, youth organizations, development agencies, and governments to employ young people with disabilities and involving them in the development of national policies.

## **b. Suggested Reading**

The following suggested readings provide a brief sampling of some of the resources currently available in the field of disability, human rights and development. This is by no means an exhaustive list:

### ***Books***

#### **Human Rights and Disabled Persons: Essays and Relevant Human Rights Instruments**

**Editor:** Theresia Degener and Yolán Koster-Dreese

**Copyright:** 1995, Springer

**ISBN:** 0792332989

#### **Building an Inclusive Development Community: A Manual on Including People with Disabilities in International Development Programs**

**Editor:** Karen Heinicke-Motsch and Susan Sygall

**Copyright:** 2004, Mobility International USA

**ISBN:** I-880034-62-X

#### **Loud, Proud & Passionate: Including Women with Disabilities in International Development Programs**

**Editors:** Jill Crawford, Cindy Lewis and Susan Sygall,

**Copyright:** 2002, Mobility International USA

#### **Disability, Liberation, and Development**

**Author:** Peter Coleridge

**Copyright:** 1993, Oxfam

**ISBN:** 0855981946

#### **Handbook of Disability Studies**

**Editors:** Gary L. Albrecht, Katherine D. Seelman & Michael Bury

**Copyright:** 2003, Sage Publications

**ISBN:** 076192874X

#### **Everyone Here Spoke Sign Language: Hereditary Deafness on Martha's Vineyard (Paperback)**

**Author:** Nora E. Groce

**Copyright:** 1988, Harvard University Press (Reprint edition)

**ISBN:** 067427041X

#### **Disability Rights (International Library of Essays on Rights)**

**Editor:** Peter Blanck

**Copyright:** 2005, Ashgate Publishing

**ISBN:** 0754624528

**Disability Rights Law and Policy: International and National Perspectives**

**Editors:** Mary Lou Breslin and Silvia Yee

**Copyright:** 2002, Transnational Publishers, Inc.

**ISBN:** 1571052399

**Building an Inclusive Development Community: A Manual on Including People with Disabilities in International Development Programs**

**Editors:** Karen Heinicke-Motsch and Susan Sygall

**Copyright:** 2004, Mobility International USA

**ISBN:** 1-880034-62-X

*Papers*

**Human Rights Are for All: A Study on the Current Use and Future Potential of the UN Human Rights Instruments in the Context of Disability**, Gerard Quinn & Theresia Degener et al (study commissioned by the UN Office of the High Commissioner for Human Rights), 2002

Available: <http://www.ohchr.org/english/issues/disability/study.htm>

**Poverty and Disability: A Survey of Literature**, World Bank Social Protection Discussion Paper No. 9932, iv, Ann Elwan, Dec. 18, 1999

Available:

[http://siteresources.worldbank.org/DISABILITY/Resources/Poverty/Poverty\\_and\\_Disability\\_A\\_Survey\\_of\\_the\\_Literature.pdf](http://siteresources.worldbank.org/DISABILITY/Resources/Poverty/Poverty_and_Disability_A_Survey_of_the_Literature.pdf)

**Reforming Disability Nondiscrimination Laws: A Comparative Perspective**, Stanley S. Herr, University of Michigan Journal of Law Reform Vol. 35, Issues 1 & 2, Fall 2001, Winter 2002, pp. 305-401)

Abstract available: <http://students.law.umich.edu/mjlr/volume35.htm#herr>

**White Paper - Understanding the Role of an International Convention on the Human Rights of People with Disabilities**, United States National Council on Disability, May 23, 2002.

Available: [http://www.ncd.gov/newsroom/publications/2002/unwhitepaper\\_05-23-02.htm](http://www.ncd.gov/newsroom/publications/2002/unwhitepaper_05-23-02.htm)

**A Reference Tool: Understanding the Potential Content and Structure of an International Convention on the Human Rights of People with Disabilities**, United States National Council on Disability, July 30, 2002

Available: [http://www.ncd.gov/newsroom/publications/2002/understanding\\_7-30-02.htm](http://www.ncd.gov/newsroom/publications/2002/understanding_7-30-02.htm)

**Disability Statistics, What We Count and What it Tells Us: A Personal and Political Analysis**, Irving K. Zola, 4 J. of Disability Pol. Stud. 9, 8 (1993).

