

ADVANCE UNEDITED VERSION

Committee on the Rights of Persons with Disabilities

**Draft General Comment on Article 9 of the Convention-
Accessibility**

I. Introduction

1. Accessibility is pre-condition for independent life and full and equal participation of persons with disabilities in society. Without the access 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, persons with disabilities would not have the equal opportunities for participation in their respective societies. It is not surprising that CRPD establishes accessibility as 1 of the principles on which this instrument of international law is based (Article 3, section (f)). Historically, the movement of persons with disabilities argued that access to the physical environment and public transport is a pre-condition for freedom of movement for persons with disabilities, guaranteed in Article 13 of Universal Declaration of Human Rights and Article 12 of the ICCPR. Similarly, access to information and communication was seen as pre-condition for freedom of opinion and expression, guaranteed in Article 19 of Universal Declaration of Human Rights and Article 19 (2) of the ICCPR.

2. International Covenant on Civil and Political Rights prescribes in article 25 lit. c the right of every citizen to have access, on general terms of equality, to public service in his/her country. Provisions of this article could serve as basis to incorporate the right of access in the core human rights treaties.

3. International Convention on Elimination of All Forms of Racial Discrimination guarantees everyone the right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks (ICERD, Article 5, paragraph (f)). In this way a precedent for viewing the right to access as a right *per se* has been established in the international human rights legal framework. Admittedly, the barriers to free access of members of different racial, ethnic minority groups to places and services open to the public stemmed from prejudicial attitudes accompanied by the will to use the force in preventing access to spaces that were physically accessible. On the other hand, persons with disabilities faced the technical barriers such as staircases at the entrance of buildings and absence of lifts in multi- floor buildings, or lack of information in accessible formats. Such barriers often stemmed from lack of information and technical know- how, rather than from explicit will to exclude persons with disabilities from accessing places or services intended for use by the general public.

4. ICCPR and ICERD clearly establish the right to access as part of international human rights law. One should view accessibility as a disability/specific reaffirmation of the right to access CRPD further elaborate accessibility as one of its key underlined principles, vital pre-condition for effective and equal enjoyment of different civil, political, economic, social and cultural rights by persons with disabilities. Accessibility should be viewed in the context of equality and non-discrimination.

5. The Committee on Economic, Social and Cultural Rights in its General Comment Number 5 evoked the duty of the State parties to implement the United Nations' Standard Rules for Equalization of Opportunities. The Standard Rules also stress the significance of accessibility of physical environment, transport and information and communication for equalization of opportunities for persons with disabilities. The concept is elaborated in Rule No. 5, where accessibility to physical environment, and information and communication are targeted as areas for priority actions for states. The Committee on the Rights of the Child adopted a General Comment on No. 9 (2006) on the rights of children with disabilities, stressing that physical inaccessibility of public transportation and other facilities, including governmental buildings, shopping areas, recreational facilities among others, is a major factor in the marginalization and exclusion of children with disabilities and markedly compromises their access to services, including health and education. The importance of

the accessibility was reiterated by the Committee on the Rights of the Child throughout its General Comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31).

6. World Disability Report (2011) of World Health Organization and the World Bank stresses that built environment, transport and information and communication are often inaccessible to persons with disabilities (World Disability Report, Summary, p. 10). Persons with disabilities are prevented from enjoying some of their basic rights, like the right to seek employment or the right to health care, due to lack of accessible transport. Levels of implementation of accessibility laws in many countries remains low and persons with disabilities are often denied their freedom of expression due to inaccessible information and communication. Even in countries where sign language interpretation services for deaf persons exist, the number of qualified interpreters is usually too low to meet the needs for interpretation as demands exceed the supply of services.

7. The Committee on the Rights of Persons with Disabilities considered the issue of accessibility as one of the key issues in each of the ten dialogues held so far with State parties in examination of their initial reports before the Committee. In each of the Concluding Observations points have been made pertaining to the accessibility. One of the common challenges was lack of adequate monitoring mechanism to ensure the implementation of the accessibility standards and relevant legislation in practice. In some of the State parties, the monitoring was in the competence of local authorities that lacked the technical knowledge, human and material resources for effective implementation. Lack of training to the relevant stakeholders and insufficient involvement of persons with disabilities and their representative organizations in the process of ensuring access to physical environment, transport, information and communication, services offered to the public was a common challenge.

