



**United Nations**

# **Report of the Committee on the Rights of Persons with Disabilities**

**Twenty-first session  
(11 March–5 April 2019)**

**Twenty-second session  
(26 August–20 September 2019)**

**Twenty-third session  
(17 August–4 September 2020)**

**General Assembly**

**Official Records**

**Seventy-sixth Session**

**Supplement No. 55**





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*Note*

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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## I. Organizational and other matters

### A. States parties to the Convention

1. As at 4 September 2020, the closing date of the twenty-third session of the Committee on the Rights of Persons with Disabilities, there were 182 States parties to the Convention on the Rights of Persons with Disabilities and 97 States parties to the Optional Protocol thereto. The lists of States parties to these instruments are available on the website of the Office of Legal Affairs of the Secretariat.<sup>1</sup>

### B. Meetings and sessions

2. The Committee held its twenty-first session from 11 March to 5 April 2019, its twenty-second session from 26 August to 20 September 2019 and its twenty-third session from 17 August to 4 September 2020. The eleventh session of the Committee's pre-sessional working group was held from 8 to 11 April 2019, its twelfth session from 23 to 27 September 2019, its thirteenth session from 30 March to 3 April 2020 and its fourteenth session from 7 to 18 September 2020. The twenty-third session of the Committee and the thirteenth and fourteenth sessions of its pre-sessional working group were held virtually, and the other sessions were held in Geneva.

### C. Membership and attendance

3. The Committee is composed of 18 independent experts. A list of Committee members, indicating the duration of their terms of office, is available on the Committee's web page.<sup>2</sup>

### D. Election of officers

4. On 11 March 2019, during the Committee's twenty-first session, the following members were elected for a term of two years:

*Chair:* Danlami Umaru Basharu (Nigeria)

*Vice-Chairs:* Ishikawa Jun (Japan)  
Rosemary Kayess (Australia)  
Jonas Ruskus (Lithuania)

*Rapporteur:* Amalia Eva Gamio Ríos (Mexico)

### E. Drafting of general comments

5. At its twenty-first session, the Committee appointed the members of the working group formed at its twentieth session to assess the possibility of developing a general comment on article 11 of the Convention, on situations of risk and humanitarian emergencies. At its twenty-second session, the Committee decided not to pursue the drafting of such a general comment. At the same session, the Committee discussed the possibility of developing a general comment on article 27 of the Convention, on work and employment, and established a task force. At its twenty-third session, the Committee continued its work to prepare a general comment on article 27 of the Convention, and decided to hold a day of general discussion on the subject at its twenty-fourth session.

<sup>1</sup> See [https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&clang=\\_en](https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&clang=_en).

<sup>2</sup> See [www.ohchr.org/EN/HRBodies/CRPD/Pages/Membership.aspx](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Membership.aspx).

## **F. Statements of the Committee**

6. In September 2019, the Committee issued a joint statement on human rights and climate change with four other treaty bodies. In April 2020, the Committee issued a joint statement with the Special Envoy of the Secretary-General on Disability and Accessibility on the protection of the lives and rights of persons with disabilities in the face of the coronavirus disease (COVID-19) pandemic. In June 2020, the Committee issued a statement on the devastating impacts of the COVID-19 pandemic on persons with disabilities. In October 2020, the Committee and the Committee on the Elimination of Discrimination against Women issued a joint statement on ending sexual harassment against women and girls with disabilities.<sup>3</sup>

## **G. Accessibility of information**

7. At the twenty-first and twenty-second sessions, remote captioning was available in all the Committee's public and private meetings. International Sign interpretation and webcasting were available in the Committee's public meetings. National sign language interpretation was provided during the dialogues with 10 States parties to the Convention. Russian sign language interpretation was provided in all public and private meetings during the twenty-first session from 20 March 2019, and in all public and private meetings during the twenty-second session. Norwegian sign language interpretation was provided by the State party during the twenty-first session. The twenty-third session was held virtually. Members and participants used an online platform for simultaneous interpretation in the three working languages of the Committee, International Sign interpretation and remote captioning. The platform was not compatible with screen-reader software, used by the six members of the Committee who are blind, who were obliged to depend on the support of personal assistants to participate in the meetings. No plain language, Easy Read or Braille versions of documents were available during the sessions covered by the present report.

## **H. Adoption of the report**

8. At its 537th meeting, the Committee adopted its sixth biennial report to the General Assembly and the Economic and Social Council, covering its twenty-first, twenty-second and twenty-third sessions.

## **II. Methods of work**

9. At its twenty-first session, the Committee decided that its working languages during the biennium 2019–2020 would be English, Russian and Spanish. At its twenty-second session, the Committee decided to establish a working group on working methods. As part of its efforts to reduce the number of initial reports submitted and pending review, the Committee decided to adopt a temporary policy to give priority to reviewing initial reports, while keeping to a minimum the adoption of lists of issues prior to reporting and the review of periodic reports. That policy would be reassessed in the future. Also at its twenty-second session, in an effort to ensure that States parties had sufficient time to provide adequate and updated written submissions, including replies to the Committee's lists of issues, the Committee decided that its documents should follow a submission pattern of 8-4-4 weeks. At its twenty-third session, the Committee decided to draw the attention of the President of the General Assembly, the Secretary-General and all the entities concerned to the issue of the inclusion of persons with disabilities in the work of the United Nations and the challenges of accessibility, universal design and reasonable accommodation in the context of the Committee's work performed virtually. The position of the Committee was that digital platforms should be accessible to all members with disabilities and allow them to perform their work independently and with autonomy. As members had been forced to rely on their personal assistants, the latter should be fully compensated, on grounds of reasonable accommodation. Moreover, existing frameworks, such as the travel rules and regulations,

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<sup>3</sup> The Committee's statements are available on its web page. See [www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx).



were inappropriate to respond to the disability-specific support required by individual members with disabilities to ensure remote participation. Also at its twenty-third session, the Committee decided to establish a working group to support deinstitutionalization.

### III. Consideration of reports submitted in accordance with article 35 of the Convention

10. The Committee adopted concluding observations on the initial reports submitted by the following States parties: Albania, Cuba, Greece, India, Iraq, Kuwait, Myanmar, Niger, Norway, Rwanda, Saudi Arabia, Senegal, Turkey and Vanuatu.<sup>4</sup> It also adopted concluding observations on the combined second and third periodic reports submitted by the following States parties: Australia, Ecuador, El Salvador and Spain.<sup>5</sup>

11. The initial reports of the following States parties have been due for more than 10 years: Guinea, San Marino and Lesotho. The initial reports of the following States parties have been due for more than five years: Barbados, Belize, Cabo Verde, Cambodia, Côte d'Ivoire, Dominica, Eswatini, Malaysia, Nauru, Papua New Guinea, Romania, Saint Vincent and the Grenadines, Syrian Arab Republic, United Republic of Tanzania and Yemen.

### IV. Activities carried out under the Optional Protocol to the Convention on the Rights of Persons with Disabilities

12. During the reporting period, the Committee registered 17 communications. The Committee found violations in nine communications: *V.F.C. v. Spain*,<sup>6</sup> *Leo v. Australia*,<sup>7</sup> *Doolan v. Australia*,<sup>8</sup> *Z v. United Republic of Tanzania*,<sup>9</sup> *Medina Vela v. Mexico*,<sup>10</sup> *J.M. v. Spain*,<sup>11</sup> *Calleja Loma and Calleja Lucas v. Spain*,<sup>12</sup> *Sahlin v. Sweden*<sup>13</sup> and *N.L. v. Sweden*.<sup>14</sup> The Committee declared five communications inadmissible: *T.M. v. Greece*,<sup>15</sup> *R.I. v. Ecuador*,<sup>16</sup> *N.B. and M.W.J. v. United Kingdom of Great Britain and Northern Ireland*,<sup>17</sup> *F.O.F. v. Brazil*<sup>18</sup> and *A.N.P. v. South Africa*.<sup>19</sup> The Committee decided to discontinue the consideration of two communications: *Kendall v. Australia*<sup>20</sup> and *N.N. and N.L. v. Germany*.<sup>21</sup>

13. At its twenty-first session, the Committee decided to continue the procedure for follow-up on its Views with regard to five cases, and to request additional information from the States parties concerned on the measures taken to implement the Committee's recommendations. The Committee also decided to discontinue the follow-up procedure with regard to *Nyusti and Takács v. Hungary*.<sup>22</sup> At its twenty-second session, the Committee decided to continue the follow-up procedure with regard to *Bujdosó et al. v. Hungary*<sup>23</sup> and

<sup>4</sup> CRPD/C/ALB/CO/1, CRPD/C/CUB/CO/1, CRPD/C/GRC/CO/1, CRPD/C/IND/CO/1, CRPD/C/IRQ/CO/1, CRPD/C/KWT/CO/1, CRPD/C/MMR/CO/1, CRPD/C/NER/CO/1, CRPD/C/NOR/CO/1, CRPD/C/RWA/CO/1, CRPD/C/SAU/CO/1, CRPD/C/SEN/CO/1, CRPD/C/TUR/CO/1 and CRPD/C/VUT/CO/1.

