**Convention on the Rights
of Persons with Disabilities**

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**Matters related to the implementation of the Convention:
round-table discussions**

Promoting inclusive environments for the full implementation of the Convention on the Rights of Persons with Disabilities

Note by the Secretariat

The present note was prepared by the Secretariat in consultation with United Nations entities, representatives of civil society and other relevant stakeholders to facilitate the round-table discussion on the theme "Promoting inclusive environments for the full implementation of the Convention on the Rights of Persons with Disabilities". The Secretariat hereby transmits the note, as approved by the Bureau of the Conference, to the Conference of States Parties to the Convention on the Rights of Persons with Disabilities at its thirteenth session.

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   * The dates are still to be confirmed by the Committee on Conferences owing to the ongoing situation relating to the coronavirus disease (COVID-19) pandemic.
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I. Introduction

1.   In inclusive environments, persons with disabilities are empowered to live independently, be integrated in their community, access information and participate in learning, work and social activities. Non-inclusive environments constitute obstacles to integration and perpetuate the systematic exclusion of persons with disabilities.

2.   Inclusive environments are both a means and a goal for the implementation of the Convention on the Rights of Persons with Disabilities and the 2030 Agenda for Sustainable Development. To ensure that the 2030 Agenda promotes inclusive environments, the Convention must be taken into account in development plans formulated and implemented by Governments and other stakeholders to achieve the Sustainable Development Goals. Inclusive environments could remove fundamental barriers that cause the exclusion of persons with disabilities and promote their independent living and participation in society and development.

3.   The present note contains a discussion of key issues and obstacles to achieving inclusive environments for all and of ways to promote inclusive environments, particularly by investing in capacity-building. The coronavirus (COVID-19) pandemic has exacerbated the challenges in that regard by exposing the extent to which persons with disabilities are excluded from various environments and by underlining the imperative of making inclusive environments an integral part of the crisis response, of the recovery effort and of "building back better". [1]

II. Relevant international frameworks

4.   The Convention recognizes the crucial role that inclusive environments play in enabling and empowering persons with disabilities and in ensuring that they fully enjoy human rights and fundamental freedoms. The Convention requires States parties to ensure that environments, programmes and services are fully inclusive for persons with disabilities through universal design, the elimination of obstacles to accessibility, the provision of reasonable accommodation and assistive technology, the elimination of discrimination and equal recognition before the law.

5.   The Convention contains provisions about accessibility (article 9) and universal design (article 4) as ways to enable persons with disabilities to live independently and participate fully in all aspects of life. Under article 9, States parties are also required to take measures to promote the accessibility of facilities and services that are open to the public, to provide signage in Braille and easy to read forms, to facilitate the accessibility of buildings and to promote the design and production of accessible information and communication technologies, including the Internet. Under article 9, States parties are required to take appropriate measures to ensure that persons with disabilities have access, on an equal basis with others, to the physical environment, including buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces, and in information, communications and other services, including electronic services and emergency services. These measures comprise, inter alia, the elimination of environmental and attitudinal barriers. With regard to universal design, States have undertaken or promote research and development of universally designed goods, services, equipment and facilities, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines (article 4).

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[1] United Nations, "A disability-inclusive response to COVID-19", policy brief, May 2020.

6.   The Convention further sets out specific obligations regarding inclusive environments in education, health and the labour market. Under article 24 of the Convention, States parties are to ensure an inclusive education system at all levels and lifelong learning. Also under article 24, States are responsible for providing reasonable accommodation and for making learning environments accessible, including by providing accessible educational materials. That point in particular is crucial for young persons with disabilities, as they form an often underrepresented and overlooked community in disability deliberations.

7.   Under article 25 persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability and States parties are to take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive.

8.   Under article 27, States parties are to open up opportunities in mainstream workplaces, in both the public and private sectors, in a work environment that is open, inclusive and accessible to persons with disabilities. To facilitate this, the Convention requires States parties to promote the access of persons with disabilities to work freely chosen, general technical and vocational guidance programmes, placement services and vocational and continuing training, as well as vocational rehabilitation, job retention and return-to work programmes. Under the Convention, a central requirement for an inclusive environment in the labour market is non-discrimination against persons with disabilities in recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions.

9.   States parties are to allow civil society, in particular persons with disabilities and their representative organizations to be involved and participate in the implementation and monitoring of the Convention and in the advancement of the rights of persons with disabilities (article 33).

