

The Implementation of the United Nations Convention on the Rights of Persons with Disabilities: A Longitudinal Study Project by Aktion Mensch Based on the Concluding Observations Reports of 16 Member States

MacDonald, Fiona

Erstveröffentlichung / Primary Publication

Abschlussbericht / final report

Empfohlene Zitierung / Suggested Citation:

MacDonald, F. (2024). *The Implementation of the United Nations Convention on the Rights of Persons with Disabilities: A Longitudinal Study Project by Aktion Mensch Based on the Concluding Observations Reports of 16 Member States*. Bonn: Aktion Mensch e.V.. <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-92411-7>

Nutzungsbedingungen:

Dieser Text wird unter einer CC BY-NC-ND Lizenz (Namensnennung-Nicht-kommerziell-Keine Bearbeitung) zur Verfügung gestellt. Nähere Auskünfte zu den CC-Lizenzen finden Sie hier:

<https://creativecommons.org/licenses/by-nc-nd/3.0/deed.de>

Terms of use:

This document is made available under a CC BY-NC-ND Licence (Attribution-Non Commercial-NoDerivatives). For more information see:

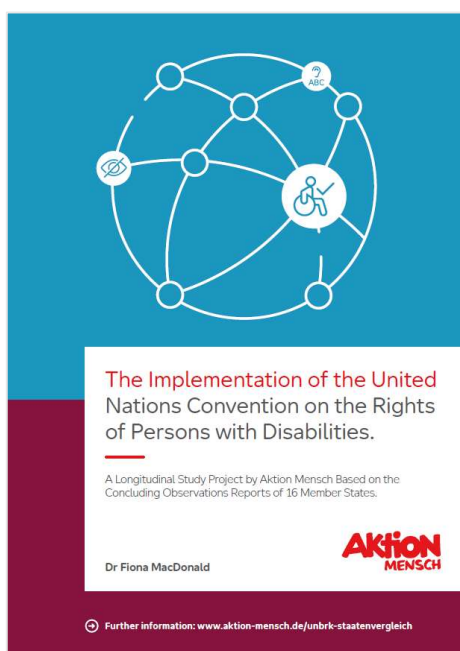
<https://creativecommons.org/licenses/by-nc-nd/3.0>

Research Data - Table of Contents

Study Title	The Implementation of the United Nations Convention on the Rights of Persons with Disabilities. A Longitudinal Study Project by Aktion Mensch Based on the Concluding Observations Reports of 16 Member States.
Author	Dr Fiona MacDonald
Commissoned by	Aktion Mensch e.V.
Date	February 2024

Table of Contents

Study Report English (original language)	2
Study Report German (translation)	39
Coding example MAXQDA (CO2-3 Germany)	80
Grading Results Spreadsheets (16 CO1 reports / 13 CO2-3 reports)	101

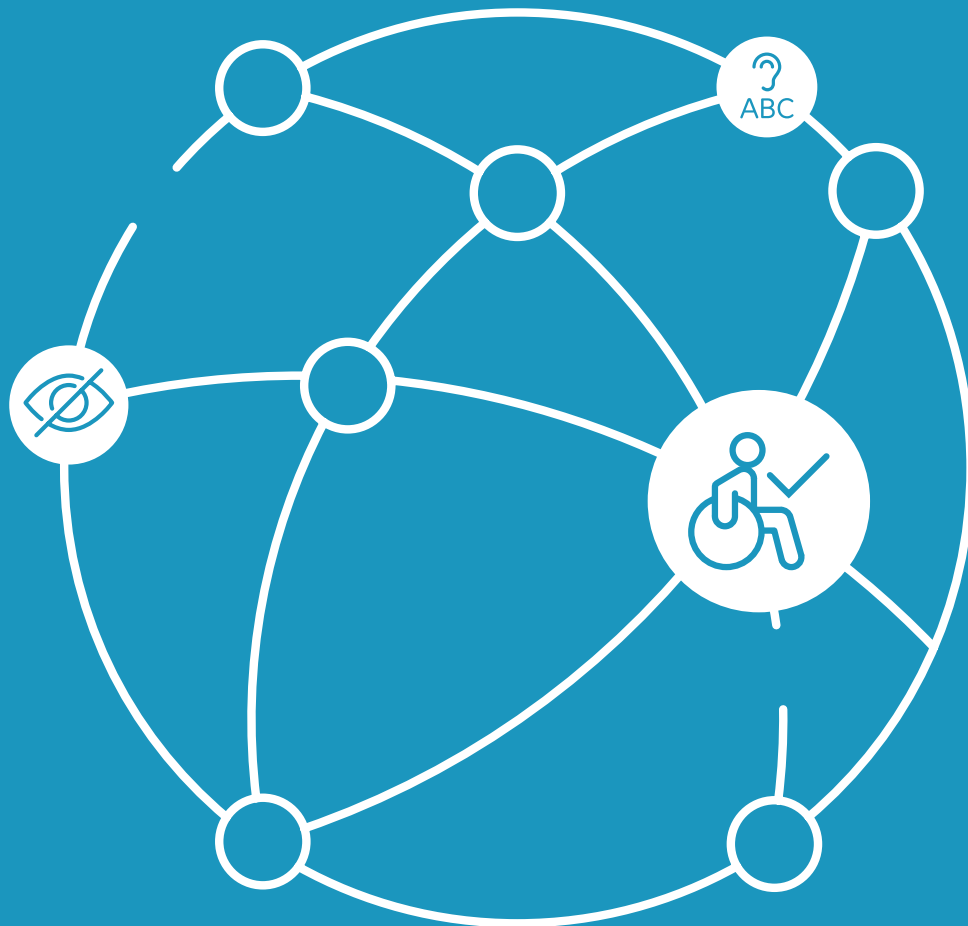


Study Report - English

Study Title	The Implementation of the United Nations Convention on the Rights of Persons with Disabilities. A Longitudinal Study Project by Aktion Mensch Based on the Concluding Observations Reports of 16 Member States.
Author	Dr Fiona MacDonald
Commissoned by	Aktion Mensch e.V.
Date	February 2024

Study report: Original English version

The file format has been converted to a non-accessible PDF. An accessible version of the study report is available at www.aktion-mensch.de/unbrk-staatenvergleich



The Implementation of the United Nations Convention on the Rights of Persons with Disabilities.

A Longitudinal Study Project by Aktion Mensch Based on the Concluding Observations Reports of 16 Member States.

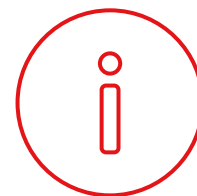
Dr Fiona MacDonald

Aktion
MENSCH

Aktion Mensch is the largest private social funding organisation in Germany. It has distributed more than five billion euros among social projects since it was founded in 1964. The aim of Aktion Mensch is to improve living conditions for people with disabilities, children and young people, and to promote harmonious social interaction. Aktion Mensch supports as many as a thousand projects each month using income from its lottery. Around four million people enter the lottery to make this possible. Its members are: ZDF, the Workers' Welfare Association, Caritas, German Red Cross, Diakonie, Paritätischer Gesamtverband and the Central Welfare Board of Jews in Germany.

Dr Fiona MacDonald is a Lecturer in Law, at The Open University in the United Kingdom. She is a qualified lawyer. Her Ph.D. focused on international children's rights, and the comparison of UNCRC Concluding Observation reports.

Table of Contents



Foreword	4
<hr/>	
1. Introduction	6
<hr/>	
2. Background	7
2.1 The Convention on the Rights of Persons with Disabilities	7
2.2 The Committee on the Rights of Persons with Disabilities	7
2.3 The monitoring process	7
2.4 Committee guidance	8
2.5 States Parties selected for the study	8
<hr/>	
3. Method of study	10
3.1 Size of sample	10
3.2 Analysis process	10
3.3 Future improvements	11
<hr/>	
4. Results	12
4.1 Comparison of the sample of the initial concluding observations reports (CO1).	12
4.2 Comparison of the combined second and third concluding observations reports.	12
4.2.1 Comparing grades for thematic clusters of articles	17
4.3 Results: grade and the progress of implementation	19
4.4 Thematic analysis	21
4.4.1 Intersectional discrimination	21
4.4.2 Deinstitutionalisation	22
<hr/>	
5. Conclusions	26
<hr/>	
References	28
Concluding observations reports	29
Annex 1: The UN Convention on the Rights of Persons with Disabilities 2006 list of Articles	30
Annex 2: Table of States Parties' grades for the combined second and third report	32
Publication details	34

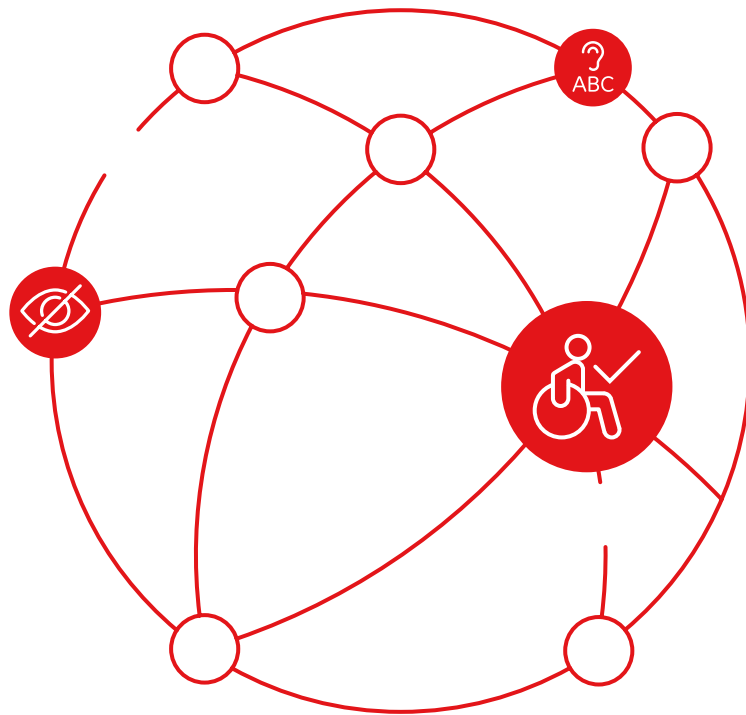
Foreword

For everyone concerned about inclusion, and especially about the equal social participation of people with disabilities, the second state report review of Germany and four other States by the UN Committee on the Rights of Persons with Disabilities in August and September was one of the key events of 2023. The Committee's recommendations were published in October in the form of concluding observations.

By then, a total of 16 States had undergone a second state review, which opened up the prospect of using the recommendations in the concluding observations to compare the extent to which these States have implemented the UN Convention on the Rights of Persons with Disabilities (CRPD). In this study, the two concluding observations for each State Party were also compared, so as to measure the progress made in the eight years between the first and second state reviews.

The sample had to be reduced from 16 to 13 States for the current state review period, since the concluding observations for three of the States were still only available in Spanish by the end of the period, not English.

Aktion Mensch is extremely grateful to Dr Fiona MacDonald for undertaking this research project, so demanding in terms of content and time. In just a few months she took 29 concluding observations relating to 16 States Parties from two state reporting periods, tabulated them article by article, coded key terms, analysed them for content and substance, evaluated them statistically, graded them, correlated them and produced this research report. This publication by Aktion Mensch is the first scientifically based work on the current state of implementation of the UN Convention on the Rights of Persons with Disabilities in 13 States Parties.



Far from seeking to vilify any particular State or encourage a deconstructive sense of competition, its aim is to help each State achieve the best outcome. Its results are designed to help the States recognise where they stand in inclusion internationally, where they have catching up to do, and what their next strategic and political steps should be. It will be published in the original English version and in a German translation to enable its results to be used internationally.

Aktion Mensch hopes that this study will encourage the States concerned not just to file away the recommendations of the UN Committee, but to convert them into action, bring them quickly to life and therefore speed up the spread of inclusion in every place.

Sascha Decker

Bereichsleiter
Förderung und Aufklärung
Aktion Mensch

Stefan Sandner

Leiter
Sozialforschung
Aktion Mensch

1. Introduction

This report summarises the main findings from a study into the implementation of the United Nations Convention on the Rights of Persons with Disabilities (United Nations 2007). The study set out to answer four questions by investigating 29 concluding observations reports from the Committee on the Rights of Persons with Disabilities (the Committee) for 16 States Parties, covering 16 reports for the first review process of 2011–2015 and 13 from the second review process of 2019–2023 due to the availability of reports in the same language.

This investigation included content and thematic analysis, and aimed to grade each report. The research questions were:

1. Are there differences in the grade of implementation of the UNCRPD between the States Parties?
2. Are there differences between the States in the progress / regress of implementation of the UNCRPD between the two periods?
3. Can States Parties be ranked in terms of the grade or progress of implementation?
4. Is it possible to identify thematic focal points in which the concluding observations reports of certain States Parties differ from those of other States?

Concerning the first and third questions, as to whether States Parties can meaningfully be compared to each other and then ranked, the study has demonstrated that this is possible. However, the final overall grades are remarkably similar in this sample, most likely due to the small sample size of only 13 States Parties at the second report stage. Despite this similarity between overall grades, the individual articles demonstrate considerable variation, enabling respective States Parties to identify areas of weakness where improvements are most needed. With a larger sample size, ideally including all States Parties that have received concluding observations reports (whether first or second cycle), the overall ranking should theoretically

be more meaningful because, in recent years, concluding observations reports have become increasingly standardised and therefore easier to compare.

In relation to the second research question of whether reports can be compared longitudinally, the answer for this set of reports is no. This is because the sample comprises those States Parties whose initial concluding observations reports were very early in the Committee's monitoring process. For this sample, all of the States Parties appear to have regressed significantly, whereas in reality the change lies in the Committee's growing understanding and increasingly deep analysis of the implementation of rights. This development in the understanding of rights-related issues and expansion of knowledge is evident in the general comments and guidelines published over this period.

Finally, regarding the fourth question of whether themes were identifiable within the sample, the answer is yes, with 'intersectional discrimination' and 'deinstitutionalisation' as examples of discernible themes. Where these themes were evident, particularly when the Committee made repeated comments about them, this impacted the grade the State Party received for each article that contained a reference to one of these issues, and it therefore significantly affected the States Parties' overall grades. If States Parties were to eliminate these barriers to the full implementation of article rights, the concerns raised by the Committee would thus be greatly reduced, reflecting an improved implementation of rights and consequently significantly improving the grading in this type of analysis.

2. Background

2.1 The Convention on the Rights of Persons with Disabilities

The United Nations Convention on the Rights of Persons with Disabilities was adopted by the UN on 12 December 2006 (published in 2007). Once a sufficient number of States Parties had signed and ratified the Convention, it came into force in May 2008. To date, 186 States Parties are recorded as having ratified the Convention. (United Nations Human Rights Office of the High Commissioner n.d.)

The Convention has a total of 50 articles. Articles 1–4 and 31–50 are essentially procedural, setting out the structures necessary for the implementation and monitoring of the Convention, including creating the Committee on the Rights of Persons with Disabilities. Articles 5–30 set out the individual functional rights recognised in the Convention. A complete list of all article titles is in Annex 1.

2.2 The Committee on the Rights of Persons with Disabilities

The Committee on the Rights of Persons with Disabilities includes 18 experts elected for a maximum of two terms of four years (UNCRPD, Art. 34). States Parties are expected to submit their initial progress report for review by the Committee two years after ratification and, theoretically, every four years after that (UNCRPD, Art. 35). However, in recent years UN Committees have allowed States Parties longer between reporting dates by requesting combined reports. The 16 States Parties that have submitted reports more than once all submitted a combined second and third periodic report.

2.3 The monitoring process

The monitoring process follows two forms, the standard being a process with four stages of documents between the State Party and the Committee. The first stage is the submission of the State Party report. Secondly, the Committee issues a 'list of issues'. Then, thirdly, the State Party replies to the list of issues. Fourthly and finally, the Committee publishes its concluding observations report (UNCRPD, Art. 36). States Parties can now sign up for a streamlined process, starting with the Committee's list of issues, and the State Party's report addresses these. In addition to the State Party's reports, non-governmental organisations (NGOs), civil society organisations (CSOs) and national human rights institutions (NHRIs) can submit reports to the Committee about progress within a State Party; these are commonly referred to as shadow reports.

The structure of this process by which the implementation of the Convention is monitored is essential to this study, because the study focuses on the final stage: the Committee's concluding observations reports. Specifically, it analyses the reports for those States Parties that have submitted both their initial report and their second periodic report (combining reports 2 and 3). Therefore, it is the Committee's words, views and observations that are analysed as a means of gauging the State Party's implementation of the Convention, not the State Party's report itself. The concluding observations reports follow a standard layout, starting with preliminary paragraphs and followed by paragraphs titled for each substantive Convention article. Generally, for each article, the Committee begins with any positive comments relating to improvements, followed by its concerns and, finally, its recommendations. The following is an example of a comment expressing a concern followed by a recommendation:

‘Respect for home and the family (art. 23)

- 41.** The Committee is concerned at the lack of express recognition in the State party’s laws of the right of persons with disabilities to marry or of respect for home and the family.
- 42.** The Committee reiterates its recommendation that the State party amend its legislation so that it explicitly recognizes the right of persons with disabilities, including those with intellectual or psychosocial disabilities, to marry, found a family, exercise parental responsibilities and adopt children on an equal footing with others.’ (UNCRPD 2019b, paras. 41 – 42 Ecuador)

The replicable structure of the concluding observations reports is critical to this study.

2.4 Committee guidance

To assist States Parties in fulfilling their obligations under the Convention, the Committee ‘provides authoritative guidance about the provisions of the Convention’ (United Nations Committee on the Rights of Persons with Disabilities n.d.). This comes in the form of ‘general comments’ and ‘guidance’. Each general comment is a thematic document focused on a specific aspect of the rights of persons with disabilities. For instance, General Comment No.4 (GC No. 4) focuses on the ‘right to inclusive education’. The first two general comments were adopted in 2014 – which, crucially, was after the States Parties included in this study had submitted their first reports. The most recent general comment adopted was Number 8, in September 2022. General comments reflect the the Committee’s evolving understanding and interpretation of the rights encompassed by the Convention. As a consequence, concluding observations reports reflect an increased understanding over time, as contained in the guidance.

2.5 States Parties selected for the study

As already noted, the States Parties whose concluding observations reports were analysed for the study are those 16 States Parties that have been through the monitoring process twice. These States Parties are shown in Table 1. This table covers the years critical to the reporting process for each State Party in the study. These include the year of signature and ratification of the UNCRPD, the years of Concluding Observations Report No.1 and Concluding Observations Report No. 2–3, and finally, the year of the next expected submission by the State Party.

Table 1:
Critical reporting years for the 16 States Parties in the study.

State Party	Signed/ ratified	Concluding Observations Report No. 1	Concluding Observations Report No. 2–3	Next State Party submission date*
Argentine Republic (Argentina)	2007/2008	2012	2023**	2030
Commonwealth of Australia	2007/2008	2013	2019	2026
Republic of Austria	2007/2008	2013	2023	2030
People’s Republic of China	2007/2008	2012	2022	2026
Republic of Ecuador	2007/2008	2014	2019	2026
Republic of El Salvador	2007/2007	2013	2019	2026
Federal Republic of Germany	2007/2009	2015	2023	2031
Hungary	2007/2007	2012	2022	2025
United Mexican States (Mexico)	2007/2007	2014	2022	2028
Mongolia	NA/2009	2015	2023	2031
New Zealand	2007/2008	2014	2022	2030
Republic of Paraguay	2007/2008	2013	2023**	2030
Republic of Peru	2007/2008	2012	2023**	2030
Republic of Korea (South Korea)	2007/2008	2014	2022	2031
Kingdom of Spain	2007/2007	2011	2019	2025
Republic of Tunisia	2007/2008	2011	2023	2030

* As stated in the closing of the CO2-3 report.

** At the time of the analysis, the second concluding observations report was only available in Spanish without an official English language version; it was therefore not included in the analysis.

3. Method of study

3.1 Size of sample

The study involved performing content and thematic analysis on 29 concluding observations reports. Sixteen are from the first set of concluding observations reports and 13 are from the second set of reports. There are fewer in the second set because three State Party reports did not have official translations into the English language at the time of the analysis. The sample size was dictated by the number of States Parties that had gone through the monitoring process twice. Because this is a small sample, the results must be treated as indicative rather than indisputable.

3.2 Analysis process

There are two primary stages in the analysis process. Firstly, the coding of the documents using MAXQDA (VERBI GmbH), a qualitative data analysis application. Secondly, the comparison, article by article, counting and grading issues identified by the Committee and recording these in spreadsheets.

This type of analysis is inherently iterative and develops as the analyser becomes increasingly familiar with the data set. The coding starts looking for specific terms deductively, such as references to legislation, or a particular use of language, such as where the Committee notes that it is 'reiterating' a comment it has previously made to the State Party. As familiarity with the data set increases, inductively identified themes may also be coded.

Having prepared the concluding observations documents by coding them, the second stage in identifying States Parties with better implementation is to use a

method to 'grade' the reports using the framework of the specific functional Convention articles. Two primary variables need to be considered: the number of issues raised and the severity of those issues. To reflect this, a 'seriousness factor' was employed to enable recognition of specific issues that contain particularly serious elements, in addition to recognising particular kinds of language used by the Committee, such as where it noted that it was 'deeply' concerned about an issue or called for the State Party to make improvements 'urgently'. Each article was focused on in turn and graded for all of the States Parties and for both sets of reports, to ensure consistency. The grade for each article was obtained by classifying the number of separate issues the Committee had identified for each State Party, then adding any 'seriousness factor' identified. The grades awarded run from 'A', where no issues are recorded, to 'H', where seven or more issues and seriousness factors exist. For the purpose of numerical analysis, figures were attributed to these letters, 'A' being equivalent to '0', 'B' being '1' and so on, all the way to 'H', which is equivalent to 7. Within the sample, one State Party's concluding observations report was a blended report covering three regions,¹ submitted as separate reports. To ensure that issues were not double-counted, if the same issues were repeated in the paragraphs aimed at the respective regions, they were only counted once, so as to avoid an unduly harsh grade. Despite this precaution, the structure of this type of combined report could disadvantage a State Party with this kind of regional structure, due to the report's inevitable complexity.

This method is not a statistical comparison of quantitative data creating a clear league table. It is qualitative and, as such, indicative and illustrative rather than unequivocally conclusive. The method therefore has limitations. Despite this, it is capable of producing replicable data, reliable information and interesting

¹ The three regions were China, Hong Kong and Macau.

observations and insights. This innovative approach of using content and thematic analysis on UN Committee concluding observations reports to grade and rank States Parties was developed for a PhD thesis, and a more detailed description of its method and methodology is available therein (MacDonald 2021, chap. 3).

3.3 Future improvements

Ideally, this study would be expanded to include all concluding observations reports, both initial and periodic. Doing so would enable the creation of a database of themes and issues and support States Parties in evaluating longitudinal progress in the future. It would also assist in identifying better (or improved) implementation of specific rights, both globally and within particular parameters such as geographic regions.

If a more extensive set of reports were to be analysed, it would also be beneficial to undertake a more detailed calibration of the recognition of the varying seriousness of issues with a team of analysts, enabling the grading process to reflect more accurately the complexities of such a large range of concerns and to make the study even more reproducible.

4. Results

4.1 Comparison of the sample of the initial concluding observations reports (CO1).

There was considerable variation in the layout and content of the initial concluding observations reports (CO1) for the 16 States Parties in the sample. This included the Committee commenting less frequently on some articles. For instance, Tunisia had only 12 articles commented on, whereas El Salvador had 24 of the 26 articles commented on. This variation in the number of articles commented on gave the grading totals a large distribution, from 25 to 64. For these initial reports, it is difficult to be confident that the absence of a comment is a genuine indication that there were no issues with that article. For the later concluding observations reports, however, it is more likely that an absence of concerns indicates an actual lack of issues around a particular article.

The variation in these earlier reports appears to be because of the newness of the Convention and the monitoring process. For instance, general comments had yet to be released that might develop an understanding of article rights and define the issues States Parties should address in their reports.

Consequently, when looking at overall scores for the States Parties, two different averages are shown in Figure 1. Firstly, the overall average grade for each State Party (the total divided by the number of possible articles). Secondly, the average grade for only the number of articles commented on. The average for articles actually graded ranged from 2 to over 3. The three States Parties with fewer issues commented on by the Committee are New Zealand, Tunisia and Hungary. However, as described, these early reports need to be viewed in light of the newness of the monitoring process.

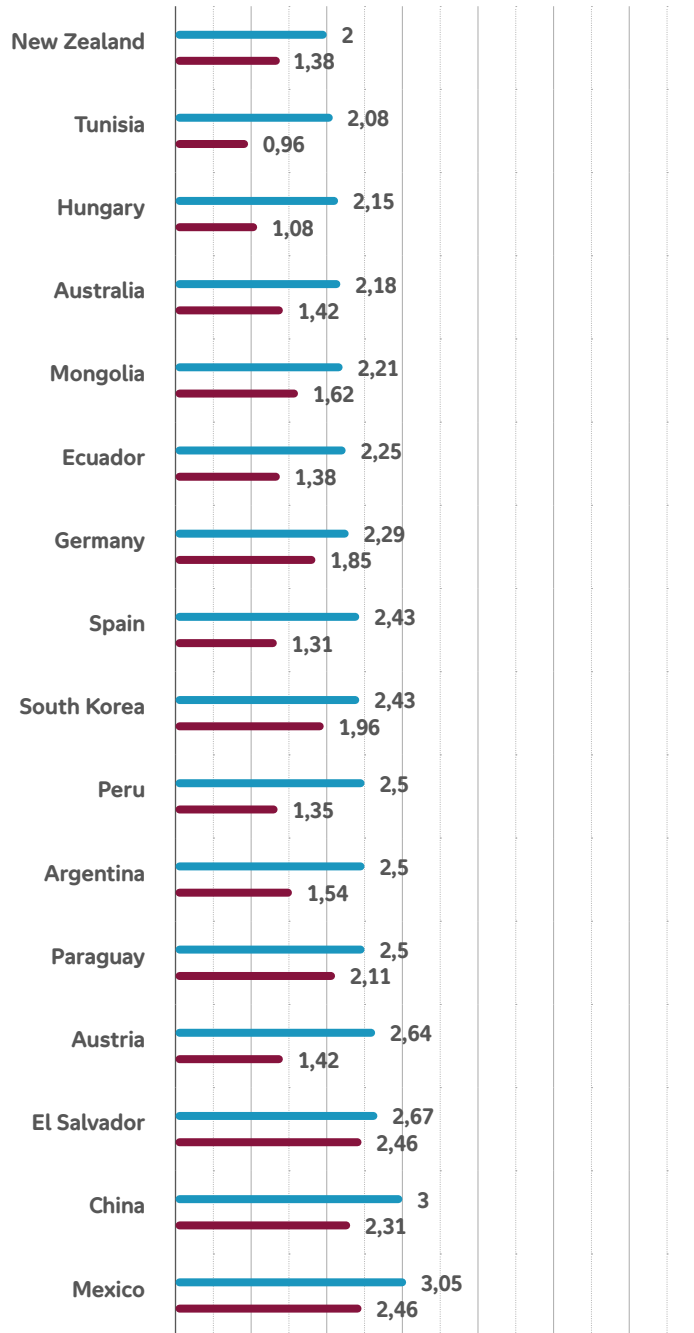
In Figure 1, a greater difference between the average of the articles actually graded and the average grade over all 26 articles indicates that more articles were not commented on in the CO1 report, such as for Tunisia and Hungary.

4.2 Comparison of the combined second and third concluding observations reports.

Compared to the initial reports, the combined second and third concluding observations reports (CO2-3) had fewer articles for which some States Parties did not receive comments. This means that the absence of a comment by the Committee is more likely to indicate that it was not aware of the existence of any issues relating to that article.

As a consequence, the difference between the average grade over 26 articles and the actual articles graded is much smaller than for the CO1 set of reports. This is shown in Figure 2.

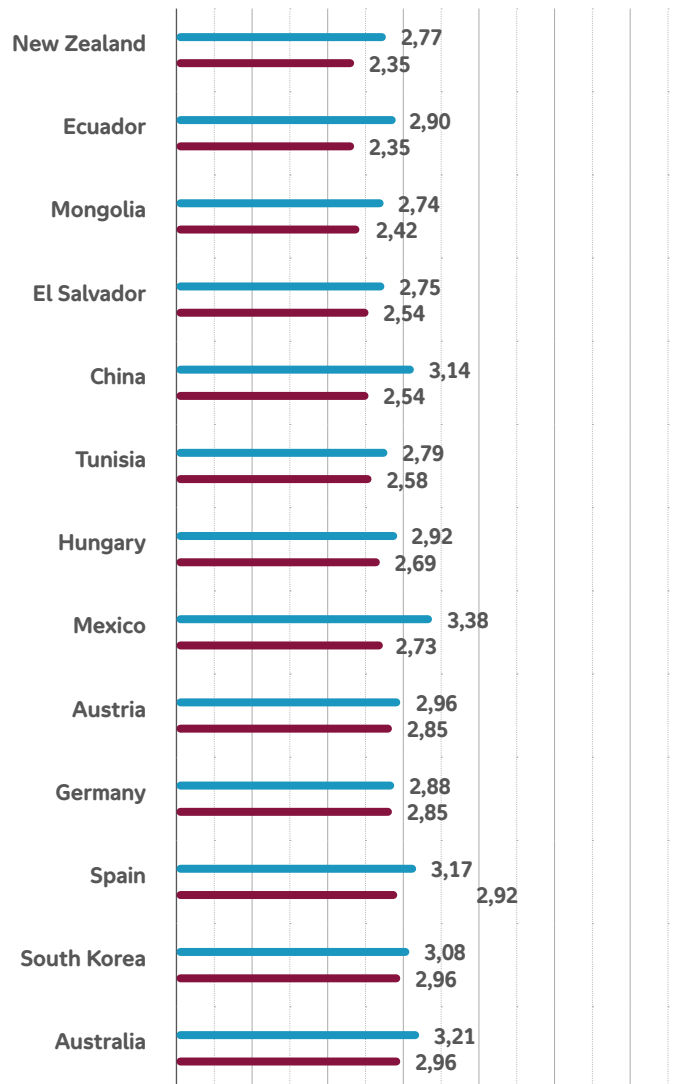
Figure 1:
States Parties' average grades for CO1



Best grade = 0, worst grade = 7 ● Average grade of articles graded ● Average grade of 26 articles

Figure 2:

States Parties' average grades for CO2-3 in order of lowest (best) to highest average for the full 26 articles.



Best grade = 0, worst grade = 7 ● Average grade of articles graded ● Average grade of 26 articles

On the face of it, these results may not appear to tell us much, since the average grades for the combined CO2-3 look very similar, ranging only between 2 and 3.5. And yet the closeness of these overall averages is important, since it demonstrates that within this small sample, despite there being considerable variation in the physical size, population, geographic region, political system and economic situation of the States Parties, it is hard to pinpoint a State Party that implements these rights significantly more effectively than the others. There is no one State Party that stands

out as achieving a significantly higher or lower grade overall, and yet a critically important finding is that comparisons between individual articles demonstrate greater variation and can indicate better or worse performance in two salient ways. Firstly, focusing on a specific State Party can highlight which articles' rights that State Party appears to have greater difficulty implementing. For instance, in Table 2, which shows a selection of ten articles, Australia has consistently achieved a D for all but one article, where an F has been recorded. This allows us to theorise that Austra-

lia needs to focus on improving the implementation of rights relating to that article. Secondly, by focusing on a specific article, it is possible to identify which States Parties appear to be implementing those particular rights more effectively. For instance, in Table 2, Article 25 has four States Parties graded at E, four at D and five at C. This should allow other States Parties that are focusing on improving the implementation of this article to investigate how these five States Parties are achieving as well as they are.

The entire table showing all 13 States Parties' grades for individual articles from the combined second and third concluding observations reports is included in Appendix 2.

Individually, a State Party can also use this data to assess its implementation of articles against the average.

Figure 3 is a bar chart showing the average grade per article compared against an example State Party.² This visualisation can be used to identify those articles for which the example States Party's grade is below average, here demonstrated by a higher number (taller bar). In this example, the articles where the State Party performs worse than average are articles 5, 8, 9, 14, 15, 17, 18, 23, 24, 25, 26, 28, 29, and 30, with articles 24, 25, 26 and 30 noticeably further from the average.

² The State Party used as an example for this chart was Germany and the concluding observations report was on its combined second and third periodic report 2023.

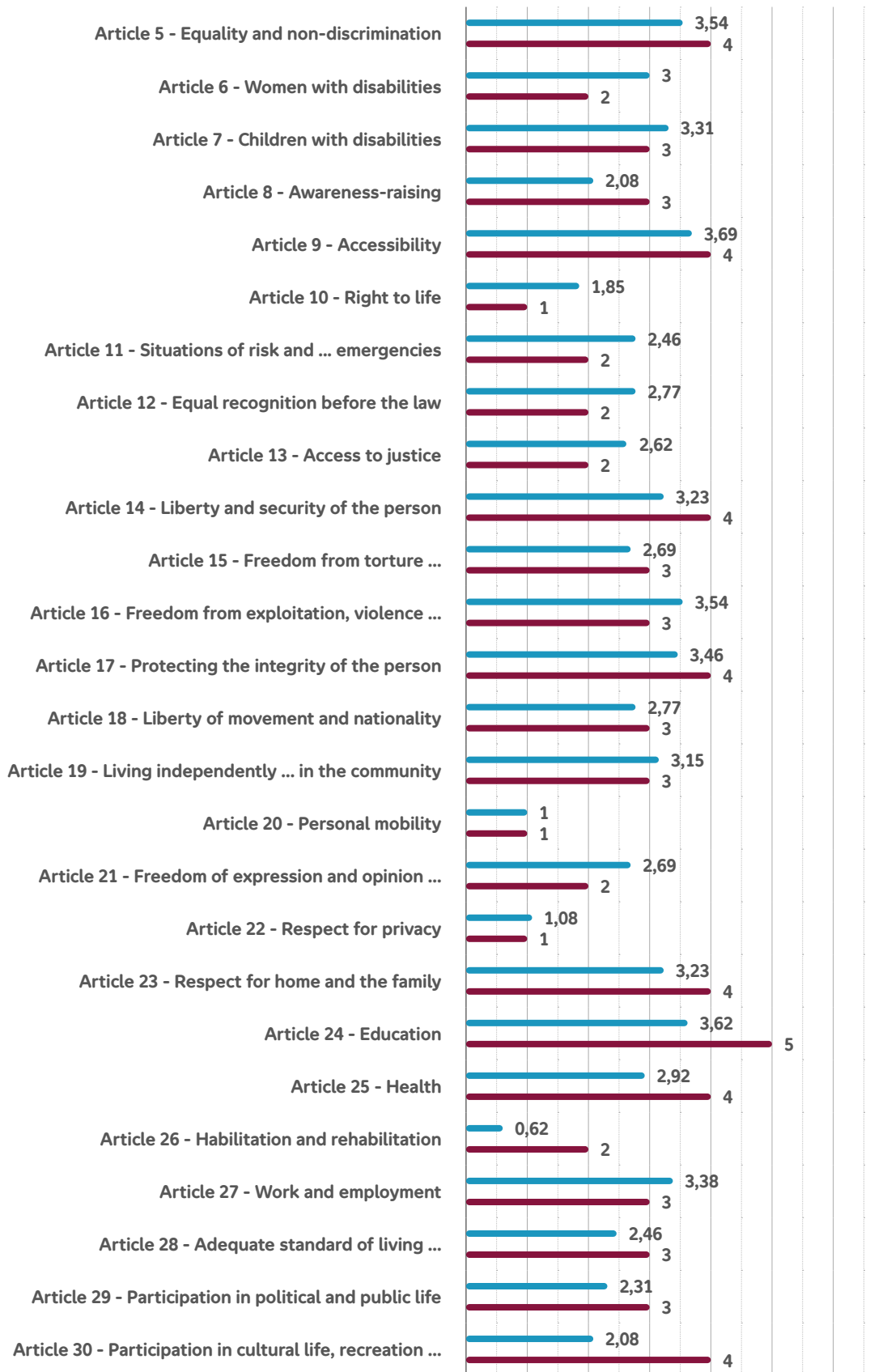
Table 2:
A selection of articles graded for States Parties for the second and third combined CO report.

State Party / Year of CO2-3	Art. 5	Art. 7	Art. 9	Art. 15	Art. 19	Art. 23	Art. 24	Art. 25	Art. 27	Art. 28
Australia 2019	D	F	D	D	D	D	D	D	D	D
Austria 2023	C	C	D	D	E	D	G	E	E	C
China 2022	E	C	D	E	D	E	D	E	D	A
Ecuador 2019	E	E	D	A	D	D	D	D	D	D
El Salvador 2019	D	E	D	D	D	D	D	C	D	D
Germany 2023	E	D	E	D	D	E	F	E	D	D
Hungary 2022	D	D	E	D	E	E	E	C	E	D
Mexico 2022	E	F	D	D	C	D	E	E	F	C
Mongolia 2023	E	B	F	C	D	D	D	C	D	C
New Zealand 2022	D	C	E	C	D	F	D	C	D	E
South Korea 2022	F	E	E	D	E	D	D	C	D	D
Spain 2019	D	D	E	E	D	C	E	D	E	C
Tunisia 2023	E	F	F	C	D	C	D	D	D	C

Grading from best to worst: ○ A=0 ● B=1 ● C=2 ● D=3 ● E=4 ● F=5 ● G=6 ● H=7

Figure 3:

Bar chart of the average grade per article compared against an example State Party for CO2-3.



Best grade = 0, worst grade = 7 ● Average ● Example State Party

4.2.1 Comparing grades for thematic clusters of articles

The concluding observations reports for the UNCRPD are set out so that they consider each functional article in turn. Other UN Committees³ have created thematic ‘clusters’ of articles and combined comments on relevant topics. Human rights are ‘indivisible and interdependent’; nevertheless, analysing the implementation of thematic groups of rights can be a useful way of identifying important areas in need of improvement. Within the articles for this Convention, there are some that relate to quite specific aspects of life, such as childhood (Art. 7) and ‘freedom from exploitation, violence and abuse’ (Art. 16). Some articles can be described as focusing on legal interests and freedoms or on aspects of everyday life. Analysing the comments and hence the grades States Parties receive for these two groups or clusters of rights can assist in understanding where a State Party’s strengths and weaknesses are. It is also interesting to see how States Parties move and even swap places within tables focused on different thematic clusters of rights. To begin with, Table 3 illustrates the grades and totals achieved by the States Parties in order of their grades for eight articles chosen to demonstrate ‘legal interests and freedoms’:

- Article 10 – Right to life
- Article 12 – Equal recognition before the law
- Article 13 – Access to justice
- Article 14 – Liberty and security of person
- Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment
- Article 16 – Freedom from exploitation, violence and abuse
- Article 21 – Freedom of expression and opinion, and access to information
- Article 22 – Respect for privacy

The results and the rankings reflect that, particularly for articles 10 and 22, but also 15, 16, and 21, some States Parties did not receive a comment, which impacted their overall result. However, there is often similarity across the grades for individual States Parties. The grades and totals for articles relating to ‘legal interests and freedoms’ can be compared against grades and totals for articles relating to aspects of

‘everyday life’. When considering these different ways of assessing, grading, and ranking States Parties, it is critical to remember that this method does not actually grade the implementation of rights by a State Party. What it grades is the Committee’s comments about the implementation of rights in a State Party, which it uses to infer levels of implementation. Nonetheless, focusing on thematic groups of articles such as these helps in understanding the realisation of rights.

Some articles by their very nature impact the daily lives of persons with disabilities and therefore represent a thought-provoking cluster of rights for a focused analysis. The grades of the Committee’s comments relating to this group of ‘everyday life’ articles for the States Parties are shown in Table 4. The articles included in this analysis are:

- Article 5 – Equality and non-discrimination
- Article 9 – Accessibility
- Article 19 – Living independently and being included in the community
- Article 20 – Personal mobility
- Article 23 – Respect for the home and family
- Article 24 – Education
- Article 25 – Health
- Article 27 – Work and employment
- Article 28 – Adequate standard of living and social protection
- Article 30 – Participation in cultural life, recreation, leisure and sport

It is important to bear in mind that the Committee’s statements are not about the overall quality of life and the implementation of these aspects of human rights generally in a State. Rather they are about the difference in the realisation of these rights which the disabled population experiences compared with the general population, and the level of discrimination apparent.

As with the ‘legal interests and freedoms’ articles group, the results and the rankings for this group of articles again reflect that for some articles, in this case numbers 20, 28 and 30, some States Parties did not receive comments, which impacted their overall result. In the CO2-3 set of reports, eight States Parties received comments regarding Article 20, whereas in the CO1 set of reports, only three States Parties

³ For instance, the reports from the UN Committee on the Rights of the Child group the articles into nine thematic ‘clusters’.

Table 3:

States Parties' grades for the 'legal interests and freedoms' group of articles for the CO2-3 reports.

State Party	Total	Art. 10 Right to Life	Art. 12 Equal recognition before the law	Art. 13 Access to justice	Art. 14 Liberty and security of person	Art. 15 Freedom from torture ...	Art. 16 Freedom from exploitation...	Art. 21 Freedom of expression...	Art. 22 Respect for privacy
Mongolia 2023	13	A	E	D	D	C	A	B	A
Ecuador 2019	15	A	C	D	C	A	E	E	A
New Zealand 2022	16	A	C	C	D	C	D	E	A
Austria 2023	17	A	D	C	C	D	D	C	C
Tunisia 2023	17	A	C	C	D	C	E	C	C
Germany 2023	18	B	C	C	E	D	D	C	B
Hungary 2022	18	C	C	C	F	D	D	B	A
Mexico 2022	19	C	F	E	C	D	D	A	A
Australia 2019	24	D	C	E	F	D	E	D	A
South Korea 2022	24	E	E	D	C	D	E	D	B
El Salvador 2019	25	F	D	C	D	D	G	D	A
China 2022	29	D	D	C	D	E	E	H	D
Spain 2019	31	E	C	D	F	E	F	D	F

Grading from best to worst: ○ A=0 ● B=1 ● C=2 ● D=3 ● E=4 ● F=5 ● G=6 ● H=7

received comments. For Article 30 in CO1, only five States Parties received comments, so in relation to these articles at CO2-3, the additional factor of 'reiterating' a concern is removed.

This analysis of 'everyday life' articles ranks the States Parties quite differently from the 'legal interests and freedoms' articles. Spain, for instance, moves from the bottom of the 'legal interests and freedoms' table to the top three for 'everyday life' articles. Germany and

Austria, however, having been in the top half for 'legal interests and freedoms', drop to the bottom of the table for 'everyday life' articles.

In addition, the results for focused groups of articles can be compared with the overall grades and rankings shown in Figure 2, and some States Parties have very different grades and rankings for this group of articles. Australia, for example, received the worst average grade overall, whereas here it achieved a far

Table 4:
States Parties' grades for the 'everyday life' articles in the CO2-3 reports.

State Party	Total	Art. 5 Equality and non-discrimination	Art. 9 Accessibility	Art. 19 Living independently	Art. 20 Personal mobility	Art. 23 Respect for home and family	Art. 24 Education	Art. 25 Health	Art. 27 Work and employment	Art. 28 Standard of living	Art. 30 Cultural life
China 2022	24	E	D	D	A	E	D	E	D	A	A
El Salvador 2019	25	D	D	D	B	D	D	C	D	D	B
Spain 2019	26	D	E	D	A	C	E	D	E	C	B
Mexico 2022	27	E	D	C	A	D	E	E	F	C	A
New Zealand 2022	28	D	E	D	B	F	D	C	D	E	A
South Korea 2022	28	F	E	E	A	D	D	C	D	D	B
Australia 2019	29	D	D	D	B	D	D	D	D	D	E
Ecuador 2019	29	E	D	D	A	D	D	D	D	D	E
Mongolia 2023	30	E	F	D	C	D	D	C	D	C	D
Tunisia 2023	30	E	F	D	D	C	D	D	D	C	C
Hungary 2022	33	D	E	E	C	E	E	C	E	D	D
Austria 2023	34	C	D	E	C	D	G	E	E	C	E
Germany 2023	35	E	E	D	B	E	F	E	D	D	E

Grading from best to worst: ○ A=0 ● B=1 ● C=2 ● D=3 ● E=4 ● F=5 ● G=6 ● H=7

better result; and Ecuador, which achieved the joint best average grade overall in this group of articles, performed worse. While acknowledging that human rights are 'indivisible and interdependent', these articles relate to the realisation of rights in everyday lives, so they are some of the articles that will have a perceivable impact daily and will therefore matter greatly in the lives of persons with disabilities.

4.3 Results: grade and the progress of implementation

Returning to the first two research questions:

1. Are there differences in the grade of implementation of the UNCRPD between the States Parties?
2. Are there differences between the States in the progress/regress of implementation of the UNCRPD between the two periods?

The answer to the first question is fundamentally ‘yes’. However, it is more complex than a simple ‘yes’ alone, because the sample of reports for this study was relatively small. A larger sample is likely to have produced a wider range of overall implementation grades. However, the study has shown significant differences in the grade of implementation of the UNCRPD between the States Parties for individual rights articles.

The answer to the second question is also complex, and for this study, the answer is in the negative because comparing CO1 and CO2-3 reports does not reliably show progress or regression. For most articles, all of the Parties appear to show regression; this is likely because the Committee’s (and the State Parties’) understanding of the complexity of the numerous issues that need to be assessed within each article has increased significantly during this time. This increase in knowledge is partly due to how early in the Committee’s activities the CO1 reports for this sample were produced. More recent CO1 reports, on the other hand, are as complex and detailed as the more recent CO2-3 reports. Therefore, future concluding observation reports may be similar enough to make progress or regress meaningfully quantifiable.

Turning to question three, ‘Can States Parties be ranked in terms of the grade or progress of implementation?’ The answer to this is linked to the main research question, where the overall average grades were relatively similar. In comparison to this average grade (Figure 2), the overall score shown in Table 5 demonstrate a wider range of scores, through all States Parties overall scores are in the 60–80 range for CO2-3.

If the articles on which the Committee did not comment are excluded, the average score per article changes,

resulting in the ranking order changing slightly, as shown in Table 6 (and illustrated by the chart in Figure 2 above).

The consequence of comparing these two results is that it is possible to identify States Parties that rank highly in both categories, such as New Zealand. However, it is fair to say that none of the States Parties assessed could be described as implementing the rights for persons with disabilities well, according to the Committee’s comments.

The ranking of the total scores displayed in both Table 5 and Figure 2, where the seven lowest-ranking States Parties are all OECD (Organisation for Economic Co-operation and Development) members, raises a possible future research question into the depth and quality of the complete information the Committee is basing its concluding observations on. The potential research enquiry here would focus on the quantity and quality of submitted reports, notably shadow reports. Are the concluding observation reports affected by strong, in-depth shadow reports highlighting issues? Could it be that in highly developed liberal states, with a free and differentiated press, an active civil society and strong self-advocacy organisations, the Committee gains a broader and more diverse knowledge base on which to found its assessments? Does a more robust representation in the shadow reports lead to the inclusion of more critical views in the concluding observations reports and, therefore, influence the implementation grade negatively? To explore this research enquiry, if further content analysis were to be undertaken on a larger sample (as mentioned in 3.3), a more in-depth analysis of the entire review process and all of the documents and statements on which it is based would be essential.