**Measuring the Quality of Life: Rethinking the World Bank's Disability Adjusted Life Years**, Nora Ellen Groce, Mary Chamie, & Angela Me, 3 Disability World (June-July 2000)

Available: <http://www.disabilityworld.org/June-July2000/International/DALY.html>

**A Survey of International, Comparative and Regional Law Reform**, Theresia Degener  
& Gerard Quinn, DREDF Conference Paper  
Available at <http://www.dredf.org>



### **c. Good Practices Note: Lebanon Community Development Project (May 2001)**

#### **Project Objective**

The development objective of the Community Development Project (CDP) is to establish an effective and sustainable instrument to improve the living conditions and the economic status of disadvantaged communities. A World Bank loan in the amount of US\$20 million is being used to help achieve a four-pronged approach:

1. Improve access to basic social and economic infrastructure by funding small well-targeted community-based initiatives to improve the quality and accessibility of the poor to education, health, and physical environment services;
2. Improve the economic status of poor and more vulnerable households by stimulating local incomes and productivity and reducing exposure to risk, through basic skills training, and capacity building to supplement micro-credit initiatives;
3. Develop special social programs that target the needs of specific vulnerable groups, especially women, children and the disabled; and
4. Document the experience obtained through this Project and derive the lessons learned in consultation with ministries that are engaged in the development of a longer-term strategy to reduce social and regional imbalances in human development.

#### **Critical Success Factors**

The World Bank's Safeguards, specifically the Environmental Assessment (EA) tool, as well as the Social Assessment (SA) tool, which can be prepared independently, jointly, or in association with other Safeguards such as Involuntary Resettlement and Indigenous Peoples, offer other avenues to incorporate the needs of disabled persons. The EA and SA processes offer excellent mechanisms for enabling full participation of disabled persons, helping to identify and assess the extent of potentially impairing features in Bank funded projects, and developing solutions or mitigation options to off-set such design features that unnecessarily add to the socially and physically obstructing characteristics of a project.

#### **Application of six disability success indicators for the Lebanon Project**

**1. *The earlier the better.*** The earlier disabled persons are brought into the project cycle process as an issue or concern, the higher the likelihood for successful inclusion in project design and implementation. From the outset, including Project Information Document, Integrated Safeguards Data Sheet, Pre-Appraisal Mission Statement and project design social assessment, addressing the needs of disabled persons as a fundamental component of poverty reduction was repeatedly stressed.

**2. Curtail barriers.** Disabilities are created in the human environment by physical and social barriers which must be removed or reduced by a variety of modern and innovative approaches. Beyond the classical just-care approach, the project recognized a shift towards an integrated approach that consists of a better integration of the disabled into the family, school, the work environment, the local community, and society overall. This approach was based on the concept of rights, the cornerstone of which was the law on the Rights of the Disabled ratified by the Lebanon in May 2000. The Law covers areas like health, housing, education, sports, employment, and tax exemptions, and is being complemented by a series of decrees detailing the means to enforce these rights in specific areas. The decrees are prepared with the active participation of the Ministry of Social Affairs, representatives of various categories of disabled people, and representatives of care centers.

**3. Be opportunistic.** Identifying and taking all opportunities during the project cycle to help overcome physical and social barriers that unknowingly or unexpectedly disable people is fundamental to reducing the extent, or possibly free them, from the vicious cycle of impairment, disability, and subsequent poverty. The project preparation team noted a lack of worldwide coordination on disability issues and researched disability issues via reports and studies by the ministry of social affairs, UNICEF, UNDP and many other groups in order to make project recommendations. The project also recognized the heightened presence of disabled persons (the “invisible poor”) in Lebanon due to the ravages of war.

**4. Avoid the “chicken-and-egg syndrome.”** Opportunities for physical and social accessibility that help include disabled people in the mainstream of society must be taken when they arise even if further actions are required to ensure full relief from the disabling effect. Through the use of a Thematic Social Assessment and the design of Thematic Programs, concerned sector ministries, governmental institutions, NGOs and the beneficiary groups were able to focus on practical and legally sound solutions at the design and implementation phase of the project.