8. The Committee on the Rights of Persons with Disabilities also dealt with the issue of accessibility in its jurisprudence. In the case of Szilvia Nyusti, Péter Takács and Tamás Fazekas v. Hungary, the Committee decided that all services open to the public have to be accessible in accordance with the provisions of article 9 of the CRPD. The State party was called upon to ensure access to ATM for blind persons. The Committee *inter alia* made the recommendations to the State party to establish “minimum standards for the accessibility of banking services provided by private financial institutions for persons with visual and other types of impairments” (paragraph 10.2 (a)) and “to create a legislative framework with concrete, enforceable and time-bound benchmarks for monitoring and assessing the gradual modification and adjustment by private financial institutions of previously inaccessible banking services provided by them into accessible ones. The State party should also ensure that all newly procured ATMs and other banking services are fully accessible for persons with disabilities” (paragraph 10.2 (a)).

[CRPD Committee expert proposed the deletion of paragraph 8 of Draft general comment on article 9 of CRPD, since the Committee “does not have an established practice in terms of the CRPD jurisprudence to cite or refer to only very few cases (actually, one) the Committee has dealt so far”. Committee could refer to specific cases in more details only once it has already covered most aspects of accessibility-related services and products and not only one by one case in a certain and specific service in a given State Party]

9. Bearing in mind all the above mentioned activities pertaining to the issue of accessibility and the fact that accessibility indeed is a vital pre-condition for full and equal participation of persons with disabilities in the society, and the effective enjoyment of all their human rights and fundamental freedoms, the Committee finds it necessary to adopt a general comment on article 9 of CRPD on accessibility, in accordance with its Rules of Procedure and the established practice of human rights treaty bodies.

II. Normative content

10. Article 9 of CRPD prescribes that in order 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. It is important that accessibility is approached in all its' complexity, encompassing the physical environment, transportation, information and communication, and services. The focus is no longer on legal personality and public/ private nature of those who own buildings, transport infrastructure and vehicles, information and communication services. As long as goods, products, services are open or provided to the public, they must be accessible to all, regardless whether they are owned and/ or provided by a public authority or by a private enterprise. Persons with disabilities should be able to access equally all goods, products and services that are open to the public in a manner that ensures effective and equal access, in a way that respects the dignity of persons with disabilities. Such an approach stems from the concept of prohibition of discrimination, and denial of access should be considered as a discriminatory act regardless of the perpetrator- whether a public or a private entity. The accessibility should be provided to all persons with disabilities, regardless of the type of their impairment, legal status, social condition, gender, and age. Accessibility should take into account the gender and the age perspective for persons with disabilities.

11. Article 9 of CRPD clearly envisages accessibility as the pre- condition for independent living, full and equal participation of persons with disabilities in the society and unrestricted enjoyment of all their human rights and fundamental freedoms on basis of equality with the others. CRPD does not create any new rights, and indeed accessibility should not be viewed as a new right. Some of the core human rights instruments and human rights treaties recognize the right to access: ICCPR article 25 (c) and ICERD article 5 (f). Therefore one should consider accessibility in the context of the right to access, seen from the specific disability perspective. This is an approach widely accepted in the comparative law and applied in different national laws on equalisation of opportunities, and prevention of disability- based discrimination.

(Alternative text: 11. Although during the negotiations of the treaty it was said that the intention was not to create new rights, if we read the text of article 9 in accordance with the general guidelines for the interpretation of treaties set forth in article 31 of the Vienna Convention on the Law of Treaties, we can arrive to the conclusion that we are fact in the presence of a new right. If we read the text plainly, in conformity with the ordinary use of language, we can see that it establishes binding obligations for states and consequently rights for persons with disabilities that are not yet included in the other core human rights treaties, although there are important precedents to this effect in ICCPR article 25 (c) and ICERD article 5 (f).)