10.   Inclusive environments go hand in hand with living independently and being included in the community. Under article 19, States parties are to take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of the rights to living independently and being included in the community. In its general comment No. 5 (2017) on living independently and being included in the community (CRPD/C/GC/5), the Committee on the Rights of Persons with Disabilities lists steps States parties should take to ensure the full implementation of article 19 and recognizes the importance of ensuring the participation of persons with disabilities, personally and through their representative organizations, in transforming support services and communities.

11.   Legal capacity is fundamental to realize inclusive environments. In article 12, States parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law. Article 12 guarantees the right to legal capacity for persons with disabilities and requires States parties to take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.

12.   The 2030 Agenda has positioned inclusive environments as crucial means of progressing towards the Sustainable Development Goals. The 2030 Agenda contains targets to build and upgrade education facilities that are disability-sensitive and to provide inclusive learning environments for all (target 4.a); to ensure access for all, including persons with disabilities, to adequate, safe and affordable housing and basic services (target 11.1); to provide accessible transport systems for all by expanding public transport, with special attention to the needs of persons with disabilities (target 11.2); and to provide inclusive and accessible, green and public spaces, in particular for persons with disabilities (target 11.7). These are key targets in the development of inclusive environments in education, housing, transport, and green and public spaces.

The 2030 Agenda also contains repeated references to inclusive societies and to combating discrimination.

III. Key issues and challenges

13. Accessibility is a precondition for an inclusive society and must be a part of all aspects of development and humanitarian response planning. To be considered accessible and therefore inclusive, a place, space, item or service needs to be usable by persons with disabilities. Beyond accessibility, be it physical or online, persons with disabilities have a right to full inclusion and participation in the community, including by having access to a range of in-home, residential and other community support services, and to full and effective participation and inclusion in political life, including in decision-making processes at the local, national, regional and international level.

Accessibility, a precondition for an inclusive society

14. One of the main barriers to the creation of inclusive environments is the lack of accessibility of physical and virtual environments. In particular, persons with disabilities in rural areas, may face even greater barriers in terms of accessibility of physical and virtual environments. The same is true for persons with disabilities from marginalized and underrepresented groups such as survivors of conflict, children and young persons with disabilities, and women and girls with disabilities.

15. A case in point are health-care services. Often, persons with disabilities do not have access to the health-care services they need, and often this is due to inaccessible environments, both inside and outside health-care facilities. Persons with disabilities are twice as likely as other patients to find the health-care facilities and the skills of health-care workers inadequate, three times more likely to be denied health care and four times more likely to be abused in the health-care system owing to the lack of quality in the care provided by health-care workers.[2] They often cannot access the specialist health-care services that they may require as a result of their impairment, and their general health needs are often overlooked in favour of a focus on their impairment.

16. The COVID-19 crisis has made access to health care more challenging for persons with disabilities. Many do not have equal access to COVID-19 testing because of the lack of accessibility of testing sites and health-care facilities. Also, information on COVID-19 has not always been available in formats accessible to persons with disabilities. In institutional settings, persons with disabilities have experienced the highest rates of infection and mortality from COVID-19. Moreover, the pandemic has increased other health risks for persons with disabilities as lockdowns and social distancing measures make it difficult to get health-care services and assistance regularly. Even more challenging is the fact that often, persons with disabilities from underrepresented communities, as well as children and young persons with disabilities, are not included in deliberations, programming, planning and response related to disability. This makes it even more difficult for them to raise their concerns and demand governmental intervention.

17. Crowdsourced reviews by wheelchair users on the accessibility of over 1.2 million public places, mostly in developed countries, indicate that 53 per cent of education facilities, 30 per cent of libraries and 48 per cent of leisure facilities are not accessible for persons using wheelchairs.[3] The reviews also indicate that 31 per cent of public toilets are not accessible. Regarding health-care facilities, 20 per cent of

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[2] World Health Organization, *World Report on Disability* (Geneva 2011).

[3] Global estimates have been calculated or commissioned by the Department of Economic and Social Affairs on the basis of data provided by Sozialhelden e.V. Available at www.accessibility.cloud.

hospitals, 32 per cent of pharmacies and 45 per cent of doctors' offices are not accessible by wheelchair. Overall, 32 per cent of public transportation facilities are not accessible for wheelchair users. Of those, subway stations have the least favourable score: 61 per cent are not accessible. Among places open to the public, supermarkets and financial services are among the most accessible: 81 per cent of supermarkets, 72 per cent of banks and 88 per cent of automated teller machines are accessible. Public services, such as post offices, have the least favourable score: 59 per cent are not accessible. Technology is crucial for the ability of many persons with disabilities to live independently, but 43 per cent of the retail outlets that sell electronics are not accessible.