Table 5:
States Parties by overall score range for CO2-3

Score range	States Parties
60–64	New Zealand, Ecuador, Mongolia
65–69	El Salvador, China, Tunisia
70–74	Hungary, Mexico, Austria
75–79	Germany, Spain, South Korea, Australia

Table 6:
States Parties by average grade of articles graded for CO2-3

Average grade of articles graded	State Party
2.74	Mongolia
2.75	El Salvador
2.77	New Zealand
2.79	Tunisia
2.88	Germany
2.90	Ecuador
2.92	Hungary
2.96	Austria
3.08	South Korea
3.14	China
3.17	Spain
3.21	Australia
3.38	Mexico

4.4 Thematic analysis

Thematic analysis of the articles was conducted as a means to answer the fourth question: ‘Is it possible to identify thematic focal points in which the concluding observations reports of certain States Parties differ from those of other States?’ For each article, in addition to grading the State Party’s implementation, the topics the Committee frequently referred to were recorded. Some of these topics are naturally specific to individual articles. Others, however, are overarching issues relevant to many articles. Consider Article 5 on ‘Equality and non-discrimination’ as an example. It can be described as cross-cutting and a foundation for implementing other rights. In the CO1 set of reports, the grades achieved by States Parties ranged from B to F. In the CO2-3 set of reports, from C to F. Three topics were noted as frequent within the two sets of reports: intersectional discrimination, the recognition of reasonable accommodation, and issues with complaints procedures and the remedies available. Of these three themes, intersectional discrimination is particu-

larly interesting as it was an issue that appeared in the comments concerning many articles. In contrast, the other two issues are more article-specific. Another theme that was repeatedly evident in the Committee’s comments was that of ‘deinstitutionalisation’. Intersectional discrimination and deinstitutionalisation will be explored further in turn.

4.4.1 Intersectional discrimination

The importance of intersecting vulnerabilities and the resulting intersectional discrimination is described by the United Nations Network on Racial Discrimination and Protection of Minorities:

‘Intersectionality is a concept and theoretical framework that facilitate[s] recognition of the complex ways in which social identities overlap and, in negative scenarios, can create compounding experiences of discrimination and concurrent forms of oppression.’ (2022)

The way that combining multiple discriminations compounds and exacerbates the effect of discrimination should not be underestimated, and investigating where the Committee identifies intersectional discrimination within their concluding observations to a State Party should assist in pinpointing areas in which improving implementation has the potential to create real-life positive impact. Examples of comments relating to intersectional discrimination for Article 5 include general ones such as:

‘The Committee is concerned that there is no effective legislative framework to protect persons with disabilities from systemic, intersectional and multiple forms of discrimination,...’
(UNCRPD 2019a, para. 9, Australia)

Some comments specified forms of intersectional discrimination, such as gender discrimination:

‘The Committee observes with concern the lack of: Recognition of multiple and intersectional forms of discrimination against persons with disabilities, including gender-based discrimination against women with disabilities, in the anti-discrimination legislation of the State Party’.
(UNCRPD 2022, para. 10(a), Hungary).

Another form of intersectional discrimination frequently mentioned relates to race. For instance:

‘... there is lack of recognition and prohibition of multiple and intersectional discrimination, especially against women, indigenous persons and persons of African descent with disabilities.’
(UNCRPD 2019c, para. 8, El Salvador).

Other forms of intersectional discrimination noted relate to migrant status, ethnicity, gender identity, sexual orientation and persons with disabilities with HIV.

For example, for Article 5, in both the CO1 and CO2-3 sets of reports, there were explicit comments about intersectional discrimination in 18 of the 29 reports, and more than half of the articles contained concerns about intersectional discrimination. The significance of the intersectionality of multiple vulnerabilities is described by the then Special Rapporteur on the

rights of persons with disabilities in focusing on how poverty intersects with disability:

‘[...] poverty is multidimensional in nature and is compounded across the lifespan. Intersectional factors such as gender, ethnic or minority origin, rural and peri-urban residence and old age lead to further, disproportionate poverty among persons with disabilities. These factors often function in a negative feedback loop: children and adolescents with disabilities are denied education or face limited educational and skills training opportunities; adults with disabilities, lacking marketable education and skills, face disproportionately high rates of unemployment and underemployment, all the more so in difficult economic times.’
(Special Rapporteur on the rights of persons with disabilities 2021, para. 71)

The significance of intersectional discrimination is clear when reading multiple concluding observations reports. It is apparent that most (if not all) States Parties need to improve in this area. If they do, this will significantly improve their implementation of rights for persons with disabilities. Variations of the final quotation on this theme were conveyed to most States Parties. This recommendation can be considered to be relevant to all States Parties in that they need to:

‘Ensure that [their] laws, policies and strategies for eliminating discrimination include an explicit definition and prohibition of disability-based discrimination and that they incorporate, on a cross-cutting basis, a recognition of multiple and intersectional discrimination, particularly in the case of women, children, indigenous persons, persons of African descent, [...] asylum seekers, migrants and refugees with disabilities, in all areas of life.’
(UNCRPD 2019b, para. 14(a) Ecuador)

4.4.2 Deinstitutionalisation

One of the critical themes apparent in the concluding observations reports is ‘deinstitutionalisation’. This theme includes comments about and references to the use of ‘institutions’, ‘involuntary detention’ and ‘deprivation of liberty’. In 2022 the Committee released its ‘Guidelines on deinstitutionalisation, inclu-

ding in emergencies' (UNCRPD 2022)⁴ where it was noted that:

'Despite obligations under international law, persons with disabilities worldwide continue to be placed in institutions under life-threatening conditions.'
(UNCRPD 2022, para. 4)

In all 29 reports on the 26 articles reviewed, 16 included references to 'institutionalisation' in some form. In neither the CO1 nor the CO2-3 set of reports did any State Party escape criticism regarding the use of institutions. The range of issues and forms of discrimination relating to institutionalisation described in the concluding observations reports is highly varied. For example, the following shocking comment was found under Article 12 on 'Equal recognition before the law':

'The Committee is concerned at reports that a number of persons with disabilities, especially those living [...] in long-term institutional settings, do not have identity cards and, sometimes, have no name.'
(UNCRPD 2012, para. 22 Peru).

Further, under Article 23, 'Respect for home and the family', the Committee raised a concern that:

'children with disabilities living in poverty are at greater risk of abandonment and placement in institutions.'
(UNCRPD 2022b, para. 45 Mexico)

The frequency of relevant comments increased in the second set of reports. Table 7 maps which States Parties received comments on institutional use in relation to each Convention article.

⁴ These are to be read 'in conjunction with the Committee's general comment No. 5 (2017) on living independently and being included in the community (art. 19 of the Convention) and the Committee's guidelines on the right to liberty and security of persons with disabilities (Art. 14). (UNCRPD 2022, para.1).'

Table 7:**Map of comments relating to institutions and deinstitutionalisation for the CO2-3 set of documents.**

	CO 2-3 Australia 2019	CO 2-3 Austria 2023	CO 2-3 China 2022	CO 2-3 Ecuador 2019	CO 2-3 El Salvador 2019	CO 2-3 Germany 2023	CO 2-3 Hungary 2022	CO 2-3 Mexico 2022	CO 2-3 Mongolia 2023	CO 2-3 New Zealand 2022	CO 2-3 South Korea 2022	CO 2-3 Spain 2019	CO 2-3 Tunisia 2023	Total
Article 5 - Equality and non-discrimination														0
Article 6 - Women with disabilities		✓												1
Article 7 - Children with disabilities		✓		✓	✓		✓	✓				✓		6
Article 8 - Awareness-raising														0
Article 9 - Accessibility														0
Article 10 - Right to life							✓	✓			✓			3
Article 11 - Situations of risk and humanitarian emergencies			✓				✓	✓	✓		✓			5
Article 12 - Equal recognition before the law								✓						1
Article 13 - Access to justice							✓	✓						2
Article 14 - Liberty and security of the person	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	13
Article 15 - Freedom from torture or cruel, inhuman or degrading treatment or punishment			✓		✓	✓	✓	✓			✓	✓		7
Article 16 - Freedom from exploitation, violence and abuse		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		10
Article 17 - Protecting the integrity of the person		✓				✓	✓	✓	✓		✓			6
Article 18 - Liberty of movement and nationality														0
Article 19 - Living independently and being included in the community	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	13
Article 20 - Personal mobility														0
Article 21 - Freedom of expression and opinion, and access to information														0
Article 22 - Respect for privacy		✓				✓						✓		3
Article 23 - Respect for home and the family		✓	✓				✓			✓				4
Article 24 - Education							✓							1
Article 25 - Health	✓	✓												2
Article 26 - Habilitation and rehabilitation														0
Article 27 - Work and employment							✓		✓		✓			3
Article 28 - Adequate standard of living and social protection														0
Article 29 - Participation in political and public life														0
Article 30 - Participation in cultural life, recreation, leisure and sport														0
Total number of articles with references for each State party	3	9	5	4	5	6	12	10	6	4	8	6	2	

This mapping of comments shows that for both Article 14 on ‘Liberty and security of person’ and Article 19 on ‘Living independently and being included in the community’, all States Parties received comments on the issue of ‘institutions’, demonstrating that this is not an isolated issue facing individual States Parties, and that there is therefore potential for regions or groups of States Parties to work together to improve the issue. Examples of comments under Article 14, ‘Liberty and security of person’, used terms such as ‘involuntary detention’ and ‘deprivation of liberty’. For instance:

‘The Committee is concerned that the State Party’s mental health legislation is largely based on a medical model of disability and that it allows for involuntary detention and compulsory treatment.’
(UNCRPD 2023b, para. 33 Austria)

A further example is where the Committee was:

‘...deeply concerned:
About the forced institutionalisation and forced treatment of persons with disabilities on the basis of impairment in care and integration assistance facilities and other institutions, psychiatric institutions and forensic psychiatric care facilities;’
(UNCRPD 2023a, para. 29(a) Germany)

Examples of comments under Article 19, ‘Living independently and being included in the community,’ include:

‘The Committee is concerned about:
(a) The perpetuation of institutionalisation of children with disabilities by the refurbishing and building of new institutionalised settings and by placing children with disabilities who require higher levels of support in institutions for adult persons with disabilities;
(b) The lack of an independent monitoring mechanism for the deinstitutionalisation of children;’
(UNCRPD 2022a, para. 40(a) and (b) Hungary)

Comments under this article also included reference to strategies (or lack thereof) for deinstitutionalisation, such as:

‘The Committee is concerned about the lack of a federal and state strategy for the inclusion of persons with disabilities in society and their ability to live

independently, and about the absence of a specific and effective strategy for the deinstitutionalisation of persons with disabilities.’
(UNCRPD 2022b, para. 50 Mexico)

The mapping of relevant comments in Table 7 illustrates that deinstitutionalisation is more than just an issue for these two articles, for which comments would be expected due to the articles’ subject matter. Many other articles also contained comments under this theme. For instance, under Article 24 on ‘Education’:

‘The Committee notes with concern that children with disabilities are excluded from the general education system. In particular, it is concerned about:
(a) The Public Education Act, which provides for segregated education and omits the obligation to admit children with disabilities into general education schools, as provided in the Convention, and legitimises both the education of children with high support requirements in residential institutions and at home and a reduced number of teaching hours for children with disabilities;’
(UNCRPD 2022a, para. 48(a) Hungary)

Or Article 27 on ‘Work and employment’ where the concern was linked to the ramifications of deinstitutionalisation, the State Party was advised to:

‘Strengthen measures to ensure that persons with disabilities, including persons with disabilities taking part in deinstitutionalisation processes, [...] have access to work and employment in the open labour market and to inclusive work environments;’
(UNCRPD 2022c, para. 56(c) South Korea)

Within this sample, Hungary had the most references to institutions or deinstitutionalisation. Austria, Germany, Mexico, Mongolia, South Korea, and Spain also received six or more references identified as relating to the use of institutions. In contrast, Tunisia, Australia, Ecuador and New Zealand all had notably fewer relevant comments. The frequency with which institutions and deinstitutionalisation are referred to in the concluding observations reports demonstrates how significant an issue this is from the perspective of the Convention and the Committee, and is an area which, if a State Party focused on improving it, would significantly improve their implementation of many individual Convention rights.

5. Conclusions

This study set out to explore four research questions:

1. Are there differences in the grade of implementation of the UNCRPD between the States Parties?
2. Are there differences between the States in the progress / regress of implementation of the UNCRPD between the two periods?
3. Can States Parties be ranked in terms of the grade or progress of implementation?
4. Is it possible to identify thematic focal points in which the concluding observations reports of certain States Parties differ from those of other States?

Of these four questions, only the second – attempting to analyse the progress or regress of implementation – was unable to generate meaningful results. This was because of the understandable rate of development of the Committee’s comprehension of the nuances of the issues relating to articles. As the Committee produced guidance for States Parties on the provisions of the Convention, its concluding observations reports became increasingly standardised, and States Parties were able to focus their requests for information, further standardising the concluding observations reports. This increased standardisation is likely to enable longitudinal analysis in the future.

As to the linked questions of whether it is possible to assess ‘differences in the grade of implementation of the UNCRPD between the States Parties’ and whether ‘States Parties can be ranked in terms of the grade or progress of implementation’, the answer was yes, though recommendations for improving the analysis process are mentioned in Section 3.3. The analysis results showed a greater variation in individual grades for Convention articles than in the overall grade for this sample. The results of grading the combined second and third concluding observations reports are shown in full in Annex 2. The State Party with the

best grade overall was New Zealand. There were some articles, however, (specifically Article 17 ‘Protecting the integrity of the person’ and Article 23 ‘Respect for home and the family’) about which the Committee still raised significant concerns.

This study also revealed that by comparing the Committee’s comments about States Parties for each article, individual States Parties can analyse their implementation against the average grade for each article and identify which articles they most need to improve.

The question of whether it was possible to identify themes within the sample for which certain States Parties differ from others is answered positively, both for the identification of critical themes and for the prevalence of comments linked to a theme for different States Parties, as shown in Table 7.

Although individual articles do have their own themes, overarching themes are identifiable. Within this set of reports, intersectional discrimination and deinstitutionalisation emerged as repeated themes throughout the rights-based articles. This study demonstrates how references to a theme, such as the use of institutions and deinstitutionalisation, can vary from State Party to State Party. Bringing these comments together could potentially enable a detailed analysis of a theme and consequently build a more holistic understanding of the nuances of the issues within that theme, and that in turn may help to identify solutions and improve the implementation of rights.

The United Nations describes human rights as ‘universal and inalienable’ and as ‘indivisible and interdependent’. Notwithstanding, some UN Committees have set a precedent of bringing rights together in thematic groups to aid understanding and help assess rights implementation. In this study, some of the Convention rights have been focused on in two thematic clusters, enabling these clusters to be analysed and highlighting the difference in their implementation by States

Parties. If a particular State Party receives far fewer comments of concern about one cluster than about another, this can help it to focus on which areas need more urgent improvement.

The prevalence of comments relating to ‘intersectional discrimination’ and ‘deinstitutionalisation’ points towards these themes, being issues that are critical for improving the implementation of the Convention rights. If States Parties were to significantly improve on these issues or even manage to eliminate them completely, then not only would the concerns raised by the Committee be greatly reduced, but the actual implementation of many, if not all, rights would improve significantly.

This study has shown that examining concluding observations reports from the Committee on the Rights of Persons with Disabilities can assist in the identification of cross-cutting themes that undermine the realisation of rights. Further, this investigation has the potential to assist States Parties in identifying which articles need additional work to better implement the rights of persons with disabilities.

References

MacDonald, Fiona. 2021. “International Children’s Rights: A Comparative Study of 52 State Parties Concluding Observation Reports, Investigating, Implementation and Legal Incorporation of the UNCRC.” https://pure.southwales.ac.uk/files/5479829/060721_PhD_FMacDonald_1_.pdf (Accessed: 5 February 2024).

United Nations. 2007. Convention on the Rights of Persons with Disabilities (A/RES/61/106).

United Nations Committee on the Rights of Persons with Disabilities. 2022. “Guidelines on deinstitutionalization, including in emergencies.”

— “General comments.” <https://www.ohchr.org/en/treaty-bodies/crpd/general-comments> (Accessed: 23 December 2023).

— 2016 “General Comment No. 4 on Article 24 – the right to inclusive education.” CRPD/C/GC/4

United Nations Human Rights Office of the High Commissioner. “Status of Ratification – Interactive Dashboard.” <https://indicators.ohchr.org/> (Accessed: 29 December 2023).

United Nations Network on Racial Discrimination and Protection of Minorities. 2022. Guidance note on intersectionality, racial discrimination & protection of minorities.

United Nations Special Rapporteur on the rights of persons with disabilities. 2021. Report of the Special Rapporteur on the rights of persons with disabilities A/HRC/46/27.

Concluding observations reports

United Nations Committee on the Rights of Persons with Disabilities. 2012. “Concluding Observations of the Committee on the Rights of Persons with Disabilities, Peru CRPD/C/PER/CO/1.”

— 2019a. “Concluding observations on the combined second and third periodic reports of Australia CRPD/C/AUS/CO/2–3.”

— 2019b. “Concluding observations on the combined second and third periodic reports of Ecuador CRPD/C/ECU/CO/2–3.”

— 2019c. “Concluding observations on the combined second and third periodic reports of El Salvador CRPD/C/SLV/CO/2–3.”

— 2022a. “Concluding observations on the combined second and third periodic reports of Hungary CRPD/C/HUN/CO/2–3.”

— 2022b. “Concluding observations on the combined second and third periodic reports of Mexico CRPD/C/MEX/CO/2–3.”

— 2022c. “Concluding observations on the combined second and third periodic reports of the Republic of Korea CRPD/C/KOR/CO/2–3.”

— 2023a. “Concluding observations on the combined second and third periodic reports of Germany CRPD/C/DEU/CO/2-3.”

— 2023b. “Concluding observations on the combined second and third periodic reports of Austria CRPD/C/AUT/CO/2–3.”

Annex 1:

The United Nations Convention on the Rights of Persons with Disabilities 2006 list of Articles:

- Article 1 – Purpose
- Article 2 – Definitions
- Article 3 – General principles
- Article 4 – General obligations
- Article 5 – Equality and non-discrimination
- Article 6 – Women with disabilities
- Article 7 – Children with disabilities
- Article 8 – Awareness-raising
- Article 9 – Accessibility
- Article 10 – Right to life
- Article 11 – Situations of risk and humanitarian emergencies
- Article 12 – Equal recognition before the law
- Article 13 – Access to justice
- Article 14 – Liberty and security of person
- Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment
- Article 16 – Freedom from exploitation, violence and abuse
- Article 17 – Protecting the integrity of the person
- Article 18 – Liberty of movement and nationality
- Article 19 – Living independently and being included in the community
- Article 20 – Personal mobility
- Article 21 – Freedom of expression and opinion and access to information
- Article 22 – Respect for privacy
- Article 23 – Respect for home and the family
- Article 24 – Education
- Article 25 – Health
- Article 26 – Habilitation and rehabilitation
- Article 27 – Work and employment
- Article 28 – Adequate standard of living and social protection
- Article 29 – Participation in political and public life
- Article 30 – Participation in cultural life, recreation, leisure and sport
- Article 31 – Statistics and data collection
- Article 32 – International cooperation
- Article 33 – National implementation and monitoring
- Article 34 – Committee on the Rights of Persons with Disabilities
- Article 35 – Reports by States Parties
- Article 36 – Consideration of reports
- Article 37 – Cooperation between States Parties and the Committee
- Article 38 – Relationship of the Committee with other bodies
- Article 39 – Report of the Committee
- Article 40 – Conference of States Parties

Article 41 – Depositary
Article 42 – Signature
Article 43 – Consent to be bound
Article 44 – Regional integration organisations
Article 45 – Entry into force
Article 46 – Reservations
Article 47 – Amendments
Article 48 – Denunciation
Article 49 – Accessible format
Article 50 – Authentic texts

Annex 2:

Table of States Parties' grades for individual articles for the combined second and third report.

Article number		New Zealand 2022	Ecuador 2019	Mongolia 2023	El Salvador 2019	China 2022	Tunisia 2023	Hungary 2022	Mexico 2022	Austria 2023	Germany 2023	Spain 2019	South Korea 2022	Australia 2019
	Total	61	61	63	66	66	67	70	71	74	75	76	77	77
Art. 5	grade	D	E	E	D	E	E	D	E	C	E	D	F	D
	points	3	4	4	3	4	4	3	4	2	4	3	5	3
Art. 6	grade	C	C	E	C	D	E	B	E	F	C	D	E	D
	points	2	2	4	2	3	4	1	4	5	2	3	4	3
Art. 7	grade	C	E	B	E	C	F	D	F	C	D	D	E	F
	points	2	4	1	4	2	5	3	5	2	3	3	4	5
Art. 8	grade	C	C	C	B	C	C	B	C	D	D	D	D	B
	points	2	2	2	1	2	2	1	2	3	3	3	3	1
Art. 9	grade	E	D	F	D	D	F	E	D	D	E	E	E	D
	points	4	3	5	3	3	5	4	3	3	4	4	4	3
Art. 10	grade	A	A	A	F	D	A	C	C	A	B	E	E	D
	points	0	0	0	5	3	0	2	2	0	1	4	4	3
Art. 11	grade	B	B	E	C	D	D	D	D	C	C	B	E	D
	points	1	1	4	2	3	3	3	3	2	2	1	4	3
Art. 12	grade	C	C	E	D	D	C	C	F	D	C	C	E	C
	points	2	2	4	3	3	2	2	5	3	2	2	4	2
Art. 13	grade	C	D	D	C	C	C	C	E	C	C	D	D	E
	points	2	3	3	2	2	2	2	4	2	2	3	3	4
Art. 14	grade	D	C	D	D	D	D	F	C	C	E	F	C	F
	points	3	2	3	3	3	3	5	2	2	4	5	2	5
Art. 15	grade	C	A	C	D	E	C	D	D	D	D	E	D	D
	points	2	0	2	3	4	2	3	3	3	3	4	3	3
Art. 16	grade	D	E	A	G	E	E	D	D	D	D	F	E	E
	points	3	4	0	6	4	4	3	3	3	3	5	4	4
Art. 17	grade	G	D	D	D	B	C	D	F	D	E	E	D	F
	points	6	3	3	3	1	2	3	5	3	4	4	3	5

Grading from best to worst: ○ A=0 ● B=1 ● C=2 ● D=3 ● E=4 ● F=5 ● G=6 ● H=7

Article number		New Zealand 2022	Ecuador 2019	Mongolia 2023	El Salvador 2019	China 2022	Tunisia 2023	Hungary 2022	Mexico 2022	Austria 2023	Germany 2023	Spain 2019	South Korea 2022	Australia 2019
	Total	61	61	63	66	66	67	70	71	74	75	76	77	77
Art. 18	grade	D	D	C	C	A	C	F	D	E	D	D	C	E
	points	3	3	2	2	0	2	5	3	4	3	3	2	4
Art. 19	grade	D	D	D	D	D	D	E	C	E	D	D	E	D
	points	3	3	3	3	3	3	4	2	4	3	3	4	3
Art. 20	grade	B	A	C	B	A	D	C	A	C	B	A	A	B
	points	1	0	2	1	0	3	2	0	2	1	0	0	1
Art. 21	grade	E	E	B	D	H	C	B	A	C	C	D	D	D
	points	4	4	1	3	7	2	1	0	2	2	3	3	3
Art. 22	grade	A	A	A	A	D	C	A	A	C	B	F	B	A
	points	0	0	0	0	3	2	0	0	2	1	5	1	0
Art. 23	grade	F	D	D	D	E	C	E	D	D	E	C	D	D
	points	5	3	3	3	4	2	4	3	3	4	2	3	3
Art. 24	grade	D	D	D	D	D	D	E	E	G	F	E	D	D
	points	3	3	3	3	3	3	4	4	6	5	4	3	3
Art. 25	grade	C	D	C	C	E	D	C	E	E	E	D	C	D
	points	2	3	2	2	4	3	2	4	4	4	3	2	3
Art. 26	grade	A	A	C	A	A	A	A	A	C	C	A	C	A
	points	0	0	2	0	0	0	0	0	2	2	0	2	0
Art. 27	grade	D	D	D	D	D	D	E	F	E	D	E	D	D
	points	3	3	3	3	3	3	4	5	4	3	4	3	3
Art. 28	grade	E	D	C	D	A	C	D	C	C	D	C	D	D
	points	4	3	2	3	0	2	3	2	2	3	2	3	3
Art. 29	grade	B	C	C	C	C	C	D	D	C	D	C	D	D
	points	1	2	2	2	2	2	3	3	2	3	2	3	3
Art. 30	grade	A	E	D	B	A	C	D	A	E	E	B	B	E
	points	0	4	3	1	0	2	3	0	4	4	1	1	4

Publication details

Commissioned by

Aktion Mensch e.V.
Responsible: Sascha Decker
www.aktion-mensch.de

Scientific analysis / author

Dr Fiona MacDonald
e-mail: femacdonald26@gmail.com

Study manager

Stefan Sandner

Editorial team

Robert Fechner, Stefan Sandner

Graphics, layout and typesetting

Nicole Schmitz
www.subgrafix.de

© Copyright

Aktion Mensch e.V., Bonn



Further information
is available at
aktion-mensch.de



As of February 2024

Aktion Mensch e.V.
Heinemannstr. 36
53175 Bonn
Phone: +49 228 2092-0
info@aktion-mensch.de

Study Report - German

Study Title	The Implementation of the United Nations Convention on the Rights of Persons with Disabilities. A Longitudinal Study Project by Aktion Mensch Based on the Concluding Observations Reports of 16 Member States.
Author	Dr Fiona MacDonald
Commissoned by	Aktion Mensch e.V.
Date	February 2024

Study report: Translated German version.

Die Umsetzung der UN-Behindertenrechtskonvention. Ein Längsschnittstudienprojekt der Aktion Mensch auf Grundlage von Abschließenden Bemerkungen zu Staatenberichten von 16 Mitgliedstaaten.

The file format has been converted to a non-accessible PDF. An accessible version of the study report is available at www.aktion-mensch.de/unbrk-staatenvergleich



Die Umsetzung der UN-Behindertenrechts- konvention

Ein Längsschnittstudienprojekt der Aktion Mensch auf Grundlage von Abschließenden Bemerkungen zu Staatenberichten von 16 Mitgliedstaaten

Dr. Fiona MacDonald

Aktion
MENSCH

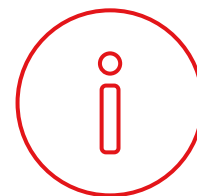
Deutsche Übersetzung des Originaltitels:

**The Implementation of the United Nations Convention on the Rights of Persons with Disabilities.
A Longitudinal Study Project by Aktion Mensch Based on the Concluding Observations Reports of
16 Member States**

Die Aktion Mensch ist die größte private Förderorganisation im sozialen Bereich in Deutschland. Seit ihrer Gründung im Jahr 1964 hat sie mehr als fünf Milliarden Euro an soziale Projekte weitergegeben. Ziel der Aktion Mensch ist, die Lebensbedingungen von Menschen mit Behinderung, Kindern und Jugendlichen zu verbessern und das selbstverständliche Miteinander in der Gesellschaft zu fördern. Mit den Einnahmen aus ihrer Lotterie unterstützt die Aktion Mensch jeden Monat bis zu 1.000 Projekte. Möglich machen dies rund vier Millionen Lotterieteilnehmer*innen. Zu den Mitgliedern gehören: ZDF, Arbeiterwohlfahrt, Caritas, Deutsches Rotes Kreuz, Diakonie, Paritätischer Gesamtverband und die Zentralwohlfahrtsstelle der Juden in Deutschland.

Dr. Fiona MacDonald ist Volljuristin und Dozentin für Rechtswissenschaften an der Open University im Vereinigten Königreich. In ihrer Doktorarbeit befasste sie sich mit internationalen Kinderrechten und einem Vergleich der Abschließenden Bemerkungen aus den Staatenberichtsprüfungen der UN-Kinderrechtskonvention.

Inhalt



Vorwort	4
<hr/>	
1. Einleitung	6
<hr/>	
2. Hintergrund	8
2.1 Das Übereinkommen über die Rechte von Menschen mit Behinderungen	8
2.2 Der Ausschuss für die Rechte von Menschen mit Behinderungen	8
2.3 Der Überwachungsprozess	8
2.4 Leitlinien des Ausschusses	9
2.5 Für die Studie ausgewählte Vertragsstaaten	9
<hr/>	
3. Studienmethode	11
3.1 Größe der Stichprobe	11
3.2 Analyseprozess	11
3.3 Künftige Verbesserungen	12
<hr/>	
4. Ergebnisse	13
4.1 Vergleich der Stichprobe der Abschließenden Bemerkungen zu den Erstberichten (CO1)	13
4.2 Vergleich der Abschließenden Bemerkungen zu den kombinierten zweiten und dritten Staatenberichten (CO2-3)	15
4.2.1 Vergleich der Bewertungen für thematische Artikel-Cluster	19
4.3 Ergebnisse: Bewertung und Fortschritt der Umsetzung	22
4.4 Thematische Analyse	24
4.4.1 Intersektionale Diskriminierung	25
4.4.2 Deinstitutionalisierung	26
<hr/>	
5. Schlussfolgerungen	30
<hr/>	
Literatur	32
Abschließende Bemerkungen	33
Anhang 1: Verzeichnis der Artikel der UN-Behindertenrechtskonvention von 2006	34
Anhang 2: Einzelbewertung der Vertragsstaaten für die zweiten und dritten Abschließenden Bemerkungen	36
Impressum	38

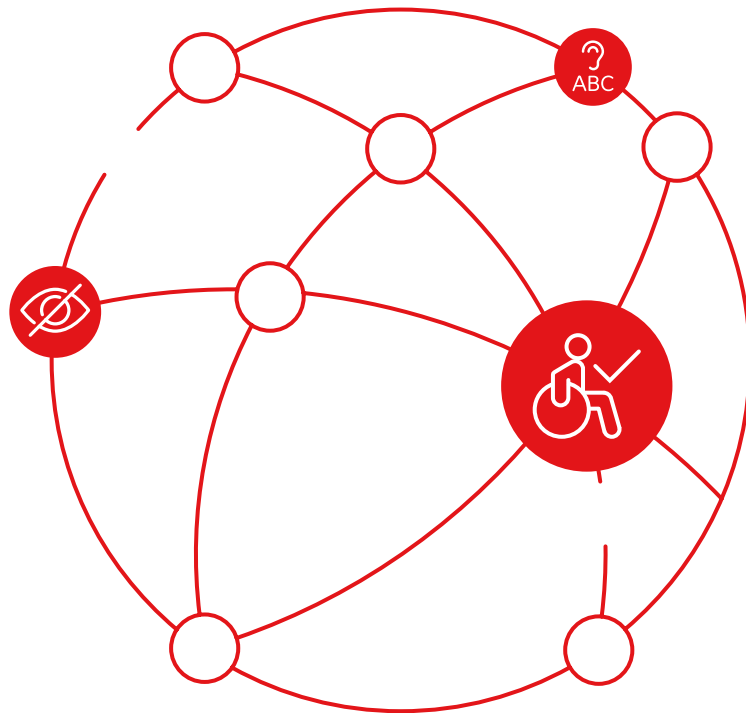
Vorwort

Für alle, denen Inklusion und insbesondere die gleichberechtigte gesellschaftliche Teilhabe aller Menschen mit Behinderung am Herzen liegt, war die zweite Staatenberichtsprüfung Deutschlands und vier weiterer Staaten durch den UN-Fachausschuss für die Rechte von Menschen mit Behinderungen im August und September eines der zentralen Ereignisse des Jahres 2023. Seit Oktober liegen die Empfehlungen des Fachausschusses in Form der Abschließenden Bemerkungen vor.

Insgesamt haben sich damit 16 Staaten zum zweiten Mal einer Staatenprüfung unterzogen, sodass es vielversprechend erschien, anhand der Empfehlungen in den Abschließenden Bemerkungen einen zwischenstaatlichen Vergleich des jeweiligen Umsetzungsstandes der UN-Behindertenrechtskonvention (UN-BRK) vorzunehmen. Um die Fortschritte in den durchschnittlich acht Jahren zwischen der ersten und der zweiten Staatenprüfung zu messen, konnten in der Studie zusätzlich die beiden Abschließenden Bemerkungen jedes einzelnen Vertragsstaates miteinander verglichen werden.

Für die aktuelle Staatenprüfungsperiode musste die Stichprobe von 16 auf 13 Staaten reduziert werden, da die Abschließenden Bemerkungen von drei Staaten auch bis zum Ende des Untersuchungszeitraumes nicht in englischer, sondern nur in spanischer Sprache vorlagen.

Die Aktion Mensch ist Dr. Fiona MacDonald sehr dankbar, dass sie dieses inhaltlich und zeitlich anspruchsvolle Forschungsprojekt übernommen hat. Innerhalb weniger Monate hat sie 29 Abschließende Bemerkungen von 16 Vertragsstaaten aus zwei Staatenberichtsperioden artikelweise tabellarisch erfasst, Schlüsselbegriffe codiert, inhaltlich und fachlich analysiert, statistisch ausgewertet, benotet, zueinander in Beziehung gesetzt und den vorliegenden Forschungsbericht erstellt. Mit dieser Publikation legt die Aktion Mensch die erste wissenschaftlich fundierte Arbeit zum aktuellen Umsetzungsstand der UN-Behindertenrechtskonvention in 13 Vertragsstaaten vor.



Getreu dem Motto "Bei einem Pferderennen kommt es nicht darauf an, wie schnell das schnellste Pferd ist, sondern wie schnell dein Pferd läuft" will die Studie keinen Staat an den Pranger stellen. Vielmehr sollen die Ergebnisse den untersuchten Staaten helfen zu erkennen, wo sie bei der Umsetzung von Inklusion im internationalen Vergleich stehen, wo sie Nachholbedarf haben und auf welche nächsten strategischen und politischen Schritte sie sich konzentrieren sollten. Um eine internationale Nutzung der Ergebnisse zu ermöglichen, veröffentlichen wir den Studienbericht in der englischen Originalversion und in einer deutschen Übersetzung.

Die Aktion Mensch hofft, dass auch durch diese Studie die Empfehlungen des UN-Fachausschusses in den untersuchten Staaten nicht in den Schubladen verschwinden, sondern handlungsleitend sind, zügig mit Leben gefüllt werden und so die Umsetzung von Inklusion überall beschleunigt wird.

Sascha Decker

Bereichsleiter
Förderung und Aufklärung
Aktion Mensch

Stefan Sandner

Leiter
Sozialforschung
Aktion Mensch

1. Einleitung

Der vorliegende Bericht fasst die wichtigsten Ergebnisse einer Studie zur Umsetzung des Übereinkommens der Vereinten Nationen über die Rechte von Menschen mit Behinderungen zusammen (United Nations 2007). Die Studie war darauf ausgelegt, Antworten auf vier Fragen zu finden. Zu diesem Zweck wurden 29 Abschließende Bemerkungen des Ausschusses für die Rechte von Menschen mit Behinderungen („der Ausschuss“) für 16 Vertragsstaaten untersucht. 16 dieser Abschließenden Bemerkungen stammen aus dem ersten Prüfverfahren von 2011 bis 2015 und 13 aus dem zweiten Prüfverfahren von 2019 bis 2023. Dies ist der Tatsache geschuldet, dass nur diese Abschließenden Bemerkungen in derselben Sprache, nämlich Englisch, vorliegen.

Die Studie umfasste eine inhaltliche und eine thematische Analyse und zielte darauf ab, die einzelnen Abschließenden Bemerkungen zu bewerten. Die Forschungsfragen lauteten:

- 1.** Gibt es Unterschiede im Grad der Umsetzung der UN-Behindertenrechtskonvention zwischen den Vertragsstaaten?
- 2.** Gibt es Unterschiede zwischen den Staaten hinsichtlich der Fortschritte/Rückschritte bei der Umsetzung der UN-Behindertenrechtskonvention zwischen den beiden Zeiträumen?
- 3.** Können die Vertragsstaaten nach dem Grad oder den Fortschritten der Umsetzung eingestuft werden?
- 4.** Lassen sich thematische Schwerpunkte erkennen, in denen sich die Abschließenden Bemerkungen bestimmter Vertragsstaaten von denen anderer Staaten unterscheiden?

Hinsichtlich der ersten und dritten Frage, ob die Vertragsstaaten sinnvoll miteinander verglichen und dann in eine Rangfolge gebracht werden können, hat die Studie gezeigt, dass dies möglich ist. Die endgültigen Gesamtbewertungen sind in dieser Stichprobe jedoch bemerkenswert ähnlich, was höchstwahrscheinlich auf die geringe Stichprobengröße von nur 13 Vertragsstaaten in der zweiten Berichtsphase zurückzuführen ist. Trotz der ähnlichen Gesamtbewertungen weisen die einzelnen Artikel beträchtliche Unterschiede auf, die es den jeweiligen Vertragsstaaten ermöglichen, Schwachstellen zu ermitteln, in denen Verbesserungen am dringendsten erforderlich sind. Mit einer größeren Stichprobe, die idealerweise alle Vertragsstaaten umfasst, die Abschließende Bemerkungen (für den ersten oder zweiten Zyklus) erhalten haben, sollte die Gesamtbewertung theoretisch aussagekräftiger sein, da die Abschließenden Bemerkungen in den letzten Jahren zunehmend standardisiert wurden und daher leichter zu vergleichen sind.

In Bezug auf die zweite Forschungsfrage, ob die Abschließenden Bemerkungen im Längsschnitt verglichen werden können, lautet die Antwort für diese Gruppe von Abschließenden Bemerkungen „Nein“. Dies liegt daran, dass die Stichprobe diejenigen Vertragsstaaten umfasst, deren erste Abschließende Bemerkungen aus einem sehr frühen Zeitpunkt im Überwachungsprozess des Ausschusses stammen. In dieser Stichprobe scheint es, als ob alle Vertragsstaaten erhebliche Rückschritte gemacht hätten, obwohl die Veränderungen in Wirklichkeit auf ein wachsendes Verständnis und eine immer gründlichere Analyse der Umsetzung der Rechte durch den Ausschuss zurückzuführen sind. Diese Entwicklung des Verständnisses für die mit den Rechten verbundenen Fragen und die Erweiterung des Wissens sind in den in diesem Zeitraum veröffentlichten Allgemeinen Bemerkungen und Leitlinien des Ausschusses zu erkennen.

Die Antwort auf die vierte Frage, ob innerhalb der Stichprobe thematische Schwerpunkte erkennbar sind, lautet „Ja“. Beispiele für solche erkennbaren Themen sind etwa „Intersektionale Diskriminierung“ und „Deinstitutionalisierung“. Insbesondere wenn der Ausschuss wiederholt auf ein Thema hinwies, wirkte sich dies auf die Note aus, die der Vertragsstaat für jeden damit im Zusammenhang stehenden Artikel erhielt, und beeinflusste daher die Gesamtnote der Vertragsstaaten erheblich. Würden die Vertragsstaaten diese Hemmnisse für die vollständige Umsetzung der Rechte aus den Artikeln beseitigen, so würden die vom Ausschuss geäußerten Bedenken stark abnehmen, was eine bessere Umsetzung der Rechte widerspiegeln und folglich die Bewertung in dieser Art von Analyse erheblich verbessern würde.

2. Hintergrund

2.1 Das Übereinkommen über die Rechte von Menschen mit Behinderungen

Das Übereinkommen der Vereinten Nationen über die Rechte von Menschen mit Behinderungen (UN-Behindertenrechtskonvention) wurde am 12. Dezember 2006 von den Vereinten Nationen verabschiedet (veröffentlicht 2007). Nachdem eine ausreichende Anzahl von Vertragsstaaten das Übereinkommen unterzeichnet und ratifiziert hatte, trat es im Mai 2008 in Kraft. Bis heute haben 186 Vertragsstaaten das Übereinkommen ratifiziert (United Nations Human Rights Office of the High Commissioner n.d.).

Das Übereinkommen enthält insgesamt 50 Artikel. Die Artikel 1 bis 4 und 31 bis 50 sind im Wesentlichen verfahrenstechnischer Natur und legen die Strukturen fest, die für die Umsetzung und Überwachung des Übereinkommens erforderlich sind, einschließlich der Einrichtung des Ausschusses für die Rechte von Menschen mit Behinderungen. In den Artikeln 5 bis 30 sind die einzelnen funktionellen Rechte aufgeführt, die in dem Übereinkommen anerkannt werden. Eine vollständige Liste aller Artikelüberschriften findet sich in Anhang 1.

2.2 Der Ausschuss für die Rechte von Menschen mit Behinderungen

Dem Ausschuss für die Rechte von Menschen mit Behinderungen gehören 18 Sachverständige an, die für höchstens zwei Amtszeiten von jeweils vier Jahren gewählt werden (UNCRC, Artikel 34). Von den Vertragsstaaten wird erwartet, dass sie ihren ersten Fortschrittsbericht zwei Jahre nach der Ratifizierung und danach theoretisch alle vier Jahre zur Überprüfung durch den Ausschuss vorlegen (Übereinkommen der Vereinten Nationen über die Rechte von Menschen mit Behinderungen, Artikel 35). In den letzten Jahren haben die UN-Ausschüsse den Vertragsstaaten jedoch mehr Zeit zwischen den Berichtsterminen

eingeräumt, indem sie kombinierte Berichte verlangten. Die 16 Vertragsstaaten, die mehr als einen Bericht vorgelegt haben, haben alle einen kombinierten zweiten und dritten Staatenbericht erstellt.

2.3 Der Überwachungsprozess

Für den Überwachungsprozess gibt es zwei unterschiedliche Verfahren, wobei der Standard ein aus vier Phasen bestehender, dokumentenbasierter Prozess zwischen dem Vertragsstaat und dem Ausschuss ist. In der ersten Phase wird der Staatenbericht des Vertragsstaates vorgelegt. In der zweiten Phase erstellt der Ausschuss eine „Frageliste“. In der dritten Phase antwortet der Vertragsstaat auf die Frageliste. In der vierten und letzten Phase veröffentlicht der Ausschuss seine Abschließenden Bemerkungen (Übereinkommen der Vereinten Nationen über die Rechte von Menschen mit Behinderungen, Artikel 36). Die Vertragsstaaten können sich inzwischen für ein gestrafftes Verfahren entscheiden. Dieses beginnt mit der Frageliste des Ausschusses, die dem Staatenbericht des Vertragsstaates zugrunde liegt. Zusätzlich zu den Staatenberichten können Nichtregierungsorganisationen (NGOs), Organisationen der Zivilgesellschaft (CSOs) und nationale Menschenrechtsinstitutionen (NHRIs) dem Ausschuss Berichte über Fortschritte innerhalb eines Vertragsstaates vorlegen; diese werden gemeinhin als Schatten- oder Parallelberichte bezeichnet.

Die Struktur dieses Prozesses, mit dem die Umsetzung des Übereinkommens überwacht wird, ist für die Studie von wesentlicher Bedeutung, da sie sich auf die letzte Phase konzentriert: die Abschließenden Bemerkungen des Ausschusses. Konkret werden die Berichte derjenigen Vertragsstaaten analysiert, die sowohl ihren Erstbericht als auch ihren zweiten Staatenbericht vorgelegt haben (kombinierte Berichte 2 und 3). Daher werden die Formulierungen, Ansichten und Bemerkungen des Ausschusses zur Bewertung der Umsetzung des Übereinkommens

durch den Vertragsstaat analysiert, nicht der Bericht des Vertragsstaates selbst. Die Abschließenden Bemerkungen sind nach einem Standardschema aufgebaut, das mit einleitenden Absätzen beginnt, gefolgt von Absätzen, die sich auf jeden wesentlichen Artikel des Übereinkommens beziehen. Im Allgemeinen beginnt der Ausschuss bei jedem Artikel mit positiven Bemerkungen zu Verbesserungen, gefolgt von seinen Bedenken und schließlich von seinen Empfehlungen. Nachstehend wird ein Beispiel für eine Bemerkung angeführt, die ein Bedenken zum Ausdruck bringt, gefolgt von einer Empfehlung:

„Achtung der Wohnung und der Familie (Artikel 23)

41. Der Ausschuss ist besorgt über das Fehlen einer ausdrücklichen Anerkennung des Rechts von Menschen mit Behinderungen auf Eheschließung oder der Achtung der Wohnung und der Familie in den Gesetzen des Vertragsstaates.
42. Der Ausschuss wiederholt seine Empfehlung an den Vertragsstaat, seine Rechtsvorschriften so zu ändern, dass das Recht von Menschen mit Behinderungen, einschließlich Menschen mit geistigen oder psychosozialen Behinderungen, auf Eheschließung, Familiengründung, Wahrnehmung elterlicher Pflichten und Adoption von Kindern ausdrücklich und gleichberechtigt mit anderen anerkannt wird.“ (UNCRC 2019b, Absatz 41–42 Ecuador)

Die sich wiederholende Struktur der Abschließenden Bemerkungen war für die Studie von entscheidender Bedeutung.

2.4 Leitlinien des Ausschusses

Um die Vertragsstaaten bei der Erfüllung ihrer Verpflichtungen im Rahmen des Übereinkommens zu unterstützen, stellt der Ausschuss „maßgebliche Leitlinien zu den Bestimmungen des Übereinkommens bereit“ (United Nations Committee on the Rights of Persons with Disabilities, nicht datiert). Dies erfolgt in Form von „Allgemeinen Bemerkungen“ und „Leitlinien“. Jede Allgemeine Bemerkung ist ein thematisches Dokument, das sich auf einen bestimmten Aspekt der Rechte von Menschen mit Behinderungen konzentriert. So befasst sich beispielsweise die Allgemeine

Bemerkung Nummer 4 (General Comment No. 4) auf das „Recht auf inklusive Bildung“. Die ersten beiden Allgemeinen Bemerkungen wurden im Jahr 2014 verabschiedet – also erst nachdem die in der Studie berücksichtigten Vertragsstaaten ihre ersten Staatenberichte vorgelegt hatten. Die letzte Allgemeine Bemerkung, die verabschiedet wurde, war Nummer 8 im September 2022. Die Allgemeinen Bemerkungen spiegeln das sich entwickelnde bessere Verständnis und die bessere Auslegung der von dem Übereinkommen erfassten Rechte durch den Ausschuss wider. Infolgedessen geben die Abschließenden Bemerkungen ein im Laufe der Zeit gewachsenes Verständnis wieder, wie es in den Leitlinien enthalten ist.

2.5 Für die Studie ausgewählte Vertragsstaaten

Wie bereits erwähnt, handelt es sich bei den Vertragsstaaten, deren Abschließende Bemerkungen für die Studie ausgewertet wurden, um die 16 Vertragsstaaten, die den Überwachungsprozess zweimal durchlaufen haben. Diese Vertragsstaaten sind in Tabelle 1 dargestellt. In dieser Tabelle sind die für den Berichtsprozess entscheidenden Jahre für jeden Vertragsstaat der Studie aufgeführt. Dazu gehören das Jahr der Unterzeichnung und Ratifizierung der UN-Behindertenrechtskonvention, die Jahre der Abschließenden Bemerkungen Nummer 1 und der Abschließenden Bemerkungen Nummer 2–3 und schließlich das Jahr der nächsten erwarteten Einreichung durch den Vertragsstaat.