12. Strict application of the universal design to all new goods, products, facilities, technologies, services should ensure full, equal and unrestricted access for all potential consumers, including persons with disabilities, in a manner that fully takes into account the inherent dignity and diversity of the above- mentioned persons. It should contribute to the creation of an unrestricted chain of movement for an individual from one space to another, including the movement inside particular objects, without any barriers in-between. Persons with disabilities, and other users, move in barrier- free streets, enter accessible low floor vehicles, can access information and communication, enter into and move inside universally designed buildings, using technical aids and live assistance, when that is necessary for an individual. The application of the universal design does not automatically exclude the necessity for the use of technical aids. One should bear in mind that application

of the universal design to a building from the initial stage of design contributes to making construction much less costly: Making a building accessible *ab initio* may increase the total cost of construction for up to 0,5 percent maximum (or not at all, in many cases), while the cost of subsequent adaptations in order to make a building accessible in some cases may rise up to 1/3 of the total cost of the construction. Accessibility of information and communication, including ICT, should also be achieved *ab initio* because subsequent adaptations of Internet and ICT may increase costs, so it is more economic to incorporate mandatory accessibility features of ICT from the earliest stages of designing and construction.

13. It is also significant that Article 9 explicitly imposes the duty to ensure accessibility both in urban and in rural areas. The practice shows situation with accessibility is usual better in bigger cities than in remote rural areas, though extensive urbanisation can sometimes also create barriers that prevent access for persons with disabilities, in particular to the built environment, transport and services in the heavily populated, bustling urban areas.

14. Paragraph 1 of Article 9 prescribes for the State Parties identify and eliminate obstacles and barriers to accessibility. The above- mentioned measures shall apply, *inter alia*, to:

- (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.

15. Paragraph 2 of article 9 furthermore prescribes the measures which State Parties have to take in order to develop, promulgate and monitor the minimum national standards of accessibility of facilities and services open or provided to the public. State Parties also have to take measures 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 (Art. 9, paragraph 2 (b)).

16. As lack of awareness and technical know- how is 1 of the key sources for lack of accessibility, Article 9 prescribes that State Parties should provide training to all stakeholders on accessibility for persons with disabilities (paragraph 2 (c)). In order to avoid the trap of exhaustive listing, Article 9 does not attempt to offer any list of relevant stakeholders, but one should include authorities that issue building permits, broadcasting boards, chambers of engineers, designers, architects, urban planners, transport authorities, service providers, members of academic community, and persons with disabilities as some of those stakeholders. Training should be provided not just to those designing goods, services, products, but also to those who actually produce them. Eventually, it is the builders on the construction site who make a building accessible or not. It is important to put in place training and monitoring systems for all these groups that will ensure application of accessibility standards in practice.

17. Movement and orientation in the buildings and places opened to the public can be a challenge for some persons with disabilities if there are no adequate signage, accessible information and communication, and support services. Paragraph 2 of Article 9, sections (d) and (e), therefore prescribe for signage in Braille and in easy to read and understand forms in buildings and spaces open to the public, as well as for the provision 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. Without such signage, accessible information and communication, and support services, orientation and movement inside and through buildings may become impossible for many persons with disabilities, especially those who are facing cognitive fatigue.

18. Without the access to information and communication persons with disabilities cannot enjoy freedom of thought and expression, and many other basic rights and freedoms. Thus Paragraph 2 of Article 9 of CRPD prescribes that State Parties should promote live assistance and intermediaries, including guides, readers and professional sign language interpreters (section (e)), the other appropriate forms of assistance and support to persons with disabilities to ensure their access to information (section (f)), and access for persons with disabilities to new information and communications technologies and systems, including the Internet (section (g)) through application of mandatory accessibility standards

19. New technologies can be used for promotion of full and equal participation of persons with disabilities in the society, but only if they are designed and produced in a way that would ensure their accessibility. New investments, new research and production should contribute to elimination of inequality, and shouldn't contribute to the creation of the new barriers. Therefore section (h) of Paragraph 2 of Article 9 calls upon State parties 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.