18.   In developing countries, data collected in selected countries show that 30 per cent of persons with disabilities indicate that primary health-care clinics are not accessible, 24 per cent that hospitals are not accessible, 20 per cent that schools are not accessible, 17 per cent that the toilet at their home is not accessible, 32 per cent that their workplace is not accessible, 30 per cent that their dwelling would need modifications to make it fully accessible, 36 per cent that transportation is not accessible, 31 per cent that magistrates' offices, courts and police stations are not accessible, and 33 per cent consider post offices not accessible (see A/74/146).

19.   Persons with disabilities are also disproportionately affected in shocks and their aftermaths, disasters and other emergencies. They may face more obstacles when evacuating owing to a lack of accessible transportation, shelters or communications. Around the world, 72 per cent of persons with disabilities surveyed had no personal preparedness plan for situations of risk and 6 per cent would not be able to evacuate at all.[4] Accessibility can therefore be a matter of life and death in an evacuation brought on by a disaster. Furthermore, women and girls with disabilities are at a higher risk of exploitation, violence and sexual abuse during a humanitarian crisis and in its aftermath.[5]

Inclusive access to information and communications technologies and systems, including access to assistive devices: a prerequisite for independent living and full participation in society

20.   Digital technologies can empower persons with disabilities by giving them access to financial inclusion, education, lifelong learning, work opportunities and independent living. However, trends in recent years indicate that there is a digital divide that disproportionately affects persons with disabilities and other vulnerable groups and is broadening the inequality gap.[6] Mobile phones and services with enhanced accessibility remain a relatively underdeveloped segment of the market for information and communications technologies (ICT). The resulting digital divide is further widened by the fact that certain electronic devices are not accessible without assistive technology.

21.   Assistive technology is crucial to inclusive environments because it enables persons with disabilities to participate fully in any environment and live independently. However, many continue to lack access to it. Providing assistive products can be cost-effective as such products can reduce the need for other services, enable users to earn an income and facilitate or reduce their need for support from family members, which in turn may free up the time of those family members for income-earning or other activities. Some countries have developed national plans in

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[4] United Nations, United Nations Office for Disaster Risk Reduction (UNDRR, previously UNISDR), "Living with disability and disasters: UNISDR 2013 survey on living with disabilities and disasters – key findings", 2014. See also A/74/146.

[5] Office of the United Nations High Commissioner for Refugees (UNHCR), "UNHCR age, gender and diversity – accountability report 2016", June 2017.

[6] United Nations, High-level Panel on Digital Cooperation, *The Age of Digital Interdependence*, 2019.

an effort to make assistive technology more available and affordable for persons with disabilities. However, evidence from developing countries suggests that the need for assistive products is to a large extent going unmet. The COVID-19 pandemic has made assistive technology less accessible, as many have lost their jobs and consequently lack the financial means for the technology. In addition, social distancing measures have made it impossible to reach or receive assistive technology services. In national plans to promote access to assistive technology for persons with disabilities, those exceptional circumstances need to be taken into account.

22.   Major barriers stand in the way of achieving universal coverage for assistive technology, in particular lack of awareness, governance, services, products, accessibility, trained personnel, affordability and economic resources. In many countries, persons with disabilities and their families, as well as health-care personnel have limited knowledge about assistive products and where to get them. Moreover, policy- and decision makers are often unaware of assistive technology and the possibilities they bring for inclusion of persons with disabilities. In many countries, services are in short supply and are often located far away from the people who need them. In addition, the amount of safe and effective assistive products is limited, as is the range of available types, models and sizes. The lack of physical and cognitive accessibility of the transport system and of the facilities where the services are provided raises additional barriers. Another common barrier to assistive technology is the lack of properly trained personnel skilled in manufacturing and adapting products or delivering services. Finally, the high cost of assistive products and services, in particular in countries where they have to be imported, and the high cost of travel constitute major barriers. For children, the costs can be even higher, given that they need to change or adapt their assistive devices more frequently as they grow. Taxes and duties on assistive products and on materials and components for their production add to the costs.