Tabelle 1:**Kritische Berichtsjahre für die 16 untersuchten Vertragsstaaten**

Vertragsstaat	Unterzeichnet / ratifiziert	Abschließende Bemerkungen Nr. 1	Abschließende Bemerkungen Nr. 2–3	Nächster Termin für die Einreichung durch den Vertragsstaat*
Argentinische Republik (Argentinien)	2007/2008	2012	2023**	2030
Australien	2007/2008	2013	2019	2026
Republik Österreich	2007/2008	2013	2023	2030
Volksrepublik China	2007/2008	2012	2022	2026
Republik Ecuador	2007/2008	2014	2019	2026
Republik El Salvador	2007/2007	2013	2019	2026
Bundesrepublik Deutschland	2007/2009	2015	2023	2031
Ungarn	2007/2007	2012	2022	2025
Vereinigte Mexikanische Staaten (Mexiko)	2007/2007	2014	2022	2028
Mongolei	NA / 2009	2015	2023	2031
Neuseeland	2007/2008	2014	2022	2030
Republik Paraguay	2007/2008	2013	2023**	2030
Republik Peru	2007/2008	2012	2023**	2030
Republik Korea (Südkorea)	2007/2008	2014	2022	2031
Königreich Spanien	2007/2007	2011	2019	2025
Republik Tunesien	2007/2008	2011	2023	2030

* Wie in der Schlussbemerkung der Abschließenden Bemerkungen der Reihe CO2-3 angegeben.

** Zum Zeitpunkt der Analyse lagen die zweiten Abschließenden Bemerkungen nur in spanischer Sprache vor, nicht in einer offiziellen englischen Fassung; sie wurden daher nicht in die Analyse einbezogen.

3. Studienmethode

3.1 Größe der Stichprobe

Im Rahmen der Studie wurden 29 Abschließende Bemerkungen einer inhaltlichen und thematischen Analyse unterzogen. 16 Abschließende Bemerkungen stammen aus dem ersten Prüfverfahren (CO1) und 13 aus dem zweiten (CO2-3). Im zweiten Prüfverfahren sind weniger Abschließende Bemerkungen enthalten, da von ihnen zum Zeitpunkt der Analyse keine offiziellen Übersetzungen in die englische Sprache vorlagen. Die Stichprobengröße richtete sich nach der Anzahl der Vertragsstaaten, die den Überwachungsprozess zweimal durchlaufen hatten. Da es sich um eine kleine Stichprobe handelt, müssen die Ergebnisse eher als Anhaltspunkte, denn als unbestreitbare Beweise betrachtet werden.

3.2 Analyseprozess

Es gibt zwei Hauptphasen im Analyseprozess. Erstens: die Codierung der Dokumente mit MAXQDA (VERBI GmbH), einem Programm zur qualitativen Datenanalyse. Zweitens: die artikelweise Zählung und Bewertung der vom Ausschuss festgestellten Probleme und ihre Erfassung in Datentabellen.

Diese Art der Analyse ist von Natur aus iterativ und entwickelt sich in dem Maße, in dem der / die Analysierende zunehmend mit dem Datensatz vertraut wird. Die Codierung beginnt mit der deduktiven Suche nach bestimmten Begriffen, wie zum Beispiel Verweise auf Rechtsvorschriften, oder einer besonderen Verwendung der Sprache, zum Beispiel wenn der Ausschuss feststellt, dass er eine Bemerkung, die er zuvor an den Vertragsstaat gerichtet hat, „bekräftigt“. Mit zunehmender Vertrautheit mit dem Datensatz können auch die induktiv ermittelten Themen codiert werden.

Nachdem die Dokumente der Abschließenden Bemerkungen durch Codierung vorbereitet worden sind, besteht der zweite Schritt bei der Ermittlung von Vertragsstaaten mit besserer Umsetzung darin, eine Methode zur „Benotung“ der Abschließenden Bemerkungen anhand des Rahmens der spezifischen funktionalen Artikel des Übereinkommens anzuwenden. Dabei sind vor allem zwei Variablen zu berücksichtigen: die Anzahl der aufgeworfenen Fragen und die Schwere dieser Fragen. Um dies widerzuspiegeln, wurde ein „Schweregrad-Faktor“ verwendet, der es ermöglicht, spezifische Fragen zu erfassen, die besonders schwerwiegende Aspekte enthalten. Dies geschah zusätzlich zur Erfassung besonderer Formulierungen, die vom Ausschuss verwendet wurden, zum Beispiel wenn er feststellte, dass er „zutiefst“ über eine Frage besorgt war oder den Vertragsstaat aufforderte, „dringend“ Verbesserungen vorzunehmen. Jeder Artikel wurde der Reihe nach für alle Vertragsstaaten untersucht sowie für beide Perioden der Abschließenden Bemerkungen bewertet, um Konsistenz zu gewährleisten. Die Bewertung der einzelnen Artikel ergab sich aus der Anzahl der einzelnen Probleme, die der Ausschuss für jeden Vertragsstaat ermittelt hatte, und der Addition aller ermittelten „Schweregradfaktoren“. Die vergebenen Bewertungen reichen von „A“ (keine Probleme) bis „H“ (sieben oder mehr Probleme und Schweregradfaktoren). Für die numerische Analyse wurden diesen Buchstaben Zahlen zugeordnet, wobei A der 0 entspricht, B der 1 und so weiter bis hin zu H, das der 7 entspricht. Die Abschließenden Bemerkungen von einem der Vertragsstaaten der Stichprobe bestanden aus einem gemischten Bericht, der drei Regionen abdeckte¹ und in Form separater Berichtsteile vorgelegt wurde. Um sicherzustellen, dass kein Problem doppelt gezählt wurde, wurden Themen, die in den Berichtsteilen der jeweiligen Regionen wiederholt vorkamen, nur einmal gezählt, um eine zu strenge Bewertung zu vermeiden.

¹ Die drei Regionen waren China, Hongkong und Macau.

Trotz dieser Vorsichtsmaßnahme könnte die Struktur eines solchen kombinierten Berichts einen Vertragsstaat mit einer solchen regionalen Struktur aufgrund der unvermeidlichen Komplexität des Berichts benachteiligen.

Bei dieser Methode handelt es sich nicht um einen statistischen Vergleich quantitativer Daten zur Erstellung einer eindeutigen Rangliste. Die Methode ist qualitativ und als solche eher indikativ und illustrativ als eindeutig beweisend. Die Methode hat also ihre Grenzen. Trotzdem ist sie in der Lage, reproduzierbare Daten, zuverlässige Informationen und interessante Beobachtungen und Erkenntnisse zu liefern. Dieser innovative Ansatz der inhaltlichen und thematischen Analyse von Abschließenden Bemerkungen des UN-Ausschusses zur Bewertung und Einstufung von Vertragsstaaten wurde im Rahmen einer Doktorarbeit entwickelt; dort findet sich eine detailliertere Beschreibung der Methode und des Verfahrens (MacDonald 2021, Kapitel 3).

3.3 Künftige Verbesserungen

Idealerweise würde die vorliegende Untersuchung auf alle Abschließenden Bemerkungen ausgeweitet werden, sowohl auf diejenigen der Erstberichte als auch auf diejenigen der periodischen Berichte. Dadurch könnte eine Datenbank mit Themen und Fragen erstellt werden, die den Vertragsstaaten bei der Bewertung der Langzeitfortschritte zukünftig helfen würde. Sie würde auch dazu beitragen, eine bessere (oder verbesserte) Umsetzung bestimmter Rechte zu identifizieren, sowohl global als auch innerhalb bestimmter Parameter wie geografischer Regionen.

Wenn eine umfangreichere Reihe Abschließender Bemerkungen analysiert würde, wäre es auch von Vorteil, eine detailliertere Kalibrierung der Erfassung der unterschiedlichen Schwere der Probleme mit einem Team von Analyst*innen vorzunehmen, sodass der Bewertungsprozess die Komplexität eines so großen Spektrums von Bedenken genauer widerspiegeln und die Studie noch reproduzierbarer werden könnte.

4. Ergebnisse

4.1 Vergleich der Stichprobe der Abschließenden Bemerkungen zu den Erstberichten (CO1)

Die Gestaltung und der Inhalt der Abschließenden Bemerkungen zu den Erstberichten (CO1) der 16 Vertragsstaaten in der Stichprobe wiesen erhebliche Unterschiede auf. Dazu gehörte auch, dass der Ausschuss zu einigen Artikeln seltener Bemerkungen machte. Für Tunesien hat der Ausschuss beispielsweise nur zu zwölf Artikeln Bemerkungen abgegeben, während er für El Salvador zu 24 der 26 Artikel Stellung bezogen hat. Aufgrund dieser Schwankungen in der Anzahl der Artikel, zu denen Bemerkungen gemacht wurden, ergibt sich eine breite Streuung der Gesamtbewertung, die von 25 bis 64 reicht. Bei diesen Erstberichten fällt es schwer, darauf zu vertrauen, dass das Nichtvorhandensein einer Bemerkung ein echtes Indiz dafür ist, dass es keine Probleme im Zusammenhang mit diesem Artikel gab. Bei den späteren Abschließenden Bemerkungen ist es jedoch wahrscheinlicher, dass das Nichtvorhandensein von Bedenken darauf hindeutet, dass es tatsächlich keine Probleme bei einem bestimmten Artikel gibt.

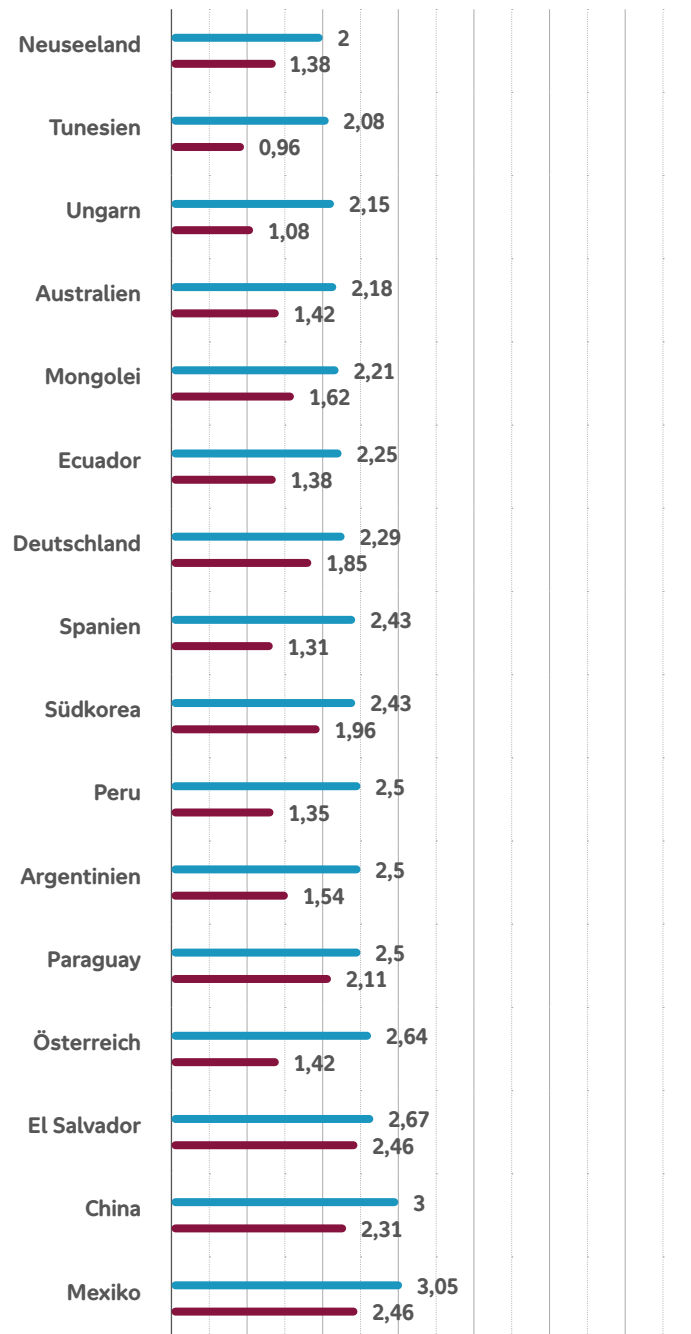
Die Schwankungen in diesen früheren Abschließenden Bemerkungen scheinen darauf zurückzuführen zu sein, dass das Übereinkommen und der Überwachungsprozess noch neu waren. So gab es beispielsweise noch keine veröffentlichten Allgemeinen Bemerkungen, die das Verständnis der Rechte aus den Artikeln hätten vertieft und die Probleme konkretisieren können, die die Vertragsstaaten in ihren Berichten behandeln sollten.

Folglich werden bei der Betrachtung der Gesamtpunktzahl der Vertragsstaaten in Abbildung 1 zwei unterschiedliche Durchschnittswerte angezeigt: zum einen die durchschnittliche Gesamtbewertung für jeden Vertragsstaat (Gesamtbewertung geteilt durch die Anzahl aller Artikel) und zum anderen die Durchschnittsbewertung nur für die Anzahl der Artikel, zu denen Bemerkungen abgegeben wurden. Der Durchschnittswert der tatsächlich bewerteten Artikel lag zwischen 2 und knapp über 3. Die drei Vertragsstaaten, bei denen der Ausschuss die wenigsten Bemerkungen zu Problemen abgegeben hat, sind Neuseeland, Tunesien und Ungarn. Wie bereits erwähnt, müssen diese Erstberichte jedoch vor dem Hintergrund betrachtet werden, dass der Überwachungsprozess noch neu war.

In Abbildung 1 zeigt ein größerer Unterschied zwischen dem Durchschnitt der tatsächlich bewerteten Artikel und der Durchschnittsbewertung aller 26 Artikel, dass zu einer größeren Anzahl von Artikeln in den Abschließenden Bemerkungen der Reihe CO1 keine Bemerkungen abgegeben wurden, wie zum Beispiel bei Tunesien und Ungarn.

Abbildung 1:

Durchschnittliche Bewertung der Vertragsstaaten für die Abschließenden Bemerkungen der Reihe CO1



Beste Wert = 0, schlechtester Wert = 7 ● Durchschnittswert der bewerteten Artikel ● Durchschnittswert von 26 Artikeln

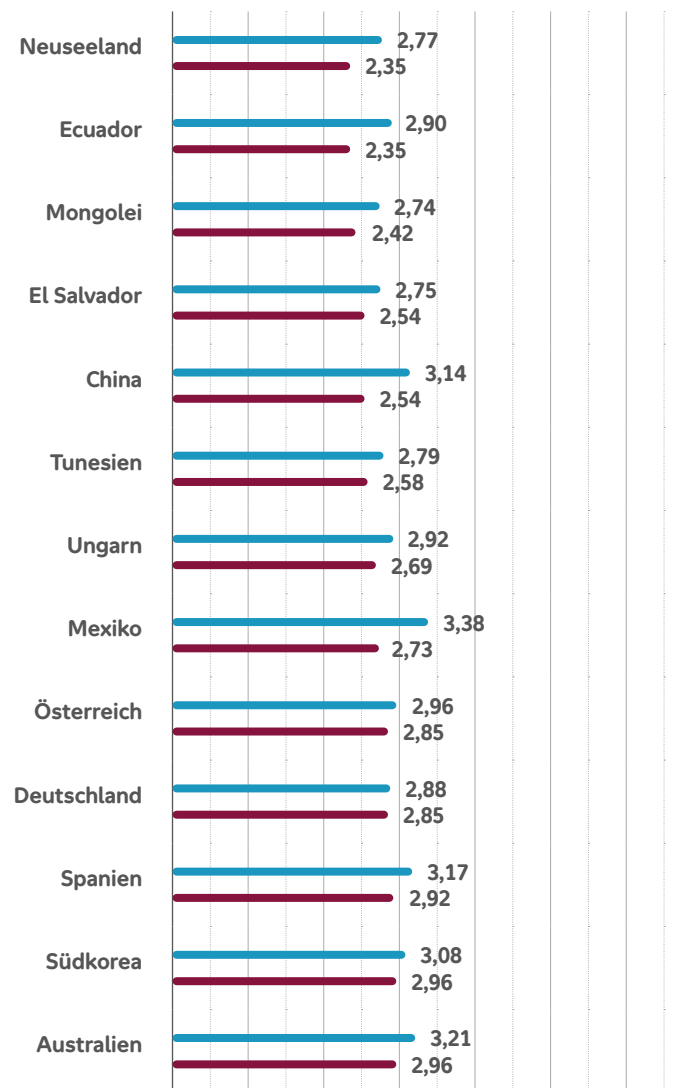
4.2 Vergleich der Abschließenden Bemerkungen zu den kombinierten zweiten und dritten Staatenberichten (CO2-3)

Im Vergleich zu den Erstberichten wiesen die Abschließenden Bemerkungen zu den kombinierten zweiten und dritten Staatenberichten (CO2-3) weniger Artikel auf, für die einige Vertragsstaaten keine

Bemerkungen erhalten hatten. Dies bedeutet, dass das Fehlen einer Bemerkung des Ausschusses eher darauf hindeutet, dass er im Zusammenhang mit diesem Artikel keine Probleme festgestellt hat.

Infolgedessen ist die Differenz zwischen der Durchschnittsbewertung aller 26 Artikel und den tatsächlich bewerteten Artikeln viel geringer als bei den Berichten der Reihe CO1. Dies ist in Abbildung 2 dargestellt.

Abbildung 2: Durchschnittsbewertungen der Vertragsstaaten für die Abschließenden Bemerkungen der Reihe CO2-3 in der Reihenfolge vom niedrigsten (besten) bis zum höchsten Durchschnitt für alle 26 Artikel



Bester Wert = 0, schlechtester Wert = 7 ● Durchschnittswert der bewerteten Artikel ● Durchschnittswert von 26 Artikeln

Auf den ersten Blick scheinen diese Ergebnisse wenig aussagekräftig zu sein, da die Durchschnittsbewertungen für die kombinierten Abschließenden Bemerkungen der Reihe CO2-3 nur in einem kleinen Wertebereich zwischen 2 und 3,5 liegen. Dennoch sagt auch die geringe Differenz dieser Durchschnittswerte etwas aus, denn sie zeigt, dass innerhalb dieser kleinen Stichprobe trotz erheblicher Unterschiede in Bezug auf Fläche, Bevölkerung, geografische Region, politisches System und wirtschaftliche Lage kaum ein Vertragsstaat auszumachen ist, der diese Rechte wesentlich wirksamer als die anderen umsetzt. Es gibt keinen Vertragsstaat, der insgesamt eine signifikant bessere oder schlechtere Bewertung erreicht,

und dennoch besteht eine wichtige Erkenntnis darin, dass Vergleiche zwischen einzelnen Artikeln größere Unterschiede aufweisen und in zweierlei Hinsicht auf eine bessere oder schlechtere Umsetzung hindeuten können. Erstens kann die Fokussierung auf einen bestimmten Vertragsstaat aufzeigen, bei welchen Rechten aus den Artikeln dieser größere Schwierigkeiten bei der Umsetzung zu haben scheint. In Tabelle 2, die eine Auswahl von zehn Artikeln zeigt, hat Australien zum Beispiel durchweg ein D für alle Artikel erhalten, mit Ausnahme eines Artikels, der mit einem F bewertet wurde. Daraus lässt sich die These ableiten, dass Australien sich darauf konzentrieren muss, die Umsetzung der Rechte in Bezug auf diesen Artikel zu

Tabelle 2:
Auswahl von für Vertragsstaaten bewerteten Artikeln für die kombinierten zweiten und dritten Abschließenden Bemerkungen

Vertragsstaat / Jahr der Abschließenden Bemerkungen der Reihe CO2-3	Art. 5	Art. 7	Art. 9	Art. 15	Art. 19	Art. 23	Art. 24	Art. 25	Art. 27	Art. 28
Australien 2019	D	F	D	D	D	D	D	D	D	D
Österreich 2023	C	C	D	D	E	D	G	E	E	C
China 2022	E	C	D	E	D	E	D	E	D	A
Ecuador 2019	E	E	D	A	D	D	D	D	D	D
El Salvador 2019	D	E	D	D	D	D	D	C	D	D
Deutschland 2023	E	D	E	D	D	E	F	E	D	D
Ungarn 2022	D	D	E	D	E	E	E	C	E	D
Mexiko 2022	E	F	D	D	C	D	E	E	F	C
Mongolei 2023	E	B	F	C	D	D	D	C	D	C
Neuseeland 2022	D	C	E	C	D	F	D	C	D	E
Südkorea 2022	F	E	E	D	E	D	D	C	D	D
Spanien 2019	D	D	E	E	D	C	E	D	E	C
Tunesien 2023	E	F	F	C	D	C	D	D	D	C

Bewertung vom Besten zum Schlechtesten: ○ A=0 ● B=1 ● C=2 ● D=3 ● E=4 ● F=5 ● G=6 ● H=7

verbessern. Zweitens kann durch die Konzentration auf einen bestimmten Artikel festgestellt werden, welche Vertragsstaaten die betreffenden Rechte am wirksamsten umzusetzen scheinen. In Tabelle 2 werden beispielsweise bei Artikel 25 vier Vertragsstaaten mit E, vier mit D und fünf mit C bewertet. Dies sollte es anderen Vertragsstaaten, die sich auf die verbesserte Umsetzung dieses Artikels konzentrieren wollen, ermöglichen zu untersuchen, warum diese fünf Vertragsstaaten mit C so gut abschneiden.

Die gesamte Tabelle mit den Bewertungen aller 13 Vertragsstaaten für einzelne Artikel aus den kombinierten zweiten und dritten Abschließenden Bemerkungen ist in Anhang 2 enthalten.

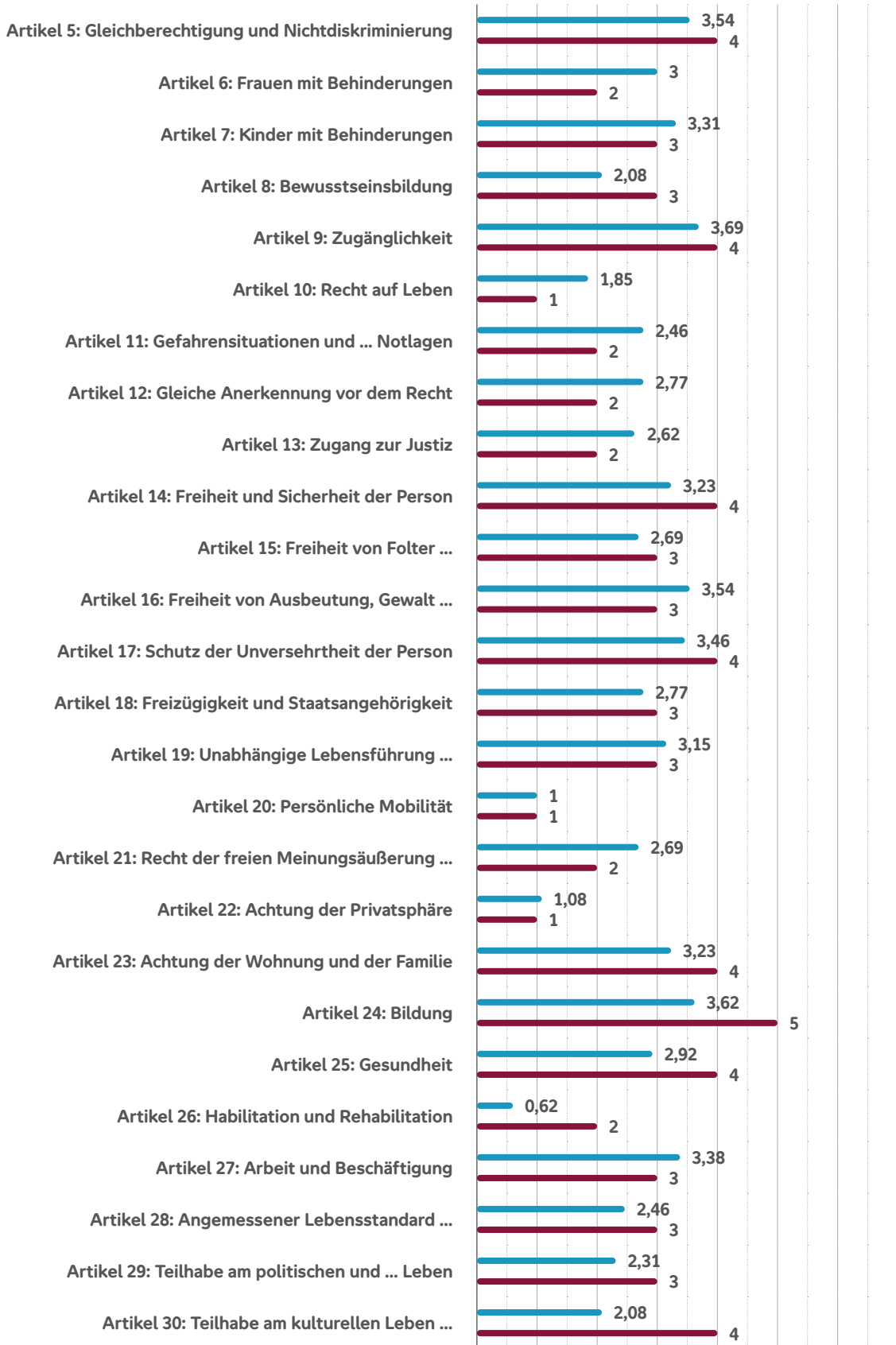
Im Einzelfall kann ein Vertragsstaat diese Daten auch nutzen, um seine Umsetzung der Artikel im Vergleich zum Durchschnitt zu bewerten.

Abbildung 3 ist ein Balkendiagramm, das die Durchschnittsbewertung pro Artikel im Vergleich zu einem Beispielvertragsstaat zeigt.² Anhand dieser Darstellung können diejenigen Artikel identifiziert werden, bei denen die Bewertung des Beispielsstaates unter dem Durchschnitt liegt, was hier durch einen höheren Wert (längerer Balken) dargestellt wird. In diesem Beispiel schneidet der Vertragsstaat bei den Artikeln 5, 8, 9, 14, 15, 17, 18, 23, 24, 25, 26, 28, 29 und 30 schlechter als der Durchschnitt ab, wobei er bei den Artikeln 24, 25, 26 und 30 besonders weit vom Durchschnitt abweicht.

² Der Vertragsstaat, der als Beispiel für dieses Schaubild herangezogen wurde, war Deutschland, und die Abschließenden Bemerkungen bezogen sich auf seinen kombinierten zweiten und dritten periodischen Bericht 2023.

Abbildung 3:

Durchschnittsbewertung pro Artikel im Vergleich zu einem Beispielvertragsstaat für CO2-3



Bester Wert = 0, schlechtester Wert = 7 ● Durchschnittswerte aller 13 Staaten ● Durchschnittswerte des Beispielstaates

4.2.1 Vergleich der Bewertungen für thematische Artikel-Cluster

Die Abschließenden Bemerkungen zum Übereinkommen der Vereinten Nationen über die Rechte von Menschen mit Behinderungen sind so aufgebaut, dass sie jeden funktionalen Artikel der Reihe nach behandeln. Andere UN-Ausschüsse³ haben thematische „Cluster“ von Artikeln erstellt und Kommentare zu relevanten Themen zusammengefasst. Die Menschenrechte sind „unteilbar und voneinander abhängig“. Durch die Umsetzungsanalyse thematischer Gruppen von Rechten können dennoch wichtige Bereiche ermittelt werden, die einer Verbesserung bedürfen. Einige Artikel der UN-BRK beziehen sich auf ganz bestimmte Aspekte des Lebens, wie Kindheit (Artikel 7) oder die „Freiheit von Ausbeutung, Gewalt und Missbrauch“ (Artikel 16). Mehrere Artikel befassen sich schwerpunktmäßig mit rechtlichen Interessen und Freiheiten oder mit Aspekten des täglichen Lebens. Die Analyse der Bemerkungen und damit der Bewertungen, die die Vertragsstaaten für diese beiden Gruppen oder Cluster von Rechten erhalten, kann helfen zu verstehen, wo die Stärken und Schwächen eines Vertragsstaates liegen. Es ist auch interessant zu sehen, wie die Vertragsstaaten innerhalb der Tabellen, die sich auf verschiedene thematische Cluster von Rechten konzentrieren, ihre Plätze wechseln und sogar tauschen. Tabelle 3 zeigt zunächst die von den Vertragsstaaten erzielten Bewertungen und Gesamtwerte in der Reihenfolge ihrer Bewertungen für acht Artikel, die zur Darstellung der „Rechtlichen Interessen und Freiheiten“ ausgewählt wurden:

- **Artikel 10:** Recht auf Leben
- **Artikel 12:** Gleiche Anerkennung vor dem Recht
- **Artikel 13:** Zugang zur Justiz
- **Artikel 14:** Freiheit und Sicherheit der Person
- **Artikel 15:** Freiheit von Folter oder grausamer, unmenschlicher oder erniedrigender Behandlung oder Strafe
- **Artikel 16:** Freiheit von Ausbeutung, Gewalt und Missbrauch
- **Artikel 21:** Recht der freien Meinungsäußerung, Meinungsfreiheit und Zugang zu Informationen
- **Artikel 22:** Achtung der Privatsphäre

Die Ergebnisse und die Ranglisten spiegeln wider, dass einige Vertragsstaaten insbesondere zu den Artikeln 10 und 22, aber auch zu den Artikeln 15, 16 und 21 keine Bemerkung erhalten haben, was sich auf ihr Gesamtergebnis auswirkte. Allerdings sind die Bewertungen der einzelnen Vertragsstaaten häufig ähnlich.

Die Bewertungen und Gesamtergebnisse der Artikel, die sich auf „Rechtliche Interessen und Freiheiten“ beziehen, können mit den Bewertungen und den Gesamtergebnissen der Artikel verglichen werden, die Aspekte des „Täglichen Lebens“ betreffen. Bei der Betrachtung dieser verschiedenen Möglichkeiten zu Bewertung, Einstufung und Einordnung der Vertragsstaaten ist es wichtig, sich daran zu erinnern, dass diese Methode nicht wirklich die Umsetzung der Rechte durch einen Vertragsstaat bewertet. Sie bewertet die Bemerkungen des Ausschusses zur Umsetzung der Rechte in einem Vertragsstaat, anhand derer sie auf den Grad der Umsetzung schließt. Dennoch ist es für das Verständnis der Verwirklichung von Rechten hilfreich, sich auf thematische Gruppen von Artikeln wie diese zu konzentrieren.

Einige Artikel wirken sich naturgemäß auf den Alltag von Menschen mit Behinderungen aus und stellen daher eine interessante Gruppe von Rechten für eine gezielte Analyse dar. Die Bewertungen der Bemerkungen des Ausschusses zu dieser Gruppe von Artikeln des „Täglichen Lebens“ für die Vertragsstaaten sind in Tabelle 4 aufgeführt.

³ In den Berichten des UN-Ausschusses für die Rechte des Kindes werden die Artikel beispielsweise in neun thematische „Cluster“ unterteilt.

Tabelle 3:

Bewertungen der Vertragsstaaten für die Artikelgruppe „Rechtliche Interessen und Freiheiten“ in den Abschließenden Bemerkungen der Reihe CO2-3

Vertragsstaat	Gesamt	Artikel 10: Recht auf Leben	Artikel 12: Gleiche Anerkennung vor dem Recht	Artikel 13: Zugang zur Justiz	Artikel 14: Freiheit und Sicherheit der Person	Artikel 15: Freiheit von Folter ...	Artikel 16: Freiheit von Ausbeutung ...	Artikel 21: Recht der freien Meinungsäußerung, ...	Artikel 22: Achtung der Privatsphäre
Mongolei 2023	13	A	E	D	D	C	A	B	A
Ecuador 2019	15	A	C	D	C	A	E	E	A
Neuseeland 2022	16	A	C	C	D	C	D	E	A
Österreich 2023	17	A	D	C	C	D	D	C	C
Tunesien 2023	17	A	C	C	D	C	E	C	C
Deutschland 2023	18	B	C	C	E	D	D	C	B
Ungarn 2022	18	C	C	C	F	D	D	B	A
Mexiko 2022	19	C	F	E	C	D	D	A	A
Australien 2019	24	D	C	E	F	D	E	D	A
Südkorea 2022	24	E	E	D	C	D	E	D	B
El Salvador 2019	25	F	D	C	D	D	G	D	A
China 2022	29	D	D	C	D	E	E	H	D
Spanien 2019	31	E	C	D	F	E	F	D	F

Bewertung vom Besten zum Schlechtesten: ○ A=0 ● B=1 ● C=2 ● D=3 ● E=4 ● F=5 ● G=6 ● H=7

Tabelle 4:

Bewertungen der Vertragsstaaten für die Artikelgruppe „Tägliches Leben“ in den Abschließenden Bemerkungen der Reihe CO2-3

Vertragsstaat	Gesamt	Artikel 5: Gleichberechtigung und Nichtdiskriminierung	Artikel 9: Zugänglichkeit	Artikel 19: Unabhängige Lebensführung ...	Artikel 20: Persönliche Mobilität	Artikel 23: Achtung der Wohnung und der Familie	Artikel 24: Bildung	Artikel 25: Gesundheit	Artikel 27: Arbeit und Beschäftigung	Artikel 28: Angemessener Lebensstandard ...	Artikel 30: Teilhabe am kulturellen Leben ...
China 2022	24	E	D	D	A	E	D	E	D	A	A
El Salvador 2019	25	D	D	D	B	D	D	C	D	D	B
Spanien 2019	26	D	E	D	A	C	E	D	E	C	B
Mexiko 2022	27	E	D	C	A	D	E	E	F	C	A
Neuseeland 2022	28	D	E	D	B	F	D	C	D	E	A
Südkorea 2022	28	F	E	E	A	D	D	C	D	D	B
Australien 2019	29	D	D	D	B	D	D	D	D	D	E
Ecuador 2019	29	E	D	D	A	D	D	D	D	D	E
Mongolei 2023	30	E	F	D	C	D	D	C	D	C	D
Tunesien 2023	30	E	F	D	D	C	D	D	D	C	C
Ungarn 2022	33	D	E	E	C	E	E	C	E	D	D
Österreich 2023	34	C	D	E	C	D	G	E	E	C	E
Deutschland 2023	35	E	E	D	B	E	F	E	D	D	E

Bewertung vom Besten zum Schlechtesten: ○ A=0 ● B=1 ● C=2 ● D=3 ● E=4 ● F=5 ● G=6 ● H=7

Folgende Artikel wurden in die vorliegende Analyse aufgenommen:

- **Artikel 5:** Gleichberechtigung und Nichtdiskriminierung
- **Artikel 9:** Zugänglichkeit
- **Artikel 19:** Unabhängige Lebensführung und Einbeziehung in die Gemeinschaft
- **Artikel 20:** Persönliche Mobilität
- **Artikel 23:** Achtung der Wohnung und der Familie
- **Artikel 24:** Bildung
- **Artikel 25:** Gesundheit
- **Artikel 27:** Arbeit und Beschäftigung
- **Artikel 28:** Angemessener Lebensstandard und sozialer Schutz
- **Artikel 30:** Teilhabe am kulturellen Leben sowie an Erholung, Freizeit und Sport

Dabei ist zu bedenken, dass sich die Stellungnahmen des Ausschusses nicht auf die allgemeine Lebensqualität und die Umsetzung dieser Aspekte der Menschenrechte in einem Staat beziehen. Vielmehr geht es bei der Verwirklichung dieser Rechte um den Unterschied, den Menschen mit Behinderungen im Vergleich zur Allgemeinbevölkerung erfahren, und das Ausmaß der offensichtlichen Diskriminierung.

Wie bei der Artikelgruppe „Rechtliche Interessen und Freiheiten“ spiegeln die Ergebnisse und die Rangfolge für diese Artikelgruppe erneut wider, dass einige Vertragsstaaten für einige Artikel, in diesem Fall die Nummern 20, 28 und 30, keine Bemerkungen erhalten haben, was sich auf ihr Gesamtergebnis auswirkte. Im Rahmen der Abschließenden Bemerkungen der Reihe CO2-3 haben acht Vertragsstaaten Bemerkungen zu Artikel 20 erhalten. In den Abschließenden Bemerkungen der Reihe CO1 hingegen haben nur drei Vertragsstaaten Bemerkungen bekommen. Zu Artikel 30 erhielten im Rahmen der Abschließenden Bemerkungen der Reihe CO1 nur fünf Vertragsstaaten Bemerkungen. Deshalb wird in Bezug auf die beiden genannten Artikel in den Abschließenden Bemerkungen der Reihe CO2-3 auf den zusätzlichen Bewertungsfaktor der „Wiederholung“ des Bedenkens verzichtet.

Bei der Analyse der Artikel des „Täglichen Lebens“ ist die Verteilung der Vertragsstaaten ganz anders als bei den Artikeln der „Rechtlichen Interessen und Freiheiten“. So rückt beispielsweise Spanien vom letzten Platz bei den „Rechtlichen Interessen und Freiheiten“

auf die ersten drei Plätze bei den Artikeln des „Täglichen Lebens“ vor. Dagegen fallen Deutschland und Österreich, die bei den „Rechtlichen Interessen und Freiheiten“ in der oberen Hälfte lagen, bei den Artikeln des „Täglichen Lebens“ ans Ende der Tabelle.

Darüber hinaus können die Ergebnisse des Artikel-Clusters mit den in Abbildung 2 dargestellten Gesamtbewertungen und Rangfolgen verglichen werden, wobei sichtbar wird, dass sich bei einigen Vertragsstaaten sehr unterschiedliche Resultate und Platzierungen ergeben. So erhielt Australien die schlechteste Gesamtbewertung, während es hier ein weitaus besseres Ergebnis erzielte; Ecuador, das in der Gesamtbewertung in der Spitzengruppe liegt, schnitt hier schlechter ab. Zwar wird anerkannt, dass die Menschenrechte „unteilbar und voneinander abhängig“ sind, doch beziehen sich diese Artikel auf die Verwirklichung der Rechte im täglichen Leben, sodass sie zu den Artikeln gehören, die täglich spürbare Auswirkungen haben und daher für das Leben von Menschen mit Behinderungen von großer Bedeutung sind.

4.3 Ergebnisse: Bewertung und Fortschritt der Umsetzung

Kehren wir zu den ersten beiden Forschungsfragen zurück:

1. Gibt es Unterschiede im Grad der Umsetzung der UN-Behindertenrechtskonvention zwischen den Vertragsstaaten?
2. Gibt es Unterschiede zwischen den Staaten hinsichtlich der Fortschritte/Rückschritte bei der Umsetzung der UN-Behindertenrechtskonvention zwischen den beiden Zeiträumen?

Die Antwort auf die erste Frage lautet grundsätzlich „Ja“. Sie ist jedoch komplexer als ein einfaches „Ja“ allein, da die Stichprobe der Berichte für die Studie relativ klein war. Eine größere Stichprobe hätte wahrscheinlich eine größere Bandbreite an Gesamtbewertungen für die Umsetzung ergeben. Die Studie hat jedoch gezeigt, dass es bei einzelnen Rechten erhebliche Unterschiede im Grad der Umsetzung der UN-Behindertenrechtskonvention zwischen den Vertragsstaaten gibt.

Die Antwort auf die zweite Frage ist ebenfalls komplex, und für die Studie fällt die Antwort negativ aus, da ein Vergleich der Abschließenden Bemerkungen der Berichtsreihen CO1 und CO2-3 keine verlässlichen Hinweise auf Fortschritte oder Rückschritte liefert. Bei den meisten Artikeln scheinen alle Vertragsparteien einen Rückschritt zu verzeichnen; dies ist wahrscheinlich darauf zurückzuführen, dass das Verständnis des Ausschusses (und der Vertragsstaaten) für die Komplexität der zahlreichen Fragen, die im Rahmen der einzelnen Artikel bewertet werden müssen, im Laufe der Zeit erheblich zugenommen hat. Dieser Wissenszuwachs ist zum Teil darauf zurückzuführen, dass die Abschließenden Bemerkungen der Reihe CO1 für diese Stichprobe zu einem frühen Zeitpunkt der Tätigkeit des Ausschusses erstellt wurden. Aktuellere Abschließende Bemerkungen der Reihe CO1 hingegen sind ebenso komplex und detailliert, wie die neueren Abschließenden Bemerkungen der Reihe CO2-3. Künftige Abschließende Bemerkungen könnten daher vergleichbar genug sein, um Fortschritte oder Rückschritte sinnvoll quantifizieren zu können.

Wenden wir uns Forschungsfrage drei zu: Können die Vertragsstaaten nach dem Grad oder den Fortschritten der Umsetzung eingestuft werden? Die Antwort auf diese Frage hängt mit der Hauptforschungsfrage zusammen, bei der die Durchschnittsbewertungen insgesamt in einem relativ kleinen Wertebereich liegen. Im Vergleich zu dieser Durchschnittsbewertung (siehe Abbildung 2) zeigt die in Tabelle 5 dargestellte Gesamtpunktzahl eine größere Bewertungsspanne, da alle Vertragsstaaten für die Abschließenden Bemerkungen der Reihe CO2-3 im Bereich von 60 bis 80 Punkten liegen.

Werden die Artikel, zu denen der Ausschuss keine Bemerkungen abgegeben hat, ausgeklammert, so ändert sich die durchschnittliche Punktzahl pro Artikel, was zu einer geringfügigen Änderung der Rangfolge führt, wie Tabelle 6 zeigt (und durch das Diagramm in Abbildung 2 veranschaulicht wird).

Der Vergleich dieser beiden Ergebnisse zeigt, dass es möglich ist, Vertragsstaaten zu identifizieren, die in beiden Kategorien gut abschneiden, wie zum Beispiel Neuseeland. Es kann jedoch mit Fug und Recht behauptet werden, dass auf Grundlage der Bemerkungen des Ausschusses keiner der bewerteten Vertragsstaaten die Rechte von Menschen mit Behinderungen gut umsetzt.

Die in Tabelle 5 und Abbildung 2 dargestellte Rangfolge der Gesamtpunktzahl, bei der die sieben am schlechtesten bewerteten Vertragsstaaten allesamt Mitglieder der OECD (Organisation für wirtschaftliche Zusammenarbeit und Entwicklung) sind, wirft die mögliche zukünftige Forschungsfrage nach der Tiefe und Qualität der gesamten Informationen auf, auf die der Ausschuss seine Abschließenden Bemerkungen stützt. Die potenzielle Forschungsarbeit in diesem Bereich würde sich auf die Quantität und Qualität der eingereichten Berichte, insbesondere der Schattenberichte, konzentrieren. Werden die Abschließenden Bemerkungen durch aussagekräftige, detaillierte Schattenberichte beeinflusst, in denen Probleme hervorgehoben werden? Könnte es sein, dass der Ausschuss in hochentwickelten liberalen Staaten mit einer freien und differenzierten Presse, einer aktiven Zivilgesellschaft und starken Selbstvertretungsorganisationen über eine breitere und vielfältigere Wissensbasis verfügt, auf die er seine Bewertungen

Tabelle 5:
Vertragsstaaten nach Gesamtpunktzahl für die Abschließenden Bemerkungen der Reihe CO2-3

Punktebereich	Vertragsstaaten
60–64	Neuseeland, Ecuador, Mongolei
65–69	El Salvador, China, Tunesien
70–74	Ungarn, Mexiko, Österreich
75–79	Deutschland, Spanien, Südkorea, Australien

stützen kann? Führt eine solidere Darstellung in den Schattenberichten dazu, dass kritischere Standpunkte in die Abschließenden Bemerkungen aufgenommen werden und somit die Bewertung der Umsetzung negativ beeinflusst wird?

Um dieser Forschungsfrage nachzugehen, wäre bei einer größeren Stichprobe (wie in 3.3 erwähnt) eine eingehendere inhaltliche Analyse des gesamten Prüfprozesses und aller Dokumente und Stellungnahmen, auf denen er basiert, unerlässlich.

Tabelle 6:

Vertragsstaaten nach durchschnittlicher Bewertung der für die Abschließenden Bemerkungen der Reihe CO2-3 bewerteten Artikel

Durchschnittswert auf Basis der bewerteten Artikel	Vertragsstaat
2,74	Mongolei
2,75	El Salvador
2,77	Neuseeland
2,79	Tunesien
2,88	Deutschland
2,90	Ecuador
2,92	Ungarn
2,96	Österreich
3,08	Südkorea
3,14	China
3,17	Spanien
3,21	Australien
3,38	Mexiko

4.4 Thematische Analyse

Zur Beantwortung der vierten Frage: Lassen sich thematische Schwerpunkte erkennen, in denen sich die Abschließenden Bemerkungen bestimmter Vertragsstaaten von denen anderer Staaten unterscheiden? wurde eine thematische Analyse der Artikel durchgeführt. Für jeden Artikel wurden neben der Bewertung der Umsetzung durch den Vertragsstaat die Themen festgehalten, auf die sich der Ausschuss häufig bezieht. Einige dieser Themen beziehen sich natürlich speziell auf einzelne Artikel. Andere wiederum sind übergreifende Fragen, die für viele Artikel relevant sind. Nehmen wir als Beispiel Artikel 5 „Gleichberechtigung und Nichtdiskriminierung“. Er

kann als bereichsübergreifend und als Grundlage für die Umsetzung anderer Rechte beschrieben werden. In den Abschließenden Bemerkungen der Reihe CO1 reichten die Bewertungen der Vertragsstaaten von B bis F, in den Abschließenden Bemerkungen der Reihe CO2-3 von C bis F. Drei Themen wurden in den beiden Reihen Abschließender Bemerkungen besonders häufig genannt: Diskriminierung zwischen den Geschlechtern, die Anerkennung einer angemessenen Unterkunft und Probleme mit Beschwerdeverfahren und den verfügbaren Rechtsbehelfen. Von diesen drei Themen ist die intersektionale Diskriminierung besonders interessant, da sie in den Bemerkungen zu vielen Artikeln angesprochen wurde. Im Gegensatz dazu sind die beiden anderen Themen eher artikel-spezifisch. Ein weiteres Thema, das in den Bemer-

kungen des Ausschusses immer wieder auftauchte, war das der „Deinstitutionalisierung“. Intersektionale Diskriminierung und Deinstitutionalisierung werden im Folgenden näher untersucht.