20. Since accessibility is pre-condition for independent life as prescribed for in article 19 of the Convention, and full and equal participation of persons with disabilities in society, denial of access to the physical environment, transportation, information and communication, and services opened to the general public should be viewed in the context of discrimination. Taking "all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities" (Article 4, Paragraph 1 (b) of CRPD) constitutes of the main general obligations of all State Parties. 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" (Article 5, Paragraph 2 of CRPD). In order to promote equality and eliminate discrimination, States Parties shall "take all appropriate steps to ensure that reasonable accommodation is provided" (Article 5, Paragraph 3 of CRPD). "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" (Article 2 of CRPD).

21. One should make clear distinction between the obligation to ensure the access to all newly designed, built, produced objects, infrastructure, goods, products, services and the obligation to remove the barriers and ensure access to already existing physical environment, transportation, information and communication, services opened to the general public on the other hand. It is one of State Party's general obligations 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" (Article 4, Paragraph 4 (f) of CRPD). All new objects, infrastructure, facilities, goods, products, services have to be designed in a way that makes them fully accessible for persons with disabilities, in accordance with the principles of the universal design. State Parties are under obligation to ensure the access to already existing physical environment, transportation, information and communication, services opened to the general public, but as this obligation is to be implemented gradually, state parties should set definite, fixed time frames, and allocate adequate resources for the removal of the existing barriers.

22. Accessibility is group related, whereas reasonable accommodation is individual related. This means that the duty to provide accessibility is an *ex ante* duty. That means the State party has the duty to provide accessibility before individual request to enter or use a place or service. State parties need to set accessibility standards which have to be negotiated with organizations of persons with disabilities, and these standards need to be prescribed to service providers, builders, and other relevant stakeholders. Accessibility standards need to be broad and standardized. In addition, in particular cases, when a person with disability has a rare impairment that was not included in the elaboration of the accessibility standards or simply do not use some of modes, methods or means offered to achieve the accessibility (for example, they don't read Braille print), even the application of disability standards may not be sufficient to ensure access for that particular persons with disability. In such cases, reasonable accommodation may apply.

23. In contrast, the duty to provide reasonable accommodation is an *ex nunc* duty, which means from the moment an individual with an impairment needs it in a given situation (work place, school, etc.) in order to enjoy her or his rights on basis of equality in a particular context. Here accessibility standards can be a help or even an indicator but may not be taken as prescriptive. Reasonable accommodation can be used as a mean to ensure accessibility for an individual with disability in a particular situation. Reasonable accommodation seeks to achieve individual justice in the sense that non-discrimination or equality is provided taking the dignity, autonomy and choices of the person into account. Thus, a person with disability, who has a rare impairment might ask for accommodation that falls outside the scope of any accessibility standard. If it has to be provided depends on if it is reasonable and not imposing a disproportionate or undue burden.

24. Inherent dignity of persons with disabilities is a crucial element to be considered, including in the context of reasonable accommodation, In adapting the existing buildings one must balance the reasonableness of costs with the respect for the inherent dignity of persons with disabilities. For example, a private entrepreneur owning a restaurant located in an old building should make effort to make its' main entrance accessible for customers with disability, even if more costly and technically challenging, instead of adapting the back door entrance to the restaurant.

III. State party obligations

25. Even though ensuring access to physical environment, transportation, information and communication, and services open to the public is often pre-condition for the effective enjoyment of different civil and political rights by persons with disabilities, State Parties can ensure that access is achieved through gradual implementation when necessary as well as through the use of international cooperation. An analysis of the situation, and identification of obstacles and barriers that should be removed, can be carried out in an efficient manner and within short to mid- term framework. The removal of barriers should be carried in a continuous and systematic way, with a gradual yet steady realization.