<sup>5</sup> CRPD/C/AUS/CO/2-3, CRPD/C/ECU/CO/2-3, CRPD/C/SLV/CO/2-3 and CRPD/C/ESP/CO/2-3.

<sup>6</sup> CRPD/C/21/D/34/2015.

<sup>7</sup> CRPD/C/22/D/17/2013.

<sup>8</sup> CRPD/C/22/D/18/2013.

<sup>9</sup> CRPD/C/22/D/24/2014.

<sup>10</sup> CRPD/C/22/D/32/2015.

<sup>11</sup> CRPD/C/23/D/37/2016.

<sup>12</sup> CRPD/C/23/D/41/2017.

<sup>13</sup> CRPD/C/23/D/45/2018.

<sup>14</sup> CRPD/C/23/D/60/2019.

<sup>15</sup> CRPD/C/21/D/42/2017.

<sup>16</sup> CRPD/C/22/D/25/2014.

<sup>17</sup> CRPD/C/22/D/43/2017.

<sup>18</sup> CRPD/C/23/D/40/2017.

<sup>19</sup> CRPD/C/23/D/73/2019.

<sup>20</sup> CRPD/C/21/D/15/2013.

<sup>21</sup> CRPD/C/23/D/29/2015.

<sup>22</sup> CRPD/C/9/D/1/2010.

<sup>23</sup> CRPD/C/10/D/4/2011.

to discontinue the procedure with regard to *F v. Austria*.<sup>24</sup> At its twenty-third session, the Committee decided to continue the follow-up procedure with regard to *Makarov v. Lithuania*,<sup>25</sup> *V.F.C. v. Spain* and *Medina Vela v. Mexico*.

14. The Committee considered matters related to its communication procedures and inquiry proceedings pursuant to articles 6 and 7 of the Optional Protocol. In April 2020, after the expiry of the six-month period provided for in article 6 (4) of the Optional Protocol, the Committee made public its report on the inquiry concerning Hungary.<sup>26</sup>

## **V. Cooperation with relevant bodies**

### **A. Cooperation with other United Nations organs and departments**

15. The Committee continued its interaction with other human rights treaty bodies and with United Nations agencies and programmes, particularly concerning the adoption of a human rights-based approach to disability in efforts to achieve the 2030 Agenda for Sustainable Development. In 2019, the Committee submitted a written contribution regarding the 2030 Agenda in response to a call for input by the high-level political forum on sustainable development. The Committee held regular meetings with the Special Rapporteur on the rights of persons with disabilities, and endorsed the International Principles and Guidelines on Access to Justice for Persons with Disabilities, published jointly in 2020 by the Special Rapporteur and the Special Envoy of the Secretary-General on Disability and Accessibility. At its twenty-second session, the Committee met with the Chair of the Human Rights Council task force on secretariat services, accessibility for persons with disabilities and use of information technology to exchange views on promoting the accessibility of Council meetings for persons with disabilities. At the same session, the Bureau of the Committee met with the OHCHR Human Rights and Disability Adviser to discuss matters relating to the United Nations Disability Inclusion Strategy. The Committee co-sponsored the second annual celebration of the International Day of Sign Languages, in 2019.

### **B. Cooperation with other relevant bodies**

16. The Committee continued to engage with national human rights institutions, independent monitoring frameworks, regional organizations, civil society organizations, and organizations of persons with disabilities during the reporting period. At its twenty-first session, the Committee met in private with the Chair of the Working Group on Disability of the Global Alliance of National Human Rights Institutions to explore avenues for future collaboration, and country-specific and thematic side events to brief the Committee and public side events were organized by civil society organizations. At its twenty-third session, the Committee met in private with representatives of more than 20 organizations of persons with disabilities and other civil society organizations, national human rights institutions with A and B status, which were members of the Global Alliance of National Human Rights Institutions, independent monitoring frameworks under article 33 (2) of the Convention and equality bodies to discuss the impact of the COVID-19 pandemic on persons with disabilities.

## **VI. Conference of States Parties to the Convention**

17. The Committee was officially represented by its Chair at the twelfth session of the Conference of States Parties to the Convention, held in New York in 2019. The Chair also participated remotely in the thirteenth session of the Conference of States Parties, held in New York in 2020.

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<sup>24</sup> CRPD/C/14/D/21/2014.

<sup>25</sup> CRPD/C/18/D/30/2015.

<sup>26</sup> CRPD/C/HUN/IR/1.

## Annex

### Overview of the jurisprudence of the Committee during the reporting period

#### I. Positive measures in the implementation of the Convention

1. The Committee commended States parties for the incorporation of the Convention into domestic law;<sup>1</sup> the adoption of legislation recognizing and enforcing the rights of persons with disabilities, including the right of children with disabilities to free education;<sup>2</sup> the adoption of anti-discrimination legislation and policy measures;<sup>3</sup> efforts made to increase the use of alternative information and communications technology in schools;<sup>4</sup> the adoption of quotas for the employment of persons with disabilities;<sup>5</sup> the recognition of sign languages as official languages;<sup>6</sup> the adoption of national action plans on disability;<sup>7</sup> the inclusion of programmes aimed at protecting and promoting the rights of persons with disabilities in national development plans;<sup>8</sup> measures taken to improve the accessibility of public transport;<sup>9</sup> the ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled;<sup>10</sup> and the ratification of the Optional Protocol to the Convention.<sup>11</sup>

#### II. General principles and obligations (arts. 1–4)

2. The Committee expressed concern about the lack of harmonization of national laws with the Convention; the failure by States parties to ratify the Optional Protocol; the continued prevalence of the medical model and approach to disability, especially in relation to disability assessments, and the lack of progress in introducing laws and policies that reflect the human rights model of disability espoused in the Convention; the continued reliance on concepts of disability that are not in accordance with the Convention and the use of derogatory terminology in national legislation, public policies and public discourse; the lack of effective consultation mechanisms and financial support to facilitate the meaningful and active involvement of organizations of persons with disabilities in decision-making processes; and the lack of a national disability action plan for the implementation of the rights of persons with disabilities under the Convention.

3. The Committee recommended that States parties review their national legislation to harmonize the legal and administrative framework on disability with the Convention by fully integrating the human rights model into domestic laws, regulations and public policies;<sup>12</sup> eliminate derogatory terminology from laws and public policies;<sup>13</sup> ratify the Optional Protocol;<sup>14</sup> develop a comprehensive national strategy and action plan for the implementation of the Convention, with clear timelines, benchmarks and budget allocations;<sup>15</sup> establish effective consultation mechanisms to ensure the meaningful participation and active involvement of persons with disabilities, through their representative organizations, in

<sup>1</sup> For example, [CRPD/C/NER/CO/1](#), para. 4, and [CRPD/C/SEN/CO/1](#), para. 4.

<sup>2</sup> For example, [CRPD/C/IND/CO/1](#), para. 4.

<sup>3</sup> For example, [CRPD/C/NOR/CO/1](#), para. 4, and [CRPD/C/RWA/CO/1](#), para. 4.

<sup>4</sup> For example, [CRPD/C/CUB/CO/1](#), para. 4.

<sup>5</sup> For example, [CRPD/C/NER/CO/1](#), para. 4, and [CRPD/C/SAU/CO/1](#), para. 4.

<sup>6</sup> For example, [CRPD/C/SLV/CO/2-3](#), para. 3.

<sup>7</sup> For example, [CRPD/C/ALB/CO/1](#), para. 4, and [CRPD/C/ESP/CO/2-3](#), para. 5.

<sup>8</sup> For example, [CRPD/C/IRQ/CO/1](#), para. 4, and [CRPD/C/KWT/CO/1](#), para. 3.

<sup>9</sup> For example, [CRPD/C/GRC/CO/1](#), para. 4, and [CRPD/C/SLV/CO/2-3](#), para. 3.

<sup>10</sup> For example, [CRPD/C/IND/CO/1](#), para. 5.

<sup>11</sup> For example, [CRPD/C/TUR/CO/1](#), para. 4.

<sup>12</sup> For example, [CRPD/C/IRQ/CO/1](#), para. 8.

<sup>13</sup> For example, [CRPD/C/MMR/CO/1](#), para. 6 (c).

<sup>14</sup> For example, *ibid.*, para. 10.

<sup>15</sup> For example, [CRPD/C/GRC/CO/1](#), para. 6 (b).

decision-making processes, and provide adequate and sustainable financial support to organizations of persons with disabilities for that purpose.<sup>16</sup>

### III. Specific rights (arts. 5–30)

#### A. Equality and non-discrimination (art. 5)

4. The Committee expressed concern about the lack of an explicit, cross-cutting prohibition of disability-based discrimination in non-discrimination laws; derogatory language stigmatizing persons with disabilities in legislation and policies; the lack of recognition by law of multiple and intersectional discrimination on the grounds of disability (particularly psychosocial disability), sex, age, ethnicity, gender identity, sexual orientation and any other status; the failure to recognize denial of reasonable accommodation as a prohibited ground of discrimination; the lack of availability or effectiveness of independent, impartial and accessible reporting and redress mechanisms for cases of discrimination on the basis of disability; the lack of regulation or availability of training on reasonable accommodation and non-discrimination; and the lack of disaggregated data on the victims of disability-based discrimination.

