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45. Zakon o ratifikaciji Konvencije o pravicah invalidov in Izbirnega protokola h Konvenciji o pravicah invalidov (MKPI), Stran 1437.

Na podlagi druge alinee prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z

o razglasitvi Zakona o ratifikaciji Konvencije o pravicah invalidov in Izbirnega protokola h Konvenciji o pravicah invalidov (MKPI)

Razglašam Zakon o ratifikaciji Konvencije o pravicah invalidov in Izbirnega protokola h Konvenciji o pravicah invalidov (MKPI), ki ga je sprejel Državni zbor Republike Slovenije na seji 2. aprila 2008.

Št. 003-02-4/2008-7

Ljubljana, dne 10. aprila 2008

dr. Danilo Türk l.r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI KONVENCIJE O PRAVICAH INVALIDOV IN IZBIRNEGA PROTOKOLA H KONVENCIJI O PRAVICAH INVALIDOV (MKPI)

1. člen

Ratificirata se Konvencija o pravicah invalidov in Izbirni protokol h Konvenciji o pravicah invalidov, sprejeta na 61. zasedanju Generalne skupščine Združenih narodov 13. decembra 2006.

2. člen

Besedili konvencije in izbirnega protokola se v izvirniku v angleškem jeziku in v prevodu v slovenskem jeziku glasita:

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Preamble

The States Parties to the present Convention,

(a) Recalling the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

(b) Recognizing that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,

(c) Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,

(d) Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

(e) Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others,

(f) Recognizing the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities,

(g) Emphasizing the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development,

(h) Recognizing also that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person,

(i) Recognizing further the diversity of persons with disabilities,

(j) Recognizing the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support,

(k) Concerned that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,

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

(m) Recognizing the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty,

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

(o) Considering that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them,

(p) Concerned about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status,

(q) Recognizing that women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,

(r) Recognizing that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalling obligations to that end undertaken by States Parties to the Convention on the Rights of the Child,

(s) Emphasizing the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,

(t) Highlighting the fact that the majority of persons with disabilities live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on persons with disabilities,

(u) Bearing in mind that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of persons with disabilities, in particular during armed conflicts and foreign occupation,

(v) Recognizing the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,

(w) Realizing that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Bill of Human Rights,

(x) Convinced that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities,

(y) Convinced that a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities will make a significant contribution to redressing the profound social disadvantage of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, in both developing and developed countries,

Have agreed as follows:

Article 1

Purpose

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Article 2

Definitions

For the purposes of the present Convention:

"Communication" includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

"Language" includes spoken and signed languages and other forms of non spoken languages;

"Discrimination on the basis of disability" means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;

"Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

"Universal design" means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. "Universal design" shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Article 3

General principles

The principles of the present Convention shall be:

(a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;

(b) Non-discrimination;

(c) Full and effective participation and inclusion in society;

(d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;

(e) Equality of opportunity;

(f) Accessibility;

(g) Equality between men and women;

(h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 4

General obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

(a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;

(b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;

(c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;

(d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;

(e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;

(f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;

(g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;

(h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;

(i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in the present Convention so as to better provide the assistance and services guaranteed by those rights.

2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.

3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

4. Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation

or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.

5. The provisions of the present Convention shall extend to all parts of federal States without any limitations or exceptions.

Article 5

Equality and non-discrimination

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

Article 6

Women with disabilities

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

Article 7

Children with disabilities

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

Article 8

Awareness-raising

1. States Parties undertake to adopt immediate, effective and appropriate measures:

(a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;

(b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;

(c) To promote awareness of the capabilities and contributions of persons with disabilities.

2. Measures to this end include:

(a) Initiating and maintaining effective public awareness campaigns designed:

(i) To nurture receptiveness to the rights of persons with disabilities;

(ii) To promote positive perceptions and greater social awareness towards persons with disabilities;

(iii) To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;

(b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;

(c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;

(d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

Article 9

Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

(a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

(b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures:

(a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;

(b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

(c) To provide training for stakeholders on accessibility issues facing persons with disabilities;

(d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;

(e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;

(f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

(g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

(h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Article 10

Right to life

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

Article 11

Situations of risk and humanitarian emergencies

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

Article 12

Equal recognition before the law

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.

2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.

3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.

4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a

competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

Article 13

Access to justice

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

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

Article 14

Liberty and security of person

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

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

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

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

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

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

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

Article 16

Freedom from exploitation, violence and abuse

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

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

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

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

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

Article 17

Protecting the integrity of the person

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

Article 18

Liberty of movement and nationality

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

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

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

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

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

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

Article 19

Living independently and being included in the community

States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

(a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;

(b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;

(c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Article 20

Personal mobility

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

(a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;

(b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;

(c) Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;

(d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

Article 21

Freedom of expression and opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

(a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;

(b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;

(c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;

(d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;

(e) Recognizing and promoting the use of sign languages.

Article 22

Respect for privacy

1. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.

2. States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

Article 23

Respect for home and the family

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:

(a) The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;

(b) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;

(c) Persons with disabilities, including children, retain their fertility on an equal basis with others.

2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.

4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

Article 24

Education

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

(a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;

(b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;

(c) Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

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

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

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

(d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;

(e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

(a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;

(b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

(c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of

communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

Article 25

Health

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

(a) Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;

(b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;

(c) Provide these health services as close as possible to people's own communities, including in rural areas;

(d) Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;

(e) Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;

(f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

Article 26

Habilitation and rehabilitation

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all

aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:

(a) Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;

(b) Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.

2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.

3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

Article 27

Work and employment

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

(a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;

(b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;

(c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;

(d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;

(e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;

(f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;

(g) Employ persons with disabilities in the public sector;

(h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;

(i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;

(j) Promote the acquisition by persons with disabilities of work experience in the open labour market;

(k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

Article 28

Adequate standard of living and social protection

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

(a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;

(b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;

(c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;

(d) To ensure access by persons with disabilities to public housing programmes;

(e) To ensure equal access by persons with disabilities to retirement benefits and programmes.

Article 29

Participation in political and public life

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

(a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

(i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

(ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

(iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

(b) To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

(i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

(ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

Article 30

Participation in cultural life, recreation, leisure and sport

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

(a) Enjoy access to cultural materials in accessible formats;

(b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;

(c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.

2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.

3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:

(a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;

(b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end,

encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;

(c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues;

(d) To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;

(e) To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

Article 31

Statistics and data collection

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

(a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;

(b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.

3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

Article 32

International cooperation

1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:

(a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;

(b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;

(c) Facilitating cooperation in research and access to scientific and technical knowledge;

(d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.

2. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

Article 33

National implementation and monitoring

1. States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.

2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

Article 34

Committee on the Rights of Persons with Disabilities

1. There shall be established a Committee on the Rights of Persons with Disabilities (hereafter referred to as "the Committee"), which shall carry out the functions hereinafter provided.

2. The Committee shall consist, at the time of entry into force of the present Convention, of twelve experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of eighteen members.

3. The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention. When nominating their candidates, States Parties are invited to give due consideration to the provision set out in article 4, paragraph 3, of the present Convention.

4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities.

5. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary-General shall

subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

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

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

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

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

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

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

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

Article 35

Reports by States Parties

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

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

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

4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4, paragraph 3, of the present Convention.

5. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 36

Consideration of reports

1. Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.

2. If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. Should the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.

3. The Secretary-General of the United Nations shall make available the reports to all States Parties.

4. States Parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports.

5. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, funds and programmes of the United Nations, and other competent bodies, reports from States Parties in order to address a request or indication of a need for technical advice or assistance contained therein, along with the Committee's observations and recommendations, if any, on these requests or indications.

Article 37

Cooperation between States Parties and the Committee

1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.

2. In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.

Article 38

Relationship of the Committee with other bodies

In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:

(a) The specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

Article 39

Report of the Committee

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

Article 40

Conference of States Parties

1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.

2. No later than six months after the entry into force of the present Convention, the Conference of States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General biennially or upon the decision of the Conference of States Parties.

Article 41

Depositary

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

Article 42

Signature

The present Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 30 March 2007.

Article 43

Consent to be bound

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

Article 44

Regional integration organizations

1. "Regional integration organization" shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the present Convention. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect

to matters governed by the present Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.

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

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

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

Article 45

Entry into force

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

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

Article 46

Reservations

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

2. Reservations may be withdrawn at any time.

Article 47

Amendments

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

2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the

thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of this article which relates exclusively to articles 34, 38, 39 and 40 shall enter into force for all States Parties on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.

Article 48

Denunciation

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

Article 49

Accessible format

The text of the present Convention shall be made available in accessible formats.

Article 50

Authentic texts

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

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

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 ("the 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 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 Protocol for the State Party concerned unless those facts continued after 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, paragraph 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 30 March 2007.

Article 11

The present Protocol shall be subject to ratification by signatory States of the present Protocol which have ratified or acceded to the Convention. It shall be subject to formal confirmation by signatory regional integration organizations of the present 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 the present 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 the present 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, of the present Protocol, 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 the present 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 present 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 of the United Nations for approval and thereafter to all States Parties for acceptance.

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

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 formats.

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.