26. State Parties are obliged to adopt, promulgate and monitor the national accessibility standards. Adoption of adequate legal framework, if such legislation is lacking, is the first step. State parties should undertake a comprehensive review of the laws on accessibility to identify, monitor and address gaps in legislation and its' implementation. It is important that the review and the adoption of the above- mentioned laws and regulations is carried out in the process of consultation with persons with disabilities and their representative organizations (Article 4, Paragraph 3 of CRPD), as well as with all other relevant stakeholders, such as academic community, expert associations of architects, urban planners, engineers, designers and others. Legislation should incorporate and be based on the principles of the Universal design, as prescribed for by the CRPD (Article 4, paragraph

4 (f)), and prescribe for mandatory application of accessibility standards, as well as for sanctions, including fines, for those who fail to apply them. One should also strive to achieve interoperability of goods and services, especially in the field of transport, information and communication, including the Internet and other ICT through promotion of internationally recognized accessibility standards.

27. On one hand, it is good to mainstream accessibility standards that prescribe for various areas that have to be accessible- physical environment in laws on construction and planning, transportation in laws on public aerial, railway, road, water transport, information and communication, services open to the public. On the other hand, accessibility should be encompassed in the general and specific laws prescribing for equal opportunities, equality and participation in the context of prohibition of disability- based discrimination. Denial of access should be clearly defined as a prohibited act of discrimination, and persons with disabilities whose access to physical environment, transportation, information and communication, and services open to the public had been denied should have efficient legal remedies at their disposal. When defining accessibility standards, the State Parties have to take into account the diversity of persons with disabilities and ensure that accessibility is provided to all persons of both genders and all ages and types of disability. Part of encompassing the diversity of persons with disability in the provision of accessibility is recognition that some persons with disability need human or animal assistance to enjoy full accessibility (such as personal assistance, sign language interpretation, tactile sign language interpretation, guide dogs etc.). It is necessary to prescribe that for example a ban on entry of guide dogs in a particular building or open space would constitute a prohibited act of disability- based discrimination.

28. It is necessary to establish the minimum standards for the accessibility of different services provided by public and private entities for persons with different types of impairments. The State Parties should create a legislative framework with concrete, enforceable and time-bound benchmarks for monitoring and assessing the gradual modification and adjustment by private entities of previously inaccessible services provided by them into accessible ones. The State party should also ensure that all newly procured goods and other services are fully accessible for persons with disabilities. The above-mentioned minimum standards must be developed in collaboration with persons with disabilities and their representative organisations in accordance with article 4 (3) of CRPD. Such standards can also be developed in collaboration with other states parties and international organizations and agencies, through international cooperation in accordance with article 32. The above mentioned cooperation can be used for development and promotion of international standards that would contribute to interoperability of goods and services. In the field of communication- related services, State Parties must ensure at least minimum quality of services, especially for the relatively new types of services such as personal assistance and sign language interpretation, aiming at their standardization.

29. Public procurement procedures should be used in a way to encourage the removal of the existing barriers and to prevent the creation of the new barriers. It is unacceptable to use public funds to perpetuate new inequalities. All new objects, infrastructure, facilities, goods, products, services have to be fully accessible for all persons with disabilities. Public procurements should be used for carrying out of the affirmative actions in line with the provisions of article 5 (4) of CRPD, in order to ensure accessibility and *de facto* equality for persons with disabilities.

30. State Parties should adopt action plans and strategies for the identification of the existing barriers to access, set time- frames with concrete deadlines and provide for both human and material resources for the removal of the barriers. Once adopted, such strategies and action plans should be strictly implemented. State Parties should strengthen the monitoring mechanisms additionally in order to ensure accessibility and to continue

providing sufficient funds for the removal of accessibility barriers and the continued training of relevant monitoring staff. As accessibility standards are often implemented locally, continuous capacity- building of the local authorities competent for the monitoring of implementation of the standards is of paramount significance. State parties are under obligation to develop effective monitoring framework and set up efficient monitoring bodies with adequate capacities and appropriate mandates to make sure that plans, strategies and standardisation are implemented and enforced.

IV. Inter-sectional issues

31. As already elaborated, one should view State Party's duty of ensuring access to the physical environment, transportation, information and communication, and services open to the public for the persons with disabilities in the context of equality and non-discrimination. Denial of access to physical environment, transportation, information and communication, and services open to the public constitutes an act of disability- based discrimination that is prohibited by article 5 of CRPD. Ensuring the accessibility *pro futuro* should be viewed in the context of implementation of the general obligation of development of universally designed goods, services, equipment and facilities (Article 4, Paragraph 1 (f) of CRPD).