5. The Committee recommended that States parties adopt legislation containing a cross-cutting definition of disability and a prohibition of disability-based discrimination that explicitly included all forms of multiple and intersectional discrimination on the grounds of sex, age, ethnicity, gender identity, sexual orientation and any other status, in all areas of life, in keeping with the Committee's general comment No. 6 (2018) and targets 10.2 and 10.3 of the Sustainable Development Goals;<sup>17</sup> repeal all legislation and policies containing derogatory terms and stigmatizing persons with disabilities;<sup>18</sup> ensure that the denial of reasonable accommodation was explicitly recognized in all areas of life as a form of prohibited disability-based discrimination;<sup>19</sup> take all measures necessary to ensure the provision of individualized supports and the implementation of specific measures taken to ensure equality;<sup>20</sup> provide accessible, expeditious and independent judicial and administrative remedies to guarantee reparation for victims of disability-based discrimination, including systemic, intersectional and multiple discrimination;<sup>21</sup> raise awareness among members of the judiciary, law enforcement officers, civil servants, employers, educational and health professionals and persons with disabilities themselves of the right to equality and non-discrimination;<sup>22</sup> and collect data on multiple and intersectional discrimination, disaggregated by sex, age, type of impairment, geographical location, identified barriers and the number and percentage of judgments that led to compensation or sanctions.<sup>23</sup>

6. In *V.F.C. v. Spain*,<sup>24</sup> concerning the forced retirement of a police officer with a disability, the Committee found that the authorities had failed to carry out an individualized assessment of the author's abilities and to provide reasonable accommodation in employment. In *Medina Vela v. Mexico*,<sup>25</sup> concerning a person with intellectual and psychosocial disabilities who had been declared unfit to testify in court, the Committee found that authorities had denied the author reasonable accommodation in criminal proceedings and subjected him to special criminal procedures on the basis of impairment, which had resulted in discriminatory treatment and the denial of equal protection and equal benefit of the law on the basis of disability. In *Z v. United Republic of Tanzania*,<sup>26</sup> concerning a person with albinism who had been injured and lost both arms as a result of an unlawful assault, the

<sup>16</sup> For example, [CRPD/C/ALB/CO/1](#), para. 8, and [CRPD/C/AUS/CO/2-3](#), para. 8.

<sup>17</sup> For example, [CRPD/C/ECU/CO/2-3](#), para. 14 (a), and [CRPD/C/ESP/CO/2-3](#), para. 9.

<sup>18</sup> For example, [CRPD/C/CUB/CO/1](#), para. 12 (b), and [CRPD/C/KWT/CO/1](#), para. 11 (d).

<sup>19</sup> For example, [CRPD/C/NER/CO/1](#), para. 8 (a), and [CRPD/C/TUR/CO/1](#), para. 12 (a).

<sup>20</sup> For example, [CRPD/C/GRC/CO/1](#), para. 8 (a)–(b), and [CRPD/C/IRQ/CO/1](#), para. 12 (b).

<sup>21</sup> For example, [CRPD/C/AUS/CO/2-3](#), para. 10 (a), and [CRPD/C/MMR/CO/1](#), para. 12 (c).

<sup>22</sup> For example, [CRPD/C/IRQ/CO/1](#), para. 12 (a), and [CRPD/C/SAU/CO/1](#), para. 8 (b).

<sup>23</sup> For example, [CRPD/C/TUR/CO/1](#), para. 12 (c), and [CRPD/C/VUT/CO/1](#), para. 11 (b).

<sup>24</sup> [CRPD/C/21/D/34/2015](#).

<sup>25</sup> [CRPD/C/22/D/32/2015](#).

<sup>26</sup> [CRPD/C/22/D/24/2014](#).

Committee found that the authorities had prevented the author and other persons with albinism from living in society on an equal basis with others by failing to prosecute the perpetrators of the author's attack. In *Leo v. Australia*<sup>27</sup> and *Doolan v. Australia*,<sup>28</sup> concerning the incarceration of two persons with psychosocial disabilities who had been declared unfit to stand trial on the basis of impairment, the Committee held that the authorities had been responsible for the detention of the authors without due process and for their institutionalization on the basis of disability, which had amounted to discriminatory treatment.

## B. Women with disabilities (art. 6)

7. The Committee expressed concern about the fact that gender equality laws, policies, and plans lacked a disability perspective and that gender was not mainstreamed into disability laws, policies and programmes; the absence of effective measures to address multiple and intersectional discrimination against women and girls with disabilities, particularly women with intellectual or psychosocial disabilities; the exclusion of women with disabilities from decision-making processes affecting them; the widespread lack of access to education, employment and health-care services; the persistence of harmful misconceptions and stereotypes about women and girls with disabilities; and the absence of information and data concerning the equal enjoyment of and access to all rights and services, in all areas of life, by women and girls with disabilities.

8. The Committee recommended that States parties take all appropriate measures, including affirmative action measures,<sup>29</sup> to ensure the empowerment and advancement of women and girls with disabilities, in accordance with the Committee's general comment No. 3 (2016);<sup>30</sup> mainstream the rights of women and girls with disabilities into all laws, policies and programmes, with an intersectional perspective;<sup>31</sup> take all necessary, appropriate and transparent measures to eliminate gender-based violence and the multiple and intersectional discrimination faced by women and girls with disabilities, especially in access to education, justice, health care and employment;<sup>32</sup> ensure the full and effective participation of women with disabilities in decision-making processes at all levels, through their representative organizations;<sup>33</sup> conduct and strengthen awareness-raising campaigns and education programmes to eliminate stereotypes, misconceptions and prejudices about women and girls with disabilities, within families and in society;<sup>34</sup> and systematically collect disaggregated data on women with disabilities in all areas covered by the Convention, particularly in view of targets 5.1, 5.2, 5.3, 5.5, 10.2 and 10.3 of the Sustainable Development Goals and Goal 16, in particular means of implementation 16.b.<sup>35</sup>

9. In *Z v. United Republic of Tanzania*, the Committee found that the authorities' failure to prosecute the attackers of a single mother with albinism had amounted to gender- and disability-based discrimination and had been contrary to the State party's obligation to recognize that women with disabilities were subject to multiple discrimination.

## C. Children with disabilities (art. 7)

10. The Committee expressed concern about the lack of specific measures affording protection to the rights of all children with disabilities; the prevalence of stigmas, discrimination and harmful stereotypes against children with disabilities; the lack of measures to ensure that the views of children with disabilities were taken into account in all matters affecting them and their families; the high prevalence of abuse, abandonment, mistreatment and exploitation of children with disabilities; the widespread

<sup>27</sup> CRPD/C/22/D/17/2013.

<sup>28</sup> CRPD/C/22/D/18/2013.

<sup>29</sup> For example, CRPD/C/IRQ/CO/1, para. 14 (c), and CRPD/C/TUR/CO/1, para. 14 (a).

<sup>30</sup> For example, CRPD/C/AUS/CO/2-3, para. 12 (b), and CRPD/C/SEN/CO/1, para. 10 (a).

<sup>31</sup> For example, CRPD/C/NOR/CO/1, para. 10 (c), and CRPD/C/SAU/CO/1, para. 10 (a).

<sup>32</sup> For example, CRPD/C/ALB/CO/1, para. 14 (b), and CRPD/C/GRC/CO/1, para. 10 (c).

<sup>33</sup> For example, CRPD/C/CUB/CO/1, para. 16 (b), and CRPD/C/IND/CO/1, para. 15 (b) and (d).

<sup>34</sup> For example, CRPD/C/NER/CO/1, para. 10 (c), and CRPD/C/VUT/CO/1, para. 13 (a).

<sup>35</sup> For example, CRPD/C/KWT/CO/1, para. 13 (c), and CRPD/C/RWA/CO/1, para. 12 (a).

institutionalization of children with disabilities and the absence of a sufficient deinstitutionalization strategy in some countries; the insufficient support provided to children with disabilities and their families at the community level, particularly in rural areas; and the absence of sufficient data on the situation of children with disabilities.