KONVENCIJA O PRAVICAH INVALIDOV

Preambula

Države pogodbenice te konvencije so se

a) ob sklicevanju na načela Ustanovne listine Združenih narodov, ki priznavajo, da so prirojeno dostojanstvo in vrednost ter enake in neodtujljive pravice vseh članov človeške družbe temelj svobode, pravičnosti in miru na svetu;

b) ob priznavanju, da so Združeni narodi v Splošni deklaraciji o človekovih pravicah in mednarodnih paktih o človekovih pravicah razglasili, da so pravice in svoboščine, določene s temi akti, enake za vse;

c) v potrditev univerzalnosti, nedeljivosti in medsebojne odvisnosti vseh človekovih pravic in temeljnih svoboščin ter potrebe, da se njihovo polno uživanje zagotovi invalidom brez diskriminacije;

d) ob sklicevanju na Mednarodni pakt o ekonomskih, socialnih in kulturnih pravicah, Mednarodni pakt o državljanskih in političnih pravicah, Mednarodno konvencijo o odpravi vseh oblik rasne diskriminacije, Konvencijo o odpravi vseh oblik diskriminacije proti ženskam, Konvencijo proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju, Konvencijo Združenih narodov o otrokovih pravicah in Mednarodno konvencijo o varstvu pravic vseh delavcev migrantov in članov njihovih družin;

e) ob priznavanju, da je invalidnost razvijajoči se koncept in posledica medsebojnega sodelovanja med invalidi ter ovirami zaradi stališč v družbi in ovirami v okolju, ki preprečujejo, da bi invalidi pod enakimi pogoji kakor drugi polno in učinkovito sodelovali v družbi;

f) ob priznavanju pomena načel in smernic politike Svetovnega akcijskega programa za invalide in Standardnih pravil za izenačevanje možnosti invalidov pri spodbujanju, oblikovanju in vrednotenju usmeritev, načrtov, programov in akcij za nadaljnje izenačevanje možnosti invalidov na državni, regionalni in mednarodni ravni;

g) ob poudarjanju pomembnosti vključevanja invalidskih vsebin kot sestavni del strategij trajnostnega razvoja;

h) ob hkratnem priznavanju, da pomeni diskriminacija posameznika zaradi invalidnosti kršitev prirojenega človekovega dostojanstva in vrednosti;

i) ob priznavanju različnosti invalidov;

j) ob priznavanju, da je treba spodbujati in varovati človekove pravice vseh invalidov, tudi tistih, ki potrebujejo večjo podporo;

k) zaskrbljene, ker se invalidi po vsem svetu kljub različnim dokumentom in ukrepanju še vedno spoprijemajo z ovirami pri enakopravnem vključevanju v družbo in s kršitvami človekovih pravic;

l) ob priznavanju pomena mednarodnega sodelovanja za izboljšanje življenjskih razmer invalidov v vseh državah, zlasti tistih v razvoju;

m) ob priznavanju dragocenega obstoječega in morebitnega prispevka invalidov k splošni blaginji in raznovrstnosti njihovih skupnosti ter ob spoznanju, da bo spodbujanje polnega uživanja človekovih pravic in temeljnih svoboščin invalidov ter njihovega polnega

sodelovanja privedlo do močnejšega občutka pripadnosti in pomembnega napredka pri človeškem, socialnem in gospodarskem razvoju družbe in izkoreninjenju revščine;

n) ob priznavanju pomena samostojnosti invalidov in njihove neodvisnosti kot posameznikov vključno s svobodo lastne izbire;

o) ob upoštevanju, da bi morali invalidi imeti možnost dejavno sodelovati v postopkih odločanja o usmeritvah in programih vključno s tistimi, ki se nanašajo neposredno nanje;

p) zaskrbljene zaradi težkih razmer, s katerimi se spoprijemajo invalidi, ki so žrtve mnogovrstnih ali hudih oblik diskriminacije zaradi rase, barve, spola, jezika, vere, političnega ali drugega prepričanja, nacionalnega, etničnega ali socialnega izvora, lastnine, rojstva, starosti ali druge okoliščine;

q) ob zavedanju, da so invalidne ženske in deklice pogosto v večji nevarnosti, da doma in zunaj doma postanejo žrtve nasilja, poškodb ali zlorabe, zanemarjanja ali malomarnega in grdega ravnanja ali izkoriščanja;

r) ob priznavanju, da bi morali invalidni otroci polno in enako kakor drugi otroci uživati vse človekove pravice in temeljne svoboščine ter ob sklicevanju na obveznosti, ki so jih v ta namen prevzele države pogodbenice Konvencije Združenih narodov o otrokovih pravicah;

s) ob poudarjanju nujnosti vključitve vidika spolov v vsa prizadevanja, da se invalidom omogoči polno uživanje človekovih pravic in temeljnih svoboščin;

t) ob poudarjanju dejstva, da večina invalidov živi v revščini, in ob priznavanju nujnosti po obravnavanju njenega negativnega vpliva na invalide;

u) ob upoštevanju, da sta mir in varnost, ki temeljita na polnem spoštovanju ciljev in načel Ustanovne listine Združenih narodov ter upoštevanju veljavnih listin o človekovih pravicah, nujno potrebna za popolno zaščito invalidov, zlasti med oboroženimi spopadi in tujo zasedbo;

v) ob priznavanju pomena dostopnosti do fizičnega, socialnega, ekonomskega in kulturnega okolja, zdravja in izobraževanja ter informacij in komunikacij pri omogočanju invalidom, da polno uživajo vse človekove pravice in temeljne svoboščine;

w) ob zavedanju, da je posameznik, ki ima obveznosti do drugih ljudi in skupnosti, ki ji pripada, zavezan k spodbujanju in spoštovanju pravic iz Mednarodne listine o človekovih pravicah;

x) prepričane, da morata družba in država varovati družino, ki je naravna in osnovna družbena skupnost, ter da je treba invalidom in njihovim družinskim članom zagotoviti potrebno varstvo in pomoč, ki naj družinam omogoči prispevati k polnemu in enakopravnemu uživanju pravic invalidov;

y) prepričane, da bo splošna in celovita mednarodna konvencija, ki spodbuja in varuje pravice ter dostojanstvo invalidov, pomembno prispevala k odpravi očitne socialne prikrajšanosti invalidov ter spodbudila njihove enake možnosti pri sodelovanju na civilnem, političnem, gospodarskem, socialnem in kulturnem področju v državah v razvoju in razvitih državah;

dogovorile:

1. člen

Namen

Namen te konvencije je spodbujati, varovati in invalidom zagotavljati polno in enakopravno uživanje vseh človekovih pravic in temeljnih svoboščin ter spodbujati spoštovanje njihovega prirojenega dostojanstva.

Invalidi so ljudje z dolgotrajnimi telesnimi, duševnimi, intelektualnimi ali senzoričnimi okvarami, ki jih v povezavi z različnimi ovirami lahko omejujejo, da bi enako kot drugi polno in učinkovito sodelovali v družbi.

2. člen

Pomen izrazov

V tej konvenciji:

»komunikacija« vključuje jezike, prikaz besedila, brajico, taktilno sporazumevanje, veliki tisk, dostopne multimedije ter pisani, zvočni in običajni jezik, človeškega bralca ter povečevalne in alternativne načine, sredstva in oblike zapisa sporočila skupaj z dostopno informacijsko in komunikacijsko tehnologijo;

»jezik« vključuje govorjene in znakovne jezike ter druge oblike negovorjenih jezikov;

»diskriminacija zaradi invalidnosti« pomeni vsako razlikovanje, izključevanje ali omejevanje zaradi invalidnosti z namenom ali posledico zmanjšanja ali izničenja enakopravnega priznavanja, uživanja ali uresničevanja vseh človekovih pravic in temeljnih svoboščin na političnem, gospodarskem, socialnem, kulturnem, civilnem ali drugem področju. Vključuje vse oblike diskriminacije, tudi odklonitev primerne prilagoditve;

»primerna prilagoditev« pomeni potrebne in primerne spremembe ter prilagoditve, ki ne nalagajo nesorazmernega ali nepotrebne bremena, kadar so v posameznem primeru potrebne, da se invalidom na enaki podlagi kot drugim zagotovi uživanje ali uresničevanje vseh človekovih pravic in temeljnih svoboščin;

»univerzalno oblikovanje« pomeni oblikovanje proizvodov, okolja, programov in storitev, ki je čim bolj uporabno za vse ljudi, ne da bi ga bilo treba prilagajati ali posebej načrtovati. »Univerzalno oblikovanje« ne izključuje podpornih pripomočkov in tehnologij za posamezne skupine invalidov, kadar je to potrebno.

3. člen

Splošna načela

Splošna načela te konvencije so:

a) spoštovanje prirojenega dostojanstva, osebne samostojnosti, ki vključuje svobodo izbire, in neodvisnost posameznikov;

b) nediskriminacija;

c) polno in učinkovito sodelovanje in vključenost v družbo;

d) spoštovanje različnosti in sprejemanje invalidov kot dela človekove raznolikosti in humanosti;

e) enakost možnosti;

f) dostopnost;

g) enake možnosti za moške in ženske;

h) spoštovanje razvojnih sposobnosti invalidnih otrok ter spoštovanje pravice invalidnih otrok do ohranitve njihove identitete.

4. člen

Splošne obveznosti

1. Države pogodbenice se zavezujejo, da bodo zagotovile in spodbujale polno uresničevanje vseh človekovih pravic in temeljnih svoboščin za vse invalide brez kakršne koli diskriminacije zaradi invalidnosti. Zavezujejo se, da:

a) bodo sprejele ustrezne zakonodajne, upravne in druge ukrepe za uresničevanje pravic, ki jih priznava ta konvencija;

b) bodo sprejele ustrezne ukrepe, tudi zakonodajne, za spremembo ali odpravo veljavnih zakonov, predpisov, navad in ravnanj, ki so diskriminacijski do invalidov;

c) bodo upoštevale varovanje in spodbujanje človekovih pravic invalidov v vseh usmeritvah in programih;

d) se bodo vzdržale vsakega dejanja ali ravnanja, ki je v nasprotju s to konvencijo, ter zagotovile, da javne oblasti in institucije delujejo v skladu s to konvencijo;

e) bodo sprejele vse ustrezne ukrepe za odpravo diskriminacije zaradi invalidnosti, ki jo izvajajo posamezniki, organizacije ali zasebna podjetja;

f) bodo izvajale ali spodbujale raziskave in razvoj univerzalno oblikovanih dobrin, storitev, opreme in sredstev, kot opredeljuje 2. člen te konvencije, ki bodo ustrezali posebnim potrebam invalidov, da bi bile potrebne čim manjše prilagoditve z najmanjšimi stroški za potrebe invalidov in da bodo spodbujale njihovo dostopnost in uporabo ter univerzalno oblikovanje pri pripravljanju standardov in smernic;

g) bodo izvajale ali spodbujale raziskave in razvoj ter povečale dostopnost in uporabo novih tehnologij vključno z informacijskimi in komunikacijskimi tehnologijami, pripomočkov za gibanje, tehničnih pripomočkov ter podpornih tehnologij, primernih za invalide, pri čemer bodo dajale prednost tehnologijam po sprejemljivih cenah;

h) bodo invalidom zagotavljale dostopne informacije o pripomočkih za gibanje, tehničnih pripomočkih ter podpornih tehnologijah vključno z novimi tehnologijami in o drugih oblikah pomoči, podpornih storitvah in sredstvih;

i) bodo spodbujale izobraževanje strokovnjakov in osebja, ki delajo z invalidi, o pravicah, priznanih v tej konvenciji, da bodo bolje zagotavljali pomoč in storitve, zajamčene s temi pravicami.

