**37th session of the Human Rights Council**

**Annual interactive debate on the rights of persons with disabilities

Theme: Article 13 of the Convention on the Rights of Persons with Disabilities
on access to justice**

*Concept note (as of 26 February 2018)*

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| **Date and venue:** | **Wednesday, 7 March 2016, 4 - 6 p.m., Palais des Nations, Room XX, Geneva** *(will be broadcast live and archived on* [*http://webtv.un.org*](http://webtv.un.org)*)* |
| **Objectives:** | This panel discussion will address the human rights of persons with disabilities with regard to the standards set in article 13 of the Convention on the Rights of Persons with Disabilities on access to justice and the policies and practices developed under its guidance. The **objectives** are: * **To share experiences, lessons learned and good practices** in the implementation of article 13 of the Convention on the Rights of Persons with Disabilities (CRPD) on access to justice. Two levels of implementation will be looked at:
	1. **Development of international standards and national level laws and policies** for the realization of substantive equality for persons with disabilities, and
	2. **National level practices and experiences.**
* **To discuss the main barriers** that persons with disabilities face in the enjoyment of their human rights in order to actively participate as parties and as agents of justice, at all stages of judicial and quasi-judicial processes, including investigation, trial, and ensuring effective remedies and penalties.
* **To propose** strategies (i) to improve international standards and their effective implementation at national level and (ii) to align actions undertaken under international law to improve national standards.
* **To discuss** the role of international cooperation in ensuring the implementation of the human rights based-approach to disability in access to justice.
* **To analyse** the importance of the 2030 Agenda for Sustainable Development, particularly Sustainable Development Goal 16 which aims to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels, for persons with disabilities.
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| **Chair:**  | **H.E. Mr. Evan P. Garcia**, Vice-President of the Human Rights Council |
| **Opening statement:**  | **Ms. Kate Gilmore**,United Nations Deputy High Commissioner for Human Rights |
| **Panellists:** | * **Ms. María Soledad Cisternas**, Special Envoy of the Secretary-General on Disability and Accessibility
* [**Ms. Catalina Devandas Aguilar**](https://www.ohchr.org/EN/Issues/Health/Pages/Dainius-Puras.aspx), Special Rapporteur on the rights of persons with disabilities
* [**Ms.**](http://www.ipcc.ch/nominations/cv/cv_debra_roberts.pdf) **Theresia Degener**, Chair of the Committee on the Rights of Persons with Disabilities
* **Mr. Oumarou** **Siddo Nouhou**, African Disability Forum and International Disability Alliance
* **Ms. Ana Peláez Narváez**, Executive Vice-President of CERMI Women’s Foundation and Vice-President of the European Disability Forum
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| **Outcome:** | The debate will seek to identify good practices and standards in promoting the human rights of persons with disabilities in order to effectively participate in judicial, quasi-judicial and administrative processes with the necessary support aiming at enjoying the right to access to justice, including through fair trial safeguards and accessing effective remedies. In addition, the debate will provide an opportunity to highlight the importance of the 2030 Agenda for Sustainable Development, particularly Sustainable Development Goal 16, for the realization of the human rights of persons with disabilities and to improve governance. An informal summary of the interactive debate will be prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and posted on the OHCHR website. |
| **Mandate:**  | In its resolution 31/6 (paragraphs 16 and 18), the Human Rights Council decided that the annual interactive debate on the rights of persons with disabilities to be held at its thirty-seventh session would focus on article 13 of the Convention on the Rights of Persons with Disabilities regarding access to justice, and would have international sign interpretation and captioning. The Council requested the OHCHR to prepare the annual study on the rights of persons with disabilities for its thirty-seventh session on article 13 of the Convention, in consultation with States and other relevant stakeholders, regional organizations, the Special Rapporteur on the rights of persons with disabilities, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, requiring contributions to be submitted in an accessible format, and requested that such stakeholder contributions, the study and an easy-to-read-version of it, be made available on the website of the Office, in an accessible format, prior to the thirty-seventh session of the Human Rights Council. To this end, OHCHR invited States and all the aforementioned stakeholders to provide responses to a set of questions concerning existing legislation, policies and practices ensuring a human rights-based approach to access to justice. OHCHR received 22 responses from States, 14 from national human rights institutions, 2 from regional organizations and 21 from civil society organizations and other stakeholders.[[1]](#footnote-1) |