11. The Committee recommended that States parties mainstream the rights of children with disabilities into all legislation, policies, plans and measures pertaining to children and young people;<sup>36</sup> take measures to address stigmas, discrimination and stereotypes that were harmful to children with disabilities, particularly those facing multiple and intersectional discrimination;<sup>37</sup> take measures to ensure that children with disabilities were provided with age- and disability-appropriate support to express their views on all matters affecting them and that their views were taken into account on an equal basis with other children;<sup>38</sup> take measures to ensure that children were adequately protected against exploitation, violence and abuse, including corporal punishment, forced labour and non-consensual medical interventions;<sup>39</sup> ensure the expeditious deinstitutionalization of children with disabilities and take measures to guarantee their right to be cared for by their parents, in alternative care within the wider family, or within the community in a family setting;<sup>40</sup> fund and resource accessible and culturally suitable support and early intervention services for all children with disabilities and their families in the local community, including in rural areas;<sup>41</sup> and collect disaggregated data on the situation of children with disabilities.<sup>42</sup>

#### D. Awareness-raising (art. 8)

12. The Committee expressed concern about the absence of measures to promote awareness of the rights of persons with disabilities in accordance with the human rights model of disability; the promotion of the prevention of disability as a measure to implement the Convention; the persistence of stigmatization, abandonment, exploitation, neglect, harmful practices, prejudices and stereotyping of persons with disabilities in society and in families; the lack of participation of persons with disabilities in awareness-raising campaigns and programmes; and the failure to disseminate the Convention in accessible formats, such as Easy Read and Braille.

13. The Committee recommended that States parties, in collaboration with organizations of persons with disabilities, develop and implement innovative public awareness-raising and education programmes for the media, public officials, judges and lawyers, the police, social workers and the general public, with the aim of raising awareness of and promoting the human rights model of disability and addressing negative stereotypes, prejudices and language concerning persons with disabilities in society;<sup>43</sup> provide sufficient budgetary allocations for such campaigns and programmes;<sup>44</sup> and disseminate the Convention in accessible formats, such as Easy Read and Braille.<sup>45</sup>

14. In *Z v. United Republic of Tanzania*, concerning a person with albinism who had been a victim of bodily mutilation, the Committee found that the State party's failure to take sufficient measures to promote respect for the rights and dignity of persons with albinism and to raise awareness about stereotypes, prejudices and harmful practices had amounted to an implicit acceptance of the perpetuation of heinous crimes committed against them.

#### E. Accessibility (art. 9)

15. The Committee expressed concern about the limited progress with regard to accessibility of the built environment, transport, goods and services, and information and

<sup>36</sup> For example, [CRPD/C/ALB/CO/1](#), para. 16 (a), and [CRPD/C/IRQ/CO/1](#), para. 16 (a).

<sup>37</sup> For example, [CRPD/C/KWT/CO/1](#), para. 15, and [CRPD/C/MMR/CO/1](#), para. 16 (b).

<sup>38</sup> For example, [CRPD/C/AUS/CO/2-3](#), para. 14 (c), and [CRPD/C/CUB/CO/1](#), para. 18 (d).

<sup>39</sup> For example, [CRPD/C/NER/CO/1](#), para. 12 (b), and [CRPD/C/SAU/CO/1](#), para. 12 (e).

<sup>40</sup> For example, [CRPD/C/ESP/CO/2-3](#), para. 13 (a), and [CRPD/C/NOR/CO/1](#), para. 12 (b).

<sup>41</sup> For example, [CRPD/C/GRC/CO/1](#), para. 12 (a) and [CRPD/C/TUR/CO/1](#), para. 16 (b).

<sup>42</sup> For example, [CRPD/C/SEN/CO/1](#), para. 12 (b), and [CRPD/C/SLV/CO/2-3](#), para. 15 (a).

<sup>43</sup> For example, [CRPD/C/NOR/CO/1](#), para. 14.

<sup>44</sup> For example, [CRPD/C/NER/CO/1](#), para. 14 (b).

<sup>45</sup> For example, [CRPD/C/TUR/CO/1](#), para. 18 (b).

communications technology, particularly in rural areas; the absence of accessibility plans with clear resources and deadlines for implementation; the narrow application of accessibility standards to the public sector and the physical environment; the lack of meaningful consultation with persons with disabilities in the development of accessibility plans; the absence of accessibility standards in public procurement processes; poor monitoring of accessibility standards and a lack of effective sanctions for non-compliance; and the widespread shortage of accessible information and communications technology.

16. The Committee recommended that States parties, in consultation with organizations of persons with disabilities, adopt and implement a comprehensive national plan to identify barriers to accessibility in all areas, including the built environment, transport, and information and communications technology, and provide the resources necessary to remove those barriers, in accordance with its general comment No. 2 (2014) and targets 11.2 and 11.7 of the Sustainable Development Goals;<sup>46</sup> ensure that all laws and measures relating to public administration and procurement included the requirement of accessibility for persons with disabilities, including through universal design;<sup>47</sup> take measures to increase the availability of information and disaggregated data on the accessibility of the built environment and of public services, including the availability of sign language interpreters;<sup>48</sup> establish a mechanism to monitor compliance with accessibility standards in all areas covered by the Convention and impose sanctions for non-compliance;<sup>49</sup> develop and promote the use of accessible and low-cost communication formats, such as Easy Read, Braille and sign language;<sup>50</sup> and provide training to service providers, transport operators, architects, designers, planners, engineers, programmers and civil servants on accessibility.<sup>51</sup>

17. In *Medina Vela v. Mexico*, concerning a person with intellectual and psychosocial disabilities who had been declared unfit to stand trial on the basis of impairment, the Committee found that the authorities had failed to discharge their duty to ensure the accessibility of information during the criminal proceedings, as the author's request for simplified versions of legal documents had been denied, which had prevented him from participating in the proceedings.

## F. Right to life (art. 10)

18. The Committee expressed concern about harmful myths and practices threatening the life of persons with disabilities, particularly persons with albinism; the deaths arising from the use of involuntary restraint and improper medical treatment in hospitals and institutions; the legality and practice of the death penalty and the execution of persons with disabilities; the killings of persons with disabilities by criminal gangs; the deaths of children with disabilities in institutions and "mercy killings" of intersex children with disabilities; the killings of women with psychosocial disabilities by their intimate partners; the lack of measures to prevent crimes against persons with disabilities, particularly persons with albinism, and to protect victims and prosecute perpetrators.

19. The Committee recommended that States parties take the measures necessary to prevent violence towards persons with disabilities, particularly women with psychosocial disabilities, persons with albinism and children with disabilities, and to provide protection to victims of violent crimes and bring perpetrators to justice;<sup>52</sup> abolish the death penalty and immediately halt all executions of persons with intellectual or psychosocial disabilities;<sup>53</sup> enforce investigations into the deaths of children with disabilities in institutions and sanction the perpetrators, and protect intersex children with disabilities from attacks against their lives and any related harmful practices.<sup>54</sup>

<sup>46</sup> For example, [CRPD/C/CUB/CO/1](#), para. 22 (a) and (c), and [CRPD/C/NER/CO/1](#), para. 16.

<sup>47</sup> For example, [CRPD/C/AUS/CO/2-3](#), para. 18 (c), and [CRPD/C/ESP/CO/2-3](#), para. 17 (a).

<sup>48</sup> For example, [CRPD/C/ECU/CO/2-3](#), para. 22 (c), and [CRPD/C/SEN/CO/1](#), para. 16 (a).

<sup>49</sup> For example, [CRPD/C/ALB/CO/1](#), para. 20 (b).

<sup>50</sup> For example, [CRPD/C/KWT/CO/1](#), para. 19 (c), and [CRPD/C/VUT/CO/1](#), para. 19 (d).

<sup>51</sup> For example, [CRPD/C/GRC/CO/1](#), para. 14 (b), and [CRPD/C/RWA/CO/1](#), para. 18 (b).

<sup>52</sup> For example, [CRPD/C/ESP/CO/2-3](#), para. 19, and [CRPD/C/SEN/CO/1](#), para. 18.

<sup>53</sup> For example, [CRPD/C/KWT/CO/1](#), para. 21.

<sup>54</sup> For example, [CRPD/C/IND/CO/1](#), para. 23.

## G. Situations of risk and humanitarian emergencies (art. 11)

20. The Committee expressed concern about the disproportionate impact of situations of risk and humanitarian emergencies on persons with disabilities; the insufficient measures taken to identify asylum seekers, refugees and internally displaced persons with disabilities; the lack of a disability perspective in general strategies, plans, protocols and tools relating to situations of risk and humanitarian emergencies; the lack of availability of information regarding disaster alerts, risk reduction and response in accessible formats for persons with disabilities, particularly persons with visual or hearing impairments or intellectual disabilities; the lack of emergency responders with the knowledge or skills necessary to assist persons with disabilities in situations of risk and humanitarian emergencies; and the insufficient involvement of persons with disabilities in the development of disaster risk reduction and humanitarian emergency response strategies.