2. Glede ekonomskih, socialnih in kulturnih pravic se vsaka država pogodbenica zavezuje sprejeti največ možnih ukrepov v okviru razpoložljivih sredstev in po potrebi mednarodnega sodelovanja, da se postopno dosega popolno uresničevanje teh pravic brez poseganja v tiste obveznosti iz te konvencije, ki so po mednarodnem pravu takoj veljavne.

3. Pri pripravljanju in izvajanju zakonodaje in usmeritev za izvajanje te konvencije in pri drugih postopkih odločanja, ki se nanašajo na invalide, se države pogodbenice temeljito posvetujejo z invalidi, tudi invalidnimi otroki, ter jih dejavno vključujejo prek njihovih reprezentativnih invalidskih organizacij.

4. Nobena določba te konvencije ne vpliva na določbe v zakonodaji države pogodbenice ali v mednarodnem pravu, ki velja v tej državi pogodbenici, kadar so ugodnejše za

uresničevanje pravic invalidov. Dejstvo, da ta konvencija ne priznava neke pravice ali svoboščine ali jo priznava v manjši meri, ni razlog za omejevanje ali odstopanje od katere koli človekove pravice in temeljne svoboščine, priznane ali veljavne po zakonu, konvencijah, predpisih ali običajih v kateri od držav pogodbenic te konvencije.

5. Določbe te konvencije veljajo brez omejitev ali izjem za vse dele zveznih držav.

5. člen

Enakost in nediskriminacija

1. Države pogodbenice priznavajo, da so vsi ljudje enaki pred zakonom in da so brez diskriminacije upravičeni do enakega pravnega varstva in zakonskih ugodnosti.

2. Države pogodbenice prepovejo vsako diskriminacijo zaradi invalidnosti ter zagotovijo invalidom enako in učinkovito pravno varstvo pred diskriminacijo ne glede na okoliščine.

3. Za spodbujanje enakosti in odpravo diskriminacije države pogodbenice sprejmejo vse ustrezne ukrepe za zagotovitev primernih prilagoditev.

4. Posebni ukrepi, potrebni za spodbujanje ali doseganje dejanske enakosti invalidov, se ne štejejo za diskriminacijo po tej konvenciji.

6. člen

Invalidne ženske

1. Države pogodbenice priznavajo, da so invalidne ženske in deklice žrtve različnih vrst diskriminacije, in glede na to sprejmejo ukrepe, s katerimi jim zagotovijo polno in enako uživanje vseh človekovih pravic in temeljnih svoboščin.

2. Države pogodbenice sprejmejo vse ustrezne ukrepe za zagotovitev celovitega razvoja, napredka in krepitve vloge in položaja žensk da jim zagotovijo uresničevanje in uživanje človekovih pravic in temeljnih svoboščin po tej konvenciji.

7. člen

Invalidni otroci

1. Države pogodbenice sprejmejo vse potrebne ukrepe, s katerimi invalidnim otrokom zagotovijo, da enako kot drugi otroci uživajo vse človekove pravice in temeljne svoboščine.

2. Pri vseh dejavnostih v zvezi z invalidnimi otroki mora biti pglavitna skrb otrokova korist.

3. Države pogodbenice zagotovijo, da imajo invalidni otroci enako kot drugi pravico svobodno izraziti svoje mnenje o vsem, kar jih zadeva, pri čemer se njihova mnenja upoštevajo glede na njihovo starost in zrelost, prav tako jim glede na njihovo invalidnost in starost priskrbijo primerno pomoč za uresničevanje teh pravic.

8. člen

Ozaveščanje

1. Države pogodbenice se zavezujejo, da bodo sprejele takojšnje, učinkovite in primerne ukrepe za:

a) ozaveščanje celotne družbe, tudi na ravni družine, o invalidih in spodbujanje spoštovanja njihovih pravic in dostojanstva;

b) boj proti stereotipom, predsodkom in škodljivim ravnanjem v zvezi z invalidi na vseh področjih življenja, tudi s tistimi, povezanimi s spolom in starostjo;

c) spodbujanje vedenja o sposobnostih in prispevanju invalidov.

2. Ti ukrepi zajemajo:

a) spodbujanje in izvajanje učinkovitih akcij ozaveščanja javnosti, katerih namen je:

i) razvijanje dovzetnosti za pravice invalidov;

ii) spodbujanje pozitivnega dojetja in večje družbene ozaveščenosti o invalidih;

iii) spodbujanje priznavanja spretnosti in znanja, odlik in sposobnosti invalidov ter njihovega prispevka na delovnem mestu in na trgu dela;

b) krepitev spoštljivega odnosa do pravic invalidov na vseh ravneh izobraževalnega sistema, tudi med otroki v zgodnji dobi;

c) podporo vsem organom v medijih, da ustvarjajo podobo o invalidih skladno z namenom te konvencije;

d) spodbujanje izobraževalnih programov za ozaveščanje o invalidih in njihovih pravicah.

9. člen

Dostopnost

1. Da države pogodbenice invalidom omogočijo neodvisno življenje in polno sodelovanje na vseh področjih življenja, sprejmejo ustrezne ukrepe, s katerimi invalidom zagotovijo, da imajo enako kot drugi dostop do fizičnega okolja, prevoza, informacij in komunikacij, vključno z informacijskimi in komunikacijskimi tehnologijami in sistemi, ter do drugih objektov, naprav in storitev, ki so namenjene javnosti ali se zanjo opravljajo v mestu in na podeželju. Ti ukrepi, ki zajemajo prepoznavanje in odpravljanje ovir pri dostopnosti, se med drugim nanašajo na:

a) stavbe, ceste, prevozna sredstva ter druge notranje in zunanje prilagoditve ter opremo, tudi v šolah, stanovanjskih zgradbah, zdravstvenih ustanovah in na delovnih mestih;

b) informacijske, komunikacijske in druge storitve, tudi elektronske storitve in pomoč v nujnih primerih.

2. Države pogodbenice sprejmejo tudi ustrezne ukrepe, s katerimi:

a) razvijajo, širijo in spremljajo uveljavljanje minimalnih standardov in smernic za dostopnost objektov, naprav in storitev, ki so namenjeni javnosti ali se zanjo opravljajo;

b) zagotovijo, da zasebni subjekti, ki ponujajo objekte, naprave in storitve, ki so namenjeni javnosti ali se zanjo opravljajo, upoštevajo vse vidike njihove dostopnosti za invalide;

c) omogočijo izobraževanje vseh, ki jih zadeva urejanje dostopnosti, s katero se srečujejo invalidi;

d) v javnih zgradbah in drugje zagotovijo oznake v brajici ter v lahko čitljivi in razumljivi obliki;

e) zagotovijo pomoč človeka ali živali in posrednike, tudi vodnike, bralce in poklicne tolmače za znakovni jezik, s čimer olajšajo dostop do zgradb in drugih javnih objektov, površin in naprav;

f) spodbujajo druge primerne oblike pomoči in podpore, ki invalidom zagotavljajo dostop do informacij;

g) spodbujajo dostop invalidov do novih informacijskih in komunikacijskih tehnologij ter sistemov, vključno z internetom;

h) spodbujajo oblikovanje, razvoj, proizvodnjo in razširjanje dostopnih informacijskih in komunikacijskih tehnologij in sistemov v zgodnji razvojni fazi, da so stroški tehnologij in sistemov čim nižji.

10. člen

Pravica do življenja

Države pogodbenice znova potrjujejo, da je vsakemu človeku prirojena pravica do življenja, in sprejmejo vse potrebne ukrepe, da invalidom enako kot drugim zagotovijo učinkovito uživanje te pravice.

11. člen

Nevarne razmere in humanitarne krize

V skladu z obveznostmi po mednarodnem pravu, tudi po mednarodnem humanitarnem pravu in mednarodnem pravu o človekovih pravicah, sprejmejo države pogodbenice vse potrebne ukrepe za zagotovitev varstva in varnosti invalidov v nevarnih razmerah, ki vključujejo tudi oborožene spopade, humanitarne krize in naravne nesreče.

12. člen

Enakost pred zakonom

1. Države pogodbenice ponovno potrjujejo, da se invalidom povsod priznava pravica biti pravna osebnost.

2. Države pogodbenice invalidom priznavajo pravno sposobnost na vseh področjih življenja enako kot drugim.

3. Države pogodbenice sprejmejo ustrezne ukrepe, da invalidom zagotovijo dostop do pomoči, ki jo potrebujejo pri uveljavljanju pravne sposobnosti.

4. Države pogodbenice zagotovijo, da vsi ukrepi za uveljavljanje pravne sposobnosti predvidevajo primerne in učinkovite zaščitne ukrepe, da se preprečijo zlorabe v skladu z mednarodnim pravom o človekovih pravicah. Zaščitni ukrepi zagotavljajo, da ukrepi, povezani z uveljavljanjem pravne sposobnosti, upoštevajo pravice, voljo in izbiro posameznika in ne povzročajo nasprotja interesov ter nedovoljenega vplivanja, so sorazmerni in prilagojeni posameznikovemu položaju, se uporabljajo čim krajši čas in jih pristojni, neodvisni in nepristranski organ ali sodni organ redno preverja. Zaščitni ukrepi so sorazmerni s stopnjo, do katere vplivajo na pravice in koristi posameznika.

5. Ob upoštevanju tega člena države pogodbenice sprejmejo primerne in učinkovite ukrepe, da invalidom zagotovijo enako pravico do posedovanja in dedovanja lastnine, upravljanja lastnih finančnih zadev in enakega dostopa do bančnih posojil, hipotek in drugih oblik finančnih posojil, ter da njihova lastnina ni samovoljno odtujena.

13. člen

Dostop do sodnega varstva

1. Države pogodbenice zagotovijo invalidom, da imajo enako kot drugi dostop do sodnega varstva, med drugim tako, da zagotovijo postopkovne in starosti primerne prilagoditve, ki jim omogočijo, da učinkovito sodelujejo kot neposredni ali posredni udeleženci, tudi kot priče, v vseh pravnih postopkih, tudi na preiskovalni in drugih predhodnih stopnjah.

