**40th session of the Human Rights Council**

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

Theme: Article 26 of the Convention on the Rights of Persons with Disabilities
on habilitation and rehabilitation**

*Concept note (as of 5 February 2019)*

|  |  |
| --- | --- |
| **Date and venue:** | **Wednesday, 6 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 obligation to provide habilitation and rehabilitation under article 26 of the Convention on the Rights of Persons with Disabilities (hereinafter “Convention”). The **objectives** are: * **To bring greater understanding** to what habilitation and rehabilitation for persons with disabilities entails and how the obligation under article 26 intersects with other rights and is reflected in the international human rights framework.
* **To discuss the main barriers** that persons with disabilities face in accessing habilitation and rehabilitation and how the Convention contributes to overcoming those barriers and ensuring a human rights based approach to providing habilitation and rehabilitation.
* **To analyse** the evolution of the approach to habilitation and rehabilitation and its role in contributing to community based inclusive development for persons with disabilities.
* **To share experiences, lessons learned and good practices** in the implementation of article 26 of the Convention, drawing on experiences from the global and national levels.
* **To propose** **strategies** for strengthened implementation of article 26 of the Convention at national level and to align actions undertaken under international law to improve national standards.
 |
| **Chair:**  | **H.E. Mr. Coly Seck**, President of the Human Rights Council |
| **Opening statement:**  | **Ms. Michelle Bachelet**,United Nations High Commissioner for Human Rights |
| **Panellists:** | * [**Ms. Catalina Devandas Aguilar**](http://www.ohchr.org/EN/Issues/Health/Pages/SRBio.aspx), Special Rapporteur on the rights of persons with disabilities
* **Mr. Lauro Purcil**, International Disability Alliance
* **Ms. Alarcos Cieza**, Coordinator of the Disability and Rehabilitation Team,World Health Organization
* **Mr. Jörg Weber**, Global Advisor, CBM International
 |
| **Outcome:** | The debate will seek to bring greater understanding to the content of the obligation to provide habilitation and rehabilitation to persons with disabilities and how to ensure a human rights-based approach for its effective implementation. In addition, the debate will identify good practices and strategies in ensuring habilitation and rehabilitation to persons with disabilities, particularly in low resource settings as well as in situations of humanitarian emergencies. 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 37/22, the Human Rights Council decided that the annual interactive debate on the rights of persons with disabilities to be held at its fortieth session would focus on article 26 of the Convention on Rights of Persons with Disabilities regarding habilitation and rehabilitation, 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 fortieth session on article 26 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 fortieth 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 habilitation and rehabilitation. OHCHR received 17 responses from States and 3 responses from civil society organizations.[[1]](#footnote-1) |
| **Format:**  | The duration of the annual debate will be limited to two hours. The opening statement and initial presentations by the panellists will be followed by an interactive discussion divided into two slots. 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. The remaining hour will be reserved for interventions from the floor, divided into two slots, for Member States and observers (2x12), national human rights institutions (2x1) and non-governmental organizations (2x2). The possibility for panellists to intervene between the two slots will depend on the amount of time used at the start of the debate.The list of speakers for the discussion will be established at the beginning of the debate and, as per practice, statements by high-level dignitaries and groups will be moved to the beginning of the list. Each speaker will have two minutes to raise issues and to ask panellists questions. 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 event will be made fully accessible. During the debate, international sign interpretation and real-time captioning in English 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:** | For the first time in the international legal framework, the obligation to provide habilitation and rehabilitation to persons with disabilities is enshrined in a stand-alone provision. While it has been referred to in other human rights instruments as an element of the right to health or as a component of services conducive to the fullest possible development of children with disabilities, article 26 of the Convention on the Rights of Persons with Disabilities increases the visibility of the obligation to provide habilitation and rehabilitation as an important strategy for ensuring the inclusion and participation of persons with disabilities to attain, maintain, and maximize their independence, full physical, mental, social, and vocational ability, and full inclusion and participation in all aspects of life. In many countries, habilitation and rehabilitation interventions constituted the first efforts and actions taken relating to persons with disabilities, and over the years they grew into wider strategies for community based inclusive development relating to persons with disabilities. It is important to delineate the content and scope of habilitation and rehabilitation interventions in order for them not to be confused as constituting any and all strategies for the inclusion of persons with disabilities, or vice versa. Habilitation and rehabilitation are understood as a set of interventions designed to optimize functioning of individuals with impairments in interaction with their environment. Habilitation aims to assist individuals who acquire impairments congenitally or in early childhood to learn how to better function with them. Rehabilitation, in the strict sense, aims to assist those who experience a loss in function as a result of acquiring an impairment to relearn how to perform daily activities to regain maximal function. By providing and/or restoring functions, or compensating for the loss or absence of a function or a functional limitation, habilitation and rehabilitation ultimately equip persons with disabilities to achieve a higher level of independence.The Convention on the Rights of Persons with Disabilities recognizes and reinforces a cross-sectoral approach to rehabilitation. While habilitation and rehabilitation also figure as components of other Convention rights relating to health, employment and education, article 26 establishes a unifying framework for the provision of coordinated and comprehensive habilitation and rehabilitation services that are voluntary, individualized and community-based, and which are embedded in human rights through respect for free and informed consent, non-discrimination, participation, availability, affordability and accessibility. Habilitation and rehabilitation are an important element of community based inclusive development strategies In order to implement article 26 of the Convention, States should take measures to: review their legal and policy frameworks; ensure cross-sectoral coordination; develop a multidisciplinary and trained rehabilitation workforce; establish funding mechanisms to ensure adequate access to affordable rehabilitation services; conduct awareness-raising with a human rights based approach; and carry out reliable research and data collection for improving the quality of, and access to services.  |
| **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 37/22](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/37/22) of 20 March 2018 on equality and non-discrimination of persons with disabilities and the right of persons with disabilities to access to justice
* Report of the OHCHR on habilitation and rehabilitation under article 26 of the Convention on the Rights of Persons with Disabilities ([A/HRC/40/32](http://undocs.org/A/HRC/40/32))
* OHCHR web page with [studies, reports and papers on the rights of persons with disabilities](http://www.ohchr.org/EN/Issues/Disability/Pages/StudiesReportsPapers.aspx)
 |

1. See <http://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> [↑](#footnote-ref-2)