21. The Committee recommended that States parties establish a fully accessible and inclusive mechanism to consult with persons with disabilities, through their representative organizations, in the implementation and monitoring of the Sendai Framework for Disaster Risk Reduction 2015–2030, in accordance with Sustainable Development Goals 11 and 13;<sup>55</sup> ensure that strategies, plans, protocols and tools to deal with situations of risk and humanitarian emergencies were inclusive of and accessible to persons with disabilities;<sup>56</sup> provide accessible accommodation and individualized support to refugees, asylum seekers and internally displaced persons with disabilities;<sup>57</sup> develop accessible early warning systems and guarantee the provision of information on disaster risk reduction and response in accessible formats, for all persons with disabilities regardless of type of impairment, in accordance with the Committee's general comment No. 2 (2014);<sup>58</sup> and train emergency response personnel on the human rights-based approach to disability.<sup>59</sup>

## H. Equal recognition before the law (art. 12)

22. The Committee expressed concern about the widespread deprivation or restriction of legal capacity on the basis of actual or perceived impairment in law and in practice; the lack of supported decision-making systems that respected the autonomy, rights, will and preferences of persons with disabilities in all areas of life; the lack of progress made to transition from substituted to supported decision-making systems; the lack of effective safeguards for persons with disabilities in the exercise of their legal capacity; the shortage of officials and service providers who had been trained to support persons with disabilities in the exercise of their full legal capacity in decision-making; the fact that persons with disabilities receiving support lacked training to help them decide when they needed less support or no longer required support in the exercise of their legal capacity; and the persistence of total or partial guardianship of persons with disabilities and the widespread involuntary institutionalization of persons with disabilities under guardianship in some States parties.

23. The Committee recommended that States parties repeal all legislation that partially or completely restricted the legal capacity of persons with disabilities;<sup>60</sup> introduce an effective moratorium on the involuntary institutionalization of persons with disabilities who had been deprived of their legal capacity;<sup>61</sup> take legislative measures to recognize the full legal capacity of persons with disabilities on an equal basis with others;<sup>62</sup> remove all practical barriers faced by persons with disabilities in the exercise of their legal capacity on an equal basis with others;<sup>63</sup> develop and implement supported decision-making mechanisms for persons with disabilities, ensuring respect for their autonomy, rights, will and preferences in all areas of life and creating safeguards to protect them from undue influence, and allocate the requisite

<sup>55</sup> For example, [CRPD/C/AUS/CO/2-3](#), para. 22, and [CRPD/C/VUT/CO/1](#), para. 21 (b).

<sup>56</sup> For example, [CRPD/C/RWA/CO/1](#), para. 22 (a), and [CRPD/C/SEN/CO/1](#), para. 20 (b).

<sup>57</sup> For example, [CRPD/C/GRC/CO/1](#), para. 16 (c), and [CRPD/C/IND/CO/1](#), para. 25 (c).

<sup>58</sup> For example, [CRPD/C/ALB/CO/1](#), para. 22 (c), and [CRPD/C/CUB/CO/1](#), para. 24 (a).

<sup>59</sup> For example, [CRPD/C/GRC/CO/1](#), para. 16 (b), and [CRPD/C/RWA/CO/1](#), para. 22 (b).

<sup>60</sup> For example, [CRPD/C/NER/CO/1](#), para. 20 (a), and [CRPD/C/VUT/CO/1](#), para. 23 (a).

<sup>61</sup> For example, [CRPD/C/TUR/CO/1](#), para. 26 (b).

<sup>62</sup> For example, [CRPD/C/ESP/CO/2-3](#), para. 23, and [CRPD/C/SAU/CO/1](#), para. 22 (a).

<sup>63</sup> For example, [CRPD/C/CUB/CO/1](#), para. 26 (c), and [CRPD/C/KWT/CO/1](#), para. 25 (b).



human and budgetary resources for that purpose, in accordance with the Committee's general comment No. 1 (2014);<sup>64</sup> and develop awareness-raising campaigns and capacity-building programmes, in consultation with organizations of persons with disabilities, on the right of persons with disabilities to equal recognition before the law and good practices in supported decision-making, for all stakeholders, including persons with disabilities, their families, community members, civil servants, social workers and the judiciary.<sup>65</sup>

24. In *Leo v. Australia*, *Doolan v. Australia* and *Medina Vela v. Mexico*, concerning persons with intellectual and psychosocial disabilities who had been declared unfit to testify in court on the basis of impairment and had subsequently been denied the right to plead not guilty and to test the evidence against them, the Committee found violations of article 12 on the grounds that the authors had not been recognized as persons before the law with equal standing in courts and tribunals – which the Committee had noted, in its general comment No. 1 (2014), was essential in order for persons with disabilities to seek enforcement of their rights and obligations on an equal basis with others – and had not been provided with the support or accommodation necessary to exercise their rights. The Committee also found violations of article 12 in its inquiry concerning Hungary, in relation to the restriction of the capacity to act of persons with disabilities on the basis of impairment under judicial procedures and the Civil Code; the increasing number of persons with disabilities deprived of their legal capacity under guardianship; the absence of efforts to dismantle the discriminatory guardianship system; the fact that the system of supported decision-making remained anchored in substituted decision-making and failed to support persons with disabilities in the exercise of their legal capacity in accordance with the Convention; and the widespread disenfranchisement of persons with intellectual or psychosocial disabilities.<sup>66</sup>

## I. Access to justice (art. 13)

25. The Committee expressed concern about the barriers that persons with disabilities continued to face in terms of access to justice, including attitudinal barriers and prejudices among court personnel; the insufficient training of personnel to guide persons with disabilities through complex judicial proceedings and the lack of participation of persons with disabilities in such training; the lack of awareness among the judiciary and the police about the rights of persons with disabilities under the Convention; the lack of procedural and age-appropriate accommodation, including the absence of professional sign language interpreters and material in Braille and Easy Read; the inaccessibility of judicial premises; the lack of documents in accessible formats; the ongoing use of substituted decision-making regimes, which prevented persons with disabilities from participating in legal proceedings on an equal basis with others; the limited provision of legal aid for persons with disabilities in all areas of the law and the lack of access to information about legal services; and the existence of legislation under which persons with disabilities were deemed unfit to plead.

26. The Committee recommended that States parties take all the legal, administrative and judicial measures necessary to eliminate all restrictions on the effective participation of persons with disabilities in all stages of the judicial process;<sup>67</sup> provide free legal aid for persons with disabilities, including for those still living in institutions;<sup>68</sup> conduct training and awareness-raising programmes for the judiciary and law enforcement officials, including the police and prison officials, on access to justice for persons with disabilities and on the Convention;<sup>69</sup> take measures to ensure that persons with disabilities were able to enter the legal professions on an equal basis with others;<sup>70</sup> ensure the accessibility of judicial premises and provide procedural and age-appropriate accommodation in judicial proceedings;<sup>71</sup> ensure the presence of qualified sign language interpreters during all court processes and judicial proceedings and the availability of other means and formats of communication, such as

<sup>64</sup> For example, [CRPD/C/NOR/CO/1](#), para. 20 (c)–(d), and [CRPD/C/SLV/CO/2-3](#), para. 25.

<sup>65</sup> For example, [CRPD/C/NOR/CO/1](#), para. 20 (e), and [CRPD/C/SEN/CO/1](#), para. 22 (b).

<sup>66</sup> [CRPD/C/HUN/IR/1](#), para. 99.

<sup>67</sup> For example, [CRPD/C/CUB/CO/1](#), para. 28 (a).

<sup>68</sup> For example, [CRPD/C/NOR/CO/1](#), para. 22 (b).

<sup>69</sup> For example, [CRPD/C/NER/CO/1](#), para. 22 (d).

<sup>70</sup> For example, [CRPD/C/CUB/CO/1](#), para. 28 (e).

<sup>71</sup> For example, [CRPD/C/RWA/CO/1](#), para. 26 (b).

Braille and Easy Read, in order to enable persons with disabilities to participate effectively;<sup>72</sup> eliminate substituted decision-making regimes and review the legal situation of persons whose equal recognition before the law was restricted and who had been declared unfit to stand trial;<sup>73</sup> and adhere to article 13 of the Convention in their efforts to achieve target 16.3 of the Sustainable Development Goals.<sup>74</sup>

27. In *Leo v. Australia* and *Doolan v. Australia*, concerning persons with intellectual and psychosocial disabilities who had been declared unfit to testify in court on the basis of impairment, the Committee found that the State party had failed to provide adequate support or accommodation to enable the authors to stand trial and exercise their right to access to justice. In *Medina Vela v. Mexico*, also concerning a person with intellectual and psychosocial disabilities who had been declared unfit to testify at his own trial, the Committee found that the State judicial authorities had denied him the opportunity to participate in the proceedings, failed to notify him of decisions taken, rejected his requests to choose his own legal representation and applied a special procedure for persons exempt from criminal liability that did not guarantee that procedural accommodation would be made to enable him to have access to justice on an equal basis with others.

## J. Liberty and security of the person (art. 14)

28. The Committee expressed concern about the existence of legislative frameworks, policies and practices that allowed persons with disabilities, especially those with intellectual or psychosocial disabilities, to be deprived of their liberty on grounds of actual or perceived impairment or because they were deemed dangerous to themselves or others; the fact that persons with intellectual or psychosocial disabilities continued to be subjected to involuntary medication practices, restraints and treatments; and the commitment of persons with intellectual or psychosocial disabilities to custody, often indefinitely or for terms longer than those imposed in criminal convictions.