2. Za zagotovitev učinkovitega dostopa invalidov do sodnega varstva države pogodbenice spodbujajo ustrezno izobraževanje vseh, ki delujejo v sodstvu, vključno s policijskim in zaporniškim osebjem.

14. člen

Osebna svoboda in varnost

1. Države pogodbenice zagotavljajo, da invalidi enako kot drugi:

a) uživajo pravico do osebne svobode in varnosti;

b) da jim ni nezakonito ali samovoljno odvzeta prostost, da je vsak odvzem prostosti v skladu z zakonom in da invalidnost v nobenem primeru ni razlog za odvzem prostosti.

2. Države pogodbenice zagotovijo, da je invalidom, če jim je odvzeta prostost v kakršnem koli postopku, zagotovljeno enako varstvo pravic po mednarodnem pravu o človekovih pravicah kot drugim ter da se z njimi ravna v skladu s cilji in načeli te konvencije, vključno z zagotavljanjem primernih prilagoditev.

15. člen

Prepoved mučenja, krutega, nečloveškega, ponižujočega ravnanja ali kaznovanja

1. Mučenje, kruto, nečloveško, ponižujoče ravnanje ali kaznovanje kogar koli je prepovedano. Zlasti se na posamezniku brez njegovega svobodnega soglasja ne smejo opravljati medicinski ali znanstveni poskusi.

2. Države pogodbenice sprejmejo vse učinkovite zakonodajne, upravne, sodne ali druge ukrepe, s katerimi invalidom enako kot drugim zagotavljajo, da niso izpostavljeni mučenju, krutemu, nečloveškemu, ponižujočemu ravnanju ali kaznovanju.

16. člen

Prepoved izkoriščanja, nasilja in zlorabe

1. Države pogodbenice sprejmejo vse ustrezne zakonodajne, upravne, družbene, izobraževalne in druge ukrepe, s katerimi invalide doma in zunaj doma zavarujejo pred vsemi oblikami izkoriščanja, nasilja in zlorabe, tudi tistimi, ki so povezane s spolom.

2. Države pogodbenice sprejmejo tudi vse ustrezne ukrepe za preprečevanje vseh oblik izkoriščanja, nasilja in zlorabe, tako da med drugim zagotovijo spolu in starosti primerne oblike pomoči in podpore invalidom, njihovim družinam in negovalcem, tudi z obveščanjem in izobraževanjem o tem, kako se izogniti, prepoznati in prijaviti primere izkoriščanja, nasilja in zlorabe. Države pogodbenice zagotavljajo, da so te varstvene storitve primerne starosti, spolu in vrsti invalidnosti.

3. Za preprečevanje vseh oblik izkoriščanja, nasilja in zlorabe države pogodbenice zagotavljajo, da vse objekte in naprave ter programe, namenjene invalidom, učinkovito nadzorujejo neodvisni organi.

4. Države pogodbenice sprejmejo vse ustrezne ukrepe za spodbujanje telesnega, kognitivnega in psihičnega okrevanja, rehabilitacije in družbene reintegracije invalidov, ki so

bili žrtve kakršne koli oblike izkoriščanja, nasilja ali zlorabe, tudi z zagotavljanjem varstvenih storitev. Okrevanje in reintegracija potekata v okolju, ki spodbuja zdravje, dobro počutje, samospoštovanje, dostojanstvo in samostojnost posameznika ter upošteva posebne potrebe, povezane s spolom in starostjo.

5. Države pogodbenice sprejmejo učinkovito zakonodajo in usmeritve, vključno s posebno zakonodajo in usmeritvami za ženske in otroke, s čimer zagotovijo odkrivanje, preiskovanje in po potrebi sodno preganjanje primerov izkoriščanja in zlorabe invalidov ter nasilja nad njimi.

17. člen

Varovanje osebne integritete

Vsak invalid ima enako kot drugi pravico do spoštovanja telesne in duševne integritete.

18. člen

Pravica do svobode gibanja in državljanstva

1. Države pogodbenice priznavajo invalidom pravico do svobode gibanja, svobode pri izbiri prebivališča in državljanstva ter invalidom enako kot drugim zagotavljajo:

a) pravico pridobiti in spremeniti državljanstvo ter pravico, da jim državljanstva ne odvzamejo samovoljno ali zaradi invalidnosti;

b) da jim zaradi invalidnosti ni odvzeta sposobnost pridobivanja, posedovanja in uporabe dokumentov o državljanstvu, drugih osebnih dokumentov za izkazovanje istovetnosti ali ustreznih postopkov, kot je imigracijski postopek, za lažje uresničevanje pravice do svobode gibanja;

c) da lahko svobodno zapustijo vsako državo, tudi lastno;

d) da jim samovoljno ali zaradi invalidnosti ne odvzamejo pravice do vstopa v lastno državo.

2. Invalidni otroci morajo biti takoj po rojstvu vpisani v rojstno matično knjigo in imajo od rojstva pravico do imena, pravico pridobiti državljanstvo in po možnosti pravico, da poznajo svoje starše in da ti skrbijo zanje.

19. člen

Samostojno življenje in vključenost v skupnost

Države pogodbenice te konvencije priznavajo enako pravico vsem invalidom, da živijo v skupnosti in enako kot drugi odločajo ter sprejemajo učinkovite in ustrezne ukrepe, ki jim omogočajo polno uživanje te pravice ter polno vključenost v skupnost in sodelovanje v njej, ter zagotavljajo, da:

a) imajo invalidi enako kot drugi možnost izbrati stalno prebivališče in se odločiti, kje in s kom bodo živeli in jim ni treba bivati v posebnem okolju;

b) imajo invalidi dostop do različnih storitev na domu ter bivalnih in drugih podpornih storitev v skupnosti, vključno z osebno pomočjo, potrebno za življenje in vključitev v skupnost ter za preprečevanje osamljenosti ali izločevanja iz skupnosti;

c) so storitve v skupnosti ter objekti in naprave, ki so namenjeni vsem prebivalcem, enako dostopni invalidom in se prilagajajo njihovim potrebam.

20. člen

Osebna mobilnost

Države pogodbenice sprejmejo učinkovite ukrepe, s katerimi invalidom zagotavljajo največjo mogočo samostojno osebno mobilnost, kar vključuje:

a) omogočanje osebne mobilnosti invalidov na način in ob času, ki ju sami izberejo, ter po sprejemljivi ceni;

b) omogočanje dostopa invalidom do kakovostnih pripomočkov za gibanje, tehničnih pripomočkov, podpornih tehnologij in oblik pomoči človeka ali živali ter posrednikov, tudi tako, ki je na razpolago po sprejemljivi ceni;

c) usposabljanje invalidov in strokovnjakov, ki delajo z njimi, za pridobivanje spretnosti za mobilnost;

d) spodbujanje proizvajalcev pripomočkov za gibanje, tehničnih pripomočkov in podpornih tehnologij, da upoštevajo vse vidike mobilnosti invalidov.

21. člen

Svoboda izražanja in mnenja ter dostop do informacij

Države pogodbenice sprejmejo vse ustrezne ukrepe, da invalidom zagotavljajo uresničevanje pravice do svobodnega izražanja in mnenja, vključno s pravico, da enako kot drugi pridobivajo, sprejemajo ter sporočajo informacije in vsebine s katero koli obliko sporočanja po lastni izbiri iz 2. člena te konvencije, tako da:

a) zagotavljajo informacije, namenjene javnosti, invalidom v njim dostopnih oblikah zapisa in tehnologijah, ki ustrezajo različnim vrstam invalidnosti, pravočasno in brez dodatnih stroškov;

b) pri uradnih opravilih sprejemajo in omogočajo uporabo znakovnih jezikov, brajice, povečevalnih in alternativnih načinov sporočanja ter vseh drugih dostopnih sredstev, načinov in oblik zapisa sporočila po izbiri invalida;

c) spodbujajo zasebne subjekte, ki ponujajo storitve, namenjene javnosti, tudi po internetu, da zagotavljajo informacije in storitve v oblikah zapisa, ki so invalidom dostopne in prijazne;

d) spodbujajo javna občila, tudi ponudnike informacij po internetu, da svoje storitve oblikujejo tako, da so dostopne invalidom;

e) priznavajo in spodbujajo uporabo znakovnih jezikov.

22. člen

Spoštovanje zasebnosti

1. Ne glede na kraj prebivališča ali življenjske okoliščine invalidi ne smejo biti izpostavljeni samovoljnemu ali nezakonitemu vmešavanju v svojo zasebnost, družino, dom ali dopisovanje in druge vrste komunikacij ali nezakonitim napadom na svojo čast in ugled. Invalidi imajo pravico do pravnega varstva pred takim vmešavanjem ali napadi.

2. Države pogodbenice varujejo invalidom osebne in zdravstvene podatke ter podatke o rehabilitaciji enako kot drugim.

23. člen

Spoštovanje doma in družine

1. Države pogodbenice sprejmejo učinkovite in ustrezne ukrepe za odpravo diskriminacije invalidov pri vseh zadevah v zvezi z zakonsko zvezo, družino, starševstvom in sorodstvenimi ter drugimi odnosi enako kot za druge, da zagotovijo:

a) vsem invalidom, ki so dovolj stari za poroko, pravico do sklenitve zakonske zveze in da si ustvarijo družino na podlagi svobodne in polne privolitve bodočih zakoncev;

b) pravico do svobodnega in odgovornega odločanja o številu otrok in starostni razliki med njimi, dostop do starosti primernih informacij in izobraževanja o načrtovanju in ustvarjanju družine ter potrebna sredstva za uresničevanje teh pravic;

c) invalidom, tudi otrokom, enako kot drugim ohranitev plodnosti.

2. Države pogodbenice zagotavljajo pravice in odgovornosti invalidov glede skrbništva, varuštva, skrbništva nad premoženjem in posvojitve otrok ali podobnih institutov, če obstajajo v notranji zakonodaji; v vseh primerih je najpomembnejša otrokova korist. Države pogodbenice zagotavljajo invalidom ustrezno pomoč pri starševski skrbi za otroka.