Inclusive and accessible urban development

23.   An estimated of 1 billion persons with disabilities will be living in cities and towns by 2050.[7] It is therefore important that the application of universal design in all aspects of development is taken into consideration in the design and construction of public spaces, public transport, housing and other aspects of urban and rural planning. To achieve that goal, persons with disabilities and their representative organizations need to be involved in the planning, development, implementation and monitoring of legislation and policies that affect urban and rural planning, including with regard to accessibility standards, at the national and international levels. Lack of inclusive urban mobility can deny many persons with disabilities access to education, employment, health-care services and general community engagement, and considerably compromises their autonomy.

24.   One of the challenges often cited is the financial cost of retrofitting existing infrastructure and facilities. That means that cost of making buildings accessible will need to be planned from the start, rather than be treated as an afterthought, so that the required funds can be secured. Evidence shows that the returns often offset the costs. In particular, more accessibility contributes to higher participation of persons with disabilities in the workforce, making them productive employees and business owners.

Inclusive work and employment

25.   Lack of accessible workplaces and lack of reasonable accommodation create non-inclusive work environments that pose further obstacles to the employment of

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[7] An estimated 6.68 billion people will be living in urban environments by 2050, of which persons with disabilities will make up 15 per cent. See United Nations, Department of Economic and Social Affairs, *World Urbanization Prospects: The 2018 Revision*, ST/ESA/SER.A/420 (New York, 2019).

persons with disabilities. Evidence from across eight regions pertaining to the period 2006–2016 indicates that the percentage of persons with disabilities aged 15 years and over who are employed is on average 36 per cent, compared with 60 per cent for persons without disabilities.[8] This gap indicates the extent of the untapped potential for the labour market.

26. In the workplace, in addition to accessibility, reasonable accommodation is another important aspect of inclusive environments. "Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden to ensure that persons with disabilities can enjoy or exercise on an equal basis with others all human rights and fundamental freedoms. Reasonable accommodation varies from no-tech solutions that cost little or no money (such as additional preparation time for an individual, or implementing a colour-coded filing system), to accommodations that are technologically simple or unsophisticated (such as replacing a door knob with an accessible door handle, or providing a magnifier) to accommodations that use advanced or sophisticated assistive technology (such as screen-reading software with synthesized speech). Attitudinal barriers, such as discrimination, persist in many environments. One of the main causes of discrimination is a lack of awareness about disabilities, disabling conditions and the needs and abilities of persons with disabilities. Many persons with disabilities also face discrimination in public services. That in particular is a big hurdle for young persons with disabilities as they try to effectively contribute to the economy and realize their ambition.

27. The COVID-19 pandemic has made working remotely more common. This represents both a challenge and an opportunity. Persons with disabilities face more obstacles when accessing the Internet and using ICT, and they risk being left further behind. At the same time, remote working can open up new job opportunities for many persons with disabilities, especially those with mobility difficulties.

Inclusive education at all levels

28. More and more countries are trying to make their educational environments more inclusive for persons with disabilities, removing barriers and addressing discrimination on grounds of disability. In 2017 65 per cent of 88 countries provided curricula inclusive of children with disabilities, compared with only 42 per cent in 2013. However, in educational environments, many obstacles still remain. Around 2013, only in 44 per cent of 193 States Members of the United Nations could students with disabilities be taught in the same classroom as others without disabilities. Most importantly, there remain considerable gaps at the school level: in materials and communication (including assistive products for learning), human resources (including teachers) and the physical environment (including the construction of accessible school buildings). Without these vital front-line resources in place, it is practically impossible to provide an inclusive educational environment for children with disabilities to go to school. Despite progress made in recent years, by 2017 only 41 per cent of 88 countries provided appropriate materials for students with disabilities in their schools (up from 17 per cent in 2013) and even fewer countries, 33 per cent, provided adequate human resources (up from 18 per cent in 2013) and physical environments (up from 22 per cent in 2013) for students with disabilities.[9]

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[8] *Disability and Development Report: Realizing the Sustainable Development Goals by, for and with Persons with Disabilities* (United Nations publication, Sales No. 19.IV.4).

[9] Ibid.

29. Owing to the COVID-19 pandemic, many countries have opted to move education to online platforms. This risks leaving students with disabilities out because the households in which they live are less likely to have access to the Internet and ICT.