4.4.1 Intersektionale Diskriminierung

Die Bedeutung der mehrdimensionalen Vulnerabilitäten und der daraus resultierenden intersektionalen Diskriminierung wird vom United Nations Network on Racial Discrimination and Protection of Minorities [Netzwerk der Vereinten Nationen zu rassistischer Diskriminierung und zum Schutz von Minderheiten] beschrieben:

„Intersektionalität ist ein Konzept und ein theoretischer Rahmen, der die Anerkennung der komplexen Art und Weise erleichtert, in der sich soziale Identitäten überschneiden und in negativen Szenarien zu sich gegenseitig verstärkenden Erfahrungen von Diskriminierung und gleichzeitigen Formen der Unterdrückung führen können.“
(2022)

Die Art und Weise, wie die Kombination von Mehrfachdiskriminierungen die Auswirkungen von Diskriminierung verstärkt und verschlimmert, sollte nicht unterschätzt werden, und die Untersuchung der Fälle, in denen der Ausschuss in seinen Abschließenden Bemerkungen zu einem Vertragsstaat intersektionale Diskriminierung feststellt, sollte dazu beitragen, Bereiche zu ermitteln, in denen eine verbesserte Umsetzung das Potenzial hat, in der Praxis positive Auswirkungen zu erzielen. Zu den Beispielen für Bemerkungen, die sich auf intersektionale Diskriminierung in Artikel 5 beziehen, gehören allgemeine Bemerkungen wie zum Beispiel:

„Der Ausschuss ist besorgt darüber, dass es keinen wirksamen Rechtsrahmen zum Schutz von Menschen mit Behinderungen vor systemischen, intersektionalen und mehrdimensionalen Formen der Diskriminierung gibt, [...]“
(UNCRPD 2019a, Absatz 9, Australia)

In einigen Bemerkungen wurden Formen der intersektionalen Diskriminierung konkret benannt, wie zum Beispiel die Diskriminierung aufgrund des Geschlechts:

„Der Ausschuss beobachtet mit Besorgnis das Fehlen von: Anerkennung der mehrdimensionalen und intersektionalen Formen der Diskriminierung von Menschen mit Behinderungen, einschließlich der Diskriminierung von Frauen mit Behinderungen aufgrund ihres Geschlechts, in den Antidiskriminierungsvorschriften des Vertragsstaates.“
(UNCRPD 2022, Absatz 10(a), Hungary)

Eine weitere häufig genannte Form der intersektionalen Diskriminierung bezieht sich auf die rassistische Zuschreibung. Beispiel:

„[...] es fehlt an der Anerkennung und dem Verbot von mehrdimensionaler und intersektionaler Diskriminierung, insbesondere von Frauen, indigenen Menschen und Menschen afrikanischer Abstammung mit Behinderungen.“
(UNCRPD 2019c, Absatz 8, El Salvador)

Andere Formen der intersektionalen Diskriminierung betreffen den Migrationsstatus, die ethnische Zugehörigkeit, die Geschlechtsidentität, die sexuelle Orientierung sowie das Thema Menschen mit Behinderungen und HIV.

So wurde beispielsweise zu Artikel 5 sowohl in den Abschließenden Bemerkungen der Reihe CO1 als auch in denen der Reihe CO2-3 in 18 von 29 Berichten ausdrücklich auf intersektionale Diskriminierung hingewiesen, und in mehr als der Hälfte der Artikel finden sich in dieser Hinsicht Bedenken. Der damalige Sonderberichterstatter für die Rechte von Menschen mit Behinderungen beschrieb die Bedeutung der Intersektionalität mehrdimensionaler Vulnerabilitäten, indem er die Überschneidung von Armut und Behinderung in den Blick nahm:

„[...] Armut ist von Natur aus mehrdimensional und wird über die gesamte Lebensspanne hinweg verstärkt. Intersektionale Faktoren wie Geschlecht, ethnische Zugehörigkeit oder Minderheitenzugehörigkeit, ländlicher und stadtnaher Wohnsitz sowie Alter führen zu weiterer, unverhältnismäßig hoher Armut bei Menschen mit Behinderungen. Diese Faktoren wirken oft in einer negativen Rückkopplungsschleife: Kindern und Jugendlichen mit Behinderungen wird Bildung verweigert oder sie haben nur begrenzte Bildungs- und Qualifizierungsmöglichkeiten; Erwachsene mit Behinderungen, denen es an marktfähiger Bildung und Qualifikationen mangelt, sind

unverhältnismäßig häufig von Arbeitslosigkeit und Unterbeschäftigung betroffen, und das umso mehr in wirtschaftlich schwierigen Zeiten.“

(Special Rapporteur on the rights of persons with disabilities 2021, Absatz 71)

Die Bedeutung der intersektionalen Diskriminierung wird bei der Lektüre mehrerer Abschließender Bemerkungen deutlich. Es ist offensichtlich, dass sich die meisten (wenn nicht alle) Vertragsstaaten in diesem Bereich verbessern müssen. Sobald sie das tun, wird sich die Umsetzung der Rechte von Menschen mit Behinderungen erheblich verbessern. Den meisten Vertragsstaaten wurden zu diesem Thema Variationen des letzten Zitats übermittelt. Diese Empfehlung kann insofern als für alle Vertragsstaaten relevant angesehen werden, als sie Folgendes tun müssen:

„Sie müssen sicherstellen, dass [ihre] Gesetze, politische Konzepte und Strategien zur Beseitigung von Diskriminierung eine ausdrückliche Definition und ein Verbot von Diskriminierung aufgrund von Behinderung enthalten und dass sie bereichsübergreifend die Anerkennung von mehrdimensionaler Diskriminierung und intersektionaler Diskriminierung, insbesondere im Fall von Frauen, Kindern, indigenen Menschen, Menschen afrikanischer Abstammung, [...] Asylsuchenden, Migrant*innen und Flüchtlingen mit Behinderungen, in allen Lebensbereichen einbeziehen.“

(UNCRPD 2019b, Absatz 14(a) Ecuador)

4.4.2 Deinstitutionalisierung

Eines der kritischen Themen in den Abschließenden Bemerkungen ist die „Deinstitutionalisierung“. Dieses Thema umfasst Bemerkungen zu und Verweise auf die Verwendung von „Institutionen“, „unfreiwillige Einweisung“ und „Freiheitsentzug“. Im Jahr 2022 veröffentlichte der Ausschuss seine „Leitlinien zur Deinstitutionalisierung, auch in Notfällen“ (UNCRPD 2022)⁴, in denen festgestellt wurde, dass:

„Trotz völkerrechtlicher Verpflichtungen werden Menschen mit Behinderungen weltweit weiterhin

unter lebensbedrohlichen Bedingungen in Institutionen untergebracht.“

(UNCRPD 2022, Absatz 4)

In allen 29 untersuchten Abschließenden Bemerkungen wurde in 16 von 26 Artikeln in irgendeiner Form auf „Institutionalisierung“ Bezug genommen. Weder in den Abschließenden Bemerkungen der Reihe CO1 noch in denen der Reihe CO2-3 entging ein Vertragsstaat der Kritik an der Nutzung von Institutionen. Das Spektrum der in den Abschließenden Bemerkungen beschriebenen Probleme und Formen von Diskriminierung in Zusammenhang mit der Institutionalisierung ist sehr vielfältig. So findet sich unter Artikel 12 über die „Gleiche Anerkennung vor dem Recht“ folgende schockierende Bemerkung:

„Der Ausschuss ist besorgt über Berichte, wonach eine Reihe von Menschen mit Behinderungen, insbesondere diejenigen, die [...] in Langzeiteinrichtungen leben, keine Ausweispapiere besitzen und manchmal auch keinen Namen haben.“

(UNCRPD 2012, Absatz 22 Peru)

Darüber hinaus äußerte der Ausschuss unter Artikel 23 „Achtung der Wohnung und der Familie“ die Sorge, dass:

„Kinder mit Behinderungen, die in Armut leben, [...] stärker gefährdet [sind], ausgesetzt und in Heimen untergebracht zu werden.“

(UNCRPD 2022b, Absatz 45 Mexico)

Die Häufigkeit entsprechender Bemerkungen nahm in den Abschließenden Bemerkungen der Reihe CO2-3 zu. Tabelle 7 erfasst, welche Vertragsstaaten Bemerkungen zur Nutzung von Institutionen in Bezug auf die einzelnen Artikel des Übereinkommens erhalten haben.

Diese Zuordnung von Bemerkungen zeigt, dass alle Vertragsstaaten sowohl zu Artikel 14 „Freiheit und Sicherheit der Person“ als auch zu Artikel 19 „Unabhängige Lebensführung und Einbeziehung in die Gemeinschaft“ Bemerkungen zur Frage der „Institutionen“ erhalten haben. Dies deutet darauf hin, dass

⁴ Diese [...] „in Verbindung mit der Allgemeinen Bemerkung Nummer 5 (2017) des Ausschusses zur unabhängigen Lebensführung und Einbeziehung in die Gemeinschaft (Artikel 19 des Übereinkommens) und den Leitlinien des Ausschusses zum Recht auf Freiheit und Sicherheit von Menschen mit Behinderungen (Artikel 14) zu lesen [sind].“ (Übereinkommen der Vereinten Nationen über die Rechte von Menschen mit Behinderungen 2022, Absatz 1)

Tabelle 7:**Liste der Bemerkungen zu Institutionen und Deinstitutionalisierung für die Reihe CO2-3**

	CO 2-3 Australien 2019	CO 2-3 Österreich 2023	CO 2-3 China 2022	CO 2-3 Ecuador 2019	CO 2-3 El Salvador 2019	CO 2-3 Deutschland 2023	CO 2-3 Ungarn 2022	CO 2-3 Mexiko 2022	CO 2-3 Mongolei 2023	CO 2-3 Neuseeland 2022	CO 2-3 Südkorea 2022	CO 2-3 Spanien 2019	CO 2-3 Tunesien 2023	Gesamt
Artikel 5: Gleichberechtigung und Nichtdiskriminierung														0
Artikel 6: Frauen mit Behinderungen		✓												1
Artikel 7: Kinder mit Behinderungen		✓		✓	✓		✓	✓				✓		6
Artikel 8: Bewusstseinsbildung														0
Artikel 9: Zugänglichkeit														0
Artikel 10: Recht auf Leben							✓	✓			✓			3
Artikel 11: Gefahrensituationen und humanitäre Notlagen			✓				✓	✓	✓		✓			5
Artikel 12: Gleiche Anerkennung vor dem Recht								✓						1
Artikel 13: Zugang zur Justiz							✓	✓						2
Artikel 14: Freiheit und Sicherheit der Person	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	13
Artikel 15: Freiheit von Folter oder grausamer, unmenschlicher oder erniedrigender Behandlung oder Strafe			✓		✓	✓	✓	✓			✓	✓		7
Artikel 16: Freiheit von Ausbeutung, Gewalt und Missbrauch		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		10
Artikel 17: Schutz der Unversehrtheit der Person		✓				✓	✓	✓	✓		✓			6
Artikel 18: Freizügigkeit und Staatsangehörigkeit														0
Artikel 19: Unabhängige Lebensführung und Einbeziehung in die Gemeinschaft	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	13
Artikel 20: Persönliche Mobilität														0
Artikel 21: Recht der freien Meinungsäußerung, Meinungsfreiheit und Zugang zu Informationen														0
Artikel 22: Achtung der Privatsphäre		✓				✓						✓		3
Artikel 23: Achtung der Wohnung und der Familie		✓	✓				✓			✓				4
Artikel 24: Bildung							✓							1
Artikel 25: Gesundheit	✓	✓												2
Artikel 26: Habilitation und Rehabilitation														0
Artikel 27: Arbeit und Beschäftigung							✓		✓		✓			3
Artikel 28: Angemessener Lebensstandard und sozialer Schutz														0
Artikel 29: Teilhabe am politischen und öffentlichen Leben														0
Artikel 30: Teilhabe am kulturellen Leben sowie an Erholung, Freizeit und Sport														0
Gesamtzahl der Artikel mit Verweisen für jeden Vertragsstaat	3	9	5	4	5	6	12	10	6	4	8	6	2	

es sich hierbei nicht um ein isoliertes Problem handelt, mit dem einzelne Vertragsstaaten konfrontiert sind, und dass daher Potenzial besteht, dass Regionen oder Gruppen von Vertragsstaaten zusammenarbeiten, um das Problem zu verbessern. Zwei Beispiele für Bemerkungen zu Artikel 14 „Freiheit und Sicherheit der Person“, in denen Begriffe wie „unfreiwillige Einweisung“ und „Freiheitsentzug“ verwendet wurden:

„Der Ausschuss ist besorgt darüber, dass die Gesetzgebung des Vertragsstaates zur psychischen Gesundheit weitgehend auf einem medizinischen Modell der Behinderung beruht und unfreiwillige Einweisungen und Zwangsbehandlungen zulässt.“ (UNCRPD 2023b, Absatz 33 Austria)

In einem weiteren Beispiel war der Ausschuss:

„[...] zutiefst besorgt:
Über die erzwungene Institutionalisierung und Zwangsbehandlung von Menschen mit Behinderungen aufgrund von Beeinträchtigungen in Pflege- und Eingliederungshilfeeinrichtungen und anderen Institutionen, psychiatrischen Einrichtungen und forensisch-psychiatrischen Betreuungseinrichtungen.“ (UNCRPD 2023a, Absatz 29(a) Germany)

Zu den Beispielen für Bemerkungen zu Artikel 19, „Unabhängige Lebensführung und Einbeziehung in die Gemeinschaft“, gehören:

„Der Ausschuss ist besorgt über:

- (a) Die fortdauernde Institutionalisierung von Kindern mit Behinderungen durch die Sanierung und den Bau neuer institutioneller Einrichtungen und die Unterbringung von Kindern mit Behinderungen, die ein höheres Maß an Unterstützung benötigen, in Einrichtungen für erwachsene Menschen mit Behinderungen;
- (b) Das Fehlen eines unabhängigen Überwachungsmechanismus für die Deinstitutionalisierung von Kindern.“

(UNCRPD 2022a, Absatz 40(a) and (b) Hungary)

In den Bemerkungen zu diesem Artikel wurde auch auf Strategien (oder deren Fehlen) zur Deinstitutionalisierung verwiesen, zum Beispiel:

„Der Ausschuss ist besorgt über das Fehlen einer Strategie des Bundes und der Länder zur Eingliederung von Menschen mit Behinderungen in die Gesellschaft und zur Ermöglichung eines unabhängigen Lebens sowie über das Fehlen einer spezifischen und wirksamen Strategie zur Deinstitutionalisierung von Menschen mit Behinderungen.“ (UNCRPD 2022b, Absatz 50 Mexico)

Die Zuordnung der entsprechenden Bemerkungen in Tabelle 7 veranschaulicht, dass Deinstitutionalisierung mehr als nur ein Thema für diese beiden Artikel ist, was aufgrund des Gegenstands der Artikel zu erwarten gewesen wäre. Viele andere Artikel enthielten ebenfalls Bemerkungen zu diesem Thema, zum Beispiel zu Artikel 24 über „Bildung“:

„Der Ausschuss stellt mit Besorgnis fest, dass Kinder mit Behinderungen vom allgemeinen Bildungssystem ausgeschlossen sind. Er ist insbesondere besorgt über:

- (a) das Gesetz über öffentliche Bildung, das einen getrennten Unterricht vorsieht und die im Übereinkommen vorgesehene Verpflichtung zur Aufnahme von Kindern mit Behinderungen in allgemeinbildende Schulen nicht berücksichtigt und sowohl die Unterrichtung von Kindern mit hohem Unterstützungsbedarf in Heimen und zu Hause als auch eine reduzierte Zahl von Unterrichtsstunden für Kinder mit Behinderungen legitimiert.“

(UNCRPD 2022a, Absatz 48(a) Hungary)

Oder zu Artikel 27 über „Arbeit und Beschäftigung“, wo die Besorgnis mit den Auswirkungen der Deinstitutionalisierung zusammenhängt, wurde dem Vertragsstaat empfohlen:

„Maßnahmen zu verstärken, um sicherzustellen, dass Menschen mit Behinderungen, einschließlich Menschen mit Behinderungen, die an Deinstitutionalisierungsprozessen teilnehmen, [...] Zugang zu Arbeit und Beschäftigung auf dem offenen Arbeitsmarkt und zu einem inklusiven Arbeitsumfeld haben.“ (UNCRPD 2022c, Absatz 56(c) South Korea)

Innerhalb dieser Stichprobe hatte Ungarn die meisten Bezugnahmen auf Institutionen oder Deinstitutionalisierung. Österreich, Deutschland, Mexiko, die Mongolei, Südkorea und Spanien erhielten ebenfalls sechs oder mehr Hinweise, die sich auf die Nutzung von Institutionen beziehen. Im Gegensatz dazu bekamen Tunesien, Australien, Ecuador und Neuseeland deutlich weniger entsprechende Bemerkungen. Die Häufigkeit, mit der Institutionen und Deinstitutionalisierung in den abschließenden Bemerkungen erwähnt werden, zeigt, wie wichtig dieses Thema aus der Sicht des Übereinkommens und des Ausschusses ist und dass es sich um einen Bereich handelt, der, wenn sich ein Vertragsstaat auf dessen Verbesserung konzentrierte, gleichzeitig die Umsetzung vieler einzelner Rechte des Übereinkommens erheblich verbessern würde.

5. Schlussfolgerungen

In der Studie sollten vier Forschungsfragen untersucht werden:

1. Gibt es Unterschiede im Grad der Umsetzung der UN-Behindertenrechtskonvention zwischen den Vertragsstaaten?
2. Gibt es Unterschiede zwischen den Staaten hinsichtlich der Fortschritte / Rückschritte bei der Umsetzung der UN-Behindertenrechtskonvention zwischen den beiden Zeiträumen?
3. Können die Vertragsstaaten nach dem Grad oder den Fortschritten der Umsetzung eingestuft werden?
4. Lassen sich thematische Schwerpunkte erkennen, in denen sich die Abschließenden Bemerkungen bestimmter Vertragsstaaten von denen anderer Staaten unterscheiden?

Von diesen vier Fragen konnte nur die zweite – der Versuch einer Analyse der Fortschritte oder Rückschritte bei der Umsetzung – keine aussagekräftigen Ergebnisse liefern. Der Grund dafür ist die nachvollziehbare Entwicklung eines besseren Verständnisses des Ausschusses für die Feinheiten der Fragen in Bezug auf die Artikel. In dem Maße, in dem der Ausschuss Leitlinien für die Vertragsstaaten zu den Bestimmungen des Übereinkommens erstellte, wurden seine Abschließenden Bemerkungen zunehmend standardisiert. So konnten die Vertragsstaaten ihre Frageliste gezielter beantworten, was zu einer weiteren Standardisierung der Abschließenden Bemerkungen führte. Diese verstärkte Standardisierung wird in Zukunft wahrscheinlich Längsschnittanalysen ermöglichen.

Bezüglich der miteinander verknüpften Fragen, ob es möglich ist, Unterschiede im Grad der Umsetzung der UN-Behindertenrechtskonvention zwischen den Vertragsstaaten festzustellen, und ob die Vertragsstaaten nach dem Grad oder den Fortschritten der Umsetzung eingestuft werden können, lautete die Antwort „Ja“, auch wenn in Abschnitt 3.3 Verbesserungsmöglichkeiten des Analyseprozesses vorgeschla-

gen werden. Die Analyseergebnisse zeigen, dass die einzelnen Bewertungen der Artikel des Übereinkommens stärker variieren als die Gesamtbewertung für diese Stichprobe. Die Ergebnisse der Bewertung der kombinierten zweiten und dritten Abschließenden Bemerkungen sind in Anhang 2 vollständig aufgeführt. Der Vertragsstaat mit der besten Gesamtbewertung war Neuseeland. Es gab jedoch einige Artikel (insbesondere Artikel 17 „Schutz der Unversehrtheit der Person“ und Artikel 23 „Achtung der Wohnung und der Familie“), bei denen der Ausschuss noch erhebliche Bedenken äußerte.

Die Studie hat auch gezeigt, dass die Vertragsstaaten durch den Vergleich der Bemerkungen des Ausschusses zu den einzelnen Artikeln ihre eigene Umsetzung anhand der Durchschnittsbewertung für die einzelnen Artikel analysieren und feststellen können, welche Artikel sie am meisten verbessern müssen.

Die Frage, ob es möglich wäre, innerhalb der Stichprobe Themen zu ermitteln, bei denen sich bestimmte Vertragsstaaten von anderen unterscheiden, wird positiv beantwortet, und zwar sowohl für die Ermittlung kritischer Themen als auch für die Häufigkeit von Bemerkungen im Zusammenhang mit einem Thema für verschiedene Vertragsstaaten, wie Tabelle 7 zeigt.

Obwohl einzelne Artikel ihre eigenen Themen haben, lassen sich übergreifende Themen erkennen. In den Abschließenden Bemerkungen dieser Reihe tauchten intersektionale Diskriminierung und Deinstitutionalisierung als wiederkehrende Themen zu den rechtsbasierten Artikeln auf. Die Studie zeigt, wie die Bezugnahme auf ein Thema, wie zum Beispiel die Nutzung von Institutionen und die Deinstitutionalisierung, von Vertragsstaat zu Vertragsstaat unterschiedlich sein kann. Die Zusammenführung dieser Bemerkungen könnte eine detaillierte Analyse eines Themas ermöglichen und somit ein ganzheitlicheres Verständnis für die Feinheiten der Probleme innerhalb dieses Themas schaffen, was wiederum dazu beitragen kann,

Lösungen zu finden und die Umsetzung der Rechte zu verbessern.

Die Vereinten Nationen beschreiben die Menschenrechte als „universell und unveräußerlich“ und als „unteilbar und voneinander abhängig“. Dessen ungeachtet haben einige UN-Ausschüsse einen Präzedenzfall geschaffen, indem sie Rechte in thematischen Gruppen zusammenfassten, um das Verständnis zu fördern und die Umsetzung der Rechte zu bewerten. In der Studie wurden einige der Rechte im Übereinkommen in zwei thematische Cluster eingeteilt, die eine Analyse ermöglichen und die Unterschiede in ihrer Umsetzung durch die Vertragsstaaten aufzeigen. Erhält ein bestimmter Vertragsstaat zu einem Cluster weitaus weniger Bemerkungen, die Besorgnis zum Ausdruck bringen, als zu einem anderen, so kann ihm dies helfen, sich auf die Bereiche zu konzentrieren, die dringenderer Verbesserungen bedürfen.

Die Häufigkeit der Bemerkungen zu „intersektionaler Diskriminierung“ und „Deinstitutionalisierung“ deutet darauf hin, dass es sich bei diesen Themen um Probleme handelt, die für die Verbesserung der Umsetzung der Rechte aus dem Übereinkommen von entscheidender Bedeutung sind. Wenn es den Vertragsstaaten gelänge, diese Probleme deutlich zu verbessern oder sogar ganz zu beseitigen, würden nicht nur die vom Ausschuss geäußerten Bedenken erheblich verringert, sondern es würde sich auch die tatsächliche Umsetzung vieler, wenn nicht aller Rechte deutlich verbessern.

Die Studie hat gezeigt, dass die Prüfung der Abschließenden Bemerkungen des Ausschusses für die Rechte von Menschen mit Behinderungen bei der Ermittlung von Querschnittsthemen, die die Verwirklichung der Rechte behindern, helfen kann. Darüber hinaus kann diese Untersuchung den Vertragsstaaten helfen, herauszufinden, an welchen Artikeln noch gearbeitet werden muss, um die Rechte von Menschen mit Behinderungen besser umzusetzen.

Literatur

MacDonald, Fiona. 2021. „International Children’s Rights: A Comparative Study of 52 State Parties Concluding Observation Reports, Investigating, Implementation and Legal Incorporation of the UNCRC.“

https://pure.southwales.ac.uk/files/5479829/060721_PhD_FMacDonald_1_.pdf (zuletzt geprüft am 5. Februar 2024)

United Nations. 2007. Convention on the Rights of Persons with Disabilities (A/RES/61/106).

United Nations Committee on the Rights of Persons with Disabilities. 2022. „Guidelines on deinstitutionalization, including in emergencies.“

— „General comments.“

<https://www.ohchr.org/en/treaty-bodies/crpd/general-comments> (zuletzt geprüft am 23. Dezember 2023).

— 2016 „General Comment No. 4 on Article 24 – the right to inclusive education.“ CRPD/C/GC/4

United Nations Human Rights Office of the High Commissioner. „Status of Ratification – Interactive Dashboard.“ <https://indicators.ohchr.org/> (zuletzt geprüft am 23. Dezember 2023).

United Nations Network on Racial Discrimination and Protection of Minorities. 2022. Guidance note on intersectionality, racial discrimination & protection of minorities.

United Nations Special Rapporteur on the rights of persons with disabilities. 2021. Report of the Special Rapporteur on the rights of persons with disabilities A/HRC/46/27.

Abschließende Bemerkungen

United Nations Committee on the Rights of Persons with Disabilities. 2012. „Concluding Observations of the Committee on the Rights of Persons with Disabilities, Peru CRPD/C/PER/CO/1.“

— 2019a. „Concluding observations on the combined second and third periodic reports of Australia CRPD/C/AUS/CO/2-3.“

— 2019b. „Concluding observations on the combined second and third periodic reports of Ecuador CRPD/C/ECU/CO/2-3.“

— 2019c. „Concluding observations on the combined second and third periodic reports of El Salvador CRPD/C/SLV/CO/2-3.“

— 2022a. „Concluding observations on the combined second and third periodic reports of Hungary CRPD/C/HUN/CO/2-3.“

— 2022b. „Concluding observations on the combined second and third periodic reports of Mexiko CRPD/C/MEX/CO/2-3.“

— 2022c. „Concluding observations on the combined second and third periodic reports of the Republic of Korea CRPD/C/KOR/CO/2-3.“

— 2023a. „Concluding observations on the combined second and third periodic reports of Germany CRPD/C/DEU/CO/2-3.“

— 2023b. „Concluding observations on the combined second and third periodic reports of Austria CRPD/C/AUT/CO/2-3.“

Anhang 1:

Verzeichnis der Artikel des Übereinkommens der Vereinten Nationen über die Rechte von Menschen mit Behinderungen von 2006

Artikel 1: Zweck

Artikel 2: Begriffsbestimmungen

Artikel 3: Allgemeine Grundsätze

Artikel 4: Allgemeine Verpflichtungen

Artikel 5: Gleichberechtigung und Nichtdiskriminierung

Artikel 6: Frauen mit Behinderungen

Artikel 7: Kinder mit Behinderungen

Artikel 8: Bewusstseinsbildung

Artikel 9: Zugänglichkeit

Artikel 10: Recht auf Leben

Artikel 11: Gefahrensituationen und humanitäre Notlagen

Artikel 12: Gleiche Anerkennung vor dem Recht

Artikel 13: Zugang zur Justiz

Artikel 14: Freiheit und Sicherheit der Person

Artikel 15: Freiheit von Folter oder grausamer, unmenschlicher oder erniedrigender Behandlung oder Strafe

Artikel 16: Freiheit von Ausbeutung, Gewalt und Missbrauch

Artikel 17: Schutz der Unversehrtheit der Person

Artikel 18: Freizügigkeit und Staatsangehörigkeit

Artikel 19: Unabhängige Lebensführung und Einbeziehung in die Gemeinschaft

Artikel 20: Persönliche Mobilität

Artikel 21: Recht der freien Meinungsäußerung, Meinungsfreiheit und Zugang zu Informationen

Artikel 22: Achtung der Privatsphäre

Artikel 23: Achtung der Wohnung und der Familie

Artikel 24: Bildung

Artikel 25: Gesundheit

Artikel 26: Habilitation und Rehabilitation

Artikel 27: Arbeit und Beschäftigung

Artikel 28: Angemessener Lebensstandard und sozialer Schutz

Artikel 29: Teilhabe am politischen und öffentlichen Leben

Artikel 30: Teilhabe am kulturellen Leben sowie an Erholung, Freizeit und Sport

Artikel 31: Statistik und Datensammlung

Artikel 32: Internationale Zusammenarbeit

Artikel 33: Innerstaatliche Durchführung und Überwachung

Artikel 34: Ausschuss für die Rechte von Menschen mit Behinderungen

Artikel 35: Berichte der Vertragsstaaten

Artikel 36: Prüfung der Berichte

Artikel 37: Zusammenarbeit zwischen den Vertragsstaaten und dem Ausschuss

Artikel 38: Beziehungen des Ausschusses zu anderen Organen

Artikel 39: Bericht des Ausschusses

Artikel 40: Konferenz der Vertragsstaaten

Artikel 41: Verwahrer

Artikel 42: Unterzeichnung

Artikel 43: Zustimmung, gebunden zu sein

Artikel 44: Organisationen der regionalen Integration

Artikel 45: Inkrafttreten

Artikel 46: Vorbehalte

Artikel 47: Änderungen

Artikel 48: Kündigung

Artikel 49: Zugängliches Format

Artikel 50: Verbindliche Wortlaute

Anhang 2:

Einzelbewertung der Vertragsstaaten für die zweiten und dritten Abschließenden Bemerkungen

Artikel Nummer		Neuseeland 2022	Ecuador 2019	Mongolei 2023	El Salvador 2019	China 2022	Tunesien 2023	Ungarn 2022	Mexiko 2022	Österreich 2023	Deutschland 2023	Spanien 2019	Südkorea 2022	Australien 2019
	Gesamt	61	61	63	66	66	67	70	71	74	75	76	77	77
Art. 5	Bewertung	D	E	E	D	E	E	D	E	C	E	D	F	D
	Punkte	3	4	4	3	4	4	3	4	2	4	3	5	3
Art. 6	Bewertung	C	C	E	C	D	E	B	E	F	C	D	E	D
	Punkte	2	2	4	2	3	4	1	4	5	2	3	4	3
Art. 7	Bewertung	C	E	B	E	C	F	D	F	C	D	D	E	F
	Punkte	2	4	1	4	2	5	3	5	2	3	3	4	5
Art. 8	Bewertung	C	C	C	B	C	C	B	C	D	D	D	D	B
	Punkte	2	2	2	1	2	2	1	2	3	3	3	3	1
Art. 9	Bewertung	E	D	F	D	D	F	E	D	D	E	E	E	D
	Punkte	4	3	5	3	3	5	4	3	3	4	4	4	3
Art. 10	Bewertung	A	A	A	F	D	A	C	C	A	B	E	E	D
	Punkte	0	0	0	5	3	0	2	2	0	1	4	4	3
Art. 11	Bewertung	B	B	E	C	D	D	D	D	C	C	B	E	D
	Punkte	1	1	4	2	3	3	3	3	2	2	1	4	3
Art. 12	Bewertung	C	C	E	D	D	C	C	F	D	C	C	E	C
	Punkte	2	2	4	3	3	2	2	5	3	2	2	4	2
Art. 13	Bewertung	C	D	D	C	C	C	C	E	C	C	D	D	E
	Punkte	2	3	3	2	2	2	2	4	2	2	3	3	4
Art. 14	Bewertung	D	C	D	D	D	D	F	C	C	E	F	C	F
	Punkte	3	2	3	3	3	3	5	2	2	4	5	2	5
Art. 15	Bewertung	C	A	C	D	E	C	D	D	D	D	E	D	D
	Punkte	2	0	2	3	4	2	3	3	3	3	4	3	3
Art. 16	Bewertung	D	E	A	G	E	E	D	D	D	D	F	E	E
	Punkte	3	4	0	6	4	4	3	3	3	3	5	4	4
Art. 17	Bewertung	G	D	D	D	B	C	D	F	D	E	E	D	F
	Punkte	6	3	3	3	1	2	3	5	3	4	4	3	5

Bewertung vom Besten zum Schlechtesten: ○ A=0 ● B=1 ● C=2 ● D=3 ● E=4 ● F=5 ● G=6 ● H=7

Artikel Nummer		Neuseeland 2022	Ecuador 2019	Mongolei 2023	El Salvador 2019	China 2022	Tunesien 2023	Ungarn 2022	Mexiko 2022	Österreich 2023	Deutschland 2023	Spanien 2019	Südkorea 2022	Australien 2019
	Gesamt	61	61	63	66	66	67	70	71	74	75	76	77	77
Art. 18	Bewertung	D	D	C	C	A	C	F	D	E	D	D	C	E
	Punkte	3	3	2	2	0	2	5	3	4	3	3	2	4
Art. 19	Bewertung	D	D	D	D	D	D	E	C	E	D	D	E	D
	Punkte	3	3	3	3	3	3	4	2	4	3	3	4	3
Art. 20	Bewertung	B	A	C	B	A	D	C	A	C	B	A	A	B
	Punkte	1	0	2	1	0	3	2	0	2	1	0	0	1
Art. 21	Bewertung	E	E	B	D	H	C	B	A	C	C	D	D	D
	Punkte	4	4	1	3	7	2	1	0	2	2	3	3	3
Art. 22	Bewertung	A	A	A	A	D	C	A	A	C	B	F	B	A
	Punkte	0	0	0	0	3	2	0	0	2	1	5	1	0
Art. 23	Bewertung	F	D	D	D	E	C	E	D	D	E	C	D	D
	Punkte	5	3	3	3	4	2	4	3	3	4	2	3	3
Art. 24	Bewertung	D	D	D	D	D	D	E	E	G	F	E	D	D
	Punkte	3	3	3	3	3	3	4	4	6	5	4	3	3
Art. 25	Bewertung	C	D	C	C	E	D	C	E	E	E	D	C	D
	Punkte	2	3	2	2	4	3	2	4	4	4	3	2	3
Art. 26	Bewertung	A	A	C	A	A	A	A	A	C	C	A	C	A
	Punkte	0	0	2	0	0	0	0	0	2	2	0	2	0
Art. 27	Bewertung	D	D	D	D	D	D	E	F	E	D	E	D	D
	Punkte	3	3	3	3	3	3	4	5	4	3	4	3	3
Art. 28	Bewertung	E	D	C	D	A	C	D	C	C	D	C	D	D
	Punkte	4	3	2	3	0	2	3	2	2	3	2	3	3
Art. 29	Bewertung	B	C	C	C	C	C	D	D	C	D	C	D	D
	Punkte	1	2	2	2	2	2	3	3	2	3	2	3	3
Art. 30	Bewertung	A	E	D	B	A	C	D	A	E	E	B	B	E
	Punkte	0	4	3	1	0	2	3	0	4	4	1	1	4

Impressum

Auftraggeberin

Aktion Mensch e.V.
Verantwortlich: Sascha Decker
www.aktion-mensch.de

Wissenschaftliche Analyse / Verfasserin

Dr. Fiona MacDonald
E-Mail: femacdonald26@gmail.com

Studienleitung

Stefan Sandner

Redaktion

Robert Fechner, Stefan Sandner

Übersetzung aus dem Englischen

Proverb oHG
www.proverb.de

Grafik, Layout und Satz

Nicole Schmitz
www.subgrafix.de

Lektorat

Daniela Kumor

© Copyright

Aktion Mensch e.V., Bonn



Mehr Informationen
erhalten Sie unter
aktion-mensch.de



Stand: Februar 2024

Aktion Mensch e.V.
Heinemannstr. 36
53175 Bonn
Telefon: 0228 2092-0
info@aktion-mensch.de

Coding Example MAXQDA

Study Title	The Implementation of the United Nations Convention on the Rights of Persons with Disabilities. A Longitudinal Study Project by Aktion Mensch Based on the Concluding Observations Reports of 16 Member States.
Author	Dr Fiona MacDonald
Commissoned by	Aktion Mensch e.V.
Date	February 2024

Coding example using MAXQDA of the document:

Concluding observations on the combined second and third periodic reports of Germany (CRPD/C/DEU/CO/2-3)

The original MAXQDA 24 (.mx24) file format has been converted to a non-accessible PDF.



1

United Nations

CRPD/C/DEU/
CO/2-3

Convention on the Rights of Persons with Disabilities

Distr.: General
3 October 2023

Original: English

2

Committee on the Rights of Persons with Disabilities

3

Concluding observations on the combined second and third periodic reports of Germany^{1*}

4

I. Introduction

5

1. The Committee considered the combined second and third periodic reports of Germany² at its 674th and 675th meetings,³ held on 29 and 30 August 2023. It adopted the present concluding observations at its 684th and 685th meetings, held on 5 and 6 September 2023.

6

2. The Committee welcomes the combined second and third periodic reports of Germany, which were prepared in accordance with the Committee's reporting guidelines in response to the list of issues prior to reporting prepared by the Committee.⁴

Autocode - ANY: Introduction

7

3. The Committee expresses its appreciation for the constructive dialogue held with the State party's high-level delegation, which covered a wide array of issues and included representatives of relevant government ministries who provided further clarifications on the questions posed by the Committee. The Committee also expresses its appreciation for the active participation of the German Institute for Human Rights, in its capacity as the national human rights institution and independent monitoring mechanism, pursuant to article 33 (2) of the Convention.

..Autocode - ANY:
institution, deprivation of liberty

MAGENTA

8

II. Positive aspects

9

4. The Committee welcomes the measures taken by the State party to implement the Convention following the recommendations of the Committee contained in its concluding observations on the initial report of the State party.⁵ It welcomes in particular the legislative and policy measures taken to promote the rights of persons with disabilities, including:

Autocode - ANY: Positive aspects

10

(a) The launch of the Federal Accessibility Initiative of 2022;

11

(b) The enactment of the Barrier-Free Accessibility Strengthening Act of 2021;

..Autocode - ANY: Act

BLUE

12

(c) The enactment of the Act on the

BLUE

..Autocode - ANY: Law		
..Autocode - ANY: Act		13
BLUE		
BLUE		14
..Autocode - ANY: Act		
BLUE		15
..Autocode - ANY: Law		
Autocode - ANY: Positive aspects		16
..Autocode - ANY: Act		
BLUE		17
BLUE		
..Autocode - ANY: Act		18
BLUE		
BLUE		
..Autocode - ANY: Act		19
BLUE		
		20
..Autocode - ANY: Law		21
BLUE		
		22
BLUE		
		23
..Autocode - ANY: Law		24
BLUE		
Autocode - ANY: GPO (arts. 1-4)		25
BLUE		
		26
		27
MAGENTA		
..Autocode - ANY: institution, deprivation of liberty		
		28
BLUE		

Reform of Child and Adult Guardianship Law of 2021;

(d) The enactment of the Act to Strengthen Child and Youth Services of 2021;

(e) The signing of the coalition agreement of 2021;

(f) The enactment of the Law on the Protection of Children with Variations in Sex Development of 2021;

(g) The enactment of the Family Members Relief Act of 2020;

(h) The enactment of the Act to Amend the Federal Elections Act and Other Acts in 2019, removing restrictions on the voting rights of persons with disabilities;

(i) The enactment of the Act to Strengthen the Participation and Self-Determination of Persons with Disabilities (Federal Participation Act) in 2016.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

5. The Committee is concerned about the use of a medical model of disability in many areas of the law, at the federal and Länder levels.

6. **Recalling its previous recommendation,⁶ the Committee recommends that the State party harmonize the definition of disability in laws and policies, at the federal and Länder levels, with the general principles and provisions of the Convention, in particular with respect to non-discrimination and the human rights model of disability.**

7. The Committee is concerned about:

(a) The lack of recognition, across all government portfolio areas, of disability as a responsibility of all government entities, and the lack of mainstreaming of disability-inclusive measures in all areas of government, society and law;

(b) The lack of a systematic review of existing laws, policies and regulations to ascertain the legislative action required to conform with the obligations under the Convention;

(c) The lack of a general right of associations to take legal action to enforce the rights under the Convention, the rare use of such rights in the areas where the required statutory bases exist, and – in most of these statutory bases – the limited types of remedies available to declaratory judgments;

(d) The lack of systematic and institutionalized engagement with organizations of persons with disabilities, including organizations of children with disabilities, in all matters affecting them, and of processes for close consultation with and the active involvement of organizations of persons with disabilities;

(e) The insufficient resources of organizations of persons with disabilities to actively participate in the development and the implementation of laws, policies, programmes and regulations to implement the Convention, and undue administrative hurdles to access funding;

		29
		30
..Autocode - ANY: Law	[31
BLUE	[
BLUE	[32
		33
MAGENTA	[34
..Autocode - ANY: institution, deprivation of liberty	[
..Autocode - ANY: general comment	[
Autocode - ANY: GPO (arts. 1-4)	[
GREEN	[
GREEN	[35
..Autocode - ANY: general comment	[
		36
		37
		38

(f) The highly uneven efforts to implement the Convention across the Länder, and an insufficient human rights perspective in the action plans of many Länder.

8. **The Committee recommends that the State party:**

(a) **Develop strategies to strengthen commitment across all government portfolio areas to ensure that disability is recognized as a cross-cutting issue in all areas of government and society, and to effectively mainstream disability-related measures into all areas of the law;**

(b) **Systematically review the conformity of existing laws, policies and administrative practices with the obligations of the State party under the Convention and establish human rights-based action plans with a clear concept of disability that contain measures to promote, protect and fulfil the rights under the Convention and targets and indicators to monitor the implementation of the Convention, as recommended by the Committee in its previous recommendation;**⁷

(c) **Review the statutory bases of the right of associations to take legal action to enforce the rights under the Convention, at the federal and Länder levels, enact a generally applicable right of associations to take legal action, provide effective remedies beyond merely declaratory judgments and remove undue burdens such as the risk of prohibitive litigation costs and excessive admissibility requirements;**

(d) **Develop and implement institutionalized procedures for close consultation with and the active involvement of organizations of persons with disabilities, including organizations of children with disabilities, in all matters affecting them, set standards governing these procedures, guaranteeing, among others, sufficient time for their responses and providing all relevant documents in accessible formats, in line with the Committee's general comment No. 7 (2018) (para. 54) and its previous recommendation;**⁸

(e) **Bearing in mind the Committee's general comment No. 7 (2018) (paras. 60 and 61), strengthen the capacity of organizations of persons with disabilities, including children with disabilities and persons with intellectual and/or psychosocial disabilities, to actively participate in all measures designed to implement the Convention and to effectively employ their statutory rights to take legal action, and allocate sufficient funds. The State party should also ensure that funding is not solely project-based and may be accessed without undue administrative hurdles;**

(f) **Bearing in mind its obligations under article 4 (5) of the Convention, improve coordination among the Länder in their efforts to implement the Convention and ensure that their action plans to implement the rights of persons with disabilities are in accordance with their obligations under the Convention.**

9. Taking into consideration that the State party ratified the Optional Protocol to the Convention, the Committee is concerned about the highly textual method employed by the State party's courts in their determination of the justiciability of the provisions of the Convention.

10. **The Committee recommends that the State party, in particular its courts, determine the justiciability of the provisions of the Convention, including rights subject to progressive realization based on article 4 (2) of the Convention, in close alignment with the Committee's jurisprudence under the Optional Protocol.**

		39
		40
		41
		42
	BLUE	43
	BLUE	44
..Autocode - ANY: intersectionality	BLUE	44
	MAGENTA	45
..Autocode - ANY: Act	BLUE	46
	GREEN	46
..Autocode - ANY: general comment		47
Autocode - ANY: Equality and non-discrimin		47
	BLUE	48
..Autocode - ANY: Law	BLUE	49
	MAGENTA	49
..Autocode - ANY: intersectionality		50
	BLUE	50
..Autocode - ANY: Act		51
	MAGENTA	51
..Autocode - ANY: Women Girls		52
	MAGENTA	53
	MAGENTA	53
..Autocode - ANY: migrant refu		53
..Autocode - ANY: intersection		54
..Autocode - ANY: Women Girls		54
	MAGENTA	55
	MAGENTA	55
	MAGENTA	55

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

11. The Committee is concerned that:
- (a) Legal protection against discrimination and of the specific rights under the Convention does not, with few exceptions, encompass private providers of goods and services;
 - (b) The State party's laws do not define the denial of reasonable accommodation as a form of discrimination throughout the legal system, but are confined to some specific areas, and the understanding of the requirements to implement reasonable accommodations could be improved;
 - (c) The State party's laws, including the laws of the Länder, do not, in general or explicitly, address multiple and intersectional forms of discrimination;
 - (d) The relief of burden of proof in the General Act on Equal Treatment does not unequivocally encompass the parties' obligations to prove the existence of a disadvantage.
12. Recalling its general comment No. 6 (2018), the Committee recommends that the State party:
- (a) Fulfil its pledges in the coalition agreement of 2021 and extend legal protection against discrimination and of the specific rights under the Convention to all private entities that provide goods and services to the public, and establish effective remedies to enforce the respective obligations;
 - (b) Amend its laws, at the federal and Länder levels, so as to include an explicit recognition of the denial of reasonable accommodation as a form of discrimination in all areas of the law, and to include a legal definition of reasonable accommodation consistent with the meaning provided in article 2 of the Convention;
 - (c) Adopt the legal and other measures necessary to provide for explicit protection from multiple and intersectional forms of discrimination, including discrimination based on the intersection between disability and other status, such as age, sex, gender, race, indigeneity, lesbian, gay, bisexual, transgender and intersex status, ethnicity, migration status and national origin;
 - (d) Amend its laws on the relief of burden of proof, in particular section 22 of the General Act on Equal Treatment, to explicitly include the parties' obligations to prove the existence of a disadvantage as a part of that relief.
- Women with disabilities (art. 6)**
13. The Committee is concerned about:
- (a) The lack of a comprehensive intersectional approach to ensure that issues pertaining to women and girls with disabilities, including migrant women and girls with disabilities, are mainstreamed into both gender and disability legislation and policies;
 - (b) The lack of sufficient long-term funding of representative organizations of women and girls with disabilities to advance and promote their human rights.
14. The Committee recalls its general comment No. 3

..Autocode - ANY: general comment		
MAGENTA		56
MAGENTA		
..Autocode - ANY: migrant refugee		
..Autocode - ANY: Women Girls		
MAGENTA		57
MAGENTA		
MAGENTA		
Autocode - ANY: Women with disabilities		58
BLUE		
..Autocode - ANY: Women Girls		59
MAGENTA		
MAGENTA		60
MAGENTA		
..Autocode - ANY: training		61
..Autocode - ANY: Act		
BLUE		62
MAGENTA		
MAGENTA		
..Autocode - ANY: migrant refugee		
		63
Autocode - ANY: Children with disabilities		
MAGENTA		64
BLUE		
..Autocode - ANY: training		
..Autocode - ANY: Act		
		65
MAGENTA		66
MAGENTA		
..Autocode - ANY: migrant refugee		
MAGENTA		
MAGENTA		
		67
		68
		69
Autocode - ANY: Awareness-raising (art. 8)		70
		71
		72

(2016) and recommends that the State party, at the federal and Länder levels:

(a) Strengthen measures and policy mechanisms to ensure that issues pertaining to women and girls with disabilities, including migrant women and girls with disabilities, are comprehensively addressed within gender and disability legislation and policies;

(b) Develop measures, including sufficient long-term financial resourcing, to support organizations of women and girls with disabilities to advance their human rights.

Children with disabilities

(art. 7)

15. The Committee is concerned about:

(a) The lack of training of entities and their employees on applying the new Act to Strengthen Child and Youth Services in terms of the requirements of children with disabilities;

(b) The high cost for parents of assistance services and inpatient treatment for children with disabilities;

(c) The lack of disaggregated data on refugee children with disabilities and children with disabilities in refugee-like situations, widely varying conditions in reception facilities often not tailored to the requirements of children with disabilities and seemingly varying access to education, health care and cultural and leisure activities.

16. The Committee, recalling its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities, recommends that the State party:

(a) Establish training programmes for entities and their employees applying the new Act to Strengthen Child and Youth Services on the requirements of children with disabilities, including children with intellectual and/or psychosocial disabilities;

(b) Cover the disability-related costs of assistance services or inpatient treatment of children with disabilities;

(c) Strengthen the collection of comprehensive disaggregated data on refugee children with disabilities and children with disabilities in refugee-like situations, ensure that all reception facilities accommodating children with disabilities meet their requirements, and guarantee access to education, health care and cultural and leisure activities to all refugee children with disabilities and children with disabilities in refugee-like situations.