3. Države pogodbenice zagotavljajo invalidnim otrokom enake pravice v družinskem življenju. Za uresničevanje teh pravic in da bi preprečile skrivanje, zapustitev, zanemarjanje in zapostavljanje invalidnih otrok, se države pogodbenice zavezujejo, da bodo zagotavljale pravočasne in popolne informacije, storitve in pomoč invalidnim otrokom in njihovim družinam.

4. Države pogodbenice zagotavljajo, da otrok ni ločen od staršev proti njihovi volji, razen če pristojne oblasti v sodnem postopku v skladu z veljavno zakonodajo in postopki ugotovijo, da je ločitev nujna zaradi otrokove koristi. Nikakor pa ga ne smejo ločiti od staršev zaradi njegove invalidnosti ali invalidnosti enega ali obeh staršev.

5. Kadar ožja družina ne more skrbeti za invalidnega otroka, si države pogodbenice prizadevajo otroku zagotoviti nadomestno skrb v širši družini, če to ni mogoče, v družinskem okolju v skupnosti.

24. člen

Izobraževanje

1. Države pogodbenice priznavajo invalidom pravico do izobraževanja. Za uresničevanje te pravice brez diskriminacije in na podlagi enakih možnosti države pogodbenice zagotavljajo vključujoč izobraževalni sistem na vseh ravneh in vseživljenjsko učenje, usmerjeno v:

a) polni razvoj človekovih zmožnosti, občutka dostojanstva in lastne vrednosti ter krepitev spoštovanja človekovih pravic, temeljnih svoboščin in človeške raznolikosti;

b) največji mogoči razvoj osebnosti, nadarjenosti in ustvarjalnosti ter duševnih in telesnih sposobnosti invalidov;

c) omogočanje učinkovitega sodelovanja invalidov v svobodni družbi.

2. Pri uresničevanju te pravice države pogodbenice zagotavljajo:

a) da invalidi zaradi invalidnosti niso izključeni iz splošnega izobraževalnega sistema in da invalidni otroci zaradi invalidnosti niso izključeni iz brezplačnega in obveznega osnovnošolskega ter srednješolskega izobraževanja;

b) da imajo invalidi enako kot drugi dostop do vključujočega, kakovostnega, brezplačnega osnovnošolskega in srednješolskega izobraževanja v skupnostih, v katerih živijo;

c) primerne prilagoditve glede na posameznikove potrebe;

d) invalidom v splošnem izobraževalnem sistemu potrebno pomoč in jim omogočajo učinkovito izobraževanje;

e) učinkovito, posamezniku prilagojeno pomoč v okolju, ki invalidom zagotavlja največji možni akademski in socialni razvoj, da se doseže popolna vključenost.

3. Države pogodbenice invalidom omogočajo pridobivanje življenjskega in socialnega znanja in veščin, ki jim olajšajo polno in enakopravno sodelovanje v izobraževanju in skupnosti. Zato države pogodbenice sprejmejo ustrezne ukrepe, ki vključujejo:

a) omogočanje učenja brajice, alternativnih pisav, povečevalnih in alternativnih načinov in oblik zapisa sporočila, veščin za mobilnost in orientacijo ter omogočanje pomoči in mentorstva sebi enakih;

b) omogočanje učenja znakovnega jezika in spodbujanje jezikovne identitete skupnosti gluhih;

c) zagotavljanje, da poteka izobraževanje slepih, gluhih ter gluhoslepih, zlasti otrok, v jeziku in na način ter v obliki komunikacije, ki so najprimernejši za posameznika, in v takem okolju, ki najbolj spodbuja akademski in socialni razvoj.

4. Države pogodbenice sprejmejo ustrezne ukrepe za zaposlovanje učiteljev, tudi invalidov, ki so usposobljeni za znakovni jezik in brajico, ter usposabljanje strokovnjakov in osebja na vseh ravneh izobraževanja, da bi prispevale k zagotavljanju uresničevanja te pravice. Tako usposabljanje vključuje ozaveščanje o invalidnosti in uporabo ustreznih povečevalnih in alternativnih načinov, sredstev in oblik zapisa sporočila, izobraževalnih tehnik in gradivo za pomoč invalidom.

5. Države pogodbenice zagotavljajo, da imajo invalidi enako kot drugi in brez diskriminacije dostop do splošnega visokošolskega izobraževanja, poklicnega izobraževanja, izobraževanja odraslih in vseživljenjskega učenja. V ta namen države pogodbenice invalidom zagotovijo primerne prilagoditve.

25. člen

Zdravje

Države pogodbenice priznavajo invalidom pravico do najvišjega dosegljivega zdravstvenega standarda brez diskriminacije zaradi invalidnosti. Države pogodbenice sprejmejo vse ustrezne ukrepe, da invalidom zagotavljajo dostop do zdravstvenih storitev, primernih njihovem spolu, vključno z zdravstveno rehabilitacijo. Države pogodbenice zlasti:

a) invalidom zagotavljajo brezplačne ali cenovno dostopne zdravstvene storitve in programe v enakem obsegu, kakovosti in standardu kot drugim, tudi na področju spolnega in reproduktivnega zdravja, ter javne zdravstvene programe;

b) invalidom zagotavljajo zdravstvene storitve, ki jih zaradi invalidnosti posebej potrebujejo, vključno z zgodnjim odkrivanjem in ustreznimi posegi, ter storitve za zmanjševanje in preprečevanje nadaljnje invalidnosti, tudi pri otrocih in starejših;

c) zagotavljajo te zdravstvene storitve čim bližje skupnostim, v katerih invalidi živijo, tudi na podeželju;

d) od zdravstvenih delavcev zahtevajo, da invalidom zagotavljajo enako kakovostno oskrbo kot drugim, tudi na podlagi svobodnega in zavestnega soglasja, na primer z ozaveščanjem o človekovih pravicah, dostojanstvu, samostojnosti in potrebah invalidov z usposabljanjem ter uvajanjem etičnih standardov v javno in zasebno zdravstvo;

e) prepovejo diskriminacijo invalidov pri zdravstvenem zavarovanju, ki mora biti zagotovljeno pošteno in primerno, in življenjskem zavarovanju, če ga omogoča notranja zakonodaja;

f) preprečujejo diskriminacijsko odrekanje zdravstvene oskrbe in zdravstvenih storitev ali hrane in tekočin zaradi invalidnosti.

26. člen

Habilitacija in rehabilitacija

1. Države pogodbenice sprejmejo učinkovite in ustrezne ukrepe, s katerimi invalidom, tudi z medsebojno pomočjo, omogočajo doseganje in ohranjanje največje mogoče samostojnosti in polne telesne, duševne, socialne in poklicne sposobnosti ter polno vključenost in sodelovanje na vseh življenjskih področjih. V ta namen države pogodbenice organizirajo, krepijo in širijo celovite storitve habilitacije in rehabilitacije, zlasti na področju zdravja, zaposlovanja, izobraževanja in socialnih služb, tako da:

a) se začnejo na najzgodnejši stopnji in temeljijo na multidisciplinarni presoji potreb in zmožnosti vsakega posameznika;

b) spodbujajo sodelovanje in vključevanje v skupnost in družbo, so prostovoljne in na razpolago invalidom čim bližje skupnostim, v katerih živijo, tudi na podeželju.

2. Države pogodbenice spodbujajo razvoj začetnega in nadaljevalnega usposabljanja strokovnih delavcev in osebja, ki dela v službah za habilitacijo in rehabilitacijo.

3. Države pogodbenice spodbujajo dosegljivost, poznavanje in uporabo podpornih pripomočkov in tehnologij, namenjenih invalidom, ki omogočajo njihovo habilitacijo in rehabilitacijo.

27. člen

Delo in zaposlovanje

1. Države pogodbenice priznavajo invalidom pravico do dela enako kot drugim, ki vključuje pravico do možnosti za preživljanje s svobodno izbranim ali sprejetim delom na trgu dela in v delovnem okolju, ki je odprto, vključujoče in dostopno invalidom. Države pogodbenice varujejo in spodbujajo uresničevanje pravice do dela, tudi tistim, pri katerih nastane invalidnost med trajanjem zaposlitve, tako da sprejmejo ustrezne, tudi zakonodajne ukrepe, s katerimi med drugim:

a) prepovedujejo diskriminacijo zaradi invalidnosti v zvezi z vsemi zadevami, ki se nanašajo na kakršno koli obliko zaposlitve, vključno s pogoji za iskanje, najemanje in zaposlovanje, ohranjanje zaposlitve, napredovanje ter varnimi in zdravimi delovnimi razmerami;

b) varujejo pravico invalidov do pravičnih in ugodnih delovnih razmer enako kot za druge, tudi pravico do enakih možnosti in enakega plačila za enakovredno delo, do varnih in zdravih delovnih razmer, vključno z varstvom pred nadlegovanjem, ter do poprave krivic;

c) zagotavljajo, da invalidi lahko uresničujejo svoje delavske in sindikalne pravice enako kot drugi;

d) omogočajo invalidom učinkovit dostop do splošnih tehničnih programov in programov za poklicno usmerjanje, služb za iskanje zaposlitve ter poklicnega in nadaljnega usposabljanja;

e) na trgu dela spodbujajo možnosti za zaposlovanje invalidov in njihovo napredovanje na delovnem mestu ter pomoč pri iskanju, pridobivanju, ohranjanju zaposlitve in ponovni zaposlitvi;

f) spodbujajo možnosti za samozaposlitev, podjetništvo, razvoj socialnega podjetništva in ustanavljanje lastnih podjetij;

g) zaposlujejo invalide v javnem sektorju;

h) spodbujajo zaposlovanje invalidov v zasebnem sektorju z ustreznimi usmeritvami in ukrepi, ki lahko vključujejo spodbujevalne akcijske programe, spodbude in druge ukrepe;

i) zagotavljajo primerne prilagoditve na delovnem mestu za invalide;

j) omogočajo, da invalidi pridobivajo delovne izkušnje na odprtem trgu dela;

k) spodbujajo programe poklicne in strokovne rehabilitacije invalidov ter programe za ohranjanje zaposlitve in vrnitev invalidov na delo.

2. Države pogodbenice preprečujejo suženjstvo ali služenje invalidov in zagotavljajo, da so invalidi enako kot drugi varovani pred prisilnim ali obveznim delom.