29. The Committee recommended that States parties adhere to the Committee's guidelines on the right to liberty and security of persons with disabilities;<sup>75</sup> repeal all legislation that allowed for the deprivation of liberty on the basis of actual or perceived impairment and explicitly prohibit the forced institutionalization of persons with disabilities, particularly persons with intellectual or psychosocial disabilities and older persons with disabilities;<sup>76</sup> guarantee access to justice and remedies for persons with disabilities who had been deprived of their liberty;<sup>77</sup> end the use of coercive methods, such as restraints, isolation, segregation, involuntary treatment and other intrusive methods, for persons with intellectual or psychosocial disabilities;<sup>78</sup> provide mental health professionals with awareness-raising and capacity-building training, developed in consultation with organizations of persons with disabilities, on the rights of persons with disabilities and the obligations enshrined in the Convention;<sup>79</sup> and stop committing persons with disabilities to custody and for indefinite terms or for terms longer than those imposed in criminal convictions.<sup>80</sup>

30. In *Leo v. Australia* and *Doolan v. Australia*, concerning persons with intellectual and psychosocial disabilities who had been declared unfit to testify in court on the basis of impairment, the Committee found that the State party had decided to incarcerate the authors in criminal justice facilities on the basis of an assessment by the State party's authorities of potential consequences of their disabilities, in the absence of any criminal conviction, thereby converting the authors' disabilities into the core cause of their detention. In *Medina Vela v. Mexico*, also concerning a person with intellectual and psychosocial disabilities who had been declared unfit to testify at his own trial, the Committee found that the State party's decision to commit the author to a psychosocial rehabilitation facility under the criminal justice system

<sup>72</sup> For example, CRPD/C/CUB/CO/1, para. 28 (c).

<sup>73</sup> For example, CRPD/C/AUS/CO/2-3, para. 26 (c) and (e).

<sup>74</sup> For example, CRPD/C/NER/CO/1, para. 22 (a).

<sup>75</sup> A/72/55, annex. For example, CRPD/C/CUB/CO/1, para. 30 (a).

<sup>76</sup> For example, CRPD/C/CUB/CO/1, para. 30 (a).

<sup>77</sup> For example, CRPD/C/NER/CO/1, para. 24 (a).

<sup>78</sup> For example, CRPD/C/NOR/CO/1, para. 24 (b).

<sup>79</sup> For example, CRPD/C/ESP/CO/2-3, para. 27 (c).

<sup>80</sup> For example, CRPD/C/AUS/CO/2-3, para. 28 (c).

had been based solely on medical reports and the potential danger that he had posed to society, with the consequence that his disability had become the chief reason for his deprivation of liberty.

## **K. Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

31. The Committee expressed concern about the lack of measures to prevent cruel, inhuman or degrading treatment or punishment of persons with disabilities, including medical experimentation without the person's free and informed consent; laws permitting the use of corporal punishment, in homes, schools, day-care centres and alternative care settings; laws allowing for the use on persons with disabilities of physical, mechanical and chemical restraints, including forced medication, overmedication, electroconvulsive therapy and other treatment or committal without their free and informed consent; the absence of an independent human rights-based mechanism for monitoring mental health facilities in some States parties; reports of ill-treatment of persons with disabilities in prisons and conditions of detention of persons with disabilities amounting to cruel, inhuman or degrading treatment or punishment; the use of prolonged solitary confinement, particularly of persons with intellectual or psychosocial disabilities, and the lack of safe and accessible channels for making complaints; and the lack of accessible community-based services for persons with disabilities who were exposed to torture or inhuman or degrading treatment, especially women and girls with disabilities, and the lack of sanctions for perpetrators.

32. The Committee recommended that States parties take measures to protect persons with disabilities, particularly women with intellectual or psychosocial disabilities, from torture and other cruel, inhuman or degrading treatment or punishment in all settings;<sup>81</sup> protect persons with disabilities from medical experimentation and ensure that the conduct of such experimentation was conditional on their free and informed consent;<sup>82</sup> take measures to prevent cases of solitary confinement, seclusion, physical, chemical or mechanical restraint, electroconvulsive therapy and any other involuntary treatment of persons with disabilities;<sup>83</sup> ensure awareness-raising among and the training of personnel working in mental health facilities and prisons about the rights of persons with disabilities;<sup>84</sup> taking into account target 16.1 of the Sustainable Development Goals, establish monitoring mechanisms to prevent torture and cruel, inhuman or degrading treatment in all settings where persons with disabilities were deprived of their liberty, including psychiatric hospitals, prisons, hospices, rehabilitation centres and care homes;<sup>85</sup> establish a complaints mechanism accessible to persons with disabilities, investigate, prosecute and sanction perpetrators of torture or ill-treatment, and support victims by providing legal advice, information in accessible formats, counselling and redress, including compensation and rehabilitation.<sup>86</sup>

33. In *Leo v. Australia* and *Doolan v. Australia*, the Committee found that the indefinite character of the authors' custody, their detention in correctional centres without being convicted of a criminal offence, their periodic isolation, their involuntary treatment and their detention together with convicted offenders amounted to violations of article 15 of the Convention. In *Z v. United Republic of Tanzania*, concerning a person with albinism who had been a victim of bodily mutilation, the Committee found that the suffering experienced by the author, owing to the lack of action by the State party in order to allow the effective prosecution of the suspected perpetrators of the crime, had become a cause of revictimization, and as such amounted to psychological torture or ill-treatment, and a violation of the author's rights under article 15.

<sup>81</sup> For example, [CRPD/C/NER/CO/1](#), para. 26 (a).

<sup>82</sup> For example, *ibid.*, para. 26 (b).

<sup>83</sup> For example, [CRPD/C/TUR/CO/1](#), para. 33 (a).

<sup>84</sup> For example, *ibid.*, para. 33 (b).

<sup>85</sup> For example, [CRPD/C/SLV/CO/2-3](#), para. 31, and [CRPD/C/IRQ/CO/1](#), para. 30 (b).

<sup>86</sup> For example, [CRPD/C/IRQ/CO/1](#), para. 30 (b).

## L. Freedom from exploitation, violence and abuse (art. 16)

34. The Committee expressed concern about the persistence of violence and abuse against persons with disabilities (particularly persons with intellectual or psychosocial disabilities), domestic violence, gender-based violence and sexual violence against women, girls and children with disabilities in institutions; the lack of training for families, caregivers, health-care personnel and law enforcement officers on recognizing all forms of exploitation, violence and abuse against persons with disabilities; the absence of concrete data on cases of violence and abuse against persons with disabilities; inadequate services for the physical and psychological recovery and rehabilitation of persons with disabilities, particularly women and girls with disabilities, who were survivors of exploitation, violence and abuse; and the lack of mechanisms for identifying, investigating and prosecuting cases of exploitation, violence and abuse against persons with disabilities.

35. The Committee recommended that States parties take all steps necessary to prevent exploitation, violence and abuse targeting persons with disabilities, especially persons with intellectual or psychosocial disabilities and those who were institutionalized;<sup>87</sup> ensure that persons with disabilities, especially women and girls with disabilities, who were victims of gender-based violence and abuse had access to complaints mechanisms and compensation, and to services and information, including hotlines, shelters, victim support services and counselling, and sanction the perpetrators;<sup>88</sup> provide training for families, caregivers, health personnel and law enforcement officials regarding the identification of and response to exploitation, violence and abuse against persons with disabilities;<sup>89</sup> conduct investigations into all allegations of violence and abuse, including sexual abuse, of persons with disabilities, especially gender-based violence against women and girls with disabilities, particularly those with intellectual or psychosocial disabilities;<sup>90</sup> and collect and publish data, disaggregated by sex and age, on violence and abuse against persons with disabilities in all settings, including the number of prosecutions, convictions and sentences imposed on the perpetrators.<sup>91</sup>

36. In *Z v. United Republic of Tanzania*, concerning a person with albinism who had been a victim of bodily mutilation, the Committee found that the State party had failed to provide the author with assistance for her rehabilitation and reintegration.

## M. Living independently and being included in the community (art. 19)

37. The Committee expressed concern about the widespread institutionalization of persons with disabilities, particularly children with disabilities; the absence of sufficient disaggregated data on the number of persons with disabilities living in institutions; the continued investment of public funds into the development of new residential institutions for persons with disabilities; the absence of an explicit recognition of the right of persons with disabilities to live independently and be included in the community; the lack of effective action plans or strategies for deinstitutionalization; the widespread marginalization, isolation and exclusion of persons with disabilities; the shortage of individualized support for persons with disabilities in the communities in which they live that were based on the human rights model of disability, particularly in rural areas; and the lack of accessible community-based housing, facilities and services for persons with disabilities.