Awareness-raising (art. 8)

17. The Committee is concerned about:

(a) The lack of a comprehensive national strategy for awareness-raising activities and campaigns to foster respect for the rights and dignity of persons with disabilities and to advance sustained and systemic attitudinal change;

(b) The inaccuracies in the official German translation of the Convention, which are conducive to substantive misinterpretations.

18. The Committee recommends that the State party:

(a) Adopt and fund a comprehensive national strategy to raise awareness throughout

society, in particular among persons with disabilities and their families, professional groups, the media and government officials at all levels, regarding the rights and dignity of persons with disabilities, in order to combat stereotypes, prejudice and harmful practices in all aspects of life and advance sustained and systemic attitudinal change;

(b) **Revise the official German translation of the Convention, in close consultation with and with the active involvement of organizations of persons with disabilities, in order to accurately reflect its meaning in all aspects.**

Accessibility (art. 9)

19. The Committee is concerned about:

(a) The narrow implementation of the European Accessibility Act, confined to the mandatory obligations and omitting important areas such as health services, educational goods and services, household appliances and the built environment, and the corresponding widespread inaccessibility of services rendered by public and private entities, including services listed in article 2 of the Act;

(b) The insufficient quantity of affordable accessible housing in the State party and often inadequate building standards set by the Länder;

(c) The widespread lack of accessibility of public transport;

(d) The lack of institutionalized mechanisms for the participation of organizations of persons with disabilities in the development of accessibility standards.

20. **Recalling its general comment No. 2 (2014) and referring to the pledges in the coalition agreement of 2021, the Committee recommends that the State party:**

(a) **Amend its legislation, at the federal and Länder levels, to render all services by public and private entities provided to the public accessible, and intensify the implementation of existing provisions on accessibility;**

(b) **Expand and strengthen legal requirements of accessible housing for public and private use, for new and existing buildings, permitting the building of new housing that is inaccessible only in narrowly defined exceptional circumstances, setting legally binding time-bound goals to be achieved for buildings owned or used by public entities, and incorporate existing accessibility standards such as DIN 18040-3 into law.**

(c) **Enact and implement legal requirements guaranteeing the autonomous use of public transport by persons with disabilities, through the following measures in particular:**

(i) **Implementing the forthcoming revision to Commission Regulation (EU) No. 1300/2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility expeditiously and with a clear plan and time frame and, should the forthcoming revised regulation not guarantee autonomous access to stations and rail services, enacting and implementing national requirements to that end;**

(ii) **Enacting and implementing**

Autocode - ANY: Awareness-raising (art. 8)

73

74

75

76

BLUE

..Autocode - ANY: Act

BLUE

77

78

MAGENTA

79

GREEN

..Autocode - ANY: general comment

80

BLUE

81

Autocode - ANY: Accessibility (art. 9)

82

..Autocode - ANY: Law

BLUE

83

84

85

		86
Autocode - ANY: Accessibility (art. 9)		87
..Autocode - ANY: institution, deprivation of liberty	MAGENTA	88
		89
	BLUE	90
..Autocode - ANY: Law	BLUE	
Autocode - ANY: Right to life (art. 10)		91
	BLUE	
..Autocode - ANY: Law		
		92
		93
		94
Autocode - ANY: Situations of risk... (art. 11)		95

specific indicators, targets and monitoring mechanisms for the forthcoming revision to Regulation (EU) 1315/2013 of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network, ensuring autonomous accessibility of the respective new infrastructure;

(iii) **Implementing existing requirements for the accessibility of commuter rail services, bus, coach and trolley bus services, cable car services and passenger navigation services expeditiously and with a clear plan and enacting and implementing requirements for the autonomous use of public transport in those areas;**

(iv) **Should the forthcoming revision to Regulation (EC) No. 1107/2006 of the European Parliament and of the Council concerning the rights of persons with disabilities and persons with reduced mobility when travelling by air not cover the following guarantees, enacting and implementing provisions prohibiting the denial of boarding because of a disability and the requirement of an accompanying person, and guaranteeing full compensation for damaged or lost mobility equipment or harm to assistance animals;**

(d) **Establishing institutionalized mechanisms for close consultation with and the active involvement of persons with disabilities through their organizations in the processes for the development of accessibility standards.**

Right to life (art. 10)

21. The Committee notes with appreciation that the State party has enacted a federal law governing triage decisions in situations of insufficient medical capacities, and that these rules prohibit any direct and indirect discrimination based on disability. However, the Committee is concerned that the triage criterion of “actual or short-term probability of survival”, as laid down in the law, may discriminate indirectly against persons with disabilities, despite the legal prohibition of such discrimination.

22. **The Committee recommends that the State party review the new federal law on triage decisions in situations of insufficient medical capacities and enact a triage criterion that effectively prevents any direct or indirect discrimination against persons with disabilities.**

Situations of risk and humanitarian emergencies (art. 11)

23. The Committee is concerned about the following:

(a) The lack of close consultation with and active involvement of persons with disabilities through their representative organizations in disaster risk reduction and humanitarian action, including the planning of coronavirus disease (COVID-19) pandemic-mitigation responses, which resulted in adverse impacts on persons with disabilities;

(b) The lack of an overarching disability-inclusive, human rights-based strategy for disaster risk reduction and humanitarian action that is in line with the Sendai Framework for Disaster Risk Reduction 2015–2030 and the Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action.

	96
Autocode - ANY: Situations of risk... (art. 11)	97
	98
..Autocode - ANY: Law BLUE	99
	100
..Autocode - ANY: Law BLUE	101
..Autocode - ANY: Act BLUE	102
Autocode - ANY: Equal recognition before GREEN	103
..Autocode - ANY: general comment	104
	105
	106
	107
	108
Autocode - ANY: Access to justice (art. 13)	109
	110
	111
..Autocode - ANY: Law BLUE	112

24. Recalling the Sendai Framework for Disaster Risk Reduction 2015–2030 and the Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, develop:

(a) A national public emergency plan that addresses the specific requirements of and responses for persons with disabilities and operates across all levels of federal, Länder and municipal governments;

(b) An overarching disability-inclusive, human rights-based strategy for all situations of risk and humanitarian emergencies, including public health emergencies, climate change and disaster risk reduction.

Equal recognition before the law (art. 12)

25. The Committee is concerned that:

(a) The Act on the Reform of Child and Adult Guardianship Law 2021 does not eliminate all forms of substitute decision-making;

(b) There is no national comprehensive strategy for the implementation of supported decision-making mechanisms.

26. Recalling its **general comment No. 1 (2014)**, the Committee recommends that the State party:

(a) Eliminate all forms of substitute decision-making and replace them with a system of supported decision-making;

(b) Develop a national comprehensive strategy, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations and across all levels of federal, Länder and municipal governments, for the implementation of supported decision-making mechanisms.

Access to justice (art. 13)

27. The Committee is concerned about barriers to access to justice for persons with disabilities, including:

(a) The lack of procedural and age-appropriate accommodations within the justice sector and the costs incurred by persons with disabilities in providing their own accommodations and support to facilitate effective participation in legal proceedings;

(b) The lack of understanding by legal professionals about access to justice for persons with disabilities;

(c) The lack of accessible judicial facilities and information and communications.

28. The Committee recommends that the State party, in close consultation with and with the active involvement of organizations of persons with disabilities, develop a national disability justice strategy:

(a) To amend the procedural rules in criminal, civil, labour and administrative law to ensure that procedural and age-appropriate accommodations are provided to persons with disabilities in all proceedings on a no-cost basis;

	MAGENTA	[]	113
..Autocode - ANY: training		[]	
Autocode - ANY: Access to justice (art. 13)		[]	
		[]	114
		[]	115
	YELLOW	[]	116
..Autocode - ANY: deeply		[]	
	MAGENTA	[]	117
..Autocode - ANY: institution, deprivation of liberty		[]	
	MAGENTA	[]	
	MAGENTA	[]	118
		[]	119
..Autocode - ANY: institution, deprivation of liberty		[]	
	MAGENTA	[]	
Autocode - ANY: Liberty and security of f		[]	120
..Autocode - ANY: institution, deprivation of liberty		[]	
	MAGENTA	[]	
		[]	121
..Autocode - ANY: institution, deprivation of liberty		[]	
		[]	122
	BLUE	[]	123
		[]	124
		[]	125
..Autocode - ANY: institution, deprivation of liberty		[]	126
	MAGENTA	[]	
	MAGENTA	[]	
Autocode - ANY: Freedom from torture...		[]	127
..Autocode - ANY: institution, deprivation of liberty		[]	
	MAGENTA	[]	
	MAGENTA	[]	128
..Autocode - ANY: institution, deprivation of liberty		[]	
	MAGENTA	[]	
	MAGENTA	[]	

(b) To ensure appropriate **training** for those working in the field of administration of justice, including members of the judiciary, police officers and prison personnel, on Convention standards and principles to ensure access to justice;

(c) To ensure that **judicial facilities and information and communications are accessible.**

Liberty and security of person (art. 14)

29. The Committee is **deeply** concerned:

(a) About the forced **institutionalization** and forced treatment of persons with disabilities on the basis of impairment in care and integration assistance facilities and other **institutions**, psychiatric **institutions** and forensic psychiatric care facilities;

(b) That children and young people with disabilities can be deprived of their liberty on the basis of therapeutic necessity.

30. **Recalling its guidelines on the right to liberty and security of persons with disabilities⁹ and its guidelines on deinstitutionalization, including in emergencies,¹⁰ the Committee recommends that the State party take all necessary legislative, administrative and judicial measures:**

(a) **To prohibit involuntary detention, forced institutionalization and forced treatment of persons with disabilities on the basis of impairment;**

(b) **To strengthen all judicial and administrative protections to prevent the deprivation of liberty of children and young persons with disabilities on an equal basis with others.**

31. The Committee is concerned about provisions on being “unfit to stand trial” that allow for the indefinite detention of persons with disabilities in forensic psychiatric care facilities.

32. **The Committee recommends that the State party amend and/or repeal legislation that restricts the legal capacity of persons with disabilities and allows for harsher measures, such as indefinite detention, against persons with disabilities than against persons without disabilities convicted of the same crimes and that the State party guarantee access by persons with disabilities to justice on an equal basis with others throughout judicial proceedings.**

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

33. The Committee is concerned about:

(a) The use of physical and chemical restraints, seclusion and other harmful practices, in particular in care and integration assistance facilities and other **institutions**, psychiatric **institutions** and forensic psychiatric care facilities;

(b) The lack of oversight and monitoring of care and integration assistance facilities and other **institutions**, psychiatric **institutions** and forensic psychiatric care facilities and the use of restraints, seclusion and other harmful practices;

(c) The lack of independent complaints and redress mechanisms to address harmful and forced practices perpetrated in care and integration assistance facilities and other **institutions**, psychiatric **institutions** and forensic psychiatric care facilities.

		129
..Autocode - ANY: institution, deprivation of liberty	MAGENTA	130
..Autocode - ANY: institution, deprivation of liberty Autocode - ANY: Freedom from torture... (ar	MAGENTA	131
..Autocode - ANY: institution, deprivation of liberty	MAGENTA	132
RED		133
..Autocode - ANY: abuse		134
YELLOW		135
..Autocode - ANY: deeply		135
MAGENTA		
MAGENTA		
..Autocode - ANY: Women Girls		
BLUE		136
..Autocode - ANY: Act		
..Autocode - ANY: Women Girls		
..Autocode - ANY: institution, deprivation of liberty	MAGENTA	137
MAGENTA		
MAGENTA		
Autocode - ANY: Freedom from expl		138
..Autocode - ANY: Women Girls		
MAGENTA		
MAGENTA		
MAGENTA		
..Autocode - ANY: Women Girls		
..Autocode - ANY: Women Girls		139
..Autocode - ANY: institution, deprivation of liberty ..Autocode - ANY: abuse		
RED		140
MAGENTA		
MAGENTA		141
MAGENTA		
..Autocode - ANY: Women Girls		142
MAGENTA		
MAGENTA		143
Autocode - ANY: Integrity of the person (
..Autocode - ANY: institution, deprivation of liberty	MAGENTA	144

34. The Committee recommends that the State party take all legislative, administrative and judicial measures necessary:

(a) To prohibit the use of physical and chemical restraints, seclusion and other harmful practices in all institutional settings;

(b) To establish independent monitoring bodies in all Länder to provide regular oversight of all institutional facilities and to collect and analyse data on the use of forced treatment and coercive practices, and adequately resource existing monitoring mechanisms, including the National Agency for the Prevention of Torture and the German Institute for Human Rights, in order to strengthen their mandates;

(c) To establish an independent complaints mechanism, accessible to all persons with disabilities in all settings, to receive complaints and investigate and sanction institutions and perpetrators of harmful and forced practices, and to support victims by providing legal advice, accessible information, counselling and redress, including compensation and rehabilitation.

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

35. The Committee is deeply concerned about:

(a) The high rates of all forms of violence against persons with disabilities, in particular women and girls with disabilities, and the lack of a comprehensive and effective violence prevention and response strategy to protect against violence in all public and private settings;

(b) The lack of the purview of the Protection Against Violence Act to cover all forms of violence experienced in all institutional settings by persons with disabilities, in particular women and girls with disabilities.

36. The Committee recommends that the State party, in close consultation with and with the active involvement of organizations of persons with disabilities, in particular organizations of women and girls with disabilities:

(a) Develop a comprehensive and effective violence prevention and response strategy in line with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence that responds to gender- and age-specific requirements, ensures that all shelters, refuges and counselling centres are accessible and widely available and establishes independent monitoring bodies with complaints and redress mechanisms;

(b) Undertake legislative and policy reform to ensure protection against all forms of violence and abuse experienced by persons with disabilities, in particular women and girls with disabilities, still living in institutional settings.

Protecting the integrity of the person (art. 17)

37. The Committee is concerned about:

(a) The continued occurrence of forced and coerced sterilization of women and girls with disabilities;

(b) The practice of forced and coerced contraception and associated harmful side effects and forced and coerced abortions in institutional facilities.

38. The Committee recommends that the State party

			145
	MAGENTA	{ }	
	MAGENTA	{ }	
	..Autocode - ANY: Women Girls		
			146
	BLUE	{ }	
Autocode - ANY: Integrity of the person (147
	..Autocode - ANY: Act		
			148
	BLUE	{ }	
..Autocode - ANY: urgent urgency			
	..Autocode - ANY: Act		
	YELLOW	{ }	
			149
			150
			151
..Autocode - ANY: migrant refugee		{ }	
	MAGENTA	{ }	
			152
	MAGENTA	{ }	
..Autocode - ANY: migrant refugee			
	..Autocode - ANY: Law		
	BLUE	{ }	
	BLUE	{ }	
..Autocode - ANY: Act			153
	..Autocode - ANY: Law		
	BLUE		154
Autocode - ANY: Liberty of movement and			
			155
..Autocode - ANY: migrant refugee		{ }	
	MAGENTA	{ }	
			156
	MAGENTA	{ }	
..Autocode - ANY: migrant refugee			
	..Autocode - ANY: Law		
	BLUE	{ }	
	BLUE	{ }	
..Autocode - ANY: Act			157
	..Autocode - ANY: Law		
	BLUE		158
Autocode - ANY: Living independently... (art.19			
			159
..Autocode - ANY:			160
institution deprivation of liberty			

take all necessary legislative, administrative and judicial measures:

(a) To prohibit the sterilization of women and girls with disabilities without their free and informed consent, including sterilization based on substitute consent or court decisions;

(b) To prohibit all forms of contraception and abortion without the free and informed consent of the individual concerned, including coercive practices.

39. The Committee is concerned that the Act on the Protection of Children with Variations in Sex Development of 2021 does not provide comprehensive protection for all intersex children from invasive or irreversible medical procedures that modify sex characteristics.

40. The Committee recommends that the State party closely consult and actively involve representative organizations of intersex persons to review and amend the Act on the Protection of Children with Variations in Sex Development of 2021 to ensure comprehensive protection for intersex children from invasive or irreversible medical procedures that modify sex characteristics unless necessary to avoid serious, urgent and irreparable harm.

Liberty of movement and nationality (art. 18)

41. The Committee is concerned about:

(a) Access to essential supports, including disability-specific supports, for refugees and asylum-seekers with disabilities being dependent on country of origin;

(b) The lack of uniform and adequate procedures across all Länder for the identification of refugees and asylum-seekers with disabilities, resulting in inconsistent and inadequate implementation of human rights law and Directive 2013/33 of the European Parliament and of the Council laying down standards for the reception of applicants for international protection;

(c) The impact of the draft law to amend the Nationality Act, which would preclude persons with disabilities in receipt of benefits from obtaining citizenship.

42. The Committee recommends that the State party take all legislative, administrative and other measures:

(a) To ensure that access to essential supports, including disability-specific supports, for all refugees and asylum-seekers with disabilities is available without discrimination on the basis of country of origin;

(b) To implement uniform and adequate procedures across all Länder to ensure the identification of refugees and asylum-seekers with disabilities and the provision of appropriate disability-related supports, as required by human rights law and Directive 2013/33 of the European Parliament and of the Council laying down standards for the reception of applicants for international protection;

(c) To ensure that the draft law to amend the Nationality Act does not preclude persons with disabilities in receipt of benefits from obtaining citizenship.

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

43. The Committee is concerned about:

(a) The extensive segregation of

..Autocode - ANY: institution, deprivation of liberty	MAGENTA	161
..Autocode - ANY: general comment	GREEN	162
..Autocode - ANY: institution, deprivation of liberty	MAGENTA	163
Autocode - ANY: Living independently... (MAGENTA	164
..Autocode - ANY: institution, deprivation of liberty	MAGENTA	165
Autocode - ANY: Personal mobility (art. 20)		166
Autocode - ANY: Freedom of expression... (art.21)		167
		168
		169
		170

persons with disabilities in institutional settings and the lack of measures to achieve progress in deinstitutionalization;

(b) The range of barriers to enable persons with disabilities to exercise choice and preference regarding their place of residence and support services, such as additional cost provisions, the forcible pooling of inclusion benefits and services and the complexity of utilizing personal budgets and benefit allowances based on shared accommodation rather than individual requirements.

44. Recalling its **general comment No. 5 (2017)**, its guidelines on deinstitutionalization, including in emergencies, and the report of the Special Rapporteur on the rights of persons with disabilities,¹¹ the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities:

(a) Develop a comprehensive deinstitutionalization strategy to end, as a matter of priority, the institutionalization of persons with disabilities, including in small residential homes, with measures to prevent transinstitutionalization and to support the transition from institutions to life in the community, with specific time frames, human, technical and financial resources and clear responsibilities for implementation and monitoring;

(b) Develop measures to remove barriers for persons with disabilities to choose where and with whom they live, including by committing to increase the supply of affordable and accessible housing, establishing personal assistance supports and services, removing additional cost requirements and the forced pooling of inclusion benefits and services, reducing the complexity of utilizing personal budgets and basing benefit allowances on individual requirements rather than shared accommodation.

Personal mobility (art. 20)

45. The Committee is concerned about the lack of comprehensive and consistent mechanisms across all Länder to ensure that persons with disabilities are provided with affordable, quality mobility aids, devices, assistive technologies and other forms of assistance based on individual requirements.

46. The Committee recommends that the State party establish comprehensive and consistent mechanisms across all Länder to facilitate the provision of affordable, quality mobility aids, devices, assistive technologies and other forms of assistance based on the individual requirements of persons with disabilities.

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

47. The Committee is concerned about the lack of a national standard on, and effective monitoring of, the accessibility of information, leading to a lack of effective access to information, in particular in private broadcasting and on websites, and the limited accessibility of information during the COVID-19 pandemic, in particular for persons who are deaf or hard of hearing and persons with an intellectual disability.

48. The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities and their representative organizations, take all necessary measures, including the adoption of inclusive media regulations and the development and implementation of a national standard on accessibility, and mechanisms of monitoring and sanctioning, based on international and European standards, to

Autocode - ANY: Freedom of expression... (art.21)

..Autocode - ANY: institution, deprivation of liberty

Autocode - ANY: Respect for privacy (art. 2)

..Autocode - ANY: institution, deprivation of liberty

Autocode - ANY: Respect for home and the i

..Autocode - ANY: Code

..Autocode - ANY: Code

Autocode - ANY: Education (art. 24)

171

172

173

174

175

176

177

178

179

180

181

182

183

184

ensure that information intended for the general public is available in accessible formats and through assistive technology for all persons with disabilities, in a timely manner and without additional costs, in particular during emergencies.

Respect for privacy (art. 22)

49. The Committee is concerned about the lack of comprehensive measures ensuring data protection and the right to privacy concerning the personal, medical and rehabilitation information of persons with disabilities in institutions and sheltered workshops, and the absence of confidentiality protocols concerning the data protection of disability certificate holders in terms of data exchange among institutions and service providers.

50. **The Committee recommends that the State party adopt all necessary measures, including the revision of data protection laws, to ensure data protection and the right to privacy in hospitals, institutions and sheltered workshops, and set up data protection protocols and secure systems to guarantee the privacy of the personal, health and rehabilitation information of persons with disabilities, on an equal basis with others.**

Respect for home and the

family (art. 23)

51. The Committee is concerned about certain provisions of the German Civil Code that may lead to violations of the rights of persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, to home and family life, namely:

(a) Section 1304, which prohibits a person who is “incapable of contracting” to enter into marriage;

(b) Section 1673, which determines the suspension of the parental custody of persons who are “incapable of contracting”;

(c) Section 1748, which foresees substituted consent for adoption in cases of parents’ “serious psychological illness or a particularly serious mental or psychological handicap”;

(d) Section 1905, which foresees the possibility of sterilization of persons under guardianship without their free and informed consent.

52. **The Committee recommends that the State party revise the German Civil Code and abolish all provisions that may restrict the full enjoyment and exercise of the right to marriage and parenthood and reproductive rights of persons with disabilities and that the State party promote the supported decision-making model in all matters related to home and family life.**

Education (art. 24)

53. The Committee is concerned about the lack of full implementation of inclusive education throughout the education system, the prevalence of special schools and classes and the various barriers encountered by children with disabilities and their families to enrolling in and completing studies at mainstream schools, including:

(a) The lack of a clear mechanism to promote inclusive education in the Länder and at the municipal level;

(b) The misconceptions about and negative perception of inclusive education on the part of some executive entities, which may take parents’ requests to enrol their children in mainstream schools as an indication of “incapability to take care of their

		185
..Autocode - ANY: rural		
MAGENTA		
MAGENTA		
..Autocode - ANY: training		186
GREEN		
..Autocode - ANY: general comment		187
		188
Autocode - ANY: Education (art. 24)		189
..Autocode - ANY: rural		190
MAGENTA		
MAGENTA		
MAGENTA		191
..Autocode - ANY: training		
..Autocode - ANY: lack of data - informati		192
YELLOW		
..Autocode - ANY: migrant refugee		
MAGENTA		193
..Autocode - ANY: migrant refugee		
MAGENTA		
		194
		195
		196
..Autocode - ANY: rural		
..Autocode - ANY: Women Girls		
MAGENTA		
MAGENTA		
Autocode - ANY: Health (art. 25)		197
..Autocode - ANY: training		
MAGENTA		
BLUE		198
..Autocode - ANY: Code		

child”;

(c) The lack of accessibility and accommodation in public schools and the lack of accessible transportation, in particular in rural areas;

(d) Insufficient training for teachers and non-teaching staff on the right to inclusive education, the insufficient development of specific skills and teaching methodologies and reported pressure on parents to enrol children with disabilities in special schools.

54. Recalling its general comment No. 4 (2016), the Committee recommends that the State party, in close consultation with and with the active involvement of students with disabilities, their families and representative organizations:

(a) Develop a comprehensive plan to accelerate the transition from special schooling to inclusive education at the Länder and municipal levels, with specific time frames, human, technical and financial resource allocations and clear responsibilities for implementation and monitoring;

(b) Implement awareness-raising and educational campaigns to promote inclusive education at the community level and among the relevant authorities;

(c) Ensure that children with disabilities can attend mainstream schools, including by enhancing accessibility and accommodation for all kinds of disabilities and providing appropriate arrangements for transportation, in particular in rural areas;

(d) Guarantee ongoing training for teachers and non-teaching staff on inclusive education at all levels, including training in sign language and other accessible formats of communication, and develop a monitoring system to eliminate all forms of direct and indirect discrimination against children with disabilities and their families.

55. The Committee is concerned about the lack of data on the access of refugee children with disabilities to education and to mainstream schools.

56. The Committee recommends that the State party allocate sufficient resources for the regular collection of data, disaggregated by sex and type of disability, on the number and proportion of refugee children with disabilities who access education and are enrolled in mainstream and special schools, as well as on dropout rates.

Health (art. 25)

57. The Committee is concerned about:

(a) The lack of accessibility and health practitioners trained on communication and on providing information in accessible methods and formats in health-care facilities, in particular for women with disabilities and in rural areas, and the fact that persons with disabilities may have to travel long distances to obtain accessible medical services;

(b) The fact that persons with intellectual and/or psychosocial disabilities and persons who are deaf or hard of hearing are less likely to receive quality health care due to the lack of training of, and discriminatory approach taken by, health professionals;

(c) The absence of legal provisions, in particular in the German Civil Code, concerning the delivery of medical information for persons with disabilities in accessible formats to ensure that their free and informed consent is obtained, on an equal basis

..Autocode - ANY: Code	199
..Autocode - ANY: rural	201
..Autocode - ANY: Women Girls	201
MAGENTA	202
MAGENTA	202
Autocode - ANY: Health (art. 25)	203
..Autocode - ANY: training	203
MAGENTA	203
..Autocode - ANY: general comment	204
GREEN	204
..Autocode - ANY: Act	206
BLUE	206
Autocode - ANY: Access to h... and rehabilit	207
Autocode - ANY: Work and employment (art.	208
MAGENTA	212
..Autocode - ANY: training	212

with others, prior to any medical intervention;

(d) Access to health services for asylum-seekers, who may receive acute care but not “complementary” services such as physiotherapy, occupational therapy and mental health treatment.

58. **The Committee recommends that the State party:**
 (a) **T a k e measures to guarantee the availability and accessibility of health services across the Länder, in particular for women with disabilities and in rural areas, without discrimination, by identifying and removing barriers and providing accessible medical equipment;**

(b) **Strengthen mechanisms for the regular training of health professionals about human rights, dignity, autonomy and the requirements of persons with disabilities;**

(c) **Enforce regulations on the legal protection of persons with disabilities against discrimination in health-care services and define standardized protocols concerning the delivery of medical information to persons with disabilities and their free and informed consent for medical interventions in accordance with the Convention and the Committee’s general comment No. 1 (2014);**

(d) **Ensure that asylum-seekers with disabilities have access to comprehensive health services upon their arrival, on an equal basis with others.**

Habilitation and rehabilitation (art. 26)

59. The Committee is concerned about the lack of mechanisms in place to ensure that persons with disabilities receive integral rehabilitation services from different providers across the Länder and the uncertain long-term impact of the Federal Participation Act in creating efficient rehabilitation systems to reduce segregation, in particular in congregated settings and sheltered workshops.

60. **The Committee recommends that the State party develop cross-cutting, accessible and flexible mechanisms through which persons with disabilities can easily select and receive the most relevant rehabilitation programmes or services in accordance with their choice and preference, and conduct periodic thematic assessments of rehabilitation programmes to ensure that persons with disabilities can exercise independent living and have access to the labour market.**

Work and employment (art. 27)

61. The Committee is concerned about:

(a) The high incidence of unemployment among persons with disabilities, in particular persons with intensive support requirements, the high number of persons with disabilities enrolled in sheltered workshops and the low rate of transition to the open labour market;

(b) Insufficient legal measures to guarantee the accessibility of and reasonable accommodation in workplaces and to make the private sector accountable for not observing the quotas of employment for persons with disabilities;

(c) The lack of accessible and inclusive facilities that provide vocational training and protocols to eliminate discrimination and segregation and to ensure that persons with disabilities have equal opportunities to choose vocational programmes

..Autocode - ANY: training

GREEN

..Autocode - ANY: general comment

Autocode - ANY: Work and employment (art. 2):

MAGENTA

..Autocode - ANY: training

Autocode - ANY: Adequate standard of living (art

Autocode - ANY: Participation in ...public life (art

freely, without any kind of coercion.

62. **With reference to its general comment No. 8 (2022) and recalling the recommendations of the Committee on Economic, Social and Cultural Rights,¹² the Committee recommends that the State party:**

(a) **Develop, in close consultation with and with the active involvement of organizations of persons with disabilities, an action plan to promote the transition of persons with disabilities in sheltered workshops to the open labour market across the Länder that sets forth a suitable allocation of resources and specific time frame;**

(b) **Enforce the implementation of the quotas of employment for persons with disabilities in both the public and the private sectors, including through measures more effective than the current compensatory levy, and ensure the accessibility of and reasonable accommodation in workplaces;**

(c) **Restructure the vocational training system and take measures to ensure accessibility and inclusiveness, including through the establishment of a complaints mechanism to investigate discriminatory practices on the basis of disability in the field of vocational rehabilitation and work.**

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

63. The Committee is concerned about:

(a) The higher risk of poverty among persons with disabilities, the lack of measures to address poverty among persons with disabilities and the absence of regular research reports examining the systemic causes of the intersection of poverty and disability that are able to inform governmental policies and plans adequately;

(b) Insufficiently individualized support, including financial support, to persons with disabilities aged over 25 and living with their parents;

(c) The integration assistance benefit system, which, by taking into account the assets and income of persons with disabilities and other members of the household, hinders saving on an equal basis with others and jeopardizes financial security for senior citizens.

64. **The Committee recommends that the State party:**

(a) **Take all necessary measures to address the increased risk of poverty among persons with disabilities and mainstream disability into all studies, research, policies and plans related to poverty reduction;**

(b) **Revise benefit assessment rules for persons with disabilities in order to meet the individual support requirements of persons with disabilities;**

(c) **Revise the integration assistance benefits of persons with disabilities to allow for savings on an equal basis with others and guarantee their financial security in old age.**

Participation in political and public life (art. 29)

65. The Committee is concerned about:

(a) The lack of reasonable accommodation, in particular sign language interpretation, in political

	MAGENTA		229
	..Autocode - ANY: Women Girls		
	..Autocode - ANY: lack of data - informati		
	YELLOW		230
	..Autocode - ANY: rural		
	MAGENTA		231
			232
Autocode - ANY: Participation in ...public			
			233
	..Autocode - ANY: Women Girls		
	MAGENTA		
	MAGENTA		
	MAGENTA		234
	..Autocode - ANY: rural		
			235
			236
			237
			238
			239
			240
			241
..Autocode - ANY: migrant refugee			
	MAGENTA		
Autocode - ANY: Participation in cultural life			242
			243
			244
			245
			246
			247
..Autocode - ANY: migrant refugee			

parties and unions, which hinders the participation of persons who are deaf or hard of hearing;

(b) The low participation of women with disabilities in political and public life and the lack of data identifying barriers to their participation;

(c) The lack of accessibility in polling stations, in particular in rural areas.

66. **The Committee recommends that the State party:**

(a) **Take measures to ensure accessibility and reasonable accommodation, including sign language interpretation, for persons with disabilities in political parties and unions;**

(b) **Allocate the resources necessary to conduct research on barriers that prevent participation and engagement in public life by women with disabilities and promote capacity-development programmes, in close consultation with women with disabilities and their representative organizations;**

(c) **Ensure the accessibility of voting material and polling stations, in particular in rural areas, across the Länder, and in the development of electronic voting systems.**

Participation in cultural life, recreation, leisure and sport (art. 30)

67. The Committee is concerned about:

(a) The lack of accessibility of public libraries, museums and touristic areas and monuments;

(b) Barriers that persons with disabilities encounter to benefiting from the personal assistance services necessary to exercise the right to sport and entertainment;

(c) The absence of policies and programmes to promote the cultural and linguistic identity of deaf persons;

(d) The lack of inclusivity and accessibility in some faculties of creative arts;

(e) The lack of measures to promote cultural diversity in society, in particular with respect to the contribution of the refugees with disabilities to diversity.

68. **The Committee recommends that the State party:**

(a) **Strengthen mechanisms to ensure that sporting, recreational, cultural and tourism venues are accessible for persons with disabilities;**

(b) **Ensure that persons with disabilities have access to personal assistance at no cost to practise sport and attend cultural and social activities;**

(c) **Promote the cultural and linguistic identity of deaf persons, with the participation of their representative organizations, in educational curricula, media and social events;**

(d) **In close consultation with and with the active involvement of persons with disabilities and their representative organizations, promote inclusion in and the accessibility of all creative arts studies;**

(e) **Promote cultural diversity in**

MAGENTA

248

249

250

251

..Autocode - ANY: migrant refugee

MAGENTA

252

253

254

..Autocode - ANY: migrant refugee

MAGENTA

255

256

257

Autocode - ANY: Specific obligations (arts. :

258

259

260

261

262

263

264

265

266

267

society and the contribution of refugees with disabilities to diversity.

C. Specific obligations (arts. 31–33)

Statistics and data

collection (art. 31)

69. The Committee is concerned about:

(a) The effectiveness of the microcensus method used in disability statistics and the extent to which this method reflects the number of refugees with disabilities in the country;

(b) The medical model reflections on the disability statistics, in particular the criteria adopted to classify and distinguish between severe, moderate and mild disability.

70. **The Committee recommends that the State party:**

(a) **Ensure that public and thematic censuses are inclusive and disability-sensitive by using appropriate data-collection methods such as the Washington Group on Disability Statistics questions and incorporate questions to obtain specific data about refugees with disabilities;**

(b) **Adopt human rights-based standards to identify and classify the different types of disability.**

International cooperation

(art. 32)

71. The Committee is concerned about:

(a) The lack of inclusion of projects funded in developing countries and limited budgets to fund disability-specific projects;

(b) The lack of effective consultation with persons with disabilities and their representative organizations in identifying national priorities and themes that will be funded in their countries;

(c) The lack of accurate indicators to ensure that international funds are used in line with the Convention, its purpose and general principles, and the Sustainable Development Goals.

72. **The Committee recommends that the State party:**

(a) **Ensure that inclusion is a precondition to approving projects funded as part of international cooperation programmes;**

(b) **Consult with persons with disabilities and their representative organizations on the national priorities and themes to be supported and engage them in all phases of the funded projects;**

(c) **Develop indicators to ensure that the goals and activities of funded projects are in conformity with the Convention and the Sustainable Development Goals.**

National implementation

and monitoring (art. 33)

73. The Committee is concerned about:

(a) The insufficient human, technical and financial resources of focal points to fulfil their responsibilities and

Autocode - ANY: Specific obligations (arts. 31-33)

..Autocode - ANY:
institution, deprivation of liberty

..Autocode - ANY: urgent urgency

Autocode - ANY: Follow-up

..Autocode - ANY: strongly

268

269

270

271

272

273

274

275

276

277

278

279

BLUE

MAGENTA

YELLOW

YELLOW

the limited involvement of organizations of persons with disabilities in the implementation of the Convention;

(b) The lack of mechanisms to monitor the implementation of the Convention at the Länder level.

74. The Committee recommends that the State party:

(a) Build the capacity of focal points and equip them with sufficient powers and increased human, technical and financial resources to fulfil their responsibilities under article 33 of the Convention, and ensure that persons with disabilities and their representative organizations are effectively involved in monitoring the implementation of the Convention;

(b) Enact **legislation** establishing permanent independent monitoring mechanisms at the Länder level, in full compliance with the principles relating to the status of national **institutions** for the promotion and protection of human rights (the Paris Principles), and allocate human, technical and secure financial resources to support their mandates.

IV. Follow-up

Dissemination of information

75. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to **urgent** measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 44, on living independently and being included in the community, 54, on education, and 62, on work and employment.

76. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

77. The Committee **strongly encourages** the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

78. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

Next periodic report

79. The State party has opted to report under the simplified reporting procedure. The Committee will prepare a list of issues prior to reporting and request the State party to submit its replies within one year of receipt of the list of issues. The replies of the State party, expected by 24 March 2031, will constitute its combined fourth, fifth and sixth periodic reports.

280	*Adopted by the Committee at its twenty-ninth session (14 August–8 September 2023).
281	(1) .
282	(2) See and .
283	(3) .
284	(4) .
285	(5) Ibid., para. 8 (a).
286	(6) Ibid., para. 8 (b).
287	(7) Ibid., para. 10.
288	(8) , annex.
289	(9) .
290	(10) .
291	(11) .

Grading Results

Study Title	The Implementation of the United Nations Convention on the Rights of Persons with Disabilities. A Longitudinal Study Project by Aktion Mensch Based on the Concluding Observations Reports of 16 Member States.
Author	Dr Fiona MacDonald
Commissoned by	Aktion Mensch e.V.
Date	February 2024

Grading Results

The spreadsheets show the results of grading the issues identified by the Committee in concluding observation reports of 16 State Parties.

16 concluding observations are from the first period of reports (CO1). 13 concluding observations are from the combined second and third period of reports (CO2-3). There are fewer in the second set because three concluding observations are in Spanish and did not have official translations into the English language at the time of the analysis.

The original MS Excel (.xlsx) file format has been converted to a non-accessible PDF.

UNCRPD - Art. 5 Equality and non-discrimination

Note: Recommendation for training counted as an issue. Lack of information counted as issue.



Document name	Code	Segment	Positive comment	No. of issues	Serious factor	Green	Yellow	Orange	Red	Purple	Themes observed							
											Creation of law	Improvement in law	Reasonable accommodation	Reasons for legal complaint	Penalties	Independent body	Structural	Intersectional discrimination
CO 1 Argentina 2012	Autocode - ANY: Equality and non-discrimination (art. 5)	11. The Committee notes with concern that neither the concept of reasonable accommodation nor recognition that the denial of such accommodation is a form of discrimination are explicitly included in anti-discrimination laws or in the laws on, among other things, employment, health and education. It also wishes to express its concern at the lack of simplified judicial and administrative remedies that would allow persons with disabilities to report cases of discrimination on grounds of disability. The Committee is concerned at the lack of information on measures and actions designed to address the specific situations of persons with disabilities who belong to indigenous peoples and of deaf-blind persons. 12. The Committee urges the State party to incorporate the concept of reasonable accommodation into its anti-discrimination legislation and to ensure that the relevant laws and regulations define the denial of reasonable accommodation as a form of discrimination on grounds of disability. The Committee recommends that the State party take steps to simplify existing judicial and administrative remedies in order to enable persons with disabilities to report acts of discrimination to which they have been subjected. The Committee also recommends that the State party devote special attention to the development of policies and programmes for persons with disabilities who belong to indigenous peoples and for deaf-blind persons with a view to putting an end to the many forms of discrimination to which these persons may be subjected.		3	0	D		1	1	1			1					
CO 1 Australia 2013	Autocode - ANY: Equality and non-discrimination (art. 5)	14. The Committee is concerned that the scope of the protected rights and grounds of discrimination in the Disability Discrimination Act 1992 is narrower than that provided for under the Convention and does not provide the same level of legal protection to all persons with disabilities. 15. The Committee recommends that the State party strengthen anti-discrimination laws to address intersectional discrimination and to guarantee protection from discrimination on the grounds of disability so as to explicitly cover all persons with disabilities, including children, indigenous people, women and girls, the hearing impaired, the deaf and persons with psychosocial disabilities.		2	0	C		1					1					
CO 1 Austria 2013	Autocode - ANY: Equality and non-discrimination (art. 5)	13. The Committee recognizes the progress made by in developing anti-discrimination laws at the federal and regional levels. However, it notes that with the exception of the employment sector, where training programmes and improvement to employment conditions may be mandated, the only remedy available to victims of discrimination based on disability is financial compensation. Furthermore, systems for dealing with cases of multiple discrimination, for example, disability combined with gender or ethnicity, require more development. The Committee recommends that the discrimination laws be strengthened by broadening the scope of available remedies to include other remedies that require a change in the behaviour of people who discriminate against persons with disabilities, such as injunctive powers. The Committee recommends that the State party examine the appropriateness of the current structures used to deal with situations of multiple discrimination. While the Committee recognizes women's right to reproductive autonomy, the Committee notes that under Austrian law a fetus may be aborted up to the onset of birth. If serious damage to the health of the fetus can be expected, the Committee is concerned at the apparent link between this provision and the fact that, according to statistics from the Organisation for Economic Co-operation and Development, birth rates of children with Down syndrome in fell by 60 per cent between 1995 and 2006. The Committee notes that discussions on this matter are under way. The Committee recommends that the State party abolish any distinction, allowed by law, in the period within which a pregnancy can be terminated based solely on disability.	1	3	1	E		1		1		1		1				
CO 1 China 2012 Hong Kong Macau	Autocode - ANY: Equality and non-discrimination (art. 5)	While commending the legal prohibition of disability-based discrimination in the State party, the Committee is concerned about the lack of a comprehensive definition of discrimination against persons with disabilities. The Committee also worries about the contradictions between many local law regulations and the national law with regard to the prohibition of discrimination. The Committee is concerned that the State party does not consistently apply the concept of reasonable accommodation in relation to the principle of non-discrimination. The Committee expressly encourages the State party to provide a legal definition of discrimination against persons with disabilities and include in such a definition the prohibition of indirect discrimination. The Committee suggests including a definition of reasonable accommodation in Chinese law which reflects the Convention definition covering necessary and appropriate modification and adjustment applicable in a particular case beyond general accessibility. Furthermore, the State party should ensure that the law explicitly recognizes the refusal of reasonable accommodation constitutes disability-based discrimination. Equality and non-discrimination (art. 5) The Committee is concerned about the rather passive role adopted by the Equal Opportunities Commission, which is responsible for monitoring and executing the Disability Discrimination Ordinance. The Committee recommends that the Equal Opportunities Commission review its role and assume a more proactive part, especially when handling complaint cases.	1	5	0	F		1	1			1		1				
CO 1 Ecuador 2014	Autocode - ANY: Equality and non-discrimination (art. 5)	14. The Committee is concerned that Ecuadorian legislation does not contain a definition of reasonable accommodation and that the denial of such accommodation is not considered a form of discrimination. The Committee is also concerned at the absence of institutional mechanisms to sanction discriminatory acts against persons with disabilities and identify and sanction intersecting forms of discrimination and the lack of measures to ensure the non-repetition of such acts. 15. The Committee recommends that the State party include in its domestic legislation the express requirement to make reasonable accommodation where necessary in a particular case and establish that the denial of such accommodation constitutes a form of discrimination on grounds of disability. The Committee recommends the establishment of independent bodies that are competent to deal with complaints and cases filed by persons with disabilities to combat discriminatory acts. Such bodies should have sufficient powers to carry out investigations and impose sanctions on public or private bodies that commit acts of discrimination, including forms of intersectional discrimination.		3	0	D		1	1				1					
CO 1 El Salvador 2013	Autocode - ANY: Equality and non-discrimination (art. 5)	13. The Committee is concerned about the absence of measures prohibiting and punishing all forms of discrimination against persons with disabilities and the fact that the law does not recognize the denial of reasonable accommodation as a form of discrimination. 14. The Committee recommends that the State party adopt legislation prohibiting all forms of discrimination on the grounds of disability, setting out penalties in cases of discrimination and defining the denial of reasonable accommodation as a form of discrimination. 15. The Committee notes that there are no affirmative action measures to speed up the de facto equality of persons with disabilities nor any mechanisms for reparation if further discrimination. 16. The Committee recommends that the State party adopt measures to achieve real equality for persons with disabilities and that it establish fast-track legal and administrative remedies to obtain reparation in cases of discrimination.		3	0	D		1	1	1	1							
CO 1 Germany 2015	Autocode - ANY: Equality and non-discrimination (art. 5)	13. The Committee is concerned that: (a) Current legislation does not contain a definition of reasonable accommodation and that the denial of such accommodation is not considered a form of discrimination; (b) The understanding of how reasonable accommodation can be implemented is still largely undeveloped with respect to administration, jurisdiction and social services provision; (c) There is no fixed schedule for implementing legal requirements at either the federal or Land levels. 14. The Committee recommends that the State party: (a) Develop protection against discrimination for persons with disabilities, including intersectional discrimination, as a comprehensive, cross-cutting right in domestic legislation, including at the Land level, and collect relevant data on case law; (b) Take steps to ensure that reasonable accommodation provisions are enshrined in law as an immediately enforceable right in all areas of law and policy, with an explicit definition in the law in line with article 2 of the Convention, and that the denial of reasonable accommodation is recognized and punishable as a form of discrimination; (c) Undertake systematic training on reasonable accommodation at the federal, Land and local levels across all sectors and with the private sector.		2	0	C		1	1			1		1				
CO 1 Hungary 2012	Autocode - ANY: Equality and non-discrimination (art. 5)	The Committee notes with concern that the State party's legislation, including Act XXVI of 1998 on the Rights and Equal Opportunities of Persons with Disabilities and Act CXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities, fails to state that denial of reasonable accommodation constitutes discrimination. The Committee calls upon the State party to take steps to ensure that its legislation explicitly prescribes that failure to provide reasonable accommodation constitutes a prohibited act of discrimination. The Committee notes with concern that the Act on the protection of the life of the fetus makes "abortive treatment possible for a wider circle than in general for the fetuses deemed to have health damage or some disability" (CRPD/C/HUN/1), thereby discriminating on the basis of disability. The Committee recommends that the State party abolish the distinction made in the Act on the protection of the life of the fetus in the period allowed under law within which a pregnancy can be terminated, based solely on disability.		2	1	D		1										
CO 1 Mexico 2014	Autocode - ANY: Equality and non-discrimination (art. 5)	9. The Committee is concerned at discrimination against persons with disabilities, which is compounded by other factors of social exclusion, such as age, gender, ethnicity and rural isolation. It is also concerned that, in some states, action is still pending on the adoption of laws prohibiting discrimination on grounds of disability and recognizing the denial of reasonable accommodation as a form of discrimination based on disability. 10. The Committee recommends that the State party establish specific budget lines to meet its targets in respect of equality, as well as specific actions to combat cases of general discrimination based on disability, age, gender, indigenous background and rural isolation, among other factors of exclusion. The Committee also encourages the State party to step up its efforts, by developing strategies for dissemination, awareness-raising and dialogue with local authorities, to ensure that all the states issue laws prohibiting discrimination based on disability and recognize the denial of reasonable accommodation as a form of discrimination. 11. The Committee is concerned at the low number of complaints and rulings regarding cases of discrimination on grounds of disability, the lack of regulations under the Federal Act on the Prevention and Elimination of Discrimination and the death of information on its dissemination in accessible formats, including in different indigenous languages. 12. The Committee recommends that the State party allocate resources to have the Federal Act on the Prevention and Elimination of Discrimination translated into all indigenous languages in accessible formats (including Braille, sign language, easy-read and electronic formats). The Committee encourages the State party to conduct campaigns to fight discrimination against persons with disabilities, targeting the legal profession, including officials of the judiciary and lawyers.		4	0	E		1	1				1					
CO 1 Mongolia 2015	Autocode - ANY: Equality and non-discrimination (art. 5)	8. The Committee is concerned about the fragmented nature of the State party's disability-relevant anti-discrimination legislation and the lack of coordination, including with organizations of persons with disabilities and ministries, to ensure the effective implementation of coherent domestic laws as part of a strategy to implement the Convention. Furthermore, the Committee is concerned that the State party does not legally recognize that denial of reasonable accommodation is a prohibited ground of discrimination. 9. The Committee recommends that the State party: address discrimination on the grounds of disability as a cross-cutting issue in its legislation and that it incorporate the concept of non-discrimination into all legislation concerning persons with disabilities; adopt legislation classifying denial of reasonable accommodation as an act of discrimination on the grounds of disability; establish an effective mechanism to monitor all aspects of compliance with such legislation, including those making it possible for persons with disabilities to seek redress and commensurate compensation; discrimination based on disability; and provide the necessary training to public and private actors, including members of the judiciary, civil servants and representatives organizations of persons with disabilities, on discrimination based on disability and the duties and possibilities concerning the provision of reasonable accommodation to persons with disabilities.		3	0	D		1	1			1						
CO 1 New Zealand 2014	Autocode - ANY: Equality and non-discrimination (art. 5)	The Committee notes that, in 2012, the New Zealand Court of Appeal affirmed that the policy of not paying some family carers to provide disability support services to adult disabled family members constituted unjustifiable discrimination on the basis of family status. The Committee is concerned that the Public Health and Disability Amendment Act 2013 reversed this court decision by denying carers' pay to some family members. The Committee is also concerned that these provisions also prevent some family members who are carers from making complaints of unlawful discrimination with respect to the Government's family care policy. The Committee notes that the independent monitoring mechanism has recommended reconsideration of this matter. The Committee recommends that the State party reconsider this matter to ensure that all family members who are carers are paid on the same basis as other carers are, and recommends that family members who are carers be entitled to make complaints of unlawful discrimination in respect of the State party's family care policy. The Committee is concerned that the Human Rights Act 1993 does not contain a separate definition of reasonable accommodation. The Committee appreciates that one can infer the concept from provisions of the Act. However, the Committee is concerned about its opacity and lack of clarity. The Committee recommends that, in order to clarify the meaning of reasonable accommodation, the State Party give consideration to amending the Human Rights Act 1993 to include a definition of reasonable accommodation, in conformity with the definition of reasonable accommodation in article 2 of the Convention. The Committee notes that a failure to understand the principle of reasonable accommodation is at the centre of many complaints that come to the New Zealand Human Rights Commission. The Committee notes that work has commenced on establishing guidelines on the application of the principle of reasonable accommodation, especially in the area of employment. The Committee recommends that these guidelines be promptly completed in line with provisions of the Convention, and distributed.		3	1	E		1	1	1								
CO 1 Paraguay 2013	Autocode - ANY: Equality and non-discrimination (art. 5)	13. The Committee acknowledges the measures taken by the State party to promote the human rights of persons with disabilities and prohibit discrimination against them; it is nevertheless concerned at the lack of any specific provision to prevent, eliminate and penalize discrimination against persons with disabilities, and that there is no provision that explicitly defines the denial of reasonable accommodation as a form of discrimination. 14. The Committee urges the State party to take the necessary legislative and administrative measures to eliminate discrimination on grounds of disability and adopt legislation prohibiting discrimination; such measures should explicitly refer to the denial of reasonable accommodation as a form of discrimination on grounds of disability. 15. The Committee takes note of the adoption of the Plan on Equality and Non-Discrimination in the Civil Service; it is nevertheless concerned that the Plan does not explicitly cover persons with disabilities and that efforts to ensure its implementation in respect of persons with disabilities are inadequate. 16. The Committee recommends that the State party take steps to guarantee the material equality of persons with disabilities in the civil service and promote, alongside the Plan on Equality and Non-Discrimination, a broad policy of equality and non-discrimination in all areas, based on the tenets and principles of the Convention.	1	3	0	D		1	1	1								