28. člen

Ustrezna življenjska raven in socialno varstvo

1. Države pogodbenice priznavajo invalidom in njihovim družinam pravico do ustrezne življenjske ravni, kar vključuje ustrezno prehrano, oblačila in stanovanje, in do nenehnega izboljševanja življenjskih razmer ter sprejmejo ustrezne ukrepe za varovanje in spodbujanje uresničevanja te pravice brez diskriminacije zaradi invalidnosti.

2. Države pogodbenice priznavajo pravico invalidov do socialnega varstva in uživanja te pravice brez diskriminacije zaradi invalidnosti ter sprejmejo ustrezne ukrepe za varovanje in spodbujanje uresničevanja te pravice, vključno z ukrepi, s katerimi zagotavljajo invalidom:

a) oskrbo s čisto vodo, dostop do ustreznih storitev po sprejemljivi ceni, naprav in druge pomoči za potrebe, povezane z invalidnostjo;

b) zlasti ženskam, deklicam in starejšim dostop do programov socialnega varstva in programov za zmanjševanje revščine;

c) in njihovim družinam, ki živijo v revščini, dostop do državne pomoči za stroške, povezane z invalidnostjo, vključno z ustreznim usposabljanjem, svetovanjem, finančno pomočjo in nadomestno oskrbo;

d) dostop do javnih stanovanjskih programov;

e) enak dostop do pokojninskih prejemkov in programov.

29. člen

Sodelovanje v političnem in javnem življenju

Države pogodbenice zagotavljajo invalidom politične pravice in možnost, da jih uživajo enako kot drugi, in se zavezujejo, da:

a) invalidom enako kot drugim zagotavljajo, da učinkovito in polno sodelujejo v političnem in javnem življenju neposredno ali s svobodno izbranimi zastopniki, vključno s pravico in možnostjo, da volijo in so izvoljeni, med drugim tako, da:

i) zagotavljajo, da so volilni postopki, sredstva in gradivo ustrezni, dostopni, lahko razumljivi in uporabni;

ii) varujejo pravico invalidov, da na volitvah in referendumih volijo tajno in brez zastraševanja, kandidirajo na volitvah in učinkovito opravljajo naloge in javne funkcije na vseh ravneh oblasti ter jim po potrebi omogočajo uporabo podpornih in novih tehnologij;

iii) invalidom kot volivcem zagotavljajo svobodno izražanje volje in jim v ta namen po potrebi in na njihovo zahtevo pri izražanju volje na volitvah omogočajo pomoč osebe po njihovi izbiri;

b) dejavno spodbujajo ustvarjanje okolja, v katerem lahko invalidi učinkovito in polno sodelujejo pri upravljanju javnih zadev brez diskriminacije in enako kot drugi, ter spodbujajo njihovo sodelovanje pri javnih zadevah, kar vključuje tudi:

i) sodelovanje v nevladnih organizacijah in združenjih, ki delujejo v javnem in političnem življenju države, ter pri dejavnostih in upravljanju političnih strank;

ii) ustanavljanje in vključevanje v invalidske organizacije, ki zastopajo invalide na mednarodni, državni, regionalni in lokalni ravni.

30. člen

Sodelovanje v kulturnem življenju, rekreaciji, prostočasnih dejavnostih in športu

1. Države pogodbenice priznavajo invalidom pravico do sodelovanja v kulturnem življenju enako kot drugim in sprejmejo ustrezne ukrepe, s katerimi invalidom zagotavljajo dostop do:

a) kulturnega gradiva v dostopnih oblikah;

b) televizijskih programov, filmov, gledaliških predstav in drugih kulturnih dejavnosti v dostopnih oblikah;

c) krajev, v katerih potekajo kulturne prireditve ali storitve, kot so gledališča, muzeji, kinematografi, knjižnice in turistične storitve, in po možnosti dostop do spomenikov in kulturnih spomenikov in krajev državnega pomena.

2. Države pogodbenice sprejmejo ustrezne ukrepe, s katerimi invalidom omogočajo, da razvijajo in uporabljajo ustvarjalne, umetniške in intelektualne sposobnosti, ne samo v lastno korist, ampak tudi za obogatitev družbe.

3. Države pogodbenice skladno z mednarodnim pravom sprejmejo vse ustrezne ukrepe, s katerimi preprečujejo, da bi zakoni o varstvu intelektualne lastnine nerazumno ali diskriminacijsko ovirali dostop invalidov do kulturnega gradiva.

4. Invalidi imajo enako kot drugi pravico, da se prizna in podpre njihova lastna kulturna in jezikovna identiteta, tudi znakovni jezik in kultura gluhih.

5. Države pogodbenice sprejmejo ustrezne ukrepe, s katerimi invalidom enako kot drugim omogočajo sodelovanje pri rekreacijskih, prostočasnih in športnih dejavnostih:

a) za spodbujanje in uveljavljanje najširšega mogočega sodelovanja invalidov v športnih dejavnostih na vseh ravneh;

b) za zagotovitev možnosti, da invalidi organizirajo, razvijajo in sodelujejo pri športnih in rekreacijskih dejavnostih za invalide in jim v ta namen enako kot drugim omogočajo ustrezno izobraževanje, vadbo in sredstva;

c) da jim omogočajo dostop do krajev, na katerih potekajo športne, rekreacijske in turistične dejavnosti;

d) da zagotavljajo invalidnim otrokom enako kot drugim sodelovanje pri igri, rekreaciji in prostočasnih in športnih dejavnostih, vključno z dejavnostmi v šolskem sistemu;

e) da zagotavljajo invalidom dostop do storitev tistih, ki organizirajo rekreacijske, turistične, prostočasne in športne dejavnosti.

31. člen

Statistika in zbiranje podatkov

1. Države pogodbenice se zavezujejo, da bodo zbirale ustrezne podatke, vključno s statističnimi in raziskovalnimi, ki jim bodo omogočili oblikovanje in uresničevanje usmeritev za izvajanje te konvencije. Postopek zbiranja in shranjevanja teh podatkov je usklajen:

a) s pravnoveljavnimi zaščitnimi ukrepi, vključno z zakonodajo o varstvu podatkov, ki zagotavljajo zaupnost in spoštovanje zasebnosti invalidov;

b) z mednarodno sprejetimi standardi varovanja človekovih pravic in temeljnih svoboščin ter etičnimi načeli zbiranja in uporabe statističnih podatkov.

2. Podatki, zbrani v skladu s tem členom, so primerno razvrščeni in se uporabljajo kot pomoč pri presoji izpolnjevanja obveznosti držav pogodbenic iz te konvencije in za ugotavljanje in odpravljanje ovir, s katerimi se invalidi srečujejo pri uresničevanju svojih pravic.

3. Države pogodbenice so odgovorne za razširjanje statističnih podatkov in zagotavljajo, da so dostopni invalidom in drugim.

32. člen

Mednarodno sodelovanje

1. Države pogodbenice se zavedajo pomena mednarodnega sodelovanja in njegovega spodbujanja za podporo nacionalnim prizadevanjem za uresničevanje namena in ciljev te konvencije ter sprejmejo ustrezne in učinkovite ukrepe na državni in meddržavni ravni ter po potrebi v partnerstvu z ustreznimi mednarodnimi in regionalnimi organizacijami ter civilno družbo, zlasti invalidskimi organizacijami. Ti ukrepi lahko med drugim vključujejo:

a) zagotavljanje mednarodnega sodelovanja, tudi mednarodnih razvojnih programov, ki vključuje invalide in jim je dostopno;

b) omogočanje in podpora krepitvi zmogljivosti, tudi z izmenjavo in skupno uporabo podatkov, izkušenj, programov usposabljanja in najboljših praks;

c) omogočanje sodelovanja pri raziskavah in dostop do znanstvenega ter tehničnega znanja;

d) po potrebi zagotavljanje tehnične in gospodarske pomoči, tudi z omogočanjem dostopa do dostopnih in podpornih tehnologij in njihove izmenjave ter s prenosom tehnologij.

2. Določbe tega člena ne vplivajo na obveznosti posamezne države pogodbenice pri izpolnjevanju njenih obveznosti iz te konvencije.

33. člen

Izvajanje konvencije in spremljanje njenega izvajanja v posameznih državah

1. Države pogodbenice v skladu s svojo notranjo organizacijo določijo en ali več vladnih organov za stike, pristojnih za zadeve, ki se nanašajo na izvajanje te konvencije, in natančno preučijo možnosti za vzpostavitev ali določitev načina usklajevanja, ki v vladi omogoča povezano delovanje različnih področij na različnih ravneh.

2. Države pogodbenice v skladu s svojimi pravnimi in upravnimi sistemi v državi vzdržujejo, krepijo, določijo ali vzpostavijo okvir, po potrebi tudi eno ali več neodvisnih teles za spodbujanje, varovanje in spremljanje izvajanja te konvencije. Ob določanju ali vzpostavljanju takega telesa države pogodbenice upoštevajo načela, ki se nanašajo na status in delovanje nacionalnih institucij za varovanje in uveljavljanje človekovih pravic.

3. Civilna družba, zlasti invalidi in njihove reprezentativne organizacije, so vključeni v postopek spremljanja in v njem polno sodelujejo.

34. člen

Odbor za pravice invalidov

1. Ustanovi se Odbor za pravice invalidov (v nadaljnjem besedilu: odbor), ki opravlja naloge iz te konvencije.

2. Ko konvencija začne veljati, odbor sestavlja dvanajst strokovnjakov. Po nadaljnjih šestdesetih ratifikacijah ali pristopih h konvenciji se odbor poveča za šest članov, tako da ga sestavlja največ osemnajst članov.

3. Člani odbora opravljajo naloge v lastnem imenu, uživajo velik moralni ugled in so priznani ter imajo izkušnje na področju, ki ga ureja ta konvencija. Pri imenovanju svojih kandidatov države pogodbenice upoštevajo tretji odstavek 4. člena te konvencije.

4. Člane odbora izvolijo države pogodbenice in pri tem upoštevajo pravično geografsko porazdelitev, zastopanost različnih civilizacij in prevladujočih pravnih sistemov, uravnoteženo zastopanost spolov in sodelovanje strokovnjakov invalidov.