Inclusive political participation at all levels of decision-making processes

30. Persons with disabilities and their representative organizations play a fundamental role in the development and implementation of laws, regulations, policies and other decision-making processes that affect their lives, including in the implementation and monitoring of the Convention. However, persons with disabilities remain underrepresented in decision-making bodies and have fewer opportunities to exercise their right to vote and stand for election. For young people, the margin of opportunity for political participation is already very narrow, but if their young age is compounded by a disability, that margin becomes even narrower. A systematic review on inclusive elections in Africa showed that, while most countries had enacted legislation on disability rights, actual implementation was not always successful and persons with disabilities continued to suffer from discrimination and exclusion from elections.[10]

31. Women and girls with disabilities participate even less in politics are yet further underrepresented in positions of leadership and in the design and implementation of their countries' national development strategies. Many countries address gender and disability issues separately, without focusing on the intersection between the two.[11] Persons with disabilities, in particular women with disabilities, continue to face barriers to participation in public decision-making owing to a lack of accessible information, as well as a lack of accessible government and other public buildings, and polling stations, which undermines their ability to exercise their political rights.

Equal recognition before the law

32. Inclusive environments cannot be achieved without equal recognition before the law and the enjoyment of legal capacity by persons with disabilities. In its general comment No. 1 (2014) on article 12 – equal recognition before the law, the United Nations Committee on the Rights of Persons with Disabilities, 'called on Governments to move away from substitute decision-making, in which a proxy makes legal decisions on behalf of a person with disabilities, in favour of supported decision-making, in which persons with disabilities enjoy full recognition and equality under the law and can exercise their legal capacity to make legal decisions. In the supported decision-making paradigm, the individual receives support from a trusted individual, network of individuals or entity to make legal decisions. Yet, in their legislation, many countries still use substitute decision-making, for example in the form of guardianship, rather than supported decision-making. Nonetheless, in some countries positive initiatives are being taken to abolish substitute decision-making in favour of supported decision-making for persons with disabilities.

Inclusive environments for those facing multiple and intersecting forms of discriminations

33. Among persons with disabilities, persons with intellectual and psychosocial disabilities more often encounter non-inclusive environments. They are more likely to experience forced institutionalization and exclusion from family and community activities. Only in a few countries does legislation promote the social, economic and political inclusion of persons with intellectual and psychosocial disabilities. In many

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[10] Bhavisha Virendrakumar and others, *Disability-inclusive Elections in Africa: A Qualitative Systematic Review* (Chippenham, United Kingdom of Great Britain and Northern Ireland, Sightsavers, August 2017).

[11] *Disability and Development Report*.

instances, they are denied the recognition of the legal capacity that would allow them to make their own decisions, live independently and be fully included in their community. For persons with psychosocial disabilities, policies and laws based on involuntary treatment and detention are a significant barrier to inclusion (not only in the physical spaces of society but also, and mainly, in social and legal spaces).

34. Women and girls with disabilities are more often confronted with non-inclusive environments than men and boys with disabilities, because they are subject to multiple and intersecting forms of discrimination owing to their gender and disability. As a result, they continue to be at a disadvantage in most spheres of society and development. Compared with men with disabilities, women with disabilities are more likely to have unmet health-care needs, more likely to be unemployed or inactive in the labour market, and less likely to work as legislators, senior officials or managers. Moreover, among persons with disabilities, more women than men are unable to keep their homes warm.[12]

35. Women and young persons with disabilities face the same level of gender-based violence as other persons with disabilities. However, in both design and implementation, gender-based violence prevention efforts and services, including sexual and reproductive health services, are often inaccessible to women and young persons with disabilities (see A/67/227). In addition, women and young persons with disabilities whose rights are violated often lack recourse because of their exclusion from access to justice.[13]

IV. Promoting inclusive environments throughout society: investing in capacity-building

36. Promoting inclusive environments for all requires consulting and involving persons with disabilities, in particular women and girls with disabilities, through their representative organizations when developing legislation and policies that affect their lives. In decision-making processes regarding the implementation and monitoring of the Convention it is inherently important that persons with disabilities fully and actively participate as agents of change and beneficiaries of development. Among the key areas for consultation are the review and adoption of laws, regulations and standards regarding accessibility and of standards for public procurement, and involvement in product development.

37. States parties must ensure that a diverse range of persons with disabilities are involved and that efforts are made to promote the participation of organizations representing women with disabilities, young persons with disabilities and other underrepresented communities and constituencies with disabilities in decision-making, as those have encountered many barriers to their participation.[14] Countries are increasingly making efforts to consult organizations representing people with disabilities when drafting and enacting legislation and policy recommendations and developing national social policies and programmes, including by creating special forums and/or including the organizations in policy advisory boards on the implementation and monitoring of the Convention. Therefore, it is also increasingly important that States parties, in tandem with such efforts, support capacity-building for organizations representing persons with disabilities, including through funding, so that they can act as strong partners in working towards the successful

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[12] Ibid.