CO 1 Peru 2012	Autocode - ANY: Equality and non-discrimination (art. 5)	Equality and non-discrimination (art. 5) The Committee is concerned that, albeit the existence of a large number of different ethnic groups in Peru, indigenous and minority persons with disabilities are not considered as being at high risk of suffering multiple discrimination and that no data on their number and situation exists. In this connection, the Committee expresses its concern at the situation of indigenous and minority persons with disabilities, in particular women and children with disabilities that live in rural areas, as well as persons with disabilities of African descent. The Committee urges the State party to improve its data gathering in order to have clear statistics on indigenous and minority persons with disabilities. The Committee recommends that the State party place emphasis on the development of policies and programmes on indigenous and minority persons with disabilities, in particular women and children with disabilities that live in rural areas, as well as persons of African descent, in order to address the multiple forms of discrimination that these persons may suffer.						2	0	C								1					
CO 1 Rep Korea 2014	Autocode - ANY: Equality and non-discrimination (art. 5)	Equality and non-discrimination (art. 5) The Committee is concerned about the lack of effective implementation of the 2008 Anti-discrimination against and Remedies for Persons with Disabilities Act. It is particularly concerned that the majority of complaints seeking remedies have not been resolved. The Committee notes that the courts need to exercise the injunctive powers conferred upon them. The Committee recommends that the State party increase the human resources and independence of the National Human Rights Commission of Korea. It also recommends that the cost of lawsuits be waived or reduced for victims of disability discrimination in order to ensure access to remedies through the courts, and that the requirements be lowered for the issuance by the Minister of Justice of a remedial order (set out in article 43 of the Anti-Discrimination against and Remedies for Persons with Disabilities Act). The Committee also encourages the State party to raise awareness among judges on the need to implement effectively the Anti-Discrimination against and Remedies for Persons with Disabilities Act and to exercise the injunctive powers conferred upon them.										3	0	D		1			1			1	
CO 1 Spain 2011	Autocode - ANY: Equality and non-discrimination (art. 5)	Equality and non-discrimination (art. 5) 19. The Committee welcomes the regulatory amendments introduced under Act 26/2011 that would abolish the need to have a disability certificate to bring a discrimination claim before a judicial body. However it regrets the lack of information on cases of discrimination, and it is concerned that persons with disabilities will still be marginalized. The Committee is further concerned by the lack of information on reasonable accommodation. It is also concerned that, in practice, disability affects parents' guardianship or custody of their children and that legal protection against discrimination on the grounds of disability is not enforceable in cases of discrimination due to perceived disability or association with a person with a disability. 20. The Committee urges the State party to expand the protection of discrimination on the grounds of disability to explicitly cover multiple disability, perceived disability and association with a person with a disability, and to ensure the protection from denial of reasonable accommodation, as a form of discrimination, regardless of the level of disability. Moreover, guidance, awareness-raising and training should be given to ensure a better comprehension by all stakeholders, including persons with disabilities, of the concept of reasonable accommodation and prevention of discrimination.		1									3	0	D		1			1			
CO 1 Tunisia 2011	Autocode - ANY: Equality and non-discrimination (art. 5)	Equality and non-discrimination (art. 5) 12. The Committee takes note of Law No. 2005-83 on the advancement and protection of persons with disabilities. However it regrets the lack of clarity on the application of the concept of reasonable accommodation. 13. The Committee recommends that the State party incorporate the definition of reasonable accommodation in national law, and apply it in accordance with article 2 of the Convention, in particular by ensuring that the law explicitly recognizes the denial of reasonable accommodation as disability-based discrimination. The Committee invites the State party to make greater efforts to raise awareness on non-discrimination among members of the legal profession, particularly the judiciary, and persons with disabilities themselves, including through training programmes on the concept of reasonable accommodation. The Committee recommends that the State party act with urgency to include an explicit prohibition of disability-based discrimination in an anti-discrimination law, as well as ensure that disability-based discrimination is prohibited in all laws, particularly those governing elections, labour, education, and health, among others.			1	1							3	1	E					1			1

UNCRPD - Article 5 Equality and non-discrimination

Note: Recommendation for training counted as an issue. Lack of information counted as issue.

Grade	A	B	C	D	E	F
-------	---	---	---	---	---	---

Document name	Code	Segment	Practical comment	Reference needed urgent / priority	No of issues	Status factor	Themes observed													
							Gender	Creation of law	Improvement in law	Reasonable accommodation	Remedy (legal complaint)	Penalties	Human Rights Commission	Intersectional discrimination	de facto equality	Prognosis				
CO 2-3 Australia 2019	Autocode - ANY: Equality and non-discrimination (art. 5)	Equality and non-discrimination (art. 5) 9. The Committee is concerned that there is no effective legislative framework to protect persons with disabilities from systemic, intersectional and multiple forms of discrimination, especially at the Commonwealth level, that Aboriginal and Torres Strait Islander persons with disabilities are particularly disadvantaged and are often not consulted on matters that affect them, and that the complaints mechanisms under existing law, especially the Disability Discrimination Act 1992, are inaccessible to persons with disabilities. 10. In line with its general comment No. 6 (2018) on equality and non-discrimination, the Committee reiterates its previous recommendation (CRPD/C/AUS/CO/1, para. 15) that the State party strengthen anti-discrimination laws, particularly the Disability Discrimination Act 1992, to: (a) Address and prohibit systemic, intersectional and multiple forms of discrimination, recognizing discrimination on a single or on multiple and/or intersectional characteristics and allowing for systematic complaints, representative and group actions and sanctions for addressing lack of access and discriminatory behaviour; (b) Support persons with disabilities in making their own decisions, taking action and filing complaints, especially persons with high support requirements and persons with intellectual or psychosocial disabilities.		1	2	1	D		1		1									
CO 2-3 Austria 2023	Autocode - ANY: Equality and non-discrimination (art. 5)	Equality and non-discrimination (art. 5) The Committee recognizes the progress made by the State party in developing anti-discrimination laws at the Federal and regional levels. However, it notes that with some exceptions, such as suits in the employment sector and suits against harassment and against large companies, the only remedy available to victims of discrimination based on disability is financial compensation. It further notes several reports that, despite strict legal requirements, the mandatory conciliation procedure in civil suits based on the Federal Disability Equality Act is, in fact, often not fully accessible. The Committee recommends the State party further strengthen its Federal Disability Equality Act by extending the scope of available remedies to injunctive and remedial relief in all areas, render the conciliation procedure under the Act in fact fully accessible, and improve the financial support of organizations of persons with disabilities who have standing in such procedures.		1	2		C		1		1									
CO 2-3 China 2022	Autocode - ANY: Equality and non-discrimination (art. 5)	Equality and non-discrimination (art. 5) 12. The Committee observes with concern that: (a) The State party has not yet taken measures to enact specific and comprehensive anti-discrimination legislation and to mainstream into policy and legislation a legal definition of discrimination against persons with disabilities that would allow for the provision of appropriate and effective legal remedies and sanctions in civil, administrative and criminal proceedings; (b) There is a lack of recognition of multiple and intersectional forms of discrimination against persons with disabilities in law and policy, particularly on gender-based discrimination against women with disabilities; (c) The denial of reasonable accommodation as a form of discrimination against persons with disabilities is restricted to laws and regulations in sectors such as education, employment and transportation, and is not accompanied by guidance on implementation and effective legal remedies. 13. The Committee, in line with its general comment No. 6 (2018) on equality and non-discrimination, and targets 10.2 and 10.3 of the Sustainable Development Goals, recommends that the State party: (a) Adopt a comprehensive anti-discrimination law, to ensure equal and effective legal protection against all discrimination on the basis of disability, including indirect discrimination, harassment, denial of reasonable accommodation, and multiple and intersectional discrimination; (b) Include the provision of reasonable accommodation in all relevant laws and policies and adopt procedures and standards on implementation, including the duty to negotiate accommodations with applicant(s) requesting such accommodation, and access to action and remedy.		1	3	1	E	1		1	1		1							
CO 2-3 Ecuador 2019	Autocode - ANY: Equality and non-discrimination (art. 5)	Equality and non-discrimination (art. 5) 13. The Committee is concerned that: (a) Ecuadorian law does not incorporate an explicit, cross-cutting definition or prohibition of discrimination on the basis of disability, particularly with regard to women, children, indigenous persons, persons of African descent, Montubio persons, migrants and refugees with disabilities, in all areas of life; (b) There is no law or mechanism for the identification and punishment of acts of discrimination against persons with disabilities that provides for preventive measures, monitoring, sanctions and full redress, including non-repetition; (c) The definition of reasonable accommodation is not mainstreamed in the State party's laws, accommodations of this sort are infrequent and the denial of reasonable accommodation is not recognized as a form of discrimination. 14. The Committee recommends that the State party: (a) Ensure that its laws, policies and strategies for eliminating discrimination include an explicit definition and prohibition of disability-based discrimination and that they incorporate, on a cross-cutting basis, a recognition of multiple and intersectional discrimination, particularly in the case of women, children, indigenous persons, persons of African descent, Montubio persons, asylum seekers, migrants and refugees with disabilities, in all areas of life; (b) Adopt a law on the prevention and elimination of discrimination that expressly refers to disability-based discrimination, put in place a specific, independent mechanism for receiving, investigating and following up on complaints of discrimination while also providing for the imposition of sanctions in both the public and private spheres and for measures that will afford full redress; establish a system for compiling data disaggregated by age, sex, ethnic origin and basis of the complaint; and disseminate the results of its follow-up actions; (c) Incorporate an explicit provision in its national legislation under which the denial of reasonable accommodation is defined as a form of discrimination on the basis of disability (CRPD/C/ECL/CO/1, para. 15).		3	0		D		1	1		1								
CO 2-3 El Salvador 2019	Autocode - ANY: Equality and non-discrimination (art. 5)	Equality and non-discrimination (art. 5) 8. The Committee is concerned that there is lack of recognition and prohibition of multiple and intersectional discrimination, especially against women, indigenous persons and persons of African descent with disabilities. It is also concerned that legislation, such as the Law on Equality, Fairness, and the Elimination of Discrimination against Women and the Special Comprehensive Law for a Violence-free Life for Women, does not include or consider the perspective of women and girls with disabilities, especially those with psychosocial or intellectual disabilities. It is concerned about the lack of progress in recognizing denial of reasonable accommodation as a form of disability-based discrimination under the law. 9. Recalling its general comment No. 6 (2018) on equality and non-discrimination, the Committee recommends that the State party adopt effective legal and policy measures, including the prohibition of all forms of discrimination against persons with disabilities, particularly on the grounds of disability, sex, age, ethnicity and gender identity. It also recommends that denial of reasonable accommodation be recognized as a form of disability-based discrimination under the law. 10. The Committee is concerned that government entities such as the General Inspectorate of Public Security and the Human Rights Unit of the National Civil Police are responsible for receiving complaints of discrimination against persons with disabilities. 11. The Committee recommends that the State party designate an independent and impartial mechanism to receive complaints of discrimination against persons with disabilities, and maintain a system for collecting disaggregated data, including by age, sex, and reason for complaint.		4	0		E		1	1		1								
CO 2-3 Germany 2023	Autocode - ANY: Equality and non-discrimination (art. 5)	Equality and non-discrimination (art. 5) 11. The Committee is concerned that: (a) Legal protection against discrimination and of the specific rights under the Convention does not, with few exceptions, encompass private providers of goods and services; (b) The State party's laws do not define the denial of reasonable accommodation as a form of discrimination throughout the legal system, but are confined to some specific areas, and the understanding of the requirements to implement reasonable accommodations could be improved; (c) The State party's laws, including the laws of the Länder, do not, in general or explicitly, address multiple and intersectional forms of discrimination; (d) The relief of burden of proof in the General Act on Equal Treatment does not unequivocally encompass the parties' obligations to prove the existence of a disadvantage. 12. Recalling its general comment No. 6 (2018), the Committee recommends that the State party: (a) Fulfill its pledges in the coalition agreement of 2021 and extend legal protection against discrimination and of the specific rights under the Convention to all private entities that provide goods and services to the public, and establish effective remedies to enforce the respective obligations; (b) Amend its laws, at the federal and Länder levels, so as to include an explicit recognition of the denial of reasonable accommodation as a form of discrimination in all areas of the law, and to include a legal definition of reasonable accommodation consistent with the meaning provided in article 2 of the Convention; (c) Adopt the legal and other measures necessary to provide for explicit protection from multiple and intersectional forms of discrimination, including discrimination based on the intersection between disability and other status, such as age, sex, gender, race, indigeneity, lesbian, gay, bisexual, transgender and intersex status, ethnicity, migration status and national origin; (d) Amend its laws on the relief of burden of proof, in particular section 22 of the General Act on Equal Treatment, to explicitly include the parties' obligations to prove the existence of a disadvantage as a part of that relief.		4	0		E		1	1	1									
CO 2-3 Hungary 2022	Autocode - ANY: Equality and non-discrimination (art. 5)	Equality and non-discrimination (art. 5) 10. The Committee observes with concern the lack of: (a) Recognition of multiple and intersectional forms of discrimination against persons with disabilities, including gender-based discrimination against women with disabilities, in the anti-discrimination legislation of the State Party; (b) Recognition of the denial of reasonable accommodation as a form of discrimination on the basis of disability in all areas of life; (c) Investigation of reports of disability-based discrimination, effective remedies for victims of disability-based discrimination, and prosecution and enforcement of punishment for perpetrators. 11. The Committee recalls its general comment No. 6 (2018) and targets 10.2 and 10.3 of the Sustainable Development Goals, and recommends that the State party: (a) Recognize multiple and intersectional forms of discrimination in its anti-discrimination legislation, including all forms of gender-based discrimination against women with disabilities; (b) Recognize the denial of reasonable accommodation as discrimination under Act CXXV of 2003 on equal treatment and the promotion of equal opportunities and ensure its effective enforcement across all sectors and all areas of life; (c) Provide for mechanisms of effective remedy to victims of discrimination on the grounds of disability and ensure effective investigation of reports of such discrimination.		3	0		D		1	1	1									
CO 2-3 Mexico 2022	Autocode - ANY: Equality and non-discrimination (art. 5)	Equality and non-discrimination (art. 5) 15. The Committee is concerned that the federal government and some states and municipalities have not adopted laws prohibiting discrimination of persons with disabilities, in particular women and girls with disabilities and other persons facing multiple and intersecting forms of discrimination; that many laws in force do not recognize a denial of reasonable accommodation as a form of discrimination, and that reparation and compensation are not available as remedies against discrimination in all areas of the Convention. 16. The Committee, in line with its general comment No. 6 (2018) on equality and non-discrimination, and taking into account targets 10.2 and 10.3 of the Sustainable Development Goals, recommends that the State party: (a) Adopt laws in all States that explicitly prohibit multiple and intersectional discrimination of persons with disabilities; (b) Recognize a denial of reasonable accommodation as a form of discrimination within all areas of life; (c) Provide, inter alia, effective legal remedies and redress against discrimination in all areas of the Convention, including compensation in cases of disability-based discrimination and the denial of reasonable accommodation, taking account of the gender dimension of discrimination against persons with disabilities.		3	0		D		1		1	1								
CO 2-3 Mongolia 2023	Autocode - ANY: Equality and non-discrimination (art. 5)	Equality and non-discrimination (art. 5) 11. The Committee notes with concern that: (a) The State party has not yet taken measures to enact specific comprehensive anti-discrimination legislation on disability and to mainstream a legal definition of discrimination against persons with disabilities in policy and legislation that would allow for the provision of appropriate and effective legal remedies and sanctions in civil, administrative and criminal proceedings; (b) The denial of reasonable accommodation is not recognized as a form of discrimination against persons with disabilities in all areas of life; (c) There is a lack of recognition of multiple and intersectional forms of discrimination against persons with disabilities in law and policy, particularly on the grounds of disability, age, gender, ethnicity, religion, language, nationality and migration status. 12. The Committee recalls its general comment No. 6 (2018) and targets 10.2 and 10.3 of the Sustainable Development Goals, and recommends that the State party: (a) Adopt comprehensive anti-discrimination law, to ensure equal and effective legal protection against direct and indirect discrimination on the basis of disabilities, including harassment, abuse, denial of reasonable accommodation and multiple and intersectional discrimination; (b) Recognize multiple and intersectional forms of discrimination on the ground of disability and its intersection with other grounds, such as age, sex, race, ethnicity, gender identity, sexual orientation or any other status, and adopt strategies to eliminate multiple and intersecting forms of discrimination; (c) Include the provision of reasonable accommodation – in close consultation with and with the active involvement of persons with disabilities through their representative organizations – in all relevant laws and policies and adopt procedures and standards on implementation, including the duty to negotiate accommodations for applicants requesting such accommodations and to ensure access to remedy.		3	0		D		1		1									
CO 2-3 New Zealand 2022	Autocode - ANY: Equality and non-discrimination (art. 5)	Equality and non-discrimination (art. 5) 7. The Committee is concerned about: (a) The lack of an explicit provision within the Human Rights Act of 1993 to recognize the denial of reasonable accommodation as a form of discrimination; (b) Multiple and intersectional forms of discrimination, including for Māori and Pasifika persons with disabilities; (c) The high number of complaints received by the Human Rights Commission on the ground of disability and the significant length of time for the resolution of complaints submitted to the New Zealand Human Rights Commission and the Human Rights Review Tribunal. 8. The Committee, recalling its general comment No. 6 (2018) on equality and non-discrimination, recommends that the State party: (a) Amend the Human Rights Act of 1993 to include an explicit recognition of the denial of reasonable accommodation as a form of discrimination and include a legislative definition of reasonable accommodation consistent with the meaning provided in article 2 of the Convention; (b) Adopt the legal and other measures necessary to provide for explicit protection from multiple and intersectional forms of discrimination, including discrimination based on the intersection between disability and other identities and life status, such as age, sex, gender, race, indigenous status, lesbian, gay, bisexual, transgender and intersex status, ethnicity, migratory status and national origin; (c) Provide the New Zealand Human Rights Commission and the Human Rights Review Tribunal with the necessary financial and human resources for timely resolution of discrimination complaints.		3	1		E		1	1	1									

CO 2-3 Rep Korea 2022	Autocode - ANY: Equality and non- discriminat ion (art. 5)	Equality and non-discrimination (art. 5) 11. The Committee observes with concern: (a) That the multiple and intersecting forms of discrimination faced by persons with disabilities, in particular women with disabilities, migrants with disabilities, LGBTIQ+ persons with disabilities and persons with HIV, are not recognized in the Act on the Prohibition of Discrimination against Persons with Disabilities. Remedy against Infringement of their Rights; (b) The fact that the amended article 15 of the Act on Welfare of Persons with Disabilities excludes persons with psychosocial disabilities from the universal welfare service delivery system; (c) The lack of recognition of the denial of reasonable accommodation as a form of discrimination on the basis of disability in all areas of life; (d) The burden of litigation costs, including attorneys' fees, which limits access to justice by persons with disabilities. 12. The Committee recalls its general comment No. 6 (2018) and targets 10.2 and 10.3 of the Sustainable Development Goals and recommends that the State party: (a) Review the existing anti-discrimination legislation, in particular the Act on the Prohibition of Discrimination against Persons with Disabilities, Remedy against Infringement of their Rights, and enact comprehensive anti-discrimination legislation to recognize multiple and intersectional forms of discrimination on the grounds of disability and its intersection with other grounds, such as age, sex, race, ethnicity, gender identity, sexual orientation or any other status, and adopt strategies to eliminate multiple and intersecting forms of discrimination; (b) Review article 15 of the Act on Welfare of Persons with Disabilities to include persons with psychosocial disabilities in the universal welfare service delivery system, in line with the Convention; (c) Exempt persons with disabilities who lose a case about the rights of persons with disabilities from being burdened with the opposing party's legal fees and ensure accessible and fair reimbursement schemes in order to prevent any additional costs or administrative burdens for persons with disabilities; (d) Recognize the denial of reasonable accommodation as discrimination on the grounds of disability and ensure effective investigation of reports of such discrimination.			4	0	E	1	1	1			1				
CO 2-3 Spain 2019	Autocode - ANY: Equality and non- discriminat ion (art. 5)	Equality and non-discrimination (art. 5) 8. The Committee is concerned about the lack of explicit recognition and prohibition of multiple and intersectional discrimination on the grounds of disability, sex, age, ethnicity, gender identity, sexual orientation and any other status, in all areas of life. It regrets that a number of mental health conditions are not considered to be disabilities under Spanish law. It is also concerned that the denial of reasonable accommodation is not recognized as a form of discrimination in all areas of life. 9. The Committee recommends that the State party refer to the Committee's general comment No. 6 (2018) on equality and non-discrimination and targets 10.2 and 10.3 of the Sustainable Development Goals, to revise its anti-discrimination legislation, policies and strategies, including the Equality Act, to adhere to the Convention and to explicitly recognize and prohibit multiple and intersectional discrimination on the grounds of disability, sex, age, ethnicity, gender identity, sexual orientation and any other status, in all areas of life. In that regard, the Committee reminds the State party that the scope of the Convention includes all persons with mental health conditions as persons with psychosocial disabilities. The Committee recommends that the State party recognize the denial of reasonable accommodation as a form of discrimination and ensure effective mechanisms to provide legal redress and reparation.			3	0	D	1	1				1				
CO 2-3 Tunisia 2023	Autocode - ANY: Equality and non- discriminat ion (art. 5)	Equality and non-discrimination (art. 5) 7. The Committee is concerned that discrimination against persons with disabilities still persists, in particular in the areas of education and employment. It is also concerned that the State party maintains segregated programmes for persons with disabilities, which are discriminatory. It is further concerned that no specific actions have been taken to ensure that denial of reasonable accommodation is fully recognized as discrimination, in line with the Convention. 8. The Committee, recalling its general comment No. 6 (2018) on equality and non-discrimination, as well as Sustainable Development Goal 10, to reduce inequality within and among countries, recommends that the State party: (a) Strengthen the anti-discrimination legislation on persons with disabilities and ensure that it is complied with in all situations; (b) Develop an inclusive programme in replacement of segregationist policies, by meaningfully involving persons with disabilities in the design, implementation and monitoring of all programmes that affect them, and ensure that they are included in all development programmes on equal basis with others; (c) Include the denial of reasonable accommodation in anti-discrimination legislation, as a form of discrimination on the grounds of disability, and ensure that it is complied with in all settings; (d) Provide an accessible mechanism for reporting discrimination cases against persons with disabilities and means for appropriate redress.			4	0	E	1	1	1			1				

UNCRPD - Article 6 Women with disabilities

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	8

Document name	Code	Segment	Positive comment	Ratification /access /update /entry	No of issues	Serious factor	Grade	Themes observed											
								Char. b. law	Integrate law	Policy and practice	Protection of W. rights	Participation / organizations / participation	Convention / gov. body	Violence	Sexual abuse	Equal and appropriate rights	Multiple discrimination	Access to justice	Work / labour
CO1 Argentina 2012	Autocode - ANY- Women with disabilities (art. 6)	Women with disabilities (art. 6) 13. The Committee takes note with concern of the unconvincing measures taken by the State party to address the specific needs of women and girls with disabilities, and it regrets the lack of proper protection for their rights (see CEDAW/C/ARG/CO/6, paras. 43 and 44). It is particularly concerned that there is no strategy for mainstreaming gender and disability into legislation and programmes focusing on women, including those that deal with violence, access to justice, sexual and reproductive rights, and access to the labour market. 14. The Committee urges the State party to adopt a strategy for guaranteeing full protection and enjoyment of the rights of women and girls with disabilities, while also ensuring their effective participation in decision-making processes. In addition, the Committee recommends that the State party incorporate a disability perspective into all gender-equality policies and programmes, thereby guaranteeing the full and effective participation of women with disabilities on the same footing as other women.		2	2	2	E	1	1	1	1	1	1	1	1	1	1	1	
CO1 Australia 2013	Autocode - ANY- Women with disabilities (art. 6)	Women with disabilities (art. 6) 16. The Committee is concerned about reports of the high incidence of violence against, and sexual abuse of, women with disabilities. 17. The Committee recommends that the State party include a more comprehensive consideration of women with disabilities in public programmes and policies on the prevention of gender-based violence, particularly so as to ensure access for women with disabilities to an effective, integrated response system.		1	1	1	C					1	1						
CO1 Austria 2013	Autocode - ANY- Women with disabilities (art. 6)	Women with disabilities (art. 6) While much has been achieved, the Committee notes that substantive equality between women and men has not yet been achieved in the State party. Women with disabilities face multiple forms of discrimination because of their gender and disability, and may also be at risk of sexual violence and abuse. The Committee is concerned about a lack of advocacy and support structures for women with disabilities. The Committee notes with concern that there is only one organization representing women and it does not cover all women with disabilities in the State party. The Committee recommends that the State party adopt effective and specific measures to ensure equality and to prevent multiple forms of discrimination against women and girls with disabilities. The Committee encourages the State party to mainstream a gender perspective in its disability legislation and policy, and to facilitate advocacy by and on behalf of women and girls with disabilities. The Committee also encourages the State party, including the Länder, to offer services which are targeted and accessible to women with disabilities.	1	3	0	D		1	1	1	1	1	1	1	1	1	1	1	
CO1 China 2012	Autocode - ANY- Women with disabilities (art. 6)	Women with disabilities (art. 6) The Committee is concerned about the discrimination faced by women and girls with disabilities and the lack of action of the government of, to reduce the occurrence of discrimination, such as neglecting article 6 in the promotion of the Convention. The Committee is also troubled by the repeated occurrence of domestic violence against women and girls with disabilities. The Committee recommends that the Women's Commission of, should integrate the amelioration of the living situation of women and girls with disabilities into their mandate and include a representative of women with disabilities in its Commission. It also asks, to raise awareness on article 6 of the Convention, so as to ensure that women with disabilities enjoy their rights on an equal basis with men. In addition, the Committee calls upon, to prevent domestic violence against women with disabilities and to prosecute and punish the perpetrators and all those responsible.		2	1	D				1	1	1							
CO1 Ecuador 2014	Autocode - ANY- Women with disabilities (art. 6)	Women with disabilities (art. 6) 16. The Committee is concerned about the discrimination faced by women and girls with disabilities, which is aggravated by the convergence of various factors of social exclusion relating to gender and disability. It is also concerned that the National Council for Gender Equality has not taken measures to mainstream the needs of women and girls with disabilities and that such women and girls do not participate directly in the Council. 17. The Committee recommends that: (a) The State party implement the legislation and all programmes and activities targeting women and girls with disabilities, including measures of remediation and affirmative action, in order to eradicate discrimination against them, in all spheres of life, in both urban and rural areas, by ensuring their effective participation in the design and implementation of such measures; (b) The National Council for Gender Equality incorporate into its work measures to address intersectional discrimination against women, taking into consideration disability as a factor of exclusion, and ensure the direct participation of women with disabilities in the Council.		2	0	C		1	1	1								1	
CO1 El Salvador 2013	Autocode - ANY- Women with disabilities (art. 6)	Women with disabilities (art. 6) 17. The Committee is concerned that the Special Act on a Violence-Free Life for Women does not recognize the multiple forms of discrimination against women with disabilities. It is also worrying that organizations of women with disabilities are not encouraged to participate in decision-making. 18. The Committee recommends that the State party recognize in the law the multiple forms of discrimination against women and girls with disabilities and that it adopt specific legislation and strategies to fight them. The Committee recommends setting up a mechanism for the collection of disaggregated data on the situation of women and girls with disabilities, in consultation with organizations of women with disabilities.		2	0	C		1	1	1									1
CO1 Germany 2015	Autocode - ANY- Women with disabilities (art. 6)	Women with disabilities (art. 6) 15. The Committee is concerned about insufficient action to prevent and combat multiple discrimination of women and girls with disabilities, particularly migrants and refugees, and the inadequate collection of relevant data. 16. The Committee recommends that the State party: (a) Implement programmes for women and girls with disabilities, particularly migrant and refugee women and girls, including affirmative action to eliminate discrimination in all areas of life; (b) Systematically collect data and statistics on the situation of women and girls with disabilities with indicators to assess intersectional discrimination, and include analytical information in this regard in its next periodic report.		2	0	C		1											1
CO1 Hungary 2012	Autocode - ANY- Women with disabilities (art. 6)	Women with disabilities (art. 6) The Committee takes note that the State party's Government Decree 1004/2010 (21) on the National Strategy Promoting the Social Equality of Women and Men "treats the implementation of measures promoting the equality of women and specifically the equality of women with disabilities in their full integrity" (CRPD/C/HUN/Q/1/Add.1). However, the Committee regrets the lack of specific action aimed at promoting the equality of women and girls with disabilities in the Strategy. The Committee calls upon the State party to adopt effective and specific measures to ensure equality and prevent multiple forms of discrimination of women and girls with disabilities in its policies, and to mainstream a gender perspective in its disability-related legislation and policies.		1	0	B		1											
CO1 Mexico 2014	Autocode - ANY- Women with disabilities (art. 6)	Women with disabilities (art. 6) 13. The Committee is concerned about the lack of specific assistance measures implemented by the State party to prevent and combat intersectional discrimination against women and girls with disabilities and the lack of information in this regard. 14. The Committee recommends that the State party: (a) Put into effect the legislation and all of the programmes and actions targeting women and girls with disabilities, including corrective measures and affirmative action, to eradicate discrimination in all aspects of life, in both urban and rural areas, and to ensure their effective participation in the design and implementation of these measures; (b) Systematically compile data and statistics on the situation of women and girls with disabilities, together with indicators for the evaluation of intersectional discrimination.		2	0	C		1	1										1
CO1 Mongolia 2015	Autocode - ANY- Women with disabilities (art. 6)	Women with disabilities (art. 6) 10. The Committee is concerned about the overall lack of information on the social, economic and political situation of girls and women with disabilities in Mongolia, on the incidence of violence, including sexual abuse, to which they are subjected and on the limited participation of women with disabilities in making decisions affecting them in general. 11. The Committee urges the State party to undertake consultations with women and girls with disabilities with a view to reforming the law and changing policies, paying particular attention to their family lives, education, health services and employment, and combating domestic and/or sexual violence. The Committee also recommends that the State party's gender policy include children with disabilities.		3	0	D		1	1	1				1	1	1	1	1	1
CO1 New Zealand 2014	Autocode - ANY- Women with disabilities (art. 6)	Women with disabilities (art. 6) The Committee notes the projects funded by the Ministry of Social Affairs to assist women with disabilities. The Committee recommends that this work be continued and strengthened to assist women with disabilities in obtaining education and employment and in combating domestic violence. The Committee also recommends that organizations representing women and girls with disabilities be involved in these programmes.	1	1	0	B		1	1	1									
CO1 Paraguay 2013	Autocode - ANY- Women with disabilities (art. 6)	Women with disabilities (art. 6) 17. The Committee notes the adoption of the Third National Plan for Equal Opportunities for Women and Men 2008-2017, which includes women with disabilities as a cross-cutting theme. The Committee is nevertheless concerned that the actions set forth in the Plan make no reference to structural factors that prevent women with disabilities from exercising their rights. The Committee is concerned about the lack of information on the risks of violence to women, including forced sterilization, sexual and economic exploitation, and abuse and trafficking in persons. 18. The Committee recommends that the State party institute, as a matter of urgency, effective measures to identify, prevent and provide protection from the multiple discrimination suffered by women and girls with disabilities, in particular women and girls with intellectual and psychosocial disabilities and hearing impairments. The Committee also recommends the establishment of accessible care centres for women and girls who are victims of these forms of violence in urban and rural areas, in consultation with organizations representing women with disabilities.		1	2	1	D		1	1			1	1	1	1	1	1	1
CO1 Peru 2012	Autocode - ANY- Women with disabilities (art. 6)	Women with disabilities (art. 6) 13. The Committee is concerned about the lack of measures directed towards women with disabilities in the Law 27950 and in the National Plan for Persons with Disabilities 2009-2018. The Committee wishes to remind the State party that women can be subjected to multiple forms of discrimination, as already noted by the Committee on the Elimination of Discrimination against Women in its last concluding observations (CEDAW/C/PER/CO/6). The Committee on the Rights of Persons with Disabilities further notes with concern that women with disabilities do not benefit from special protection in the National Plan against Violence towards Women 2009-2015. The Committee urges the State party to accelerate its efforts to eradicate and prevent discrimination against women and girls with disabilities, by incorporating gender and disability perspectives in all programmes, as well as by ensuring their full and equal participation in decision-making. The Committee urges the State party to amend its legislative framework to provide special protection to women and girls with disabilities, as well as to adopt effective measures to prevent and redress violence against women and girls with disabilities.		2	3	2	F		1	1	1	1	1	1	1	1	1	1	1
CO1 Rep Korea 2014	Autocode - ANY- Women with disabilities (art. 6)	Women with disabilities (art. 6) The Committee is concerned that legislation and policies concerning persons with disabilities do not include a gender perspective. It is also concerned about the lack of sufficient measures to prevent domestic violence against women with disabilities and sexual violence against women with disabilities, both inside and outside residential institutions. It is further concerned about the difficulties faced by women and girls with disabilities in participating in lifelong education programmes and at the lack of sufficient support for women with disabilities during pregnancy and childbearing. The Committee recommends that the State party mainstream a gender perspective in its disability legislation and policies and develop specialized policies for women with disabilities. It also recommends that the State party take effective measures to address violence against women with disabilities, both inside and outside residential institutions, in particular by introducing a disability-sensitive perspective when formulating educational programmes on preventing sexual and domestic violence. The Committee further recommends that the State party ensure that women with disabilities receive appropriate lifelong education according to their choices and needs, regardless of whether they have finished or were excluded from mainstream education. It also recommends that the State party increase its support to women with disabilities during pregnancy and childbearing.	4	1	E		1	1							1	1	1	1	1
CO1 Spain 2011	Autocode - ANY- Women with disabilities (art. 6)	Women with disabilities (art. 6) 21. The Committee is concerned that public programmes and policies on the prevention of gender-based violence do not sufficiently take into consideration the particular situation of women with disabilities. The Committee is also concerned that employment policies do not include a comprehensive gender perspective and that unemployment, (in)activity and training rates are significantly worse for women than for men with disabilities. 22. The Committee recommends that the State party: (a) include a more comprehensive consideration of women with disabilities in public programmes and policies on the prevention of gender-based violence, particularly so as to ensure access for women with disability to an effective, integrated response system; (b) include a gender perspective in employment policies, and particularly specific measures for women with disabilities; (c) elaborate and develop strategies, policies and programmes, especially in the fields of education, employment, health and social protection, to promote the autonomy and full participation of women and girls with disability in society, and to combat violence against them.		3	0	D		1	1	1									1
CO1 Tunisia 2011	Autocode - ANY- Women with disabilities (art. 6)	Women with disabilities (art. 6) 14. While noting the improvements in the condition of women in general, the Committee is concerned by the negative perception of women with disabilities within the family and society, and the reported cultural, traditional and family pressures that favour the concealment of women with disabilities, and prevents them from obtaining a disability card, thereby limiting their opportunities to participate in society, and develop to their full potential. 15. The Committee recommends that the State party: (a) Design and implement awareness-raising campaigns and education programmes throughout society, including at the family level, on women with disabilities in order to foster respect for their rights and dignity, combat stereotypes, prejudices and harmful practices; and promote awareness of their capabilities and contributions; (b) Ensure the viability of women with disabilities in the collection of data and statistics (see paragraph 27 below); (c) Undertake studies and research in order to identify the situation and specific requirements of women with disabilities, with a view to elaborating and adopting strategies, policies and programmes, especially in the fields of education, employment, health and social protection, to promote their autonomy and full participation in society, and to combat violence against women.	1	3	1	E		1	1	1									

UNCRPD - Article 6 Women with disabilities
Note: Lack of data counted as an issue

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	

Docume nt name	Code	Segment	Positive comment	Relevant indicator Aligned / empty	No. of issues	Themes observed												
						Gender	Strategic focus	OHCHR law	Intprove law	Policy and practice	Protection of W in law	Organizations / participation	Commitment / gov body	Violence	Sexual abuse	Equal and reproductive rights	Multiple discrimination	Access to services
CO-2-3 Australia 2019	Autocode- ANY: Women with disabilities (art. 6)	Women with disabilities (art. 6) 11. The Committee is concerned about: (a) The low percentage of women and girls with disabilities, particularly of Aboriginal and Torres Strait Islander backgrounds, that have access to services under the National Disability Insurance Scheme. (b) The limited opportunities for women and girls with disabilities to participate in the development of policies regarding the rights of women and gender equality. 12. In line with its general comment No. 3 (2016) on women and girls with disabilities and in view of targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, the Committee recommends that the State party strengthen measures to address multiple and intersectional forms of discrimination against women and girls with disabilities and, in particular, that it: (a) Facilitate access to services under the National Disability Insurance Scheme for women and girls with disabilities, particularly those of Aboriginal and Torres Strait Islander background. (b) Adequately support organizations and networks of women and girls with disabilities, particularly those representing Aboriginal and Torres Strait Islander women and girls with disabilities, to engage in all initiatives to promote gender equality and ensure their effective participation in the development of policies for gender equality and the advancement of women and girls.			2	1	D			1		1						
CO-2-3 Austria 2023	Autocode- ANY: Women with disabilities (art. 6)	Women with disabilities (art. 6) The Committee notes with concern: The lack of participation of women and girls with disabilities and their representative organizations in the development and implementation of measures relating to the implementation of the Convention, including in higher education, employment, and public affairs. The insufficient measures to establish effective violence prevention and protection mechanisms accessible for all women and girls with disabilities, including women and girls with disabilities in institutions. The lack of disaggregated data about the situation of women and girls with disabilities on the Federal and Länder levels. The lack of a disability perspective in general equality laws. The lack of mechanisms and procedures to address multiple and intersectional forms of discrimination against women with disabilities. The Committee, recalling its general comment No. 3 (2016) on women and girls with disabilities and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), recommends that the State party: Adopt effective and specific measures to prevent multiple and intersectional forms of discrimination against women and girls with disabilities. Ensure women and girls with disabilities, including women and girls with disabilities in institutions, have effective access to prevention and protection mechanisms against gender-based violence, including helplines, shelters, sexual education programs, crisis management plans, and health counselling. Mainstream the rights of women and girls with disabilities into all gender equality and disability-related legislation and policies.			8		F			1	1	1						
CO-2-3 China 2022	Autocode- ANY: Women with disabilities (art. 6)	Women with disabilities (art. 6) 14. The Committee notes with concern the insufficient participation of women with disabilities and their representative organizations in decision-making processes in public and political life, including beyond disability-specific consultative bodies and mechanisms. 15. The Committee, recalling its general comment No. 3 (2016) on women and girls with disabilities and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, recommends that the State party: (a) Engage with organizations of women and girls with disabilities and secure their direct participation in all processes of public decision-making in a safe environment, particularly relating to the development of policies regarding gender equality and gender-based violence against women and girls, including domestic violence, forced marriage and trafficking. (b) Allocate specific funds for organizations of women with disabilities to enable their full and effective participation in the process of drafting, developing and implementing laws and policies and in the monitoring framework, including in monitoring and reporting on efforts to meet the Sustainable Development Goals. 16. The Committee notes with concern that the State party has not integrated gender sensitivity in data collection and analysis processes, resulting in the absence of disaggregated recent data, particularly regarding gender-based violence against women and girls with disabilities, access by women and girls with disabilities to reproductive health care, women and girls with disabilities living in rural areas, and women and girls with disabilities belonging to ethnic minorities. 17. The Committee recommends that the State party combat multiple and intersectional discrimination by systematically collecting and analysing data on the situation of women with disabilities in all areas relevant to them, and in consultation with organizations of women with disabilities, with a view to guiding policy planning for the implementation of article 6 and the 2030 Agenda for Sustainable Development and other international frameworks.			2	1	D		1		1		1		1			
CO-2-3 Ecuador 2019	Autocode- ANY: Women with disabilities (art. 6)	Women with disabilities (art. 6) 15. The Committee is concerned at the fact that public policies on disability and on gender equality do not provide for measures to prevent and combat multiple and intersectional forms of discrimination against girls and women with disabilities and that girls and women with disabilities are not participating on an effective, independent basis in the design, implementation and follow-up of public policies. 16. The Committee recommends that the State party, bearing in mind the Committee's general comment No. 6 (2018) on equality and non-discrimination and targets 10.2, 10.3, 16 and 16.b of the Sustainable Development Goals, adopt public policies that incorporate a gender perspective and focus on the prevention and elimination of discrimination against girls and women. It also recommends that the State party promote the independent, effective participation of girls and women with disabilities in the design, implementation and follow-up of public policies.			2	0	C		1		1				1			
CO-2-3 El Salvador 2019	Autocode- ANY: Women with disabilities (art. 6)	Women with disabilities (art. 6) 12. The Committee is concerned about: (a) Gender equality policies and programmes for women which are not inclusive of women and girls with disabilities; (b) The low rate of participation of organizations of women with disabilities in all matters affecting them, particularly crimes related to gender-based violence. 13. With reference to its general comment No. 3 (2016) on women and girls with disabilities, the Committee recommends that the State party: (a) Adopt effective measures to ensure that women and girls with disabilities are included in gender equality policies and programmes, and ensure that public and private service providers working for or with women and girls with disabilities mainstream a gender and disability perspective in their work. (b) Ensure that organizations of women and girls with disabilities are closely consulted in the formulation of policies and programmes at the urban and rural levels, including those relating to addressing gender-based violence.			2	0	C		1		1							1
CO-2-3 Germany 2023	Autocode- ANY: Women with disabilities (art. 6)	Women with disabilities (art. 6) 13. The Committee is concerned about: (a) The lack of a comprehensive intersectional approach to ensure that issues pertaining to women and girls with disabilities, including migrant women and girls with disabilities, are mainstreamed into both gender and disability legislative and policy areas. (b) The lack of sufficient long-term funding of representative organizations of women and girls with disabilities to advance and promote their human rights. 14. The Committee recalls its general comment No. 3 (2016) and recommends that the State party, at the federal and Länder levels: (a) Strengthen measures and policy mechanisms to ensure that issues pertaining to women and girls with disabilities, including migrant women and girls with disabilities, are comprehensively addressed within gender and disability legislative and policy areas. (b) Develop measures, including sufficient long-term financial resourcing, to support organizations of women and girls with disabilities to advance their human rights.			2	0	C		1	1	1				1			
CO-2-3 Hungary 2022	Autocode- ANY: Women with disabilities (art. 6)	Women with disabilities (art. 6) 12. The Committee notes with concern the reported gender inequality in the State Party, adversely affecting women with disabilities, including limited work opportunities for them in an open and inclusive labour market. 13. The Committee recalls its general comment No. 3 (2016) and recommends that the State party ensure that the protection of the rights of women and girls with disabilities is included in the national strategy on gender equality and that it adopt targeted measures to implement the recommendations directed at European Union Member States in the European Union Gender Equality Strategy 2020–2025.			1	0	B											1
CO-2-3 Mexico 2022	Autocode- ANY: Women with disabilities (art. 6)	Women with disabilities (art. 6) 17. The Committee is concerned about the lack of specific measures to empower women and girls with disabilities, in particular indigenous women and girls with disabilities, and to ensure that all human rights and fundamental freedoms of women and girls with disabilities are fully and equally protected by the State party. 18. The Committee recommends that the State party take note of the Committee's general comment No. 3 (2016) on women and girls with disabilities in its implementation of efforts aimed at achieving Sustainable Development Goal 5, and that it take measures to empower women and girls with disabilities, in particular indigenous women and girls with disabilities. In addition, the Committee, with reference to recommendations made in paragraph 14 (a) of its previous concluding observations, recommends that the State party put into effect the legislation and all of the programmes and actions targeting women and girls with disabilities, including support measures, to prevent multiple and intersecting discrimination against women and girls with disabilities in all aspects of life, in both urban and rural areas, and to ensure their effective participation in the design and implementation of these measures. 19. The Committee is concerned that legislation on the federal and state levels does not provide protection from intersectional discrimination faced by women and girls with disabilities in rural areas, including indigenous women and girls with disabilities, and by migrant and refugee persons with disabilities. 20. The Committee recommends that the State party adopt and implement laws at the federal and state levels preventing multiple and intersectional forms of discrimination against women and girls with disabilities, and mainstream a gender and disability perspective into its disability-related legislative and policy areas. 21. The Committee notes with concern the lack of information, including disaggregated data, about the situation of women and girls with disabilities, and about the impact of legislation and public policies on their rights under the Convention. 22. The Committee recommends that the State party ensure that data-collection systems and impact assessments of legislation and policies include indicators and disaggregated data on the situation of women and girls with disabilities.			3	1	E		1	1	1							1
CO-2-3 Mongolia 2023	Autocode- ANY: Women with disabilities (art. 6)	Women with disabilities (art. 6) 13. The Committee notes with concern: (a) The lack of a gender perspective in disability-related legislative and policy areas, as well as the lack of a disability perspective in gender-related legislative and policy areas, which leads to further discrimination, marginalization and exclusion of women and girls with disabilities; (b) The lack of gender-sensitive budgeting based on the human rights-based model of disability for planning and implementing activities related to persons with disabilities; (c) The lack of national legislative framework that explicitly addresses intersectional discrimination against women and girls with disabilities, as well as the absence of data and research carried out on multiple and intersectional discrimination faced by women and girls with disabilities, with a view to designing adequate policy responses; (d) The fact that women with disabilities are not represented in the National Committee on Gender Equality, as well as the overall lack of empowerment programmes for women with disabilities in employment, public and political life, decision-making and the judiciary. 14. The Committee recalls its general comment No. 3 (2016) and Goal 5 of the Sustainable Development Goals, and recommends that the State party: (a) Mainstream the rights of women and girls with disabilities in all general legislation, in particular the Law on Gender Equality, and mainstream a gender perspective in disability policies and programmes, while ensuring close consultation with and the active involvement of women and girls with disabilities through their representative organizations, in the design and implementation of gender- and disability-related policies and programmes; (b) Take measures to ensure that any programmes and activities related to general disability issues are planned and budgeted on the basis of a gender equality perspective; (c) Recognize in its legislation multiple and intersectional forms of discrimination against women and girls with disabilities and adopt specific legislative and strategies, based on the data and results of research that reflect a gender perspective and intersectionality; (d) Adopt measures aimed at achieving the empowerment and full inclusion of women and girls with disabilities in all spheres of life, as well as their involvement in all public decision-making processes. The State party should implement measures to ensure that women with disabilities are represented in political life in decision-making roles, including in the parliament, the National Committee on Gender Equality, government bodies and the judiciary.			4	0	E		1	1		1			1			
CO-2-3 New Zealand 2022	Autocode- ANY: Women with disabilities (art. 6)	Women with disabilities (art. 6) (a) The Committee is concerned about: (a) The lack of a comprehensive intersectional approach to ensure that issues for women and girls with disabilities, including for Māori, Pasifika persons, and migrant women and girls with disabilities, are mainstreamed in both gender and disability legislative and policy areas. (b) The lack of a representative organization of women and girls with disabilities to advocate and promote their human rights. 10. The Committee recalls its general comment No. 3 (2016) on women and girls with disabilities, and Sustainable Development Goal 5, and recommends that the State party: (a) Strengthen measures and policy mechanisms, including within the gender impact statement and the disability perspective statement, to ensure that the issues for women and girls with disabilities, including for Māori, Pasifika persons and migrant women and girls with disabilities, are comprehensively addressed within gender and disability legislative and policy areas. (b) Develop strategies and measures, including financial resourcing, to support women and girls with disabilities to develop their own representative organization.			2	0	C		1		1	1						
CO-2-3 Rep Korea 2022	Autocode- ANY: Women with disabilities (art. 6)	Women with disabilities (art. 6) 13. The Committee notes with concern: (a) The lack of inclusion of a gender perspective in disability-related legislative and policy areas, as well as the lack of a disability perspective in gender-related legislative and policy areas, which leads to further discrimination against and marginalization and exclusion of women and girls with disabilities; (b) The lack of gender-sensitive budgeting based on the human rights model of disability for planning and implementing activities related to persons with disabilities; (c) That the national legislative framework does not explicitly address intersectional discrimination against women and girls with disabilities, and the absence of data and research carried out on multiple and intersectional discrimination faced by women and girls with disabilities with a view to designing suitable policy responses; (d) The lack of empowerment programmes for women with disabilities in employment, in public and political life, in decision-making and in the judiciary. 14. The Committee recalls its general comment No. 3 (2016) and Sustainable Development Goal 5, and recommends that the State party: (a) Mainstream the rights of women and girls with disabilities into all general legislation and mainstream a gender perspective into disability policies and programmes, in particular the third gender equality master plan (2023–2025) and disability agenda, while ensuring consultation with and the effective participation of women and girls with disabilities, in the design and implementation of gender- and disability-related policies and programmes; (b) Take measures to ensure that any programmes and activities related to general disability issues are planned and budgeted on the basis of a gender equality perspective; (c) Recognize in its legislation multiple and intersectional forms of discrimination against women and girls with disabilities and adopt specific legislative and strategies that reflect a gender perspective and intersectionality; (d) Adopt measures aimed at achieving the empowerment and full inclusion of women and girls with disabilities in all spheres of life, as well as their involvement in all public decision-making processes. The State party should implement measures to ensure that women with disabilities are represented in political life in decision-making roles, including in government bodies and the judiciary.			4	0	E		1	1		1			1			
CO-2-3 Spain 2016	Autocode- ANY: Women with disabilities (art. 6)	Women with disabilities (art. 6) 10. The Committee is concerned that: (a) Public policies on disability and gender equality do not include measures to combat multiple and intersectional discrimination against women with disabilities. (b) With reference to the Committee's general comment No. 3 (2016) on women and girls with disabilities and in view of targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the Committee recommends that the State party: (a) Take, as a matter of urgency, effective measures to address multiple and intersectional forms of discrimination against women and girls with disabilities, in particular women and girls with intellectual or psychosocial disabilities, and allocate adequate resources to support those measures; (b) Adopt effective and specific measures to ensure equality and prevent multiple and intersectional forms of discrimination against women and girls with disabilities in its gender equality policies, and mainstream a gender perspective into its disability-related legislative and policy areas.			0	0	D			1	1				1			