32. Awareness-raising is one of the pre- conditions for effective implementation of CRPD. Since accessibility has often viewed in a narrow way, as accessibility of the built environment (which is significant, but only one aspect of access for persons with disabilities), State Parties should put effort into systematic and continuous awareness-raising on accessibility for all relevant stakeholders. One should cover all- encompassing nature of accessibility, providing for access to physical environment, transportation, information and communication, and services. Awareness-raising should also stress that duty to observe accessibility standards applies equally to the public and the private sector. It should promote the application of universal design and the idea that designing and building in an accessible way from the earliest stages is cost- effective and economical too. Awareness-raising should be carried out in cooperation with persons with disabilities, their representative organizations and technical experts. Special attention should be paid to capacity- building for application and monitoring of implementation of the accessibility standards. Media should not only take into account accessibility of their own programmes and services for persons with disabilities but should also take an active role in promotion of accessibility and contribute to the awareness raising.

33. Ensuring full access to physical environment, transportation, information and communication, services opened to the public is indeed vital pre-condition for effective enjoyment of many rights covered by CRPD. Emergency services in situations of risk, natural disasters and armed conflict must be accessible to persons with disabilities, or their lives cannot be saved and well- being protected (Article 11). There can be no effective access to justice if buildings of law- enforcement organs and judiciary aren't physically accessible, if the services they provide, information and communication aren't accessible (Article 13). One has to have accessible safe houses, accessible support services and procedures if one wants to provide effective and meaningful protection from violence, abuse and exploitation to persons with disabilities, especially women, girls and boys with disabilities (Article 16). Accessible environment, transportation, information and communication, and services are a pre-condition for inclusion of persons with disabilities in their respective local communities and independent life (Article 19).

34. Articles 9 and 21 cross over in the field of information and communication. Article 21 prescribes that 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”. In fact, Article 21 elaborates in more detail how the accessibility of information and communication can be ensured in practice. *Inter alia*, the State Parties shall provide information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities. Article 21 furthermore prescribes for facilitation of 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 (section (b)). Private entities providing services to the general public, including through the Internet, are urged to provide information and services in accessible and usable formats for persons with disabilities (section (c)), and mass media, including providers of information through the Internet, are encouraged to make their services accessible to persons with disabilities (section (d)). Indeed, Article 21 elaborates the issue of accessibility of information and communication further in more detail. It also provides for promotion and recognition of the sign languages, in accordance with articles 24, 27, 29 and 30 of the CRPD.

35. Without accessible transport to the schools, without accessible school buildings, accessible information and communication, persons with disabilities would have no chance to realize their right to education (article 24 of CRPD). Thus schools have to be accessible, as it is explicitly prescribed for in Section (a) of Paragraph 1 of Article 9 of CRPD. But the entire process of inclusive education must be accessible, not just buildings but also all information and communication, support services and reasonable accommodations in school. In order to foster accessibility, education should promote and be carried out in sign language, the Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation (Paragraph 3 of Article 24 of CRPD). Modes and means of teaching should be accessible and carried out in accessible environments. The complete environment of students with disabilities has to be designed in a way that fosters inclusion and guarantees equality of students with disabilities in the entire process of their education. One should consider the full implementation of article 24 of CRPD in connection to other core human rights instruments, as well as the provisions on UNESCO Convention against Discrimination in Education, *inter alia*.

36. Health care and social protection would remain unattainable for persons with disabilities without accessible premises where above- mentioned services are being provided. Even if the buildings where the health care and social protection services are provided are accessible themselves, without accessible transportation persons with disabilities won't be able to arrive to the places where the above- mentioned services are being provided. It is specially significant to take into account the gender dimension of accessibility when ensuring health care, specially reproductive health care for women and girls with disabilities.

