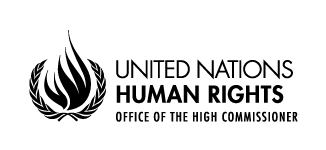
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**Human Rights Council 28th Session**

**Annual Debate on the Rights of Persons with Disabilities**



**Opening Statement by**

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**Research and Right to Development Division**

**Director**

**10 March 2015**

**15:00-18:00, Room XX, Palais des Nations**

Mr. President,

Excellencies,

Colleagues and Friends,

I am delighted to welcome you to this seventh interactive debate of the Human Rights Council on the rights of persons with disabilities.

The Convention on the Rights of Persons with Disabilities establishes definitively that persons with disabilities are entitled to enjoy human rights without discrimination and on an equal basis with others, rather than recipients of charity, goodwill or medical care.

The human rights-based approach to disability promotes participation of persons with disabilities in society. The right to live independently and be included in the community - under consideration today - is paradigmatic in that context.

The creation by the Human Rights Council of a Special Rapporteur on the rights of persons with disabilities marks an important institutional advancement since the Council’s last debate on this issue. I congratulate Ms. Catalina Devandas Aguilar on her appointment. The Office of the High Commissioner for Human Rights is privileged to work closely with her, providing technical and substantive contributions to support her mandate.

The Convention has now attracted 152 ratifications and accessions and its Optional Protocol has been accepted by 85 States parties. Twelve States accepted the Convention since the Council’s last debate on the rights of persons with disabilities in March 2014. I encourage all States to ratify or accede to the Convention and its Protocol so the objective of universal ratification can be achieved. I note that some States entered reservations on accession or ratification and I urge them to study these carefully with a view to their withdrawal.

I encourage States parties to the Convention to take concrete steps to implement its provisions, in particular those which are immediate obligations. Anti-discrimination measures, which can be realized even in harsh situations, including in emergency and conflict, should be implemented without delay. In these efforts, particular attention must be paid to intersecting grounds for discrimination, including sex, sexual orientation, age, ethnic or religious origin, caste or socioeconomic status.

In the context of the negotiations of the post-2015 development agenda OHCHR has provided technical assistance to States on the human rights-based approach to disability. The Open Working Group on the Sustainable Development Goals has integrated many suggestions in this context, and the report of the Secretary-General reflects this. We are now fast approaching the final stage of these crucial negotiations. It is essential here that States craft indicators that enable persons with disabilities to benefit from, and contribute to, a broad and inclusive development agenda, which “leaves no one behind”.

I welcome the Secretary-General's Bulletin on Employment and Accessibility for Staff Members with Disabilities in the UN Secretariat. This is an essential building block in the task to make the UN truly accessible to all. I am very grateful to the Permanent Representative of Paraguay, Mr. Aguirre Martínez, who leads the Human Rights Council Task Force on Accessibility. I wish him great success in his important task.

Colleagues and Friends,

At the request of the Council, OHCHR prepared a thematic study on the subject of the panel to guide today’s debate. This study is available in an easy-to-read format, and is therefore accessible to persons with intellectual impairments. I encourage the Council to make all panels as accessible as this panel, as persons with disabilities are entitled to participate in and benefit from all Council discussions.

The right to live independently and be included in the community is a key aspect of participation, antidiscrimination and development. As enshrined in the Convention on the Rights of Persons with Disabilities, it implies three aspects:

1. choice and control over the decision of where and with whom to live, avoiding segregation in social or psychiatric institutions, and living under particular arrangements that do not restrict the freedom to direct their own lives;
2. support, if needed, to perform activities in the community; and
3. equal access to services available for the general population, so that persons with disabilities can effectively participate in society.

This right is inherent to the dignity of the person. It promotes inclusion in society and contributes to development by enabling persons with disabilities to act as agents of change.

In order to realize this right, sustained and coordinated efforts are required.

First, no legal provision must allow for deprivation of liberty on the basis of the existence of impairment. Any discriminatory approach of this sort in legislation should be repealed in order to avoid segregation.

Second, all legal provisions that restrict or prevent the ability of adults with disabilities to make choices, such as where and with whom to live, should be replaced by other frameworks that enable persons with disabilities to live in the community according to their own will and preferences. This is the essence of freedom and recognition as a person. The views of children with disabilities should be taken into account, in accordance with international human rights law and in their best interests.

Third, all persons with disabilities, without distinction, should have access to support services and networks. States should provide for them in various ways. The support should be chosen and rejected by the person concerned, and States should put in place systems that allow persons with disabilities control of their support.

Fourth, institutionalization should be progressively eliminated. Services provided today in institutions should be replaced by services provided in, and by, the community, where persons with disabilities should be allowed to make choices on equal terms with others.

Fifth, services that are available for the general public should be accessible to, and inclusive of, persons with disabilities.

Sixth, resources should be allocated for this purpose. Initial investment may be required, but this will be cost-effective in the long term, as persons with disabilities will be able to contribute to the economy, and their family members will be in a better position to work. This particularly is true for women who, in line with gender stereotypes, largely provide support to family members with disabilities.

Most importantly, persons with disabilities – without distinction - should be considered experts on matters concerning their own lives, as we all are.

Distinguished Panellists,

Colleagues and Friends,

I look forward to your discussions which I am confident will identify practical steps that can be taken by all actors — States, the private sector, civil society, UN entities, and others to further advance the human right of persons with disabilities to live independently as part of the community.

Thank you.