5. Člani odbora so izvoljeni na zasedanju konference držav pogodbenic s tajnim glasovanjem s seznama kandidatov državljanov držav pogodbenic, ki so jih predlagale. Na zasedanju, ki je sklepčno, če sta navzoči dve tretjini držav pogodbenic, so v odbor izvoljeni tisti, ki dobijo največ glasov in absolutno večino glasov predstavnikov držav pogodbenic, ki so prisotni in glasujejo.

6. Prve volitve so najpozneje šest mesecev po dnevu začetka veljavnosti te konvencije. Najpozneje štiri mesece pred vsakimi volitvami generalni sekretar Združenih narodov pošlje državam pogodbenicam pismo in jih pozove, naj v dveh mesecih predlagajo svoje kandidate. Nato pripravi abecedni seznam vseh kandidatov z navedbo držav pogodbenic, ki so jih predlagale, ter ga pošlje državam pogodbenicam te konvencije.

7. Člani odbora se izvolijo za štiri leta. Ponovno so lahko izvoljeni samo enkrat. Mandat šestih članov, izvoljenih na prvih volitvah, traja dve leti; na zasedanju iz petega odstavka tega člena predsedujoči z žrebom izbere teh šest članov takoj po prvih volitvah.

8. Šest dodatnih članov odbora je izvoljenih na rednih volitvah v skladu z ustreznimi določbami tega člena.

9. Če član odbora umre ali odstopi ali izjavi, da zaradi katerega drugega razloga ne more več opravljati svojih nalog, država pogodbenica, ki ga je predlagala, imenuje za preostali mandat drugega ustrezno usposobljenega strokovnjaka, ki izpolnjuje zahteve iz ustreznih določb tega člena.

10. Odbor sprejme svoj poslovnik.

11. Generalni sekretar Združenih narodov zagotovi potrebno osebje in odboru omogoča, da učinkovito opravlja naloge iz te konvencije, ter skliče prvi sestanek odbora.

12. Z odobritvijo Generalne skupščine prejemajo člani odbora, ustanovljenega po tej konvenciji, nagrade iz sredstev Združenih narodov po določilih in pod pogoji, ki jih skupščina lahko določi glede na pomembnost nalog odbora.

13. Člani odbora so upravičeni do ugodnosti, privilegijev in imunitet strokovnjakov na misiji Združenih narodov, kakor je določeno v ustreznih odstavkih Konvencije o privilegijih in imunitetah Združenih narodov.

35. člen

Poročila držav pogodbenic

1. Dve leti po začetku veljavnosti konvencije država pogodbenica prek generalnega sekretarja Združenih narodov odboru predloži izčrpno poročilo o ukrepih, ki jih je sprejela za izpolnjevanje obveznosti iz te konvencije, in o doseženem napredku.

2. Nato države pogodbenice predložijo poročila najmanj vsaka štiri leta in tudi, kadar odbor tako zahteva.

3. Odbor določi smernice, ki se nanašajo na vsebino poročil.

4. Državi pogodbenici, ki je odboru predložila izčrpno začetno poročilo, v poznejših poročilih ni treba ponovno navajati že danih informacij. Države pogodbenice so pozvane, da poročila sestavijo javno in pregledno ob ustreznem upoštevanju tretjega odstavka 4. člena te konvencije.

5. Države pogodbenice lahko v poročilih navedejo dejavnike in težave, ki vplivajo na stopnjo izpolnjevanja obveznosti iz te konvencije.

36. člen

Obravnavanje poročil

1. Odbor obravnava vsako poročilo in po svoji presoji pripravi ustrezne predloge in splošna priporočila ter jih pošlje državi pogodbenici. Država pogodbenica lahko pošlje odboru v odgovoru informacije po lastni izbiri. Odbor lahko od držav pogodbenic zahteva nadaljnje informacije o izvajanju te konvencije.

2. Če država pogodbenica močno zamuja s predložitvijo poročila, jo odbor lahko uradno obvesti, da je treba preveriti izvajanje konvencije na podlagi zanesljivih informacij, ki so odboru na razpolago, če tri mesece po uradnem obvestilu država pogodbenica še vedno ne

predloži ustreznega poročila. Odbor povabi državo pogodbenico k sodelovanju pri takem pregledu. Če država pogodbenica odgovori s predložitvijo ustreznega poročila, se uporabi prvi odstavek tega člena.

3. Generalni sekretar Združenih narodov poskrbi, da so poročila na razpolago vsem državam pogodbenicam.

4. Države pogodbenice poskrbijo, da so poročila v njihovih državah javnosti široko dostopna in omogočajo dajanje predlogov in splošnih priporočil v zvezi z njimi.

5. Odbor po svoji presoji pošilja poročila držav pogodbenic posebnim agencijam, skladom in programom Združenih narodov in drugim pristojnim organom, da obravnavajo v poročilu navedeno zahtevo ali potrebo po strokovnem nasvetu ali pomoči ter morebitne pripombe in priporočila odbora v zvezi s temi zahtevami ali navedbami.

37. člen

Sodelovanje med državami pogodbenicami in odborom

1. Vse države pogodbenice sodelujejo z odborom in pomagajo njegovim članom pri izpolnjevanju nalog in pooblastil.

2. V odnosih z državami pogodbenicami odbor natančno preuči načine in sredstva za povečevanje zmogljivosti v državah za izvajanje te konvencije, tudi z mednarodnim sodelovanjem.

38. člen

Razmerje odbora do drugih organov

Da bi podprle učinkovito izvajanje te konvencije in spodbudile mednarodno sodelovanje na področju, ki ga zajema:

a) imajo specializirane agencije in drugi organi Združenih narodov pravico biti zastopani pri obravnavanju izvajanja tistih določb te konvencije, ki spadajo med njihove naloge in pristojnosti. Odbor lahko po svoji presoji pozove specializirane agencije in druge pristojne organe, da dajo strokovne nasvete o izvajanju konvencije na področjih, ki spadajo med njihove naloge in pristojnosti. Odbor lahko pozove specializirane agencije in druge organe Združenih narodov, da predložijo poročila o izvajanju konvencije na področjih, ki spadajo med njihove dejavnosti;

b) pri opravljanju svojih nalog in pooblastil se odbor po potrebi posvetuje z drugimi organi, ustanovljenimi v skladu z mednarodnimi pogodbami o človekovih pravicah, da se zagotovi usklajenost smernic, predlogov in splošnih priporočil poročanja ter preprečita podvajanje in prekrivanje pri opravljanju njihovih nalog.

39. člen

Poročilo odbora

Odbor vsaki dve leti poroča Generalni skupščini ter Ekonomskemu in socialnemu svetu o svojih dejavnostih, pošilja svoje predloge in splošna priporočila na podlagi poročil, ki jih je pregledal, in informacij, ki jih je prejel od držav pogodbenic. Ti predlogi in splošna priporočila se vključijo v poročilo odbora skupaj z morebitnimi pripombami držav pogodbenic.

40. člen

Konferenca držav pogodbenic

1. Države pogodbenice se redno sestajajo na konferenci držav pogodbenic in obravnavajo vse zadeve v zvezi z izvajanjem te konvencije.

2. Generalni sekretar Združenih narodov skliče konferenco držav pogodbenic najpozneje šest mesecev po začetku veljavnosti te konvencije. Vsako naslednje zasedanje skliče vsaki dve leti ali po odločitvi konference držav pogodbenic.

41. člen

Depozitar

Depozitar te konvencije je generalni sekretar Združenih narodov.

42. člen

Podpis

Ta konvencija je na voljo za podpis vsem državam in regionalnim organizacijam za povezovanje na sedežu Združenih narodov v New Yorku od 30. marca 2007 dalje.

43. člen

Soglasje o tem, da je konvencija zavezujoča

Države podpisnice konvencijo ratificirajo, regionalne organizacije za povezovanje podpisnice pa uradno potrdijo. H konvenciji lahko pristopi katera koli država ali regionalna organizacija za povezovanje, ki je ni podpisala.

44. člen

Regionalne organizacije za povezovanje

1. »Regionalna organizacija za povezovanje« je organizacija, ki jo ustanovijo neodvisne države določene regije in nanjo prenesejo pristojnosti glede zadev, ki jih ureja konvencija. Te organizacije v listinah o uradni potrditvi ali pristopu opredelijo svoje pristojnosti glede zadev, ki jih ureja konvencija. O morebitnih poznejših bistvenih spremembah obsega svojih pristojnosti obvestijo depozitarja.

2. Sklicevanje na »države pogodbenice« v tej konvenciji velja tudi za navedene organizacije v mejah njihovih pristojnosti.

3. Listine, ki jih deponirajo regionalne organizacije za povezovanje, ne veljajo za namene prvega odstavka 45. člena ter drugega in tretjega odstavka 47. člena.

4. Regionalne organizacije za povezovanje lahko pri zadevah v svoji pristojnosti uresničujejo pravico do glasovanja na konferencah držav pogodbenic, pri čemer je število glasov enako številu njihovih držav članic, ki so pogodbenice te konvencije. Organizacije ne morejo uresničevati pravice do glasovanja, če jo katera koli njena država članica uresničuje sama, in obratno.

45. člen

Začetek veljavnosti

1. Ta konvencija začne veljati trideseti dan po deponiranju dvajsete listine o ratifikaciji ali pristopu.

2. Za vsako državo ali regionalno organizacijo za povezovanje, ki ratificira, uradno potrdi ali pristopi h konvenciji po deponiranju dvajsete listine, začne konvencija veljati trideseti dan po deponiranju njene listine.

46. člen

Pridržki

1. Pridržki, ki so nezdržljivi z vsebino in namenom konvencije, niso dovoljeni.
2. Pridržke je mogoče kadar koli umakniti.

47. člen

Spremembe

1. Vsaka država pogodbenica lahko predlaga spremembo te konvencije in jo predloži generalnemu sekretarju Združenih narodov. Generalni sekretar pošlje predlagane spremembe državam pogodbenicam in jih pozove, da ga obvestijo, ali podpirajo konferenco držav pogodbenic zaradi obravnavanja predlogov in odločanja o njih. Če se v štirih mesecih od dne pošiljanja vsaj tretjina držav pogodbenic izreče za konferenco, jo generalni sekretar skliče pod pokroviteljstvom Združenih narodov. Vsako spremembo, sprejeto z dvotretjinsko večino prisotnih in glasujočih držav pogodbenic, generalni sekretar predloži v potrditev Generalni skupščini in nato vsem državam pogodbenicam v sprejetje.