38. The Committee recommended that States parties enact legislation recognizing the right of persons with disabilities to be included in the community and to choose where and with whom they lived on an equal basis with others;<sup>92</sup> collect and publish data, disaggregated by sex, age and type of impairment, on the number of persons with disabilities living in institutional settings;<sup>93</sup> take measures to tackle attitudinal barriers to independent living and inclusion in the community for persons with disabilities;<sup>94</sup> develop, in consultation with

<sup>87</sup> For example, [CRPD/C/CUB/CO/1](#), para. 32 (a).

<sup>88</sup> For example, [CRPD/C/NER/CO/1](#), para. 28 (a).

<sup>89</sup> For example, *ibid.*, para. 28 (b).

<sup>90</sup> For example, [CRPD/C/NOR/CO/1](#), para. 28 (b).

<sup>91</sup> For example, [CRPD/C/RWA/CO/1](#), para. 30 (d).

<sup>92</sup> For example, [CRPD/C/IRQ/CO/1](#), para. 36 (a), and [CRPD/C/TUR/CO/1](#), para. 43 (a).

<sup>93</sup> For example, [CRPD/C/ALB/CO/1](#), para. 34 (c), and [CRPD/C/SAU/CO/1](#), para. 36 (c).

<sup>94</sup> For example, [CRPD/C/MMR/CO/1](#), para. 38 (b).

persons with disabilities through their representative organizations, a comprehensive strategy for effective deinstitutionalization at all levels, with clear time-bound targets,<sup>95</sup> and redirect resources from institutions to independent living arrangements in the community, including in remote and rural areas, with accessible community-based services, support and facilities and accessible and affordable housing.<sup>96</sup>

39. The Committee found violations of article 19 in its inquiry concerning Hungary, in relation to the absence in the State party's legislation of an explicit recognition of the right of persons with disabilities to live independently and be included in the community; the lack of policies relating to health, education, employment and housing that promoted independent living; the insufficiency of measures taken to ensure the accessibility of public services and the provision of reasonable accommodation upon request; the insufficient availability of community-based services and individualized support to enable independent living; the large number of persons with disabilities who remained under guardianship, preventing them from exercising without discrimination their right to choose where and with whom they lived; the large number of persons with disabilities who remained in institutions; the fact that the institutionalization of persons with disabilities was decided upon by substitute decision makers; the use of sheltered employment and education services that segregated persons with disabilities from the community; the absence of an effective deinstitutionalization strategy; and the continued use of public funds to construct institutions.<sup>97</sup>

## **N. Freedom of expression and opinion, and access to information (art. 21)**

40. The Committee expressed concern about the insufficient provision of information in accessible formats, such as Easy Read, plain language, captioning, sign language, Braille, audio description and tactile, augmentative and alternative means of communication, in both public and private media outlets, and the lack of access to information and communications technology by persons with disabilities; the failure to recognize sign language as an official language in domestic legislation; the limited number of teachers and relevant professionals trained in the use of sign language and tactile, Braille and Easy Read formats; and the fact that websites and television channels did not provide information in accessible formats for persons with disabilities, particularly those who were blind, deaf or hard of hearing.

41. The Committee recommended that States parties ensure that information provided to the general public through mass media was available to persons with disabilities in accessible formats, such as Braille, Easy Read and sign language, and ensure access to information and communications technology appropriate for the diversity of persons with disabilities;<sup>98</sup> adopt appropriate legislation and measures to ensure that website owners and designers made their websites accessible to persons with disabilities, especially for persons who were blind or with a visual impairment, and ensure that television stations provided news and programmes in accessible formats, especially for persons who were deaf or hard of hearing;<sup>99</sup> adopt concrete measures to recognize and promote sign language as an official language;<sup>100</sup> and develop a pool of qualified sign language interpreters and teachers and other relevant professionals trained in the use of tactile, Braille and Easy Read formats.<sup>101</sup>

## **O. Respect for home and the family (art. 23)**

42. The Committee expressed concern about the existence of laws that denied persons with intellectual or psychosocial disabilities the right to marry and to found a family; the existence of laws that allowed children to be removed from their parents and placed in care homes or taken by child welfare services on the basis of their own or their parents' disabilities; the inadequate support for parents with disabilities to bring up their children and exercise their parental responsibilities; the lack of education and information in accessible

<sup>95</sup> For example, [CRPD/C/ECU/CO/2-3](#), para. 38 (c), and [CRPD/C/SLV/CO/2-3](#), para. 39.

<sup>96</sup> For example, [CRPD/C/CUB/CO/1](#), para. 36 (b), and [CRPD/C/ESP/CO/2-3](#), para. 38 (b).

<sup>97</sup> [CRPD/C/HUN/IR/1](#), para. 101.

<sup>98</sup> For example, [CRPD/C/CUB/CO/1](#), para. 38.

<sup>99</sup> For example, [CRPD/C/NER/CO/1](#), para. 36 (b).

<sup>100</sup> For example, [CRPD/C/SEN/CO/1](#), para. 38 (a).

<sup>101</sup> For example, [CRPD/C/SEN/CO/1](#), para. 38 (b).

formats for persons with disabilities, including persons with intellectual or psychosocial disabilities, on sexual and reproductive health and rights, family planning and the right to marry; the reported discrimination suffered, in particular by women with disabilities and by lesbian, gay, bisexual, transgender, intersex and queer persons with disabilities, in gaining access to assisted reproductive technologies.

43. The Committee recommended that States parties repeal legal provisions that prohibited persons with intellectual or psychosocial disabilities from marrying and founding a family;<sup>102</sup> ensure the availability of community-based support for parents with disabilities and children with disabilities and their families to guarantee the enjoyment of the right to respect for the family on an equal basis with others;<sup>103</sup> ensure the provision of information in accessible formats to persons with disabilities on the right to marry and have a family, including information on sexual and reproductive health;<sup>104</sup> take measures to ensure that the removal of children from their parents on the basis of their parents' or their own disabilities was prohibited explicitly by law;<sup>105</sup> and ensure that women with disabilities and lesbian, gay, bisexual, transgender, intersex and queer persons with disabilities had equal access to assisted reproductive technologies.<sup>106</sup>

## P. Education (art. 24)

44. The Committee expressed concern about the limited progress made in the transition to an inclusive education system, including a lack of policies, strategies and funding allocated to facilitate such a transition; the lack of awareness and formal recognition of the right to inclusive education; the exclusion of persons with disabilities from mainstream education systems on the basis of impairment; the absence of accessible complaints mechanisms to challenge disability-based discrimination in education; the persistence of stigmatization, bullying and negative attitudes against students with disabilities in mainstream education; the high number of children with disabilities, particularly girls with disabilities, refugee and asylum-seeking children with disabilities and children with disabilities belonging to national or ethnic minorities, who were in receipt of no formal education; the absence of measures to ensure the provision of reasonable accommodation and individualized support to students with disabilities; the shortage of education professionals adequately trained to cater to the needs of students with disabilities; the limited availability of accessible school infrastructure, transport, curricula and learning materials; the limited access for persons with disabilities, especially women and girls with disabilities, to tertiary education and vocational, technical and social development programmes; and the absence of data and indicators to monitor the quality of education and the inclusion of students with disabilities at all levels of education.

45. The Committee recommended that States parties recognize the right to quality and inclusive education at all levels as a substantive, enforceable right for all persons with disabilities, regardless of sex, ethnicity, migration status, type of impairment or any other status, in accordance with targets 4.1 and 4.5 of the Sustainable Development Goals and the Committee's general comment No. 4 (2016);<sup>107</sup> adopt and implement national action plans to make their education systems inclusive, with timelines, measurable indicators and sufficient human, technical and financial resources;<sup>108</sup> explicitly prohibit discrimination against students with disabilities and provide an accessible and effective complaints mechanism for addressing disability-based discrimination at all levels of education;<sup>109</sup> take measures to raise awareness about the right of persons with disabilities to inclusive education and prevent the rejection, stigmatization and bullying of students with disabilities;<sup>110</sup> take measures to ensure that the learning environment, including the physical environment, teaching resources and methodologies, and transport, was accessible and safe for students with disabilities, in

<sup>102</sup> For example, [CRPD/C/CUB/CO/1](#), para. 40 (a).

<sup>103</sup> For example, *ibid.*, para. 40 (b).

<sup>104</sup> For example, [CRPD/C/NER/CO/1](#), para. 38 (b).

<sup>105</sup> For example, [CRPD/C/NOR/CO/1](#), para. 36 (b).

<sup>106</sup> For example, [CRPD/C/AUS/CO/2-3](#), para. 44 (c).

<sup>107</sup> For example, [CRPD/C/ALB/CO/1](#), para. 40 (a), and [CRPD/C/TUR/CO/1](#), para. 49 (a).

<sup>108</sup> For example, [CRPD/C/MMR/CO/1](#), para. 46 (b), and [CRPD/C/NER/CO/1](#), para. 40 (a).