**5. Take Responsibility.** A mix of social assistance and accessibility actions must be part of any Bank or client country’s policy-formation and decision-making process. Infrastructure and social protection initiatives were specifically targeted toward the needs of disabled persons.

**6. Inclusion.** Most disabled persons want to participate and work productively in society as opposed to receiving social assistance or “welfare.” The project designed sustainable poverty alleviation initiatives including capacity-building activities or retraining for the slightly disabled to enable vulnerable households to manage risk. This set of initiatives enhances the capacity of the poor and supports their efforts and strategies to escape poverty or mitigate its consequences, and reduce their vulnerability.

### **Lessons Learned for Future Projects**

- Include disabilities in the EA analysis and Environmental Management Plan (EMP) actions.
- Establish Success Indicators for persons with disabilities with long-term focus and act in short-term through project actions.

## **d. Draft Convention on the Rights of Persons with Disabilities** (version 08/25/2006)

Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities  
Eighth session, New York, August 14–25, 2006

### **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 and interdependence of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,
- (c) bis *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,
- (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 International 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* 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,
- (e) bis *Emphasizing* the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development,
- (f) *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,
- (g) *Recognizing further* the diversity of persons with disabilities,
- (h) *Recognizing* the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support,
- (i) *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,

(j) *Recognizing* the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries,

(k) *Emphasizing* the importance of 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,

(l) *Recognizing* the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,

(m) *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,

(n) *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,

(o) *Recognising* 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,

(p) *Recognising* 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;

(q) *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,

(r) *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,

(s) *Concerned* that situations of armed conflict and the occurrence of natural disasters have considerably increased the experience of disability in war stricken and disaster prone countries, as well as having especially devastating consequences for the human rights of persons with disabilities,

(s) bis *Bearing* in mind that conditions of peace and security based on full respect of the purposes and principles contained in the Charter 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,

(t) *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,

(u) *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,

(v) *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,

(v) *bis* *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,

*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 spoken and signed languages, display of text, and Braille, and tactile communication, large print, written, audio, accessible multimedia, plain language, human reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

“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;

“Language” includes spoken and signed languages and other forms of non-spoken languages;

“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” and “inclusive design” mean 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” and “inclusive 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 disability 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 recognised 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 the research, development, availability and use of:
  - (i) Universally designed goods, services, equipment and facilities, to meet the specific needs of persons with disabilities, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, and to promote universal design in the development of standards and guidelines;
  - (ii) New technologies, including information and communication technologies, mobility aids, devices, assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;
- (g) 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,
- (h) To promote the training of professionals and staff working with persons with disabilities in the rights recognised in this Convention so as to better provide the assistance and services guaranteed by those rights.

2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in this 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 fundamental human rights recognised 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 recognise such rights or that it recognises 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 recognise 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 their 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 interest 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 their rights and dignity;
- (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, abilities and contributions of persons with disabilities 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 their rights.

## **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 to:

- (a) 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) 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) Provide training for stakeholders on accessibility issues facing persons with disabilities;
- (d) Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- (e) 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) Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- (g) Promote access for persons with disabilities to new information and communication technologies and systems, including the Internet;
- (h) 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 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<sup>2</sup> 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

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<sup>2</sup> In Arabic, Chinese and Russian, the term “legal capacity” refers to “legal capacity for rights”, rather than “legal capacity to act”.

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

### **ARTICLE 14 - LIBERTY AND SECURITY OF THE PERSON**

1. States Parties shall ensure that persons with disabilities, on an equal basis with others:

(a) Enjoy the right to liberty and security of person;

(b) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and in no case shall the existence of a disability justify a deprivation of liberty.

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

### **ARTICLE 15 - FREEDOM FROM TORTURE OR CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT**

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.

2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities on an equal basis with others from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

### **ARTICLE 16 – FREEDOM FROM EXPLOITATION, VIOLENCE AND ABUSE**

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender based aspects.

2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender and age sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age, gender and disability sensitive.

3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.

4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender and age specific needs.