[13] United Nations Population Fund, *Women and Young Persons with Disabilities: Guidelines for Providing Rights-based and Gender-responsive Services to Address Gender-based Violence and Sexual and Reproductive Health and Rights*, (New York, 2018).

[14] See CRPD/C/GC/3, para. 23.

implementation of the Convention and the achievement of the Sustainable Development Goals for, by and with persons with disabilities.

38. Capacity-building is also needed for other stakeholders: policymakers need to build their capacity to formulate disability-inclusive laws and policies; organizations working on programmes related to the implementation of the Convention and the attainment of the Sustainable Development Goals need to build their capacity to promote inclusive environments; service providers need to build their capacity to make their services inclusive for persons with disabilities; persons with disabilities themselves need to gain knowledge about exercising their rights and accessing available services on an equal basis with others; and, finally, development and humanitarian actors need to build their capacity to address the needs of persons with disabilities as part of their development efforts and their work on humanitarian crises and disasters. Capacity-building initiatives are particularly needed to share information about best practices and low-cost inclusive interventions and about ways to scale those up.

39. Many Member States have adopted specific legal provisions to promote accessibility for persons with disabilities. Yet, efforts need to be stepped up to fill existing gaps in accessibility and ensure that persons with disabilities can live independently and participate in society on an equal basis with others. There is an urgent need to build capacity in accessibility interventions worldwide, especially in regions where accessibility measures remain more limited than elsewhere.

40. Member States and all other stakeholders, including the private sector, have an important role to play by promoting accessibility and affordability of ICT, including access to the Internet, by adopting national policies and laws, and by increasing public and private investments to promote access to assistive technologies. These efforts will enable persons with disabilities to maximize their well-being, realize their independence and actively participate in society.

41. Accessibility initiatives in the workplace and the introduction of accessibility requirements for private actors are progressing at a slow rate. Capacity-building initiatives will be more successful if these sectors are on board. The lack of focus on accessibility in the early stages of ICT design and development is a challenge. Accessibility remains a relatively underdeveloped segment of the ICT market. But there is an increasing uptake of web and ICT accessibility standards. Those standards need to be scaled up to enhance the development of accessible technologies.

42. Interventions and efforts to create inclusive environments are still mainly focused on mobility impairments. However, persons with different types of disabilities of varying severity should also be taken into account. To gather their perspectives, it is essential to hold accessible and inclusively run meetings, workshops, conferences and decision-making processes with accessible information and communication and with physical and virtual spaces.

43. Many States already ensure that national legislation protects persons with disabilities from discrimination on the basis of disability. However, in some instances, anti-discrimination legislation still lacks adequate enforcement mechanisms, which can undermine the effectiveness of the legislation. Moreover, even if enforcement mechanisms exist, they can be difficult for persons with disabilities to access due to power imbalances, a lack of accessible communication or financial barriers.

44. As women and girls with disabilities continue to face barriers, particularly gender-based discrimination and violence, in most areas of life, it is important that Member States ensure that the full diversity of women and girls with disabilities, as well as their representative organizations, are included in the design, implementation and monitoring of policies and programmes. A gender-sensitive approach is required in developing accessibility measures, providing health-care services, addressing

stigma, prejudice and violence, and ensuring the right to live independently and be included in the community.[15]

45. Although not common, in several countries, legislation already includes provisions for reasonable accommodation. However, even with legislation in place, more guidance will need to be given by States to relevant stakeholders on how reasonable accommodation should be provided. There is still a lack of awareness of what reasonable accommodation is and how it can be provided to the benefit of all. States need to ensure that relevant stakeholders are both aware of their obligations and supported in the implementation of reasonable accommodation. In most cases, reasonable accommodation does not give rise to costs, or gives rise to just a minimal cost. Some countries have successfully standardized the support available for providing reasonable accommodation in the workplace. For instance, in some countries, employers can seek financial support for reasonable accommodation from a State fund or a charity fund.