37. Persons with disabilities cannot effectively realize their right to work and related rights, prescribed for in Article 27 of CRPD, if the work place itself is not accessible. Thus the work places have to be accessible, as it is explicitly prescribed for in Section (a) of Paragraph 1 of Article 9 of CRPD. Denial of the work place adaptation constitutes a prohibited act of disability- based discrimination. Besides the physical accessibility of the work place, a person with disability would need accessible transportation and support services to get to his/ her work place. All information pertaining to work, advertisements of job offers, process of selection for the work place and communication at the work place, during the process of work has to be accessible through the use of sign language, Braille print, accessible electronic formats, alternative script, augmentative and alternative modes, means and formats of communication. Training and qualification for a job have to be accessible as well, just like the realization of all trade unions and related labour rights. For

example, foreign language or computer courses for employees and trainees have to be conducted in an accessible environment in accessible forms, modes, means and formats.

38. Article 29 of CRPD guarantees the persons with disabilities the right to participate in political and public life, to take part in running of public affairs. Persons with disabilities wouldn't be able to exercise the above- mentioned rights equally and effectively if the State Parties fail to ensure that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use. It is also important that political meetings and materials used by and produced by political parties or individual candidates participating in the public elections are accessible. Without that, the persons with disabilities are deprived of their right to participate in the political process in an equal manner. The persons with disabilities who get elected to a public office must have equal opportunities to carry that office out in a fully accessible environment. 38. Everyone has the right to enjoy arts. Everybody has the right to take part in sports. Everyone has the right to go to hotels, restaurants, bars. But wheelchair user cannot go to a concert if there are only stairs in the concert hall. A blind person cannot enjoy a painting if there is no description of it he can hear in the gallery. A deaf person cannot enjoy a movie if there are no subtitles. A person with intellectual disability cannot enjoy a book if there is no easy- to- read version of it. Article 30 of the CRPD prescribes that 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.

Provision of access to cultural and historical monuments considered patrimonial may indeed be a challenge in some circumstances; however State Parties are indeed under obligation to strive to provide access to those sites as far as possible. Many monuments and sites of national cultural importance have been made accessible in a way that preserved their cultural and historical identity and uniqueness.

39. 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“(Article 30, Paragraph 2). 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“(Article 30, Paragraph 3). The international WIPO Copyright Treaty to facilitate access to publish works that was adopted in June 2013 should ensure the access to cultural material without unreasonable or discriminatory barriers for persons with disabilities, especially those facing challenges accessing classical print materials. CRPD provides for recognition and support of their specific cultural and linguistic identity of persons with disabilities on an equal basis with others. Paragraph 4 of Article 30 specially stresses the recognition of and support for sign languages and deaf culture.

40. Paragraph 5 of Article 30 of CRPD prescribes that, in order to enable 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;

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

41. The international cooperation, as envisaged in Article 32 of CRPD should become a significant tool in promotion of accessibility and the universal design. All new investments carried out in the framework of international cooperation should be used in a way to encourage the removal of the existing barriers and to prevent the creation of the new barriers. It is unacceptable to use public funds to perpetuate new inequalities. All new objects, infrastructure, facilities, goods, products, services have to be fully accessible for all persons with disabilities. International cooperation should be used not merely for investments into accessible goods, products, services but it also should foster the exchange of know-how, information on examples of good practice of achieving accessibility in ways that will make concrete changes for better in the lives of millions of persons with disabilities world-wide. It is important that the international cooperation in relation to standardisation is also mentioned in the context article 32. And in relation to this issue, it is important to highlight the fact that organisations of persons with disabilities must be supported so that they can participate in the process of national and international developing, implementing, and monitoring of accessibility standards.

42. Monitoring of accessibility is a crucial aspect of the national and international monitoring of the Convention. The processes of national and international monitoring of the implementation of the Convention should also be performed in an accessible manner that would promote and ensure participation of persons with disabilities and their representative organizations in the above-mentioned process in an effective way. Article 49 of CRPD prescribes that the text of the present Convention shall be made available in accessible formats. This is a novel solution in an international human rights treaty and CRPD should be seen as setting a precedent in that respect for the future treaties.