2. Sprememba, sprejeta in potrjena v skladu s prvim odstavkom tega člena, začne veljati trideseti dan po dnevu, ko sta dve tretjini držav pogodbenic na dan sprejetja spremembe deponirali svoje listine o sprejetju. Nato začne sprememba za katero koli državo pogodbenico veljati trideseti dan po dnevu, ko je deponirala svojo listino o sprejetju. Sprememba je zavezujoča samo za tiste države pogodbenice, ki so jo sprejele.

3. Če konferenca držav pogodbenic soglasno odloči, začne sprememba, sprejeta in potrjena v skladu s prvim odstavkom, ki se nanaša izključno na 34., 38., 39. in 40. člen, veljati trideseti dan po dnevu, ko sta dve tretjini držav pogodbenic na dan sprejetja spremembe deponirali svoje listine o sprejetju.

48. člen

Odpoved

Vsaka država pogodbenica lahko odpove to konvencijo s pisnim obvestilom generalnemu sekretarju Združenih narodov. Odpoved začne veljati eno leto po dnevu, ko je generalni sekretar prejel uradno obvestilo.

49. člen

Dostopna oblika zapisa

Besedilo te konvencije je na voljo v dostopnih oblikah zapisa.

50. člen

Verodostojna besedila

Besedila te konvencije v angleškem, arabskem, francoskem, kitajskem, ruskem in španskem jeziku so enako verodostojna.

V potrditev tega so podpisani, ki so jih za to pravilno pooblastile njihove vlade, podpisali to konvencijo.

IZBIRNI PROTOKOL H KONVENCIJI O PRAVICAH INVALIDOV

Države pogodbenice tega protokola so se dogovorile:

1. člen

1. Država pogodbenica tega protokola (»država pogodbenica«) priznava Odboru za pravice invalidov (»odbor«) pristojnost, da sprejema in obravnava sporočila posameznikov ali posameznih skupin, ki so poslana v njihovem imenu, v katerih trdijo, da so žrtve, ker država pogodbenica krši določbe konvencije.

2. Odbor ne sprejema sporočil, ki se nanašajo na državo pogodbenico konvencije, ki ni pogodbenica tega protokola.

2. člen

Odbor šteje sporočilo za nedopustno, kadar:

- a) je anonimno;
- b) pomeni zlorabo pravice do predložitve takega sporočila ali ni združljivo z določbami te konvencije;
- c) je odbor enako zadevo že preučil ali se je ali se preučuje v drugem postopku mednarodne preiskave ali reševanja;
- d) še niso bila izčrpana vsa razpoložljiva domača pravna sredstva. To ne velja, kadar je uporaba pravnih sredstev nerazumno dolgotrajna ali verjetno ne bo prinesla učinkovite rešitve;
- e) kadar je sporočilo očitno neutemeljeno ali ni dovolj utemeljeno ali kadar
- f) so dejstva, na katera se nanaša sporočilo, nastala pred začetkom veljavnosti protokola za državo pogodbenico, razen če so se po tem datumu nadaljevala.

3. člen

Ob upoštevanju 2. člena tega protokola odbor o vsakem sporočilu, ki mu je predloženo zaupno, obvesti državo pogodbenico. Država sprejemnica v šestih mesecih odboru predloži pisne obrazložitve ali pojasnila o zadevi ter morebitna pravna sredstva, ki jih je morda že uporabila.

4. člen

1. Po prejemu sporočila in pred odločitvijo o vsebini zadeve lahko odbor državi pogodbenici pošlje v nujno obravnavo zahtevo, da sprejme začasne ukrepe, potrebne za preprečitev nepopravljive škode, ki bi jo utrpela žrtev ali žrtve domnevne kršitve.

2. Kadar odbor ravna po prvem odstavku tega člena, to še ni odločitev o dopustnosti ali o vsebini sporočila.

5. člen

Odbor obravnava sporočila iz tega protokola na zaprtih zasedanjih. Po obravnavi sporočila odbor pošlje svoje morebitne predloge in priporočila državi pogodbenici in pošiljatelju sporočila.

6. člen

1. Če odbor prejme zanesljive informacije, da država pogodbenica hudo ali sistematično krši pravice iz konvencije, to državo pozove k sodelovanju pri preučitvi informacije in v ta namen predloži pripombe v zvezi s temi informacijami.

2. Ob upoštevanju pripomb, ki jih pošlje država pogodbenica, in vseh drugih zanesljivih informacij, ki so odboru na voljo, ta lahko imenuje enega ali več svojih članov, da opravijo preiskavo in nemudoma poročajo odboru. Kadar je to utemeljeno in s soglasjem države pogodbenice lahko preiskava vključuje tudi obisk na njenem ozemlju.

3. Odbor obravnava ugotovitve preiskave in jih skupaj z morebitnimi pripombami in priporočili pošlje državi pogodbenici.

4. Država pogodbenica predloži svoje pripombe odboru v šestih mesecih po prejemu poslanih ugotovitev, pripomb in priporočil.

5. Preiskava je zaupna in sodelovanje države pogodbenice je zaželeno v vseh fazah postopka.

7. člen

1. Odbor lahko pozove državo pogodbenico, da v svoje poročilo iz 35. člena konvencije vključi podatke o vseh ukrepih, ki jih je sprejela po preiskavi v skladu s 6. členom tega protokola.

2. Po poteku šestmesečnega obdobja iz četrtega odstavka 6. člena odbor lahko po potrebi pozove državo pogodbenico, da ga obvesti o ukrepih, sprejetih po preiskavi.

8. člen

Država pogodbenica lahko ob podpisu ali ratifikaciji tega protokola ali pristopu k njemu izjavi, da ne priznava pristojnosti odbora iz 6. in 7. člena.

9. člen

Depozitar tega protokola je generalni sekretar Združenih narodov.

10. člen

Ta protokol je na voljo za podpis vsem državam in regionalnim organizacijam za povezovanje, ki so podpisnice konvencije, na sedežu Združenih narodov v New Yorku od 30. marca 2007 dalje.

11. člen

Ta protokol ratificirajo države podpisnice protokola, ki so že ratificirale konvencijo ali pristopile k njej. Regionalne organizacije za povezovanje, ki so podpisnice tega protokola in so že uradno potrdile konvencijo ali pristopile k njej, ga uradno potrdijo. K protokolu lahko pristopi država ali regionalna organizacija za povezovanje, ki je uradno potrdila konvencijo ali pristopila k njej, in ni podpisala protokola.

12. člen

1. »Regionalna organizacija za povezovanje« je organizacija, ki jo ustanovijo neodvisne države določene regije in nanjo prenesejo pristojnosti glede zadev, ki jih urejata konvencija in protokol. Te organizacije v listinah o uradni potrditvi ali pristopu opredelijo svoje pristojnosti glede zadev, ki jih urejata konvencija in protokol. O morebitnih poznejših bistvenih spremembah obsega svojih pristojnosti obvestijo depozitarja.

2. Sklicevanje na »države pogodbenice« v tem protokolu velja tudi za navedene organizacije v mejah njihovih pristojnosti.

3. Listine, ki jih deponirajo regionalne organizacije za povezovanje, ne veljajo za namene prvega odstavka 13. člena in drugega odstavka 15. člena.

4. Regionalne organizacije za povezovanje lahko pri zadevah v svoji pristojnosti uresničujejo pravico do glasovanja na zasedanjih držav pogodbenic, pri čemer je število glasov enako številu njihovih držav članic, ki so pogodbenice tega protokola. Organizacije ne morejo uresničevati pravice do glasovanja, če jo katera koli njena država članica uresničuje sama, in obratno.

13. člen

1. Glede na začetek veljavnosti konvencije začne protokol veljati trideseti dan po deponiranju desete listine o ratifikaciji ali pristopu.

2. Za vsako državo ali regionalno organizacijo za povezovanje, ki ratificira, uradno potrdi ali pristopi k protokolu po deponiranju desete listine, začne protokol veljati trideseti dan po deponiranju njene listine.

14. člen

1. Pridržki, ki so nezdržljivi z vsebino ali namenom protokola, niso dovoljeni.

2. Pridržke je mogoče kadar koli umakniti.

15. člen

1. Vsaka država pogodbenica lahko predlaga spremembo tega protokola in jo predloži generalnemu sekretarju Združenih narodov. Generalni sekretar pošlje predlagane spremembe državam pogodbenicam in jih pozove, da ga obvestijo, ali podpirajo sestanek držav pogodbenic zaradi obravnavanja predlogov in odločanja o njih. Če se v štirih mesecih od dne pošiljanja vsaj tretjina držav pogodbenic izreče za sestanek, ga generalni sekretar skliče pod pokroviteljstvom Združenih narodov. Vsako spremembo, sprejeto z dvetretjinsko večino prisotnih in glasujočih držav pogodbenic, generalni sekretar predloži v potrditev Generalni skupščini in nato vsem državam pogodbenicam v sprejetje.

2. Sprememba, sprejeta in potrjena v skladu s prvim odstavkom tega člena, začne veljati trideseti dan po dnevu, ko sta dve tretjini držav pogodbenic na dan sprejetja spremembe deponirali svoje listine o sprejetju. Nato začne sprememba za katero koli državo pogodbenico veljati trideseti dan po dnevu, ko je deponirala svojo listino o sprejetju. Sprememba je zavezujoča samo za tiste države pogodbenice, ki so jo sprejele.

16. člen

Vsaka država pogodbenica lahko odpove ta protokol s pisnim obvestilom generalnemu sekretarju Združenih narodov. Odpoved začne veljati eno leto po dnevu, ko je generalni sekretar prejel uradno obvestilo.

17. člen

Besedilo tega protokola je na voljo v dostopnih oblikah zapisa.

18. člen

Besedila tega protokola v angleškem, arabskem, francoskem, kitajskem, ruskem in španskem jeziku so enako verodostojna.

V potrditev tega so podpisani, ki so jih za to pravilno pooblastile njihove vlade, podpisali ta protokol.

3. člen

Za izvajanje konvencije in izbirnega protokola skrbi Ministrstvo za delo, družino in socialne zadeve.

4. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

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Predsednik
Državnega zbora
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France Cukjati, dr. med., l.r.