

An International Monitoring Mechanism.

Permanent monitoring mechanism:

1. The Convention shall create a permanent monitoring mechanism, which shall serve as an active instrument for the implementation of fundamental human rights provisions for persons with disabilities and shall not fall below existing standards of monitoring mechanisms.
2. The Convention shall provide for the establishment of an enforcement mechanism that is comparable to the existing human rights treaties and shall be treated equally to other UN Human Rights treaties.
3. The monitoring mechanisms shall represent the latest developments in international law and take into account the UN reform process.

The Committee:

4. State parties shall nominate independent experts and form a Committee and monitor the implementation of the Convention.
5. The Committee shall comprise of 16 members.
6. The Committee shall be composed of the States Parties to the present Convention who shall be persons of high moral character and recognized competence in the field of human rights and disability, acknowledgement being given to the benefit of adequate representation by persons with disabilities.
7. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership, to the representation of different types of disabilities and of the principal legal systems.
8. The Chair of the Committee shall be upheld by a person with a disability.
9. The members of the Committee shall be elected and shall serve in their personal capacity. The members of the Committee shall be elected by secret ballot.
10. Each State Party to the present Convention may nominate not more than two persons, one male and one female, who shall be nationals of the nominating State. These persons shall be nationals of the nominating State. No more than one national of any state Party may be elected.
11. A meeting of States Parties shall elect the Committee members to this Convention through secret ballot from a list of persons possessing the qualifications prescribed in paragraph 7.
12. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if re-nominated.

13. If there is a unanimous opinion of the other members, a member of the Committee has ceased to carry out his/her functions for any cause other than absence of a temporary character, the Chair of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.

14. In the event of the death or the resignation of a member of the Committee, the Chair shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

15. When a vacancy is declared in accordance with article 17 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Convention, which may within two months submit nominations in accordance with article B. for the purpose of filling the vacancy...

The work of the Committee

16. The Committee shall play an active part for the monitoring of the Convention.

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

18. The Committee shall provide that persons with disabilities play a vital role in interpreting the provisions of the Convention.

19. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

20. 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.

21. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

Reporting:

22. There shall be an obligation for State parties, which have ratified the Convention, to present reports every fourth year.

23. States Parties, which ratify the Convention shall include in their reports detailed information on the measures they have adopted to give effect to the full enjoyment of human rights by persons with disabilities and the progress made in the implementation of the provisions of this Convention.

24. The States Parties to the present Convention undertake to include in their reports full information on the measures they have adopted, which give effect to the full

enjoyment of human rights by persons with disabilities and on the progress made in such enjoyment.

25. Reports shall indicate factors and difficulties, if any, affecting the degree of fulfillment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

26. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

27. The Committee shall receive individual and group complaints and adopt appropriate inquiry procedures.

28. The Committee assigned to monitor the present Convention, shall besides the reports from the State Parties, also consider information and reports sent to the Committee by disabled people's organizations or by individual persons with disabilities or by persons representing persons with disabilities who are not able to represent themselves.

29. States Parties shall make their reports widely available to the public in their own countries.

30. Where a communication is submitted on behalf of individuals or groups of individuals, who can not independently exercise their own rights, this shall be with their consent and the individual/group shall justify that someone else is acting on their behalf.

31. The Committee may request from States Parties further information, which are relevant to the implementation of the Convention.

32. The Committee may make suggestions and general recommendations based on information received by State Parties.

33. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

Ombudsperson:

34. There shall be a United Nations Disability Ombudsperson assigned to this Convention, working closely with the Committee.

35. The Ombudsperson should be located at the UN Office of the High Commissioner on Human rights.

36. The Secretary-General shall appoint the Disability Ombudsperson in consultations with organizations representing persons with disabilities.

37. The Disability Ombudsperson may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of persons with disabilities.

38. The Disability Ombudsperson shall:

- a) - Represent an active part on disability within the UN system,
- b) – Prohibit all discrimination against persons with disabilities,
- c) - Promote the full enjoyment of all human rights by persons with disabilities by means of advocacy, awareness raising, the provision of technical assistance and other appropriate activities;
- d) - Promote the implementation of the Convention by appropriate activities at the international and national level, including by working with United Nations human rights treaty bodies and other mechanisms to encourage them to fully mainstream in their work, the human rights of persons with disabilities,
- e) - Represent a person with a disability or a group of such persons in submitting a communication or complaint to the Committee,
- f) - Initiate national surveys and investigations on the conditions of persons with disabilities,
- g) - Carry out such other functions as are conferred on the Office of the High Commissioner on Human Rights by the General Assembly,
- h) - Present an annual report on his or her work to the General Assembly of the United Nations,
- i) – Establish a clear link between the national monitoring structures and the international monitoring mechanisms.