5. States Parties shall put in place effective legislation and policies, including women and child focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

#### **ARTICLE 17 – PROTECTING THE INTEGRITY OF THE PERSON**

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

#### **ARTICLE 18 - LIBERTY OF MOVEMENT AND NATIONALITY**

1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:

(a) Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;

(b) Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;

(c) Are free to leave any country, including their own;

(d) Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.

2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

#### **ARTICLE 19 - LIVING INDEPENDENTLY AND BEING INCLUDED IN THE COMMUNITY**

States Parties to this Convention recognise 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 their 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 sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice, 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 language.

## **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 recognised, and the means necessary to enable them to exercise these rights and the equal opportunity to retain their fertility are provided;

(c) Persons with disabilities, including children, shall 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 and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children 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 realising 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 undertake that where the immediate family is unable to care for a child with disabilities, to take every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

## **ARTICLE 24 – EDUCATION**

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive, education system at all levels, and life-long learning, directed to:

(a) The full development of the 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:

(a) That persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary and secondary education on the basis of disability;

(b) That persons with disabilities can access an inclusive, quality, free primary and secondary education on an equal basis with others in the communities in which they live;

(c) Reasonable accommodation of the individual's requirements;

(d) That persons with disabilities receive the support required, within the general education system, to facilitate

their effective education;

(d) bis That 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, 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 and 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 those with disabilities, who are qualified in sign language and 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 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 the elderly;

(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 their 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, particularly in the areas of health, employment, education and social services, in such a way that:

(a) Habilitation and rehabilitation services and programmes begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;

(b) Habilitation and rehabilitation services and programmes 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.

2. bis 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 redressing 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 and 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 the aged 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 programs.

## **ARTICLE 29 - PARTICIPATION IN POLITICAL AND PUBLIC LIFE**

States Parties shall guarantee to persons with disabilities their political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

- (a) 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 and 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) 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 and recreational and tourism venues;

(d) To ensure that children with disabilities have equal access 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 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 the 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, are 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; and

(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 fulfill its obligations under the 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 12 experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by 6 members, attaining a maximum number of 18 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 4.3 of the present Convention.

4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, the representation of the different forms of civilization and of the principal legal systems, balanced gender representation and the 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 States Parties convened by the Secretary General of the United Nations. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary General of the United Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

7. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of six of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.

8. The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.

9. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.

10. The Committee shall establish its own rules of procedure.

11. The Secretary General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention, and shall convene its initial meeting.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

13. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

#### **ARTICLE 35 – REPORTS BY STATES PARTIES**

1. Each State Party shall submit to the Committee, through the Secretary General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.

2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.

3. The Committee shall decide any guidelines applicable to the content of the reports.

4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4.3 of the present Convention.

5. Reports may indicate factors and difficulties affecting the degree of fulfillment 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, and 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 fulfillment 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:

1. 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.
2. As it discharges its mandate, the Committee shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensure the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoid duplication and overlap in the performance of their functions.

## **ARTICLE 39 – REPORT OF THE COMMITTEE**

The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities, and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

## **ARTICLE 40 – CONFERENCE OF STATES PARTIES**

1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.
2. No later than six months after the entry into force of the present Convention, the Conference of the States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General of the United Nations biennially or upon the decision of the Conference of States Parties.

## **ARTICLE 41 – DEPOSITARY**

The Secretary-General of the United Nations shall be the depositary of the present Convention.

## **ARTICLE 42 – SIGNATURE**

The present Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of [xxxx].

#### **ARTICLE 43 - CONSENT TO BE BOUND**

The present Convention shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organizations. It shall be open for accession by any State or regional integration organization which has not signed the Convention.

#### **ARTICLE 44 - REGIONAL INTEGRATION ORGANIZATIONS**

1. "Regional integration organization" shall mean an organization constituted by sovereign States of a given region, to which its Member States have transferred competence in respect of matters governed by this Convention. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by this Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.

2. References to "States Parties" in the present Convention shall apply to such organizations within the limits of their competence.

3. For the purposes of Article 45, paragraph 1 and Article 47, paragraph 2 and 3, any instrument deposited by a regional integration organization shall not be counted.

4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

#### **ARTICLE 45 - ENTRY INTO FORCE**

1. The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.

2. For each State or regional integration organization ratifying, formally confirming or acceding to the Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.