<sup>109</sup> For example, [CRPD/C/NOR/CO/1](#), para. 38 (a), and [CRPD/C/SEN/CO/1](#), para. 42 (a).

<sup>110</sup> For example, [CRPD/C/IND/CO/1](#), para. 51 (b), and [CRPD/C/NER/CO/1](#), para. 40 (a).

accordance with means of implementation 4.a of the Sustainable Development Goals;<sup>111</sup> ensure the provision of adequate individualized support and accommodation to enable students with disabilities to receive quality inclusive education on an equal basis with others;<sup>112</sup> provide all teachers and non-teaching staff with the training necessary to foster an inclusive learning environment for all students, including training in sign language, Braille and other accessible formats of information and communication;<sup>113</sup> and ensure the systematic collection of data, disaggregated by age, sex, type of impairment and geographical location, on progress towards achieving inclusive education.<sup>114</sup>

46. In *Calleja Loma and Calleja Lucas v. Spain*,<sup>115</sup> concerning a child with Down syndrome who had been excluded from the mainstream education system on the basis of impairment and enrolled in a special education centre, the Committee found a violation of the child's right to inclusive education.

## Q. Health (art. 25)

47. The Committee expressed concern about the lack of awareness of the rights of persons with disabilities among medical professionals; the lack of access to information on medical services and facilities, particularly relating to sexual and reproductive health and rights, for women with disabilities; the lack of specific measures on persons with albinism in policies on health and disability, in particular concerning the prevention and treatment of skin cancer; and the barriers faced by persons with disabilities in terms of access to health-care services, especially in rural areas, owing to geographical distance, physical obstacles and the lack of related information in accessible formats.

48. The Committee recommended that States parties adhere to article 25 of the Convention in their efforts to achieve targets 3.7 and 3.8 of the Sustainable Development Goals;<sup>116</sup> ensure quality health-care services for persons with disabilities, including in rural areas, particularly for women and girls with disabilities and migrants and refugees with disabilities, and make hospitals and health centres physically accessible to persons with disabilities;<sup>117</sup> provide information in accessible formats for persons with disabilities, including Braille, sign language and Easy Read, regarding health services, educational programmes and the rights to free and informed consent and to sexual and reproductive health;<sup>118</sup> guarantee universal access to accessible sexual and reproductive health-care services, including family planning, and information and education, particularly for women and girls with disabilities, and integrate the right to reproductive health into national strategies and programmes, as set out in target 3.7 of the Sustainable Development Goals;<sup>119</sup> provide systematic training to medical personnel on the rights of persons with disabilities, including the human rights model of disability and alternative communication methods;<sup>120</sup> and adopt specific measures on persons with albinism in policies on health and disabilities, ensuring the availability, accessibility, affordability and quality of prevention and treatment of skin cancer.<sup>121</sup>

## R. Work and employment (art. 27)

49. The Committee expressed concern about the persistence of discrimination against persons with disabilities regarding employment, including unequal treatment in recruitment, the denial of reasonable accommodation, lower salary scales and less favourable employment benefits; the lack of incentives and specific measures to promote the inclusion of persons

<sup>111</sup> For example, [CRPD/C/GRC/CO/1](#), para. 35 (b), and [CRPD/C/IND/CO/1](#), para. 51 (d).

<sup>112</sup> For example, [CRPD/C/IRQ/CO/1](#), para. 44 (b), and [CRPD/C/TUR/CO/1](#), para. 49 (b).

<sup>113</sup> For example, [CRPD/C/GRC/CO/1](#), para. 35 (d)–(e), and [CRPD/C/VUT/CO/1](#), para. 41 (d).

<sup>114</sup> For example, [CRPD/C/AUS/CO/2-3](#), para. 46 (c), and [CRPD/C/TUR/CO/1](#), para. 49 (c).

<sup>115</sup> [CRPD/C/23/D/41/2017](#).

<sup>116</sup> For example, [CRPD/C/IND/CO/1](#), para. 53.

<sup>117</sup> For example, [CRPD/C/NER/CO/1](#), para. 42 (a).

<sup>118</sup> For example, *ibid.*, para. 42 (b).

<sup>119</sup> For example, [CRPD/C/ESP/CO/2-3](#), para. 49 (c).

<sup>120</sup> For example, [CRPD/C/MMR/CO/1](#), para. 48 (b).

<sup>121</sup> For example, [CRPD/C/RWA/CO/1](#), para. 46 (d).

with disabilities in the open labour market, in both the public and the private sectors; the high level of unemployment among persons with disabilities; the lack of vocational training opportunities to enable persons with disabilities to gain access to employment; the lack of data, disaggregated by age, sex, type of impairment and level of employment, on persons with disabilities in employment; the inaccessibility of the physical environment of workplaces; and the low level of compliance with quotas for the employment of persons with disabilities.

50. The Committee recommended that States parties, in accordance with the Convention and in view of target 8.5 of the Sustainable Development Goals, take effective and affirmative measures to encourage and ensure the employment of persons with disabilities, particularly women with disabilities, in the public and private sectors, to guarantee non-discrimination in employment and to ensure that the open labour market is inclusive and accessible;<sup>122</sup> implement training and skills development programmes to facilitate the recruitment of persons with disabilities and to make them more competitive in the open job market;<sup>123</sup> ensure that persons with disabilities, especially women with disabilities and persons with intellectual or psychosocial disabilities, were not denied reasonable accommodation in the workplace;<sup>124</sup> and collect disaggregated data on the employment of persons with disabilities in the public, private and informal sectors.<sup>125</sup>

51. In *V.F.C. v. Spain*, concerning the forced retirement of a police officer with a disability, the Committee found that the local and national regulations under which the author was prevented from undertaking modified duty constituted discrimination in relation to continuance of his employment.

## **S. Adequate standard of living and social protection (art. 28)**

52. The Committee expressed concern about the high levels of poverty experienced by persons with disabilities, especially women with disabilities; the disproportionate adverse impact of austerity measures on persons with disabilities; the insufficient social protection in areas such as education, employment, health and housing; reports of unequal treatment of persons with disabilities in social protection programmes on the basis of ethnicity, national origin or nationality; and the lack of financial support available to offset disability-related costs.

53. The Committee recommended that States parties establish social protection schemes aimed at guaranteeing an adequate standard of living for all persons with disabilities, including allowances to offset disability-related expenses;<sup>126</sup> ensure equal access for persons with disabilities to social housing programmes;<sup>127</sup> and implement poverty reduction strategies, and reflect the links between article 28 of the Convention and targets 1.3, 1.4 and 10.2 of the Sustainable Development Goals to empower and promote the economic inclusion of all persons, irrespective of disability.<sup>128</sup>

## **T. Participation in political and public life (art. 29)**

54. The Committee expressed concern about laws and practices preventing persons with disabilities, particularly those with intellectual or psychosocial disabilities, from voting or standing for election; inaccessible voting procedures, facilities and materials; the lack of awareness-raising measures and training for election officials to address the requirements of persons with disabilities in electoral and political processes while maintaining the secrecy of their ballot; and the low levels of representation and participation of persons with disabilities, especially women with disabilities, in political life and public decision-making.

<sup>122</sup> For example, [CRPD/C/CUB/CO/1](#), para. 46.

<sup>123</sup> For example, [CRPD/C/RWA/CO/1](#), para. 50.

<sup>124</sup> For example, [CRPD/C/VUT/CO/1](#), para. 45 (c).

<sup>125</sup> For example, *ibid.*, para. 45 (f).

<sup>126</sup> For example, [CRPD/C/MMR/CO/1](#), para. 54 (c), and [CRPD/C/RWA/CO/1](#) para. 52.

<sup>127</sup> For example, [CRPD/C/ECU/CO/2-3](#), para. 50 (b), and [CRPD/C/IND/CO/1](#), para. 59 (c).

<sup>128</sup> For example, [CRPD/C/CUB/CO/1](#), para. 48 (b), and [CRPD/C/NER/CO/1](#), para. 46 (b).



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55. The Committee recommended that States parties abolish all laws, policies and practices that prevented persons with disabilities from exercising their rights to vote and to stand for election;<sup>129</sup> take measures to make the electoral process fully accessible, in order for all persons with disabilities, regardless of type of impairment, to be able to participate in the electoral process with full respect for their will and preferences;<sup>130</sup> and adopt strategies to promote the participation and representation of persons with disabilities, particularly women with disabilities, in political and public life and decision-making at all levels.<sup>131</sup>

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<sup>129</sup> For example, [CRPD/C/ALB/CO/1](#), para. 48 (a), and [CRPD/C/IRQ/CO/1](#), para. 54 (a).

<sup>130</sup> For example, [CRPD/C/MMR/CO/1](#), para. 56 (b)–(c), and [CRPD/C/VUT/CO/1](#), para. 49 (a).

<sup>131</sup> For example, [CRPD/C/AUS/CO/2-3](#), para. 54, and [CRPD/C/VUT/CO/1](#), para. 49 (b).