46. In many countries, social welfare services and health financing schemes at times fail to provide coverage for assistive products, which can result in burdensome health expenditures for the users; or the coverage is provided only if the person is employed or if the family pays the premium. In some countries, national and local governments have stepped in to fill this gap through health insurance schemes offering coverage for assistive products. Sometimes the services are available only to persons who have been legally recognized as having a disability, which defeats the principle of universal availability of assistive products for all who need them. In particular, this affects an overwhelming number of persons with psychosocial disabilities.

47. It is urgent to build capacity to successfully prohibit discriminatory practices in health insurance and promote health insurance schemes that offer coverage for assistive products. Some discriminatory practices may be unintended; persons with disabilities may not be able to access health insurance for persons living in poverty because the poverty measurement does not take into account the additional costs associated with disability that persons with disabilities bear. In developing countries, international trade policies and agreements can facilitate access to affordable assistive products.

48. It is of pivotal importance to build or adapt learning environments so that they are inclusive, child-friendly, safe, protective and accessible. New education facilities need to be constructed according to universal design principles and existing ones adapted for accessibility and reasonable accommodation. Positive measures taken in various countries include adapting teaching methods, enhancing the capacities of teachers and staff, and raising awareness of inclusive education. Donors can play a major role by funding the construction of accessible schools only.

49. There is a need to invest in building the capacity of Governments to implement equal recognition before the law, including by enhancing their knowledge of ways to promote supported decision-making. In most jurisdictions, there is a lack of relevant legislative frameworks and policies, as guardianship law and practice continue to dominate. Those laws and policies will need revision if those jurisdictions are to move towards supported legal decision-making. Financial resources and capacity-building will be needed to develop and maintain the supported decision-making model. Training and education are needed that include providers of legal support services.

50. There is a lack of effective remediation and redress mechanisms for persons whose rights are violated because of non-compliance with the Convention in law

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[15] See CRPD/C/GC/2, paras. 29 and 40; CRPD/C/GC/4, para. 46; CRPD/C/GC/5, paras. 23, 35 and 72; and CRPD/C/GC/6, para. 66.

and/or in practice. This must be addressed and rectified to ensure fully inclusive environments and the full implementation of the Convention.

51.   De-institutionalization – the process of moving persons with disabilities from institutionalized living to independent living – is crucial, but it requires the creation of supportive and inclusive environments that benefit both the persons with disabilities themselves and those involved in the process. Environments must be cultivated in which there is respect for persons with disabilities, their dignity and their right to independent living.

52.   Many countries promote inclusive environments through laws and national plans on disability and accessibility. However, such instruments rarely address the needs and perspectives of women and girls with disabilities, young persons with disabilities and underrepresented communities and constituencies with disabilities. To fully achieve inclusive environments for all, laws and efforts should be focused on removing environmental barriers and combating negative attitudes based on both gender and disability, as well as on the intersectionality of both disability and other forms of marginalization and discrimination.

53.   Multi-stakeholder partnerships play an important role in promoting inclusive environments for the full implementation of the Convention, particularly as part of capacity-building efforts. Such partnerships may involve Member States; United Nations system agencies; development, humanitarian and human rights actors; peace and security actors; local authorities and communities; private sector actors; and civil society actors, in particular persons with disabilities and their representative organizations, including groups led by and representing young persons with disabilities. These partners can collectively ensure that in all environments the rights, perspectives and needs of persons with disabilities are respected.

54.   United Nations system entities have been supporting Member States worldwide to build capacity and promote inclusive environments for persons with disabilities. For example, In 2016, the Department of Economic and Social Affairs launched a toolkit on disability for Africa,[16] which had been developed in cooperation with Ethiopia, Kenya, South Africa and Zambia. It included a learning module that highlighted the crucial importance of accessibility and offered practical tools related to accessibility, including international normative frameworks and key concepts and principles.

55.   The World Health Organization (WHO) is developing normative guidance to support Member States in improving the accessibility of their health-care systems. The WHO Regional Office for the Western Pacific is finalizing a toolkit to support health-care providers in their efforts to achieve universal health coverage by addressing the need for inclusive health care and the main barriers to health-care services for persons with disabilities. WHO has also developed information sheets that explain how to make spaces in field hospitals inclusive for persons with disabilities. Health is very often affected by environments outside the health-care system, including within the home. WHO recently launched guidelines on housing and health that included recommendations to ensure that an adequate proportion of available housing is accessible to persons with functional impairments or disabilities. WHO also developed the model disability survey, a general household survey on the needs, environmental barriers and inequalities faced by persons with disabilities. The data collected enable countries to identify the policy interventions necessary to promote inclusive environments.