| **Format:**  | The duration of the debate will be strictly limited to two hours. A maximum of one hour will be set aside for the podium, including opening statements, panellist presentations, and their responses to questions and concluding remarks. Speaking time limits for the panellists and guests, if any, will be calculated based on the maximum one hour limit for the podium. States and observers, including national human rights institutions (NHRIs) and non-governmental organizations (NGOs), intervening from the floor will also have a maximum of one hour. Each speaker will have two minutes to raise issues and to ask panellists questions. The list of speakers for the discussion will be established at the beginning of the panel and, as per practice, statements by high-level dignitaries and groups will be moved to the beginning of the list. The practice of having two slots for Member and observer States (2x12), NHRIs (2x1) and NGOs (2x2) will be maintained but the possibility for panellists to intervene in-between will depend entirely on the time used at the start of the panel. Interpretation will be provided in the six United Nations official languages (Arabic, Chinese, English, French, Russian and Spanish). |
| **Accessibility:** | In an effort to render the Human Rights Council more accessible to persons with disabilities and to promote their full participation in the work of the Council on an equal basis with others, the panel will be made accessible to persons with disabilities. During the debate, international sign interpretation and real-time captioning will be provided and webcasted. In room XX, four seats are reserved for participants using wheelchairs, in the seventh (last) row. Hearing loops are available for collection from the Accessibility focal point at the Secretariat desk. Oral statements may be embossed in Braille from any of the six official languages of the United Nations, upon request and following the procedure described in the “Accessibility guide to the Human Rights Council for persons with disabilities”.[[2]](#footnote-2) |
| **Background:** | The Convention on the Rights of Persons with Disabilities is the first international human rights instrument that enshrines an explicit right to access to justice. It calls for the elimination of obstacles and barriers faced by persons with disabilities in accessing justice on an equal basis with others, and innovates on previous standards developed under international human rights law. The Convention not only clarifies what access to justice means for persons with disabilities, but also upholds equal and effective participation at all stages of and in every role within the justice system as a core element of the right to access to justice. The Convention thereby expands this right beyond the notions of a fair trial and effective remedies which have been the principal features put forward by human rights instruments and their monitoring bodies.Article 13 of the Convention underscores the fact that access to justice for persons with disabilities entails not only the removal of barriers to ensure access to legal proceedings to seek and obtain appropriate remedies on an equal basis with others, but also the promotion of the active involvement and participation of persons with disabilities in the administration of justice.Goal 16 of the 2030 Agenda for Sustainable Development calls for promoting the rule of law and ensuring equal access to justice for all. Member States have a unique opportunity to implement article 13 of the Convention as part of their strategy to accomplish the goals of the 2030 Agenda. In order to “leave no one behind”, Member States commit to the principles of equality and non-discrimination, including for persons with disabilities, as a cross-cutting feature of all Sustainable Development Goals. In order to comply with Article 5 of the Convention, States, in consultation with persons with disabilities and their representative organizations, should: (i) recognize the administration of justice as an integral part of governance in which participation of persons with disabilities is key to promoting citizenship; (ii) modify civil, criminal and procedural laws which prevent persons with disabilities from directly or indirectly participating in judicial or administrative processes on an equal basis with others; (iii) implement laws and policies that ensure that information needed to claim rights is accessible, and that free and affordable legal aid is provided to persons with disabilities in all areas of law; (iv) provide procedural accommodations when necessary, in all their forms and in all legal proceedings; (v) ensure that persons with disabilities can seek and obtain effective remedies tailored to their specific situations; (vi) collect and analyse disaggregated data on human rights violations against persons with disabilities and on how the justice system is providing access to a fair trial and effective remedies, among others.  |
| **Background documents:** | * [Human Rights Council resolution 7/9](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/7/9) of 27 March 2008 on human rights of persons with disabilities
* [Human Rights Council resolution 31/6](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/31/6) of 23 March 2016 on the rights of persons with disabilities in situations of risk and humanitarian emergencies
* Report of the OHCHR on the right to access to justice under article 13 of the Convention on the Rights of Persons with Disabilities ([A/HRC/37/25](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/37/25))
* OHCHR web page with [studies, reports and papers on disability](https://www.ohchr.org/EN/Issues/Disability/Pages/StudiesReportsPapers.aspx)
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1. See [http://www.ohchr.org/EN/Issues/Disability/Pages/StudiesReportsPapers.aspx](https://www.ohchr.org/EN/Issues/Disability/Pages/StudiesReportsPapers.aspx) [↑](#footnote-ref-1)
2. Available on [http://www.ohchr.org/EN/HRBodies/HRC/Pages/Accessibility.aspx](https://www.ohchr.org/EN/HRBodies/HRC/Pages/Accessibility.aspx) [↑](#footnote-ref-2)