#### **ARTICLE 46 – RESERVATIONS**

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.

2. Reservations may be withdrawn at any time.

#### **ARTICLE 47– AMENDMENTS**

1. Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 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 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 format.

#### **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.

**e. Draft Optional Protocol to the International Convention on the Rights of Persons with Disabilities** (version 08/25/2006)

(to be adopted simultaneously with the Convention)

*The States Parties to the present Protocol have agreed as follows:*

Article 1

1. A State Party to the present Protocol (“State Party”) recognizes the competence of the Committee on the Rights of Persons with Disabilities (“Committee”) to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention.

2. No communication shall be received by the Committee if it concerns a State Party to the Convention that is not a party to the present Protocol.

Article 2

The Committee shall consider a communication inadmissible when:

- (a) the communication is anonymous;
- (b) the communication constitutes an abuse of the right of submission of such communications or is incompatible with the provisions of the present Convention;
- (c) the same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;
- (d) all available domestic remedies have not been exhausted. This shall not be the rule where the application of the remedies is unreasonably prolonged or unlikely to bring effective relief;
- (e) it is manifestly ill-founded or not sufficiently substantiated; or when
- (f) the facts that are the subject of the communication occurred prior to the entry into force of the present Convention for the State Party concerned unless those facts continued until that date.

Article 3

Subject to the provisions of Article 2 of the present Protocol, the Committee shall bring any communications submitted to it confidentially to the attention of the State Party. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

Article 4

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.

2. Where the Committee exercises its discretion under paragraph 1 of this article, this does not imply a determination on admissibility or on the merits of the communication.

Article 5



The Committee shall hold closed meetings when examining communications under the present Protocol. After examining a communication, the Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

#### Article 6

1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end submit observations with regard to the information concerned.
2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.
3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.
4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.
5. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.

#### Article 7

1. The Committee may invite the State Party concerned to include in its report under article 35 of the Convention details of any measures taken in response to an inquiry conducted under article 6 of the present Protocol.
2. The Committee may, if necessary, after the end of the period of six months referred to in article 6.4, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.

#### Article 8

Each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 6 and 7.

#### Article 9

The Secretary-General of the United Nations shall be the depositary of the present Protocol.

#### Article 10

The present Protocol shall be open for signature by signatory States and regional integration organizations of the Convention at United Nations Headquarters in New York as of [xxxx].

#### Article 11

The present Protocol shall be subject to ratification by signatory States of this Protocol which have ratified or acceded to the Convention. It shall be subject to formal confirmation by signatory regional integration organizations of this Protocol which have formally confirmed or acceded to the Convention. It shall be open for accession by any State or regional integration organization which has ratified, formally confirmed or acceded to the Convention and which has not signed the Protocol.

#### Article 12

1. "Regional integration organization" shall mean an organization constituted by sovereign States of a given region, to which its Member States have transferred competence in respect of matters governed by the Convention and this Protocol. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by the Convention and this Protocol. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.

2. References to "States Parties" in the present Protocol shall apply to such organizations within the limits of their competence.

3. For the purposes of Article 13, paragraph 1 and Article 15, paragraph 2, any instrument deposited by a regional integration organization shall not be counted.

4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the meeting of States Parties, with a number of votes equal to the number of their member States that are Parties to this Protocol. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

#### Article 13

1. Subject to the entry into force of the Convention, the present Protocol shall enter into force on the thirtieth day after the deposit of the tenth instrument of ratification or accession.

2. For each State or regional integration organization ratifying, formally confirming or acceding to the Protocol after the deposit of the tenth such instrument, the Protocol shall enter into force on the thirtieth day after the deposit of its own such instrument.

#### Article 14

1. Reservations incompatible with the object and purpose of the present Protocol shall not be permitted.

2. Reservations may be withdrawn at any time.

#### Article 15

1. Any State Party may propose an amendment to the present Protocol and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a meeting of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a meeting, the Secretary-General shall convene the meeting under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two-thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

#### Article 16

A State Party may denounce the present Protocol by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

Article 17

The text of the present Protocol shall be made available in accessible format.

Article 18

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Protocol shall be equally authentic.

*In witness thereof* the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Protocol.