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[16] United Nations, Department of Economic and Social Affairs, "Toolkit on disability for Africa: UN DESA toolkit on CRPD – trainers' tips", 2016. Available at www.un.org/development/desa/dspd/2016/11/toolkit-on-disability-for-africa-2.

56. The International Telecommunication Union, as part of its digital inclusion programme, has developed key resources to support Member States in accelerating their implementation of ICT accessibility. They provide the know-how necessary to help countries to ensure that all citizens, including persons with disabilities, can access online information and communication.[17] In addition, in 2018, the Union held thematic, regional and global events to build capacity among relevant stakeholders in ICT accessibility.

57. The United Nations Development Programme has supported Member States in providing better access to justice for persons with disabilities and improving the advice, guidance and assistance given to them. The United Nations Office on Drugs and Crime has supported countries in incorporating, at the design and construction phase, mandatory minimum requirements for courts and prisons for the benefit of persons with disabilities so that there are key public spaces on the ground floors, there are ramps and accessible spaces, and there are accessible toilets at gates, in cell blocks, near courtyards, in medical wings and near offices. The United Nations Children's Fund has supported interventions to install accessible latrines and showers in refugee camps. Accessibility standards were implemented in spaces to provide learning opportunities, psychosocial support and life skills training for children and young persons.

58. The adoption of the United Nations Disability Inclusion Strategy in 2019 established a vision and roadmap for disability inclusion throughout the United Nations system.[18] Capacity-building efforts will need to be accelerated to implement the Strategy.

59. There is a need to harness investments in research and testing for innovative solutions that have the potential to increase accessibility and affordability of assistive technologies and devices for those in need.

60. Data collection methods also need to be strengthened at the local and national levels to collect data on, for instance, environmental barriers and the cost-effectiveness of making environments more inclusive. Such data must be disaggregated by age, disability, gender, income, geographic location and other factors to understand, among other things, the intersectionality of exclusionary factors.

61. As the Secretary-General has underscored in his policy brief entitled "A disability inclusive COVID-19 response", the COVID-19 pandemic has introduced major new challenges to achieving the Sustainable Development Goals within the allotted timeframe, thereby exacerbating pre-existing inequalities and discrimination and aggravating the challenges faced by persons with disabilities in accessing health care, essential services, education and employment, and participating in the community. At the same time, the pandemic offers an opportunity to further advance the inclusion of persons with disabilities in responses to crises and humanitarian emergencies, including through social protection systems. The COVID-19 pandemic forced the creation of new approaches to work and learning; because of lockdowns measures, telecommuting and remote learning have become more prevalent, which may be beneficial for many persons with disabilities. These and other innovations emerging from the COVID-19 response and recovery should be pursued in a way that help to advance social inclusion. Overall, the inclusion in the COVID-19 response of persons with disabilities as both beneficiaries and agents of change, recovery and "building back better" is central to achieving transformative and lasting change on the way to creating an inclusive, accessible and sustainable world for all.

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[17] See International Telecommunication Union (ITU), "ITU digital inclusion". Available at www.itu.int/en/ITU-D/Digital-Inclusion/Pages/default.aspx.

[18] Available at www.un.org/en/content/disabilitystrategy/.

V. Questions for consideration

62. The following questions are presented for consideration at the round-table discussion:

(a) What are good examples of existing initiatives to remove barriers and make environments inclusive for persons with disabilities? How can those good practices be scaled up?

(b) What can be done by Governments, United Nations system agencies, donors, civil society and private actors to make all environments inclusive for persons with disabilities and how can they work together to that end?

(c) What measures do States parties need to take to increase the availability and use of assistive technology for and by those who need it? What initiatives have been taken to address the unmet need for assistive technology?

(d) Are there specific measures that have encouraged, both in the public and private sectors, the creation of products and services designed with the needs of persons with disabilities in mind, including universal design?

(e) What policy and practical measures are necessary to invest in building capacity among Governments, civil society and the private sector for the creation of inclusive environments that empower of persons with disabilities?

(f) How can Governments and other stakeholders raise awareness and remove barriers and make environments, including educational, work and health environments, inclusive for women and girls with disabilities?

(g) What examples exist of steps taken to address the violation of the rights of persons with disabilities in various contexts, including in detention, under forced treatment or under guardianship?

(h) What innovations emerging from the response to and recovery from the COVID-19 pandemic should be pursued to advance the social inclusion of persons with disabilities as both beneficiaries and agents of change?

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