CO-2-3 Tunisia 2023	Autocode - AW: Women with disabilities (art. 6)	<p>Women with disabilities (art. 6)</p> <p>9. The Committee is concerned that:</p> <p>(a) Law No. 58 (2017) on the elimination of violence against women does not include specific provisions for procedural accommodations and that there is a lack of adequate training for professionals in contact with women and girls with disabilities, which hinders access for women with disabilities to justice and protection measures, and a lack of access to health, education and training;</p> <p>(b) There are very limited statistics available on cases of violence against women and girls with disabilities, which significantly limits any follow-up on such cases.</p> <p>(c) Women and girls with disabilities are not represented in the Council of Peers for Equality and Equal Opportunity between Men and Women and that the representation of women with disabilities in economic initiatives, and their participation in political life and public administration, is scarce, at best.</p> <p>10. The Committee, in line with its general comment No. 3 (2016) on women and girls with disabilities, recommends that the State party:</p> <p>(a) Put in place specific regulations and mechanisms that include procedural accommodations to enable women with disabilities to report abuse and facilitate their access to justice;</p> <p>(b) Organize training programmes for agents responsible for receiving, listening to and accompanying women and girls with disabilities who are victims of violence, so that they have the capacity to address the problems faced by them, and provide adequate care to the victims, including impartial investigations and prosecutions and proportionate sanctions and redress;</p> <p>(c) Gather statistical information on cases of violence against women and girls with disabilities and organize the information to enable the monitoring of and follow-up on such cases;</p> <p>(d) Put in place measures to include the representation of women and girls with disabilities on all platforms where issues of women are discussed, in particular in the Council of Peers for Equality and Equal Opportunity between Men and Women;</p> <p>(e) Ensure the participation of women with disabilities in economic initiatives, political life and public administration.</p>											

UNCRPD - Article 7 Children with disabilities
 Note: Lack of information counted as an issue.

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	

Document name	Code	Segment	Positive comment	Thematic's focus: (right) / (priority)	Themes observed													
					No. of issues	Serious factor	Grave	Crucial law	Impact law	Policy and practice	Specific rights for child	Lack of information	cross-cut to Convent Child	Abandonment	Institutionality	Education	voice of the child	Abuse
CO1 Argentina 2012	Autocode - ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 15. The Committee notes with concern that Act No. 26.061 on the comprehensive protection of the rights of children and adolescents contains no provisions specifically on children with disabilities. It is also concerned at the lack of information on the situation of children with disabilities in the State party. 16. The Committee recommends that the State party should, as a priority, incorporate a disability perspective into Act No. 26.061 and the system for the comprehensive protection of children's and adolescents' rights. The Committee urges the State party to invest the greatest possible amount of available resources in ending discrimination against children with disabilities and to ensure that they are covered by health insurance schemes and receive the services and benefits, such as pensions and housing, to which they are entitled.			2	0	C		1		1	1						
CO1 Australia 2013	Autocode - ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 18. The Committee is concerned that the National Framework for Protecting Australia's Children is focused on the protection of children against violence, abuse and neglect, and that there is no comprehensive national policy framework for children, including children with disabilities, that articulates how the rights of children should be implemented, monitored and promoted. 19. The Committee recommends that the State party: Step up efforts to promote and protect the rights of children with disabilities, by incorporating the Convention into legislation, policies, programmes, service standards, operational procedures and compliance frameworks that apply to children and young people in general; Establish policies and programmes that will ensure the right of children with disabilities to express their views on all matters concerning them.			1	0	B		1	1	1							
CO1 Austria 2013	Autocode - ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) In its 2012 concluding observations on (CRC/C/AUTCO/3-4), the Committee on the Rights of the Child expressed concern about a number of ways in which the rights of children with disabilities were at risk of being abrogated. The Committee endorses the recommendations of the Committee on the Rights of the Child and requests the State party to implement those recommendations as speedily as possible.			1		B		1			1	1					
CO1 China HK 2012	Autocode - ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) The Committee fears that children with disabilities in the State party are at a high risk of abandonment by their parents and are often placed in isolated institutions. For those children with disabilities living at home in rural areas, the Committee is concerned at the lack of community-based services and assistance. The Committee urges the State party to take measures to fight the widespread stigma in relation to boys and girls with disabilities and revise their strict family planning policy, so as to combat the root causes of the abandonment of boys and girls with disabilities. It asks the State party to provide sufficient community-based services and assistance also in rural areas. Children with disabilities (art. 7) While commending the assessment and early education service offered by the government of the State party, the Committee is concerned that the services provided are not sufficient to match the overwhelming demand. The Committee recommends that Hong Kong, allocate more resources to the services provided for children with disabilities in order to ensure that they are able to develop to their full potential.			3	1	E		1	1			1	1	1	1	1	1
CO1 Ecuador 2014	Autocode - ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 18. The Committee is concerned that, despite the concerted efforts made by persons with disabilities in Ecuador, there are no dedicated structures for the participation of children with disabilities and no frameworks or incentives to promote the establishment of organizations of children with disabilities. 19. The Committee recommends that the State party strengthen its legislative framework for the participation of children with disabilities in its incentives supporting organizations of persons with disabilities, in order to preserve their identity and promote their involvement in protecting their own rights.			2	0	C		1			1						
CO1 El Salvador 2013	Autocode - ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 19. The Committee is concerned that the Child and Adolescent Protection Act does not include specific actions to ensure the protection of children with disabilities, aside from a few regarding health care. The Committee is concerned that children with disabilities living in poverty are more vulnerable to abandonment or placement in institutional care. 20. The Committee urges the State party to strengthen its legislative framework to guarantee the rights of children with disabilities on equal terms, paying particular attention to children with disabilities living in rural areas and indigenous communities and to children with hearing, visual and intellectual impairments, ensuring their social inclusion and preventing abandonment and institutionalization, with priority for actions for underprivileged families.			2		C		1					1	1	1		
CO1 Germany 2015	Autocode - ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 17. The Committee is concerned: (a) that children with disabilities are not systematically involved in decisions affecting their lives; (b) that the parents of children with disabilities cannot decide freely on the type of education and services provided to their children; and (c) about the unequal access to treatment and opportunities for children with disabilities of migrant or refugee parents. 18. The Committee recommends that the State party: (a) Adopt safeguards in order to protect the right of children with disabilities to be consulted in all matters affecting their lives, ensuring assistance that is appropriate to their disability and age; (b) Ensure the consideration of all children with disabilities in legislation, policies and measures under the principle of equal opportunities and community inclusion, paying particular attention to children with disabilities of migrant or refugee parents.			3	0	D									1	1	
CO1 Hungary 2012	Autocode - ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) The Committee takes note of the State party's expression of dedication to protect and promote the rights of children with disabilities. However, the Committee is concerned about the large number of children with disabilities living in institutional settings and about the fact that many children with disabilities receive institutional rather than home care. It stresses the importance of allocating sufficient resources to enable children with disabilities to continue living with their families in their own communities. The Committee calls upon the State party to undertake greater efforts to make available the necessary professional and financial resources, especially at the local level, to promote and expand community-based rehabilitation and other services in their respective local communities to children with disabilities and their families, in order to enable children with disabilities to live with their families, as recommended by the Committee on the Rights of the Child (CRC/C/HUNCO/2).	1		1	1	C								1			
CO1 Mexico 2014	Autocode - ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 15. The Committee is concerned at the high rate of child abandonment and the institutionalization of children with disabilities, at the prevalence of the welfare approach to their care and at the limited scope of specific measures taken for them in rural areas and indigenous communities. The Committee is also concerned that children with disabilities are not systematically involved in decisions that affect their lives and that they do not have the opportunity to express their views regarding matters of direct interest to them. 16. The Committee recommends that the State party: (a) Ensure that children with disabilities, especially those in rural areas and indigenous communities, are taken into account in laws, policies and measures regarding children, on an equal basis with their peers and based on the principle of inclusion in the community; (b) Put in place safeguards to protect the right of children with disabilities to be consulted in all matters of concern to them and to ensure that they receive assistance appropriate to their disability and age.			3	0	D		1						1	1	1	1
CO1 Mongolia 2015	Autocode - ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 12. The Committee is concerned about the inadequacy of specific measures for providing children with disabilities and their families, in particular girls with disabilities and children belonging to nomadic communities, with protection, as well as about the inadequacy of the education provided to children with disabilities, in particular in rural areas. The Committee is also concerned about the fact that boys and girls with disabilities are not systematically involved in the making of decisions that affect them and that they do not have the possibility to express their opinions on matters that affect them directly. 13. The Committee recommends that the State party take steps, including consultations with organizations of persons with disabilities, to ensure early intervention, an overall increase in enrollment rates and with disabilities in primary education, the implementation of inclusive early childhood education and opportunities for vocational training for youth with disabilities, and to prevent violence and abuse against and the abandonment of children with disabilities. In doing so, the State party should pay particular attention to the situation of girls with disabilities, as well as of all children with disabilities from rural areas and nomadic communities. The Committee also requests the State party to adopt safeguards to protect the right of boys and girls with disabilities to be consulted in all matters affecting them, ensuring appropriate assistance in accordance with their disability and age. All of these measures should be in line with the concluding observations of the Committee to the combined third and fourth periodic reports of the State party (CRC/C/MNGCO/3-4).			3	0	D		1							1	1	1
CO1 New Zealand 2014	Autocode - ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) The Committee is concerned that it is still the case that some children with disabilities, especially Maori children with disabilities, have difficulty in accessing some government services, including health and education services. The Committee notes the recent work undertaken as part of the Disability Action Plan 2014-2018 to make services more accessible. The Committee recommends that this work be increased to ensure that all children with disabilities are able to access government and related services, including to receive support to express their views.	1		1	0	B		1							1	1	
CO1 Paraguay 2013	Autocode - ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 19. The Committee notes with concern that the National Programme of Comprehensive Care for Children and Adolescents with Disabilities is limited solely to the prevention and early detection of disability characteristics of the medical model, and does not take account of the full range of rights recognized to children with disabilities. The Committee is also concerned that the resources for implementation of a public policy on inclusion of children with disabilities are inadequate. The Committee regrets the lack of information on children with disabilities who are at risk of ill-treatment and abuse, including indigenous children with disabilities. 20. The Committee urges the State party to allocate sufficient resources as required to implement a broad policy on inclusion of children with disabilities in all areas of life, including family life and community life, by developing inclusive community-based rehabilitation programmes for children with disabilities as recommended by the Committee on the Rights of the Child in its concluding observations on the third periodic report of Paraguay (CRC/C/PRVCO/3, para. 48). The Committee also asks the State party to investigate and document the situation of children with disabilities in rural areas and indigenous communities, with a view to providing protection from abuse and ill-treatment.			3	0	D		1	1	1	1	1					
CO1 Peru 2012	Autocode - ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) While taking note that the Code on Children and Adolescents (Law 27337) recognizes certain rights of children with disabilities, the Committee is concerned at their de facto enjoyment of those rights. The Committee is concerned at the invisibility of children with disabilities, in particular indigenous children, in statistical data of the State party. The Committee recommends that the State party make special care and assistance to children with disabilities, in particular indigenous children, a matter of high priority, and invest to the maximum extent of available resources in the elimination of discrimination against them, as well as gather accurate data to monitor the upholding of their rights. The Committee further recommends that the State party take steps to prevent violence, abuse and extreme abandonment of children with disabilities.			2	0	C				1	1						
CO1 Spain 2011	Autocode - ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 23. The Committee is particularly concerned at the reportedly higher rates of abuse of children with disabilities in comparison with other children. The Committee is equally concerned by the lack of early identification, family interventions and informed support of children with disabilities, which puts at risk their full development and ability to express their views; and by the lack of available resources and coordinated public administration in the social, health and education services, among others. 24. The Committee recommends that the State party: (a) Increase efforts to promote and protect the rights of children with disabilities, and to undertake research on violence against children with disabilities, adopting measures to eradicate the violation of their rights; (b) Establish policies and programmes that will ensure the right of children with disabilities to express their own views; (c) Develop coordinated public policies with sufficient resources to ensure inclusive access to support services that include informed therapeutic, rehabilitation and habilitation services, and care which covers the health, psychosocial and education needs of children with disabilities, in particular during early childhood.			3	1	E		1	1								1
CO1 Tunisia 2011	Autocode - ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 16. The Committee is particularly concerned at the low rate of reporting (signalement) of cases of habitual mistreatment of children, including children with disabilities, which may amount to situations of danger, in view of the results of the Multiple Indicator Cluster Survey (MICS 2008) which indicated that 94 per cent of children aged between 2 and 14 years are disciplined in the home through violent means, whether verbal, physical, or through deprivation. 17. The Committee recommends that the State party: (a) Evaluate the phenomenon of violence against boys and girls with disabilities, and compile systematic disaggregated data (see paragraph 39 below) with a view to better combating it; (b) Ensure that institutions providing care for children with disabilities are staffed with specially trained personnel, subject to appropriate standards, regularly monitored and evaluated, and establish complaint procedures accessible to children with disabilities; (c) Establish independent follow-up mechanisms; and (d) Take steps to replace institutional care for boys and girls with disabilities with community-based care.			1	1	C		1									1

UNCRPD - Article 7 Children with disabilities
Note: Lack of information counted as an issue.

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	

Document name	Code	Segment	Positive comment	Themes observed															
				No. of issues	Structural factors	Gender	Children's views / agency / diversity	Human rights	Legal	Policy and practice	Specific rights for child	Lack of information	Organisations	Accountability	Interdisciplinarity	Education	Views of the child	Abuses	
CO 2-3 Australia 2019	Autocode-ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 13. The Committee is concerned about: (a)The lack of focus on the rights of children with disabilities in the national plan of action for the realization of the rights of the child; (b)The lack of access to early intervention mechanisms for children with disabilities; (c)The lack of disability- and age-appropriate assistance for children with disabilities to participate and express their views; (d)The lack of culturally suitable support for Aboriginal and Torres Strait Islander children with disabilities and their families; (e)The situation of refugee and asylum-seeking children with disabilities kept in detention facilities in the State party and offshore. 14. The Committee recommends that the State party: (a)Include a focus on the rights of children with disabilities in any national plan of action for the realization of the rights of the child; (b)Ensure access for children with disabilities to quality and human rights-based early intervention mechanisms; (c)Amend all legislation to guarantee that children with disabilities are provided with age-appropriate support and accommodations to express their views in all matters that affect their rights or interests; (d)Fund and resource culturally suitable support for Aboriginal and Torres Strait Islander children with disabilities and their families, in the local community; (e)Urgently remove all refugee and asylum-seeking children with disabilities and their families, from detention facilities, ensure the provision of individualized support and recognize the denial of reasonable accommodation as a form of discrimination.		0	F				1			1					1		
CO 2-3 Austria 2023	Autocode-ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) The Committee is concerned about the close link of segregated education and institutionalization due to the frequent design of special education schools as residential schools, about a lack of support measures for organizations of children with disabilities to actively participate in public discourse, of prompt provision of early intervention services, and of individualized support services to live with the family. The Committee recommends the State party, including the Länder, take effective measures in accordance with the human rights model of disability to end segregated institutional settings for children with disabilities in all areas of life, including in education, provide financial and technical support to organizations of children with disabilities for their active participation in public discourse, promptly available early intervention services, and individualized support for children with disabilities to live with their families.		2	C				1		1	1		1					
CO 2-3 China 2022	Autocode-ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 18. The Committee is concerned about the lack of strategies in place to ensure the inclusion of children with disabilities, particularly those in rural areas and from ethnic minorities, in all matters affecting their lives. 19. With reference to its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities (2022), the Committee recommends that the State party develop strategies to ensure the participation of children with disabilities in consultation processes for the implementation of the Convention that are inclusive, child-friendly, transparent and respectful of their rights to freedom of expression and thought.		1	C				1					1					
CO 2-3 Ecuador 2019	Autocode-ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 17. The Committee is concerned that: (a)The abandonment and institutionalization of children and adolescents with disabilities persist and that budgetary funds continue to be allocated for referral centres and shelters; (b)The lack of access to affordable universal health care for children with disabilities, particularly in the case of children with disabilities in indigenous communities and rural areas. 18. The Committee recommends that the State party: (a)Adopt, without delay, a comprehensive plan for putting an end to the institutionalization of children and adolescents with disabilities that provides for the effective participation of children and their families through organizations of persons with disabilities and that provides that budgetary allocations for referral centres and shelters are channelled into the creation of social inclusion programmes, community services and support networks that will include training for families and personal assistants; (b)Adopt measures for facilitating access to affordable universal health-care services for children with disabilities, particularly those in indigenous communities and rural areas.		2	E				1					1					
CO 2-3 El Salvador 2019	Autocode-ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 14. The Committee is concerned that children with disabilities are institutionalized on the basis of impairment, and that the State party continues to invest in residential institutions, without taking measures to ensure desinstitutionalization or investing in programmes for independent living in the community. It is also concerned: (a)By the lack of disaggregated data on the number of children with disabilities living in rural and indigenous communities and on measures taken to combat poverty in rural and urban areas; (b)By the lack of measures taken by the State party to ensure that children with disabilities can express their views freely on all matters affecting them, and concerned that their views are given due weight in accordance with their evolving capacities, on an equal basis with other children, and also concerned at the lack of measures to closely consult with and actively involve organizations of persons with disabilities, including of children with disabilities; (c)By the lack of transparency in legal proceedings concerning children with disabilities. 15. The Committee recommends that, in close consultation with organizations of persons with disabilities, including organizations of children with disabilities, the State party take immediate measures to desinstitutionalize children with disabilities living in residential centres, by developing and implementing comprehensive plans, with an adequate budget, for support services in the community, as well as social inclusion programmes. It also recommends that the State party: (a)Strengthen the collection of disaggregated data on the number of children with disabilities living in rural and indigenous communities, with a view to designing adequate public policies to combat marginalization and poverty among children with disabilities and their families; (b)Ensure that all children with disabilities can express their views freely in all matters affecting them, and that their views are given due weight in accordance with their evolving capacities, on an equal basis with other children, and that it consult and actively involve organizations of children with disabilities; (c)Take all measures necessary in order to ensure that legal proceedings are transparent and give effect to the principle of the best interests of the child in decisions concerning children with disabilities.		4	E				1	1			1	1			1		
CO 2-3 Germany 2023	Autocode-ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 15. The Committee is concerned about: (a)The lack of training of entities and their employees on applying the new Act to Strengthen Child and Youth Services in terms of the requirements of children with disabilities; (b)The high cost for parents of assistance services and inpatient treatment for children with disabilities; (c)The lack of disaggregated data on refugee children with disabilities and children with disabilities in refuge-like situations, widely varying conditions in reception facilities often not tailored to the requirements of children with disabilities and seemingly varying access to education, health care and cultural and leisure activities. 16. The Committee, recalling its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities, recommends that the State party: (a)Establish training programmes for entities and their employees applying the new Act to Strengthen Child and Youth Services on the requirements of children with disabilities, including children with intellectual and/or psychosocial disabilities; (b)Cover the disability-related costs of assistance services or inpatient treatment of children with disabilities; (c)Strengthen the collection of comprehensive disaggregated data on refugee children with disabilities and children with disabilities in refuge-like situations, ensure that all reception facilities accommodating children with disabilities meet their requirements, and guarantee access to education, health care and cultural and leisure activities to all refugee children with disabilities and children with disabilities in refuge-like situations. (CO 2-3 Germany 2023, Par. 56-66)		3	D				1	1				1					
CO 2-3 Hungary 2022	Autocode-ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 14. The Committee observes with concern that: (a)The State party applies the concept of the best interests of the child by giving priority to the opinions of experts and to institutional care; (b)The State party's legislation discriminates against children with disabilities through section 7 (2) a) of Act XXX of 1997 concerning the protection of children and the placement of children in 12 years old in foster families, which exempts children with disabilities requiring higher levels of support, allegedly in their best interests, and thereby perpetuates their institutionalization; (c)There is a lack of access to general community-based services for children with disabilities, including as a consequence of the "individual development" measure, which results in discrimination against children with disabilities. 15. With reference to the joint statement of the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities on the rights of children with disabilities (2022), the Committee recommends that the State party: (a)Ensure that the concept of the best interests of the child is applied by taking into consideration the human rights model of disability, including the right of children with disabilities to express their views freely on all matters affecting them, as well as their right to a family life, including foster care; (b)Repeal provisions in the Child Protection Act that still allow for the institutional placement of children with disabilities and ensure the equality of children with disabilities with other children with respect to their right to a family life; (c)Ensure access to the general community-based social and educational services for all children with disabilities on an equal basis with other children by providing the necessary support and assistance to them.		3	D				1				1						
CO 2-3 Mexico 2022	Autocode-ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 23. The Committee is concerned about: (a)The institutionalization of children with disabilities, and about the limited scope of specific measures taken to ensure that the rights of children with disabilities are protected, particularly in rural and remote areas, in indigenous communities and in migrant and refugee populations; (b)The lack of disaggregated data on children with disabilities, particularly on those living in institutions, on victims of violence and on those not attending school; (c)The insufficient measures adopted to ensure that children with disabilities can participate and express their views with respect to matters affecting them, such as legal proceedings, and the limited access to justice for children with disabilities, especially girls with disabilities who are victims of violence and abuse. 24. The Committee recommends that the State party: (a)Ensure that children with disabilities, especially those in rural and remote areas, in indigenous communities and in migrant and refugee populations, receive effective and appropriate protection, care and support, and are included in the community; (b)Compile disaggregated data on children with disabilities, particularly on those living in institutions, on victims of violence and on those not attending school; (c)Adopt measures allowing children with disabilities to express their views in all matters related to their lives, including in administrative and judicial proceedings.		3	F				1				1	1			1		
CO 2-3 Mongolia 2023	Autocode-ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 15. The Committee observes with concern the absence of consultation mechanisms in relation to children with disabilities that would enable them to express their views in all matters concerning them. 16. With reference to the Committee's joint statement with the Committee on the Rights of the Child on the rights of children with disabilities (2022), the Committee recommends that the State party establish a mechanism that respects the evolving capacity of children with disabilities to ensure that they can form their views and express them freely in all matters affecting them, and that these views are given due weight in accordance with the child's age and maturity, on an equal basis with other children, and develop measures to ensure age-appropriate assistance.		1	B				1				1				1		
CO 2-3 New Zealand 2022	Autocode-ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 11. The Committee is concerned about: (a)The lack of measures and standing mechanisms to ensure that children with disabilities, including Māori children with disabilities, are able to express their views in legislative and policy development and decision-making processes; (b)The lack of disaggregated data collected on children with disabilities, including by the Ministry of Education and Oranga Tamariki (Ministry for Children), to inform implementation of national frameworks on children, such as the child and youth well-being strategy. 12. The Committee, recalling the joint statement of the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities on the rights of children with disabilities, issued in 2022, recommends that the State party: (a)Establish measures and standing mechanisms to ensure that children with disabilities, including Māori children with disabilities, are able to express their views on an equal basis with other children; (b)Strengthen the collection of comprehensive disaggregated data on children with disabilities, including on Māori children with disabilities, to inform effective early intervention, particularly in the fields of education, care and protection, and youth justice.		2	C				1		1	1							
CO 2-3 Rep Korea 2022	Autocode-ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 15. The Committee observes with concern: (a)The absence of mechanisms to consult with children with disabilities and to enable them to express their views in all matters concerning them; (b)The lack of access to general community-based services for children with disabilities; (c)That only 0.03 per cent of playgrounds are inclusive, which results in discrimination against children with disabilities and prevents them from enjoying their right to play on an equal basis with others. 16. With reference to its joint statement, with the Committee on the Rights of the Child, on the rights of children with disabilities (2022), the Committee recommends that the State party: (a)Establish a mechanism that respects the evolving capacity of children with disabilities to ensure that they can form their views and express them freely in all matters affecting them, and that these views are given due weight in accordance with the child's age and maturity; (b)Implement a policy on inclusion of children with disabilities in all areas of life, including family life and community life, by developing community-based rehabilitation programmes for children with disabilities; (c)Review the Children's Play Facility Safety Management Act to ensure that playgrounds are inclusive and accessible for all children with disabilities.		3	E				1			1							
CO 2-3 Spain 2019	Autocode-ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 12. The Committee is concerned about: (a)The fact that children with disabilities are institutionalized in the State party and that measures taken to ensure the comprehensive desinstitutionalization of all children with disabilities are insufficient; (b)The lack of access to universal and accessible health-care services for children with disabilities, particularly in rural areas; (c)The lack of measures aimed at enabling children with disabilities to freely express their views on all matters affecting them on an equal basis with other children. 13. The Committee recommends that the State party: (a)Take immediate measures to end the institutionalization of children with disabilities by, inter alia, developing and implementing a strategy to promote safe and supported family settings in the community, with specific time frames and an adequate budget; (b)Ensure universal access to primary health-care services, including early intervention services, for all children with disabilities; (c)Ensure that all children with disabilities can express their views freely on all matters affecting them, by, inter alia, ensuring disability- and age-appropriate assistance for those children.		3	D				1	1		1		1	1			1	
CO 2-3 Tunisia 2023	Autocode-ANY: Children with disabilities (art. 7)	Children with disabilities (art. 7) 11. The Committee is concerned that inadequate consideration has been given by the State party to children with disabilities, notably regarding the following: (a)The lack of specific practical measures to raise awareness of their rights vis-à-vis other children, their parents and other family members and the staff and trained professionals working with and for children; (b)The absence of specific mechanisms and channels available to children with disabilities for expressing their views on all matters concerning them and ways to ensure that their views are taken into consideration; (c)The absence of measures taken to ensure that they fully participate on an equal basis with other children in any decision affecting them; (d)The report before the Committee on cases of abuse of children with disabilities in various settings, including in families and in learning institutions; (e)The outdated data on the household conditions and demographic situation of children with disabilities. 12. The Committee, recalling the joint statement of the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities on the rights of children with disabilities, of 2022, recommends that the State party: (a)Develop practical measures to strengthen awareness and enable the recognition of the rights of children with disabilities in all settings; (b)Take appropriate measures to address, identify and remove all forms of discrimination faced by children with disabilities in their day-to-day life; (c)Provide channels for children with disabilities to express their views on all matters concerning them and ensure that their views are taken into consideration and that they participate in all activities on an equal basis with other children; (d)Put in place all necessary measures to prevent violations of the rights of children with disabilities, including corporal punishment, abuse and violence; (e)Update and make available data on the household conditions and demographic situation of children with disabilities.		8	F				1	1	1	1						1	1

UNCRPD - Article 8 Awareness-raising
Note:

Grade	A	B	C	D	E	F	G	H
Score	0	1	2	3	4	5	6	7

Document Code	t name	Segment	Positive comment	Relevant (article / report / study)	Themes observed														
					No of issues	Stigma factor	Gender	Child SW	Human SW	Policy and practice	medical/physical	awareness raising	practices/negative image	convention (not in the training)	prevention	intersectoral			
CO 1 Austria 2013	Autocode- ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) The Committee notes with concern that there appear to be very few awareness-raising campaigns conducted in to counter negative and outdated stereotypes about persons with disabilities which foment discrimination. The Committee is concerned that throughout Austrian society there does not appear to be a complete understanding of the paradigm shift created by the human rights-oriented approach in the Convention. The Committee is also concerned at reports that persons with disabilities face practical obstacles in matters of adoption and that that attitude is partly attributable to persisting prejudices and stereotypes against persons with disabilities. The Committee encourages the State party to take initiatives in relation to awareness-raising to effectively transform the old-fashioned charity model of disability and the perception of persons with disabilities as being in need of protection, and make efforts to reinforce a positive image of persons with disabilities as holders of all the human rights recognized in the Convention. Furthermore, the State party should, in consultation with disabled persons' organizations, take specific measures, including awareness-raising campaigns, aimed at eliminating prejudices. The Committee further recommends that specific programmes be established, in consultation with disabled persons' organizations, to address negative stereotypes and all practical impediments faced by persons with disabilities in relation to adoption.			3	0	D				1	1	1						
CO 1 China 2012	Autocode- ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) The Committee is concerned that the medical model of disability prevails in the awareness-raising attempts of the State party, which is not in accordance with the spirit of the Convention. It is especially concerned with awareness-raising events such as the "All-China Occupational Skills Contest for Persons with Disabilities" and the "Million Young Volunteers to Help Persons with Disabilities" programme that depict persons with disabilities as helpless and dependent human beings segregated from the rest of society. The Committee wishes to again remind the State party of the Convention's human rights model of disability and asks the State party to promote this concept of persons with disabilities as independent and autonomous rights holders in its awareness-raising programmes. It urges the State party to inform all persons with disabilities, especially those living in rural areas, of their rights, specifically the right to receive minimum welfare subsidies and the right to attend school. The Committee recommends the State party introduce an awareness-raising programme that shows the society positive perceptions of persons with disabilities.			1	1	C				1	1							
CO 1 Ecuador 2014	Autocode- ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) 20. The Committee is concerned that the prevention of disabilities is considered a State policy relating to the rights of persons with disabilities. The prevention of disabilities is not a policy that should be included in the promotion of the rights of persons with disabilities, because it tends to create a negative image of them. 21. The Committee recommends that the State party amend public policy so that the prevention of disabilities is not considered a policy that promotes the rights of persons with disabilities.			1	0	B				1		1						
CO 1 El Salvador 2013	Autocode- ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) 21. The Committee is concerned about the lack of national awareness-raising campaigns designed to combat negative stereotypes of persons with disabilities. It is also concerned about the fact that organizations of persons with disabilities do not benefit from training programmes on the Convention. 22. The Committee recommends that the State party launch public information campaigns on the Convention and its application in the various spheres of life, in conjunction with organizations of persons with disabilities. It recommends promoting disability education as a cross-cutting theme in university courses. The Committee recommends that the State promote training programmes on the Convention for persons with disabilities and their representative organizations, in accessible formats and media			2	0	C				1	1	1	1					
CO 1 Germany 2015	Autocode- ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) 19. The Committee is concerned that the measures put in place by the State party to reduce stigma faced by persons with disabilities, especially persons with psychosocial and/or intellectual disabilities, have been ineffective. 20. The Committee recommends that, in consultation with organizations representing persons with disabilities, the State party: (a) Develop a strategy to raise awareness and eliminate discrimination, ensuring that its preparation and implementation are evidence-based, that its impact can be measured and that the public and private media are involved; (b) Ensure that awareness-raising and human rights-based training programmes are provided for all officials involved in the promotion, protection and/or implementation of the rights of persons with disabilities.			1	0	B				1		1						
CO 1 Mexico 2014	Autocode- ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) 17. The Committee is concerned that a substantial part of the resources for rehabilitating persons with disabilities are administered by a private entity such as Telefon. It also observes that the relevant campaign promotes the stereotype that persons with disabilities are the object of charity. 18. The Committee urges the State party to establish a clear distinction between the private nature of Telefon campaigns and the State's obligation to rehabilitate persons with disabilities. It also recommends that the State party develop campaigns to raise awareness of persons with disabilities as rights holders.			2	0	C				1		1		1				
CO 1 Mongolia 2015	Autocode- ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) 14. The Committee is concerned about negative attitudes towards persons with disabilities in the State party, as manifested in everyday language, the media and events such as "disability prevention day", which represents a concept that is contrary to the principles of the Convention. The Committee notes that the measures for raising awareness of issues concerning the rights of persons with disabilities are inadequate, as even persons with disabilities and their families, let alone the general public and the relevant professionals, are not exposed to such issues. Furthermore, the Committee is concerned that the disability issue in general appears to be confined to physical disabilities and that inadequate attention is accorded to intellectual and psychosocial disabilities. 15. The Committee recommends that the State party strengthen awareness-raising campaigns aimed at fostering a positive image of persons with disabilities as autonomous holders of human rights. In doing so, the State party should recognize, in such campaigns, the cross-cutting nature of the Convention, particularly with regard to articles 5, 12, 13 and 27, and adopt human rights-based models of disability as a key strategy to strengthen positive connotations and greater awareness of the diversity of disabilities. The Committee recommends that the State party make more efforts to promote the International Day of Persons with Disabilities.			3	0	D				1	1	1	1	1				
CO 1 Paraguay 2013	Autocode- ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) 21. The Committee notes with concern that awareness-raising campaigns on persons with disabilities have been designed using the medical model and favour prevention activities over recognition of persons with disabilities as the holders of rights. It is also concerned at the fact that the State party has not run any campaigns to eliminate negative attitudes to persons with disabilities, notably in the world of work. 22. The Committee urges the State party to encourage extensive awareness-raising campaigns to reinforce the positive image of persons with disabilities as holders of all the human rights recognized in the Convention. It particularly urges the State to fully inform persons with disabilities – and society at large – about their human rights, using various formats, media and modes of communication such as Braille and sign language and other accessible formats, and to encourage a culture of respect for those rights by means of information, communication and education.			2	0	C				1	1	1	1					
CO 1 Peru 2012	Autocode- ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) While taking note of some steps taken by the State party to raise awareness on the rights of persons with disabilities, such as the national radio broadcasts, the Committee remains concerned at the insufficiency of these measures and at the existence of private fundraising initiatives using negative stereotypes and charity based approach (such as the Peruvian Telethon). The Committee draws the attention of the State party to the fact that far from promoting rights and empowering persons with disabilities, these campaigns perpetuate and reproduce stigma and, thus hinder the possibility of constructing a culture in which persons with disabilities are recognized as part of human diversity and society. The Committee calls upon the State party to take proactive measures to enhance awareness of the Convention and its Optional Protocol at all levels, to develop policies and programmes implemented to ensure elimination of stereotypes and to focus on the dignity, capabilities and contributions to society of persons with disabilities.			1	0	B				1	1	1	1	1				
CO 1 Rep Korea 2014	Autocode- ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) The Committee notes that the State party fails to systematically and continuously publicize, and educate government officials, members of Parliament, the media and the general public on the contents and purpose of the Convention. The Committee encourages the State party to strengthen awareness-raising campaigns to reinforce the positive image of persons with disabilities as holders of human rights. In particular, it recommends that the State party systematically and continuously publicize, and educate government officials, members of Parliament, the media and the general public on, the contents and purpose of the Convention.			1	0	B								1				
CO 1 Spain 2011	Autocode- ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) 25. The Committee commends the many initiatives taken by the State party to implement the Convention. However, it notes that more needs to be done to increase awareness in society, in the media and among persons with disabilities themselves of the rights of persons with disabilities. 26. The Committee calls upon the State party to take proactive measures to enhance awareness of the Convention and the Optional Protocol thereto at all levels, in particular among the judiciary and the legal profession, political parties, Parliament and Government officials, civil society, media, and persons with disabilities, as well as among the general public.	1		1	0	B				1								
CO 1 Tunisia 2011	Autocode- ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) 18. The Committee notes the strategy of information, education and communication to raise awareness on persons with disabilities, including training for judicial and education personnel. The Committee, however, regrets the lack of information about training provided to other public officials on the Convention. 19. The Committee encourages the State party to establish awareness-raising and training programmes that are in conformity with the principles of the Convention for all officials involved in the promotion, protection or implementation of the rights of persons with disabilities, including officials at the local level dealing with persons with disabilities.	1		1	0	B				1								

UNCRPD - Article 8 Awareness-raising
Note:

Grade	A	B	C	D	E	F	G	H
Score	0	1	2	3	4	5	6	7

Document name	Code	Segment	Positive comment	References media report / depts	No of issues	Serious factors	Crimes	Crimes law	Hypocrisy law	Policy and practice	Medical physical	Awareness raising	Prejudice / negative image	Themes observed															
														International	Prevalence	Convention (not in the training)	Individual												
CO 2-3 Australia 2019	Autocode - ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) 15. The Committee is concerned about the lack of concerted efforts at all levels and about the low level of participation of persons with disabilities, particularly women, Aboriginal and Torres Strait Islander persons, persons with disabilities from culturally and linguistically diverse backgrounds and lesbian, gay, bisexual, transgender, intersex and queer persons with disabilities, through their representative organizations, to promote awareness-raising efforts about disability, including campaigns promoting a positive image and awareness of the contribution of persons with disabilities, in line with the Convention. 16. The Committee recommends that the State party develop a national government strategy to promote a positive image and awareness of the rights of all persons with disabilities and that it ensure the consultation and participation of representative organizations of persons with disabilities, particularly women, Aboriginal and Torres Strait Islander persons, persons with disabilities from culturally and linguistically diverse backgrounds and lesbian, gay, bisexual, transgender, intersex and queer persons with disabilities, in the development and delivery of all awareness-raising activities.			1	0	B							1															
CO 2-3 Austria 2023	Autocode - ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) The Committee notes with concern that awareness of the principles and rights enshrined in the Convention and of the obligations the States parties incur with its ratification seems to be insufficiently developed, particularly in the governments of the Länder. The Committee recommends the State party, on the Federal level and particularly on the level of the Länder, institute, in close consultation with and the active participation of organizations of persons with disabilities, awareness-raising programs on the principles and rights enshrined in the Convention, the obligations incurred by the State party, including the Länder, and on the specific impact of the present recommendations, directed to all persons holding political and judicial office, for government employees, and for medical personnel. While the Committee recognizes women's rights to reproductive autonomy, it expresses concern that § 67 (1) 2. of the Criminal Code accepts the "serious risk that the child will be mentally or physically seriously damaged" as a specific ground for abortion. The Committee recommends that the State party define the permissible grounds for an abortion without reference to the child's impairments.			2	1	D		1					1															
CO 2-3 China 2022	Autocode - ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) 20. The Committee is concerned about the persistence of the medical model of disability and insufficient awareness-raising measures to promote the recognition of persons with disabilities as independent and autonomous rights holders, leading to harmful attitudes and behaviors, including stigmatization, discriminatory language and domestic violence against persons with disabilities. 21. The Committee recommends that the State party, in close consultation with, and with the active involvement of, persons with disabilities: (a) Adopt a national strategy in order to raise awareness among all persons with disabilities, including in rural areas, about their rights under the Convention and to provide them with information about measures taken to protect their rights; (b) Implement comprehensive awareness-raising programmes, including training, on the rights of persons with disabilities and the human rights model of disability for policymakers, the judiciary, law enforcement officers, the media, educators, professionals working with and for persons with disabilities, the general public and families of children with disabilities.			1	1	C					1	1	1															
CO 2-3 Ecuador 2019	Autocode - ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) 18. The Committee is concerned at the persistence of stereotypes and harmful attitudes in the State party towards persons with disabilities and particularly towards those persons who are faced with multiple and intersecting forms of discrimination. It is also concerned the media campaigns being run by private organizations that use a charity-based approach. 20. The Committee recommends that the State party: (a) Reinforce and increase intensive training courses on the rights of persons with disabilities from a human rights perspective for students, judges and personnel in the judicial branch, health-care professionals and members of the community at large; (b) Carry out media campaigns aimed at eliminating prejudices, stereotypes and harmful practices, especially those focusing on persons with psychosocial or intellectual disabilities; (c) Take steps to ensure that autonomous decentralized municipal governments discourage charity-based campaigns.			2	0	C								1		1	1											
CO 2-3 El Salvador 2019	Autocode - ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) 16. The Committee is concerned that the State party's awareness-raising efforts remain limited to isolated and sporadic campaigns and training programmes, which lack a focused plan for raising awareness in all spheres about respect of the rights of persons with disabilities, including among education personnel, the judiciary, law enforcement officials, staff in the health sector, and at the family and community level. 17. The Committee recommends that the State party launch an intensive awareness-raising strategy, that includes training programmes and media campaigns, based on the human rights model of disability, for judges, lawmakers, law enforcement officials and health and education personnel, in order to eliminate prejudices, stereotypes and harmful practices against persons with disabilities, especially persons with psychosocial or intellectual disabilities, and to promote recognition of their rights in society.			1	0	B							1															
CO 2-3 Germany 2023	Autocode - ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) 17. The Committee is concerned about: (a) The lack of a comprehensive national strategy for awareness-raising activities and campaigns to foster respect for the rights and dignity of persons with disabilities and to advance sustained and systemic attitudinal change; (b) The inaccuracies in the official German translation of the Convention, which are conducive to substantive misinterpretations. 18. The Committee recommends that the State party: (a) Adopt and fund a comprehensive national strategy to raise awareness throughout society, in particular among persons with disabilities and their families, professional groups, the media and government officials at all levels, regarding the rights and dignity of persons with disabilities, in order to combat stereotypes, prejudice and harmful practices in all aspects of life and advance sustained and systemic attitudinal change; (b) Revise the official German translation of the Convention, in close consultation with and with the active involvement of organizations of persons with disabilities, in order to accurately reflect its meaning in all aspects.			2	1	D					1		1															
CO 2-3 Hungary 2022	Autocode - ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) 16. The Committee is concerned about the prevailing negative stereotypes about persons with disabilities, particularly with respect to persons with psychosocial disabilities and persons with intellectual disabilities. 17. The Committee recommends that the State party, with the close involvement of organizations of persons with disabilities, develop awareness-raising programmes, including through media coverage, for combating negative disability-related stereotypes and foster respect for the dignity, skills, merits and abilities of persons with disabilities and their contribution to society.			1	0	B							1															
CO 2-3 Mexico 2022	Autocode - ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) 25. The Committee is concerned that a welfare and medical model of disability is still prevalent in the public perception of disability; that the rights of children, adolescents and women with disabilities and sexual and reproductive health rights of persons with disabilities are subject to public prejudice, stereotyping and harmful practices; and that the "Tiesha" campaigns still reinforce a view of persons with disabilities as recipients of society's charity. 26. The Committee recommends that the State party develop and implement, with the involvement of persons with disabilities, comprehensive awareness-raising programmes with the goal of promoting a human rights model of disability and awareness of the rights of children, adolescents and women with disabilities and of sexual and reproductive health rights of persons with disabilities. It further recommends that the State party bring "Tiesha" campaigns fully into line with these goals.			2	0	C					1	1																
CO 2-3 Mongolia 2023	Autocode - ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) 17. The Committee is concerned about the lack of awareness-raising campaigns and initiatives on the human rights-based model of disability and other disability issues across the general public, public officials and media with reference to the persistence of discriminatory attitudes, stigma, negative stereotypes and prejudices towards persons with disabilities, particularly women and children with disabilities, persons with intellectual disabilities and persons with psychosocial disabilities. It is also concerned at the absence of a long-term strategy for raising awareness about the rights of persons with disabilities with the effective participation of persons with disabilities. 18. The Committee recommends that the State party: (a) Adopt a comprehensive national strategy, in close consultation with and with the active involvement of organizations of persons with disabilities, to raise awareness of and combat prejudices against persons with disabilities, and monitor its impact; (b) Introduce regular training and awareness-raising modules about the human rights-based model of disability and the rights of persons with disabilities at all levels of education, for policymakers, the judiciary, law enforcement officials, the media, politicians, educators, professionals working with and for persons with disabilities, as well as for the general public, in all accessible formats and with the active involvement of persons with disabilities, in order to foster respect for the dignity, abilities and contributions of all persons with disabilities. Furthermore, the Committee encourages the State party, in collaboration with organizations of persons with disabilities, to develop and carry out training initiatives aimed at all public sector officials, as well as the general public, on understanding and implementing the human rights-based model of disability.			2	0	C					1	1																
CO 2-3 New Zealand 2022	Autocode - ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) 13. The Committee is concerned about: (a) The lack of a comprehensive national strategy for awareness-raising activities and campaigns to foster respect for the rights and dignity of persons with disabilities and to create sustained and systemic attitudinal change; (b) The limited participation of persons with disabilities and their representative organizations, particularly underrepresented groups, such as persons of small stature in awareness-raising programmes on the rights of persons with disabilities. 14. The Committee recommends that the State party: (a) Adopt and fund a comprehensive national strategy to raise awareness throughout society, particularly among persons with disabilities, their parents and families, professional groups, the media and government officials at all levels, regarding the rights and dignity of persons with disabilities, in order to combat stereotypes, prejudice and harmful practices in all aspects of life and to create sustained and systemic attitudinal change; (b) Strengthen measures for close consultation and active participation of organizations of persons with disabilities, including underrepresented groups of persons with disabilities in the design, development and delivery of awareness-raising programmes about the rights and dignity of persons with disabilities.			2	0	C							1															
CO 2-3 Rep Korea 2022	Autocode - ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) 17. The Committee is concerned about: (a) The lack of awareness-raising campaigns about the dignity, abilities and rights of persons with disabilities in society and in the media and the absence of a long-term strategy for raising awareness about the rights of persons with disabilities with the effective participation of persons with disabilities; (b) The persistence of discriminatory attitudes, negative stereotypes, prejudices, widespread hate and demeaning expressions towards persons with disabilities, including autistic persons, persons with psychosocial disabilities and/or intellectual disabilities in political discourse and on social media. 18. The Committee recommends that the State party: (a) Adopt a national strategy, in close consultation with and with the involvement of organizations of persons with disabilities, to raise awareness of and combat prejudices against persons with disabilities, and monitor its impact; (b) Introduce regular training and awareness-raising modules about the rights of persons with disabilities at all levels of education, for policymakers, the judiciary, law enforcement officials, the media, politicians, educators, professionals working with and for persons with disabilities and the general public, in all accessible formats and with the active involvement of persons with disabilities, in order to foster respect for the dignity, abilities and contributions of all persons with disabilities.			2	1	D						1	1															
CO 2-3 Spain 2019	Autocode - ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) 14. The Committee is concerned about: (a) The limited change in the social perception of persons with disabilities achieved through awareness-raising programmes and the lack of focus of those programmes on the dignity and rights of persons with disabilities; (b) The continued stigmatization of persons with psychosocial disabilities in the media and by the pharmaceutical industry, which is dangerous to society; (c) The continued negative stereotyping and degrading portrayal of persons with disabilities, such as the portrayal of persons with dwarfism bullying in comedy programmes on mainstream media channels. 15. The Committee recommends that the State party take measures, in partnership with self-advocacy organizations of persons with disabilities, to design, launch and maintain public awareness and media campaigns aimed at eliminating negative stereotypes towards persons with disabilities, promoting the recognition of and respect for their rights and encouraging a positive perception of and improved social awareness about those persons in society.			3	0	D							1	1														
CO 2-3 Tailandia 2023	Autocode - ANY: Awareness-raising (art. 8)	Awareness-raising (art. 8) 13. The Committee is concerned that persons with disabilities, through their representative organizations, have not been meaningfully involved in the design, implementation and monitoring of the awareness-raising programmes run by the State party, as they have not been involved in the development of related national policies and action plans. It is also concerned that, whereas the State party has indicated that the Convention has been produced in simplified format for different levels of education and different age groups for persons with disabilities, the materials have yet to reach most of the intended target groups. 14. The Committee, in accordance with the Convention and its general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, recommends that the State party: (a) Take the steps necessary without further delay, to ensure that persons with disabilities, including women and children, through their representative organizations, are effectively and meaningfully involved in the development of policies and the design, implementation and monitoring of awareness-raising programmes and action plans in accordance with the Convention and as established in the Committee's general comment No. 7 (2018); (b) Take immediate measures to enhance the dissemination of the Convention and the production of awareness-raising materials and meaningfully involve persons with disabilities, through their representative organizations, in the development and distribution process, and to ensure that the simplified formats of the Convention reach the intended target groups, within a reasonable time frame, and issue public reports and data about them.			2	0	C						1																

UNCRPD - Article 9 Accessibility

Grade	A	B	C	D	E	F	G	H
Score	0	1	2	3	4	5	6	7

Document name	Code	Segment	Themes observed															
			Positive comment	Retention / impact / urgent?	No. of issues	Without factor	Grade	Creates law	Hygiene law	policy and practice	compliance	resources	lack of information	Ref to GC	public transport	rural	ITC/WEB	Building / physical accessibility
CO1 Argentina 2012	Autocode - ANY: Accessibility (art. 9)	Accessibility (art. 9) 17. The Committee takes note of the State party's current legislation on accessibility for persons with disabilities. However, it notes with concern that, despite the establishment of the Advisory and Monitoring Committee, the State party does not have effective mechanisms for overseeing and evaluating compliance with accessibility legislation in all the areas covered by the Convention or for regulating and monitoring the imposition of sanctions for non-compliance. The Committee is also concerned about the challenge posed by the State party's federal structure in terms of the achievement of full accessibility for all persons with disabilities in every province and municipality in its territory. 18. The Committee recommends that the State party establish effective mechanisms for monitoring and evaluating compliance with accessibility laws in the State party and that it take the necessary measures to facilitate the alignment of the relevant federal and provincial legislation with the Convention and the development of implementation of accessibility plans. The Committee also urges the State party to ensure that private entities take due account of all aspects of accessibility for persons with disabilities.	1	2	0	C			1	1								
CO1 Australia 2013	Autocode - ANY: Accessibility (art. 9)	Accessibility (art. 9) 20. The Committee notes that the Disability Standards for Accessible Public Transport 2002 and the Disability (Access to Premises – Buildings) Standards 2010 introduce regulations to address accessibility barriers for persons with disabilities. However, it remains concerned at the level of compliance with accessibility standards and regulations in the State party. 21. The Committee recommends that sufficient resources be allocated to ensure the monitoring and implementation of the disability standards and requirements.		1	0	B			1	1	1		1					
CO1 Austria 2013	Autocode - ANY: Accessibility (art. 9)	Accessibility (art. 9) The Committee commends the State party for its achievements in the areas of accessibility to buildings, transportation and information. The Committee notes that various cities and Länder have developed plans for improving accessibility to facilities. However, it is concerned that accessibility is poor in some areas, particularly outside of larger cities in the State party. It is particularly concerned that in at least one Land, a minimum number of people is required for the establishment of barrier-free accessibility to public facilities. The State party should also ensure barrier-free information-communication accessibility to Austrian media, in particular the Austrian broadcasting corporation, ORF. The Committee recommends that the State party develop an overarching inclusive approach to accessibility in accordance with article 9 of the Convention on the Rights of Persons with Disabilities. Accessibility standards for buildings should not be restricted by minimum size or capacity, but should apply to all public facilities in accordance with article 9 of the Convention. The Committee also recommends that the timelines for the staged plans currently being implemented in some cities and Länder as well as the plan for subsidizing ORF programmes be decreased.	1	1	2	D			1				1				1	1
CO1 China 2012 HK	Autocode - ANY: Accessibility (art. 9)	Accessibility (art. 9) While appreciating the State party's advancements concerning accessibility in urban areas, the Committee takes note of the lack of information concerning both the accessibility in rural areas and the effects of non-compliance with accessibility measures and monitoring and evaluating accessibility. The Committee asks the State party to provide such information in its next report. Considering the large proportion of persons with disabilities who live in rural areas (75 per cent), it specifically urges the State party to ensure that accessibility is guaranteed not only in urban, but also in rural areas. It also asks the State party not to restrict the barrier-free infrastructure to environments often frequented by persons with disabilities. Accessibility (art. 9) While noting that Hong Kong, has improved the barrier-free access of government buildings, leisure and cultural facilities and public housing in recent years, the Committee is concerned that persons with disabilities still face difficulties in terms of accessibility. The Committee especially regrets that the building standards set out in the "Design Manual – Barrier-Free Access" do not apply retroactively and that they are not applicable to premises under the management of the government or the housing authority. The Committee is concerned that the monitoring mechanism to evaluate the accessibility of buildings is insufficient, thus restricting the ability of persons with disabilities to live independently in the community. The Committee encourages to continue reviewing the "Design Manual – Barrier-Free Access" and apply these standards retroactively to premises under the management of the government or the housing authority as well. It recommends that Hong Kong, strengthen the monitoring process of accessibility.	1	1	3	E			1		1				1		1	1
CO1 Ecuador 2014	Autocode - ANY: Accessibility (art. 9)	Accessibility (art. 9) 22. The Committee is concerned that: (a) the concept of accessibility contained in the Ecuadorian Technical Regulation does not cover matters relating to information and communication, including information and communication technology (ICT) and simplified language tools as set out in the Committee's general comment No. 2 (2014) on accessibility; (b) contrary to the provision contained in the Committee's general comment No. 2, public transport networks in Ecuador are not yet accessible to persons with disabilities, who have to use more challenging transport options to carry out their daily activities; (c) although guidelines on the accessibility of web content were adopted in January 2014, their implementation has been delayed, particularly in the case of websites providing government information. 23. The Committee recommends that the State party: (a) Amend the Ecuadorian Technical Regulation so that it includes specific accessibility requirements relating to information, communication and technology and to simplified language tools; (b) Launch a comprehensive programme to adapt public transport in Ecuador, including in rural areas, so that all transport becomes accessible within a pre-agreed time frame; (c) Step up efforts to implement regulation NTE NEN-ISO/IEC 40500:2012 "Information technology – World Wide Web Consortium (W3C) Web Content Accessibility Guidelines (WCAG) 2.0" so that persons with disabilities can have access to the Internet and ensure that the Guidelines are binding, particularly on the websites of public institutions offering various services to persons with disabilities.			3	D			1				1	1			1	
CO1 El Salvador 2013	Autocode - ANY: Accessibility (art. 9)	Accessibility (art. 9) 23. The Committee is concerned at the absence of a mechanism monitoring compliance with accessibility standards and the lack of technical aids provided to low-income persons with disabilities. The Committee is also concerned at the lack of efforts to ensure access in rural areas and community services. 24. The Committee recommends that the State party: (a) Establish a mechanism to monitor laws on accessibility, involving organizations of persons with disabilities, and impose penalties for non-compliance; (b) Urgently adopt an action plan on accessibility that includes all aspects covered in article 9 of the Convention, allocates a larger budget and focuses on rural areas.			3	D			1	1					1			
CO1 Germany 2015	Autocode - ANY: Accessibility (art. 9)	Accessibility (art. 9) 21. The Committee is concerned about the lack of binding obligations for private entities, particularly private media and websites, to avoid creating new barriers and to remove existing barriers relating to accessibility and about the inadequacy of regulations governing accessibility and universal design. 22. The Committee draws the attention of the State party to its general comment No. 2 (2014) on accessibility, and recommends that the State party: (a) Introduce targeted and effective measures, such as obligations, monitoring mechanisms and effective penalties for infringement, to extend accessibility for persons with disabilities in all sectors and areas of life, including the private sector; (b) Encourage public and private broadcasting bodies to evaluate their work comprehensively regarding the implementation of the right to accessibility, especially with respect to the use of sign language.		2	0	C			1	1			1				1	
CO1 Hungary 2012	Autocode - ANY: Accessibility (art. 9)	Accessibility (art. 9) The Committee notes with appreciation that the State party has set deadlines for fulfilling the provisions of the law for accessibility of public services rendered by the State (31 December 2010), the accessibility of educational, health and social services as well as that of municipally civic services (31 December 2008, 2009 and 2010 respectively) and allocated considerable funds for the removal of barriers by 2011, 2012 and 2013. However, the Committee is concerned that the above-mentioned deadlines have not been fully met and that there are initiatives to postpone them further. The Committee is also concerned about the financial challenges faced by the authorities charged with monitoring the implementation of the accessibility legislation. The Committee calls upon the State party to undertake efforts to meet the deadlines for removal of accessibility barriers set in its own legislation and policies, without any postponement of the set deadlines. The Committee calls upon the State party to additionally strengthen the monitoring mechanisms in order to ensure accessibility and to continue providing sufficient funds for the removal of accessibility barriers and the continued training of relevant monitoring staff.	1		2	C			1	1	1							
CO1 Mexico 2014	Autocode - ANY: Accessibility (art. 9)	Accessibility (art. 9) 19. The Committee notes with concern that the State party's current legal framework on accessibility for persons with disabilities does not address all the aspects covered by article 9 of the Convention. The Committee is also concerned that the State party has no specific mechanisms for evaluating compliance with accessibility legislation in all the areas covered by the Convention. 20. The Committee recommends that the State party: (a) Accelerate the regulation process in connection with the laws on accessibility, in keeping with the Committee's general comment No. 2 on accessibility (2014); (b) Establish monitoring and complaints mechanisms and define effective penalties for non-compliance with accessibility laws; (c) State measures to ensure that accessibility plans encompass existing buildings, in addition to new constructions; (d) Design and implement a national accessibility plan applicable to the physical environment, transport, information and communications, including information and communications systems and technologies and other services and facilities open or provided to the public; and (e) Ensure that private entities duly consider all aspects of accessibility for persons with disabilities and those that are subject to penalties for non-compliance.		2	1	D			1	1	1				1	1	1	1
CO1 Mongolia 2016	Autocode - ANY: Accessibility (art. 9)	Accessibility (art. 9) 16. The Committee is concerned that the State party's measures on accessibility have tended to be limited to the physical aspects of accessibility and to overlook other barriers relating to accessibility and information and communications technologies. In particular, the Committee is concerned that Braille and sign language have not been legally recognized in the State party and that there is currently only one television channel with severely limited broadcasts of accessible content. Furthermore, while noting the positive steps taken by the State party to enact legislation to promote accessibility, the Committee is concerned that the resources and enforcement measures needed for the effective implementation of such legislation remain inadequate. 17. The Committee recommends that the State party broaden its policy on accessibility to remove barriers to information and communications technologies, in order to better enable persons with disabilities to access legal and other services and Braille, and take measures to improve the quantity and diversity of media content accessible to persons with disabilities; increase the level of resources allocated to measures aimed at ensuring access to public transport, buildings and public spaces; and strengthen its monitoring and enforcement mechanisms on accessibility. This should include ensuring commensurate sanctions for the non-fulfillment of accessibility standards stipulated by legislation, in line with the Convention and the Committee's general comment No. 2 (2014) on accessibility.	1	3	0	D			1	1	1						1	1
CO1 New Zealand 2014	Autocode - ANY: Accessibility (art. 9)	Accessibility (art. 9) The Committee notes the review into access to building for people with disabilities which the Government commissioned in late 2013. This review is now being evaluated by a reference group. The Committee recommends that the State party enact measures to ensure that all public buildings, as well as public web pages providing services for all, are made accessible to persons with disabilities, and recommends that consideration be given to ensuring that new future private houses are made fully accessible. The Committee also recommends that the extension of factories and industrial premises where fewer than 10 people are employed, from the accessibility requirements of the Building Act 2004 and the Building Code, be discontinued.			2	C			1	1								1
CO1 Paraguay 2013	Autocode - ANY: Accessibility (art. 9)	Accessibility (art. 9) 23. The Committee notes the approval of the Act on Accessibility of the Physical Environment for Persons with Disabilities; it is, however, concerned at the complete absence of any standards for the accessibility of information and communication and of information and communication technologies (ICTs), the gaps in implementation, the narrow definition of accessibility and in particular the lack of mechanisms to monitor the adoption of accessibility standards. It also regrets the absence of specific action to ensure the accessibility of public facilities, and of guarantees of implementation in the private sector, and the complete lack of information or provisions on accessibility in the departments and municipalities of. 24. The Committee urges the State party to implement the Act on Accessibility of the Physical Environment for Persons with Disabilities, setting time frames for modification of infrastructure and buildings, and establishing oversight mechanisms and means of penalizing non-compliance, in consultation with disabled persons' organizations, which should be authorized to assist in monitoring implementation. 25. The Committee recognizes the State party's efforts to train the staff of public transport systems. It regrets, however, the absence of a legal framework instituting a requirement of accessibility in public transport. 26. The Committee urges the State party to adopt provisions and instruments regulating and implementing, in accordance with articles 1 and 9 of the Convention, the accessibility of public transport at the national level that covers infrastructure and conveyances, signage and map design in accessible and easy-to-understand formats.	1	4		E			1	1	1		1					
CO1 Peru 2012	Autocode - ANY: Accessibility (art. 9)	Accessibility (art. 9) The Committee regrets the lack of information on the level of implementation of the State's requirement to have, by 2010, 60 per cent of public facilities accessible for persons with disabilities, as well as the absence of information on compliance with accessibility standards by private companies. The Committee urges the State party to speed up the plans and programmes directed to make public facilities, communications and public transportation, in the urban and rural areas, accessible for persons with disabilities and to ensure that private entities duly take into account all aspects of accessibility for persons with disabilities.		2	0	C							1				1	
CO1 Rep Korea 2014	Autocode - ANY: Accessibility (art. 9)	Accessibility (art. 9) The Committee is concerned about the low number of accessible buses and taxis in rural and urban areas. It is also concerned that accessibility standards for buildings are restricted by minimum size, capacity and date of construction and have not yet been applied to all public buildings. The Committee is further concerned that many websites remain inaccessible for persons with visual impairment, and that web accessibility catering for each disability type, such as hearing impairment and intellectual and psychosocial disabilities, remains weak. The Committee recommends that the State party review current public transportation policies, with a view to ensuring that persons with disabilities can use all types of public transportation safely and conveniently. It encourages the State party to apply accessibility standards to all public facilities and workplaces, regardless of their size, capacity or date of construction, in accordance with article 9 of the Convention and the Committee's general comment No. 2 (2014) on accessibility. The Committee further recommends that the State party amend the relevant laws to ensure that all persons with disabilities can gain access to information via Internet websites on an equal basis with others, and facilitate access to smart phones for persons with visual and other impairments.			3	D			1						1	1		1
CO1 Spain 2011	Autocode - ANY: Accessibility (art. 9)	Accessibility (art. 9) 27. The Committee takes note that Act 26/2011 introduces regulatory amendments that will shorten the timelines for meeting accessibility requirements in public facilities and with respect to goods and services available to the public. However, it remains concerned at the low level of compliance with these requirements, in particular at the regional and local levels, in the private sector, and in relation to existing facilities. The Committee is aware of situations of discrimination faced by air passengers with disabilities, including situations of denial of boarding. The Committee reminds the State party that article 9 of the Convention also requires States to ensure access to information and communication. 28. The Committee recommends that sufficient financial and human resources be allocated as soon as possible to implement, promote and monitor compliance with accessibility legislation through national measures as well as through international cooperation.	1	2	0	C			1	1	1							
CO1 Tunisia 2011	Autocode - ANY: Accessibility (art. 9)	Accessibility (art. 9) 20. The Committee takes note of the National Strategy on environmental management and the implementation of the first Action Plan in this area, covering the period 2008-2010. However, it remains concerned that gaps continue to impede full accessibility for persons with disabilities, on an equal basis with others, to all facilities and services open or provided to the public, including access to information, communications and transport. 21. The Committee recommends that the State party, in close consultation with persons with disabilities and their representative organizations, undertake a comprehensive review of the implementation of article 9 of the Convention in order to identify, monitor and address those gaps. It records that awareness-raising programmes be considered for the relevant professional groups and all stakeholders. It further recommends that sufficient financial and human resources be allocated as soon as possible to implement the national plan on accessibility for existing and future infrastructure.	1	2	0	C			1						1			1

UNCRPD - Article 9 Accessibility
 Note: Recommendations often used to court issues in this article.

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	

Document name	Code	Segment	Positive comment	Relevant financial target/ indicator	No. of states	Special factor	Grade	Themes observed									
								1	2	3	4	5	6	7	8	9	10
CO-2-3 Australia 2019	Autocode - ANY Accessibility (art. 9)	Accessibility (art. 9) 11. The Committee is concerned about: (a) The lack of a national framework for reporting compliance with the Disability Standards for Accessible Public Transport 2002, the Disability (Access to Premises – Buildings) Standards 2010 and the National Standards for Disability Services; (b) The significant proportion of the existing built environment that is inaccessible and the lack of mandated national access requirements for housing in the National Construction Code; (c) The lack of comprehensive and effective measures to implement the full range of accessibility obligations under the Convention, including the lack of information and communications technologies and systems. 16. In the light of article 9 of the Convention and its general comment No. 2 (2014) on accessibility, the Committee recommends that the State party, taking into account goal 9 and targets 11.2 and 11.7 of the Sustainable Development Goals: (a) Establish and enact a national framework for reporting compliance with the Disability Standards for Accessible Public Transport 2002, the Disability (Access to Premises – Buildings) Standards 2010 and the National Standards for Disability Services; (b) Amend the federal law by including mandatory rules on access for all new and extensively modified housing; (c) Take the necessary legislative and policy measures, such as the development of public procurement criteria, to implement the full range of accessibility obligations under the Convention, including regarding information and communications technologies and systems, and ensure effective sanctions measures for non-compliance.			3	0	D			1	1		1		1		
CO-2-3 Austria 2023	Autocode - ANY Accessibility (art. 9)	Accessibility (art. 9) The Committee is concerned about: (a) The State party's narrow implementation of the European Accessibility Act, omitting important areas such as health services, educational goods and services, household appliances, the built environment, and the corresponding widespread inaccessibility of services by public and private entities, including services listed in article 2 European Accessibility Act; (b) The regression in the standards for accessible construction of housing, compounding the already substantial obstacles for guaranteeing independent living; (c) The lack of binding time-frame for rendering public transport by coach and bus accessible. Recalling its General Comment No. 2 (2014), the Committee recommends that the State party: (a) Enact legislation and set standards for the accessibility of services, goods and infrastructure not covered by the European Accessibility Act, and implement them, including by allocating sufficient budgets; (b) Substantially improve accessibility requirements for housing, as set by ÖNORM B 1600, and refrain from following guidelines issued by the "Österreichisches Institut für Bautechnik (ÖIB)" lowering the standards of ÖNORM B 1600; (c) Set standards, binding time frames for rendering public transport not covered by European standards accessible, and allocate sufficient budgets.			3	0	D			1	1		1				
CO-2-3 China 2022	Autocode - ANY Accessibility (art. 9)	Accessibility (art. 9) 22. The Committee notes that the State is preparing the adoption of a law on the construction of barrier-free environments. It is concerned that organizations of persons with disabilities are not involved in developing a comprehensive accessibility strategy to embed universal design standards across all domains, including public transport, buildings and facilities, new and existing housing, public spaces, services, construction, information, communication and digital access, and the natural environment, including green spaces open to the public, in all rural and urban areas. 23. Recalling its general comment No. 2 (2014) on accessibility, the Committee recommends that the State party: (a) Seek to consult persons with various impairments and their representative organizations before adopting the law on the construction of barrier-free environments, with a view to establishing inclusive legally binding accessibility standards; (b) Ensure that the law on the construction of barrier-free environments incorporates and is based on the principle of universal design, as required by the Convention (art. 4 (1) (f)). (c) Seek to involve organizations of persons with disabilities in the evaluation of the accessibility of roads, public buildings, public transport facilities, residential buildings and residential areas throughout the country, in accordance with the regulations on the construction of barrier-free environments (2012).		1	3	0	D			1		1				1	
CO-2-3 Ecuador 2019	Autocode - ANY Accessibility (art. 9)	Accessibility (art. 9) 21. The Committee is concerned at the lack of a comprehensive plan for ensuring the accessibility of the physical environment and of information and communications and at the shortage of sign language interpreters for deaf persons. 22. With reference to its general comment No. 2 (2014) on accessibility and to Sustainable Development Goal 11, the Committee recommends that, in coordination with organizations of persons with disabilities, the State party: (a) Establish a comprehensive policy and plan for ensuring the accessibility of the physical environment and transportation services, including interprovincial, intercantonal and inter-parish public transportation services; (b) Ensure the accessibility of information and communications in facilities open to the public, with pamphlets being provided in accessible modes and means of communication such as Braille and other alternative modes and means; (c) Introduce a registration system that will provide disaggregated data on the number of available sign language interpreters in order to ensure the accessibility of public information and services.			3	0	D			1		1				1	
CO-2-3 El Salvador 2019	Autocode - ANY Accessibility (art. 9)	Accessibility (art. 9) 18. The Committee is concerned at: (a) The insufficient measures taken to improve physical accessibility and communication accessibility, including transport, resulting in a lack of accessible public transport in remote and rural areas, including the lack of training for transport operators and the limited sanctions for violations; (b) The fact that the Salvadoran Technical Standard on Accessibility to the Physical Environment, Urbanism and Architecture is not aligned with the principles of the Convention. 19. With reference to its general comment No. 2 (2014) on accessibility and taking into account Sustainable Development Goal 9 and targets 11.2 and 11.7, the Committee recommends that the State party establish a comprehensive monitoring mechanism to ensure strict implementation of accessibility standards and recommends that sanctions for non-compliance be increased and enforced. The Committee also recommends that the State party: (a) Increase the number of transport routes that are accessible to persons with disabilities, particularly in rural areas, and allocate adequate budget for equipping public transport with accessibility features; (b) Develop, promulgate, and monitor the implementation of minimum standards and guidelines regarding the accessibility of facilities and services that are open to or provided to the public.			3	0	D			1		1	1	1	1	1	
CO-2-3 Germany 2023	Autocode - ANY Accessibility (art. 9)	Accessibility (art. 9) 19. The Committee is concerned about: (a) The narrow implementation of the European Accessibility Act, confined to the mandatory obligations and omitting important areas such as health services, educational goods and services, household appliances and the built environment, and the corresponding widespread inaccessibility of services rendered by public and private entities, including services listed in article 2 of the Act; (b) The insufficient quantity of affordable accessible housing in the State party and often inadequate building standards set by the Länder; (c) The widespread lack of accessibility of public transport; (d) The lack of institutional mechanisms for the participation of organizations of persons with disabilities in the development of accessibility standards. 20. Recalling its general comment No. 2 (2014) and referring to the pledges in the coalition agreement of 2021, the Committee recommends that the State party: (a) Enact its legislation, at the federal and Länder levels, to render all services by public and private entities provided to the public accessible, and intensify the implementation of existing provisions on accessibility; (b) Expand and strengthen legal requirements of accessible housing for public and private use, for new and existing buildings, permitting the building of new housing that is accessible only in narrowly defined exceptional circumstances, setting legally binding time-bound goals to be achieved for buildings owned or used by public entities, and incorporate existing accessibility standards such as DIN 18040-3 into law; (c) Enact and implement legal requirements guaranteeing the autonomous use of public transport by persons with disabilities, through the following measures in particular: (i) Implementing the forthcoming revision to Commission Regulation (EU) No. 1300/2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility expeditiously and with a clear plan and time frame and, should the forthcoming revised regulation not guarantee autonomous access to stations and rail services, enacting and implementing national requirements to that end; (ii) Enacting and implementing specific indicators, targets and monitoring mechanisms for the forthcoming revision to Regulation (EU) 1315/2013 of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network, ensuring autonomous accessibility of the respective new infrastructure; (iii) Implementing existing requirements for the accessibility of commuter rail services, bus, coach and trolley bus services, cable car services and passenger navigation services expeditiously and with a clear plan and ensuring and implementing requirements for the autonomous use of public transport in those areas; (iv) Should the forthcoming revision to Regulation (EC) No. 1107/2006 of the European Parliament and of the Council concerning the rights of persons with disabilities and persons with reduced mobility when travelling by rail come into force, ensuring and implementing provisions prohibiting the denial of boarding because of a disability and the requirement of an accompanying person, and guaranteeing full compensation for damaged or lost mobility equipment or harm to assistance animals; (d) Establishing institutionalized mechanisms for close consultation with and the active involvement of persons with disabilities through their organizations in the processes for the development of accessibility standards.			4	0	E		1	1		1	1			1	
CO-2-3 Hungary 2022	Autocode - ANY Accessibility (art. 9)	Accessibility (art. 9) 18. The Committee notes with concern the lack of: (a) A comprehensive strategy at the national level for developing accessible built environments, public services, public transportation, information and communication in the State party, particularly in rural areas and small towns; (b) Progress in implementing the accessibility of built environments, public services, including automated letter machines (ATMs) for persons with visual impairment, public transportation, information and communication for persons with disabilities and the removal of accessibility obstacles by amending the Act on Passenger Transport services in 2013. 19. The Committee recalls its general comment No. 2 (2014) and recommends that the State party: (a) Adopt a comprehensive national strategy and implementation plan with clear time frames and adequate budget allocations for developing accessibility for built environments, public services, public transportation, information and communication in the State party to ensure the equalization of opportunities for persons with disabilities across the State party; (b) Review its regulation in the areas of built environments, public services, public transportation, information and communication, including the regulations on public procurement, and establish monitoring mechanisms and incentives for ensuring accessibility for persons with disabilities, enforcement of such regulations, penalties for non-compliance and mechanisms for independent monitoring of the implementation of accessibility; (c) Ensure that accessibility standards take into consideration Directive (EU) 2016/2102 of the European Parliament and of the Council of 28 October 2016 on the accessibility of the websites and mobile applications of public sector bodies, and the Web Content Accessibility Guidelines 2.1 standard for all public websites; (d) Complete the process of transposing Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services and the European Electronic Communications Code (Directive (EU) 2018/1872) into national legislation and regulations.			4	0	E			1		1	1	1	1	1	
CO-2-3 Mexico 2022	Autocode - ANY Accessibility (art. 9)	Accessibility (art. 9) 27. The Committee notes with concern that the State party's current legal framework on accessibility for persons with disabilities does not contain binding legal rules addressing all areas covered by article 9 of the Convention, including the respective processes, complaints procedures and evaluation mechanisms. 28. The Committee recommends that the State party: (a) Review the existing General Law for the Inclusion of Persons with Disabilities on its compatibility with the Convention and on its application in practice; (b) Enact binding laws guaranteeing accessibility in all areas covered by article 9 of the Convention, in keeping with the Committee's general comment No. 2 (2014) on accessibility, ensuring direct application of such laws at all levels of government; (c) Establish competences and procedures to implement accessibility laws, institute complaints and monitoring mechanisms, and define effective remedies in situations of non-compliance; (d) Revise the existing national accessibility plan in light of the new laws on accessibility, and render it applicable to the physical environment, transport, information and communications, including information and communications systems and technologies, and other services and facilities open or provided to the public, in particular for persons with disabilities living in remote, rural and indigenous communities.			3	0	D			1		1	1		1	1	
CO-2-3 Mongolia 2023	Autocode - ANY Accessibility (art. 9)	Accessibility (art. 9) 19. The Committee notes with concern: (a) The lack of progress in developing specific legislation on a barrier-free environment and accessibility, initiated in 2019 by organizations of persons with disabilities; (b) The lack of a specific action plan and time frame to adopt a law on Mongolian sign language and develop a national sign language policy and guidelines to implement Order No. A251 of the Minister of Education and Science, despite the establishment of a working group to elaborate such a law in 2022; (c) The lack of appropriate measures to ensure the access of persons with disabilities to the physical environment, transportation, information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas, on an equal basis with others; (d) The lack of mechanisms to ensure accessibility in police and health systems; (e) Barriers in the digital environment that prevent access for persons with disabilities to information and communications, despite some recent progress in the digitalization of services, such as the e-Mongolia website. 20. Recalling its general comment No. 2 (2014) and Goal 9 and targets 11.2 and 11.7 of the Sustainable Development Goals, the Committee recommends that the State party: (a) Adopt a specific law on a barrier-free environment and accessibility, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, and include therein inclusive legally binding accessibility standards; (b) Adopt a law on sign language and develop a specific action plan, with a clear budget, set of targets and time frame, to develop a national sign language policy and guidelines to implement Order No. A251 of the Minister of Education and Science; (c) Adopt appropriate measures to ensure persons with disabilities have access to the physical environment, transportation, information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas, on an equal basis with others; (d) Adopt mechanisms and guidelines to ensure accessibility in police procedures and health systems; (e) Ensure universal access to digital technology for all persons with disabilities, in particular for persons with visual impairments, both in educational facilities and at home, in public and private websites and mobile applications.			3	0	F		1	1		1	1	1	1	1	
CO-2-3 New Zealand 2022	Autocode - ANY Accessibility (art. 9)	Accessibility (art. 9) 15. The Committee is concerned about: (a) The slow progress in implementing the Building Act of 2004, which prolongs inaccessibility to public buildings and the progressive upgrade of existing buildings; (b) Continued barriers experienced by persons with disabilities in accessing the physical environment, transportation, information and communications, including information and communications technologies and systems; (c) The lack of affordable and accessible housing and the modest target of 15 per cent accessibility for new built public housing; (d) Reports from organizations of persons with disabilities that the Accessibility for New Zealanders bill, currently before Parliament, does not contain enforcement mechanisms, may not cover private entities or local government, lacks standard-setting and decision-making bodies and lacks obligations to make tangible changes within fixed time frames. 16. Recalling its general comment No. 2 (2014) on accessibility, the Committee recommends that the State party: (a) Expedite implementation of the Building Act of 2004 to meet its targets and time frames for implementation measures; (b) Adopt and implement an accessibility strategy underpinned by the principle of universal design to eliminate existing access barriers, in close consultation with and with the active involvement of organizations of persons with disabilities, including underrepresented groups, such as persons of small stature; (c) Adopt the principle of universal design and commit to a target of 100 per cent accessibility for any newly built public housing and introduce mandatory accessibility requirements for new housing constructed by the private sector; (d) Establish a co-design and co-production process with organizations of persons with disabilities to address concerns about the Accessibility for New Zealanders bill, following release of the Select Committee's report.			4	0	E			1	1		1	1	1	1	

CO 2-3 Rep Korea 2022	Autocode - ANY: Accessibility (art. 9)	<p>Accessibility (art. 9)</p> <p>19. The Committee notes with concern:</p> <p>(a) That, despite the recent amendment to the Enforcement Decree of Disability Convenience Act, there are still some exemptions related to the size of buildings and year of construction, which continue to prevent the full accessibility of public buildings;</p> <p>(b) The lack of comprehensive and effective measures to implement the full range of accessibility obligations under the Convention, including the lack of information and communications technologies and systems;</p> <p>(c) That the amendment to the Act on Promotion of the Transportation Convenience of Mobility Disadvantaged Persons to improve special needs of transportation in January 2022 excludes inter-city buses, express buses and wide-area buses and the insufficient provision of information, including bus number and route, as well as on-board guidance, impeding the use of buses by persons with visual and hearing disabilities;</p> <p>(d) The barriers in the digital work environment that prevent access for persons with disabilities to information and communications technology, as the obligation to guarantee accessibility is limited to national and public institutions.</p> <p>20. With reference to its general comment No. 2 (2014) and to Sustainable Development Goal 9 and targets 11.2 and 11.7 of the Goals, the Committee recommends that the State party:</p> <p>(a) Amend national legislation to include mandatory rules on ensuring accessibility of all buildings and structures, regardless of their size, capacity and date of construction;</p> <p>(b) Adopt a national accessibility strategy that includes all areas described in the Convention, and strengthen its mechanisms for monitoring accessibility at the municipal level, including by establishing a system of sanctions for non-compliance;</p> <p>(c) Increase the number of wheelchair-accessible buses in the public transportation system, in particular for inter-city buses, express buses and wide-area buses, and ensure that information, including bus numbers and routes, as well as on-board guidance, are in accessible formats, and improve the environment and public space to make them safe and accessible for persons with different disabilities;</p> <p>(d) Ensure universal access to digital technology for all persons with disabilities, in particular for persons with visual impairments, both in educational facilities and at home, on public and private websites and mobile applications.</p>	4	E	1	1		1	1	1	1
CO 2-3 Spain 2019	Autocode - ANY: Accessibility (art. 9)	<p>Accessibility (art. 9)</p> <p>16. The Committee is concerned that currently only 0.6 per cent of buildings in the State party are accessible, despite the State party's commitment to achieve universal accessibility by the end of 2017. The Committee is also concerned that measures taken to ensure universal accessibility, particularly for private buildings, have been insufficient or ineffective. In particular, the Committee is concerned about:</p> <p>(a) The ineffectiveness of policies regarding accessibility in public administration, the lack of sufficient budgetary allocations and the lack of mandatory accessibility criteria in public procurement at all levels;</p> <p>(b) The lack of progress made in implementing accessibility measures for persons with disabilities, particularly persons with intellectual or psychosocial disabilities, persons who are blind or deaf, and persons with autism or with dwarfism.</p> <p>17. With reference to the Committee's general comment No. 2 (2014) on accessibility and Sustainable Development Goal 9 and targets 11.2 and 11.7, the Committee recommends that the State party take all legislative and budgetary measures to ensure accessibility in all areas, including buildings and facilities open or provided to the public, such as transport and information and communications facilities. The Committee also recommends that the State party ensure that places open or provided to the public have signage and information in Braille and in Easy Read formats, and that live assistance and intermediaries, including guides, readers and professional sign language interpreters, are provided to facilitate the accessibility of buildings and public services, particularly for persons with sensory or intellectual impairments. In particular, the Committee recommends that the State party:</p> <p>(a) Ensure that all laws and measures relating to public administration and procurement include the requirement of accessibility for persons with disabilities, including through universal design;</p> <p>(b) Establish monitoring mechanisms with the involvement of organizations of persons with disabilities to ensure that accessibility standards are met and that relevant sanctions for non-compliance with accessibility standards are enforced.</p>	4	0	E	1		1	1	1	1
CO 2-3 Tunisia 2023	Autocode - ANY: Accessibility (art. 9)	<p>Accessibility (art. 9)</p> <p>15. The Committee is concerned that the majority of public buildings do not meet the national accessibility standards of the State party, as set out in the normative specifications of the annex to Decree No. 1467 (2006). It is also concerned that access to information for persons with hearing and visual disabilities, as well as intellectual disabilities, has been described as inadequate by those groups, and that the websites of the majority of public and private institutions are not accessible and do not meet digital accessibility standards. Although public transport is free or offered at reduced rates for people with disabilities, it is not accessible for all types of disabilities. The Committee is concerned that no statistics or studies on accessibility have been carried out to assess and monitor the situation of accessibility.</p> <p>16. Recalling its general comment No. 2 (2014) on accessibility and target 11.2, to provide access to safe, affordable, accessible and sustainable transport systems for all, and target 11.7, to provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities, of the Sustainable Development Goals, the Committee recommends that the State party:</p> <p>(a) Put in place strong measures to ensure the enforcement of the provisions of accessibility laws, in particular Decree No. 1467 (2006), and impose sanctions for non-compliance;</p> <p>(b) Promote awareness-raising and training for professionals in the construction sectors about the accessibility barriers faced by persons with disabilities and the adequate measures to remove them;</p> <p>(c) Promote active participation and close consultation and dialogue with persons with disabilities, through their representative organizations, in assessing the implementation of accessibility laws, such as Decree No. 1467 (2006), and the technical standards adopted;</p> <p>(d) Establish accessibility standards for information and communication media and technologies, as well as websites, in line with universal standards and include digital accessibility in the various accessibility and digital transformation action plans;</p> <p>(e) Review the public procurement of transport facilities and ensure that the specifications include accessibility criteria;</p> <p>(f) Carry out regular national accessibility studies and surveys, in close consultation with and with the active participation of persons with disabilities, through their representative organizations, to assess the situation of accessibility, including by identifying gaps and making recommendations to overcome them.</p>	4	0	F	1	1		1	1	1

UNCRPD - Article 10 - Right to life

Note: By its nature this article deals with 'extremely serious (death) issues - so the serious factor has to reflect the nature of the article and not just be 'S' for all.

Grade	A	B	C	D	E	F	G	H
Score	0	1	2	3	4	5	6	7

Document name	Code	Segment	Positive comment	References included	No. of issues	Serious factor	Grade	Criminal law	Impoverish law	Policy and practice	Themes observed								
											Intentional death	Medical termination	Suicide risk	Life expectancy	Care setting	Interpersonal	Intercultural	Children	Persons with disabilities
CO 1 China 2012 HK	Autocode - ANY. Right to life (art. 10)	<p>Right to life (art. 10)</p> <p>The Committee expresses its utmost concern about the abduction of persons with intellectual disabilities, most of them children, and the staging of "mining accidents" in Hebei, Fujian, Liaoning and Sichuan and, resulting in the victim's death in order to claim compensation from the mine owners.</p> <p>The Committee strongly urges the State party to continue investigating these incidents and prosecute all those responsible, and impose appropriate sanctions. It also asks the State party to implement comprehensive measures to prevent further abductions of boys with intellectual disabilities and provide remedies to the victims.</p> <p>Right to life (art. 10)</p> <p>The Committee is concerned about the heightened suicide risk among persons with intellectual or psychosocial disabilities (35 per cent of the overall suicide rate in Hong Kong, China).</p> <p>The Committee calls upon Hong Kong, China to provide the necessary psychological treatment based on free and informed consent of the person and counselling to these persons. The Committee recommends a regular assessment of their suicide risk.</p>			2	2	E			1	1	1						1	
CO 1 Spain 2011	Autocode - ANY. Right to life (art. 10)	<p>Right to life (art. 10)</p> <p>26. The Committee welcomes the fact that Act 26/2011 amends regulations to contain provisions to reflect the right to accessibility when granting informed consent to medical treatment. It however regrets that guardians representing persons with disabilities deemed "legally incapacitated" may validly consent to termination or withdrawal of medical treatment, nutrition or other life support for those persons. The Committee wishes to remind the State party that the right to life is absolute, and that substitute decision-making in regard to the termination or withdrawal of life-sustaining treatment is inconsistent with this right.</p> <p>30. The Committee requests the State party to ensure that the informed consent of all persons with disabilities is secured on all matters relating to medical treatment, especially the withdrawal of treatment, nutrition or other life support.</p>			1	1	C			1	1								

UNCRPD - Article 10 - Right to life

Note: By its nature this article deals with 'extremely serious (death) issues - so the serious factor has to reflect the nature of the article and not just be 'S' for all.

Grade	A	B	C	D	E	F	G	H
Score	0	1	2	3	4	5	6	7

Document name	Code	Segment	Positive comment	Relevant incidents	No. of issues	Serious factor	Grade	Themes observed											
								Child's law	Policy and practice	Improvement	Intentional death	Medical termination	Suicide risk	Life expectancy	Care setting	Interpersonal	Gender	Children	
CO 2-3 Australia 2019	Autocode - ANY: Right to life (art. 10)	Right to life (art. 10) 19. The Committee is concerned about: (a) The significantly lower life expectancy of persons with disabilities, particularly persons with intellectual disabilities and persons with disabilities within Aboriginal and Torres Strait Islander communities, than that of the general population; (b) A significant number of persons with disabilities expressing suicidal ideation, particularly within Aboriginal and Torres Strait Islander communities, due to, inter alia, lack of support, poverty and isolation; (c) The high rate of premature and unexpected but avoidable deaths among persons with disabilities in care settings. 20. The Committee recommends that the State party: (a) Address the low life expectancy of persons with disabilities, especially persons with intellectual disabilities and persons with disabilities within Aboriginal and Torres Strait Islander communities; (b) Ensure that its national mental health and suicide prevention plans include targeted measures for persons with disabilities, particularly children with disabilities, and develop, in consultation with Aboriginal and Torres Strait Islander persons with disabilities, culturally appropriate measures to prevent, identify and address the high rate of suicide among those populations; (c) Ensure a comprehensive approach to suicide prevention among persons with disabilities in the training of all professionals working with and for persons with disabilities, including health, social, education and community workers.			3	0	D		1			1	1	1	1				
CO 2-3 China 2022	Autocode - ANY: Right to life (art. 10)	Right to life (art. 10) 24. The Committee is concerned about the lack of action taken to prevent the neglect, abandonment and starvation threatening the lives of persons with disabilities, particularly children with disabilities, and reported cases of the termination or withdrawal of medical treatment without the consent of the person concerned. 25. The Committee recommends that the State party expeditiously assess and provide remedies for persons with disabilities whose right to life is threatened. It also recommends the training of health-care professionals on procedures to ensure that the consent of persons is sought as a requirement to terminate or withdraw medical treatment.			2	1	D		1		1							1	
CO 2-3 El Salvador 2019	Autocode - ANY: Right to life (art. 10)	Right to life (art. 10) 20. The Committee is deeply concerned at the killings of persons with disabilities, often perpetrated by criminal gangs, at the alarming rise in femicides, which also affect women and girls with disabilities, and at the low rate of prosecution and conviction of the perpetrators. 21. The Committee recommends that the State party immediately adopt measures to effectively address killings of persons with disabilities perpetrated by criminal gangs, and in particular femicides of women and girls with disabilities, and ensure that the perpetrators are prosecuted and convicted.			3	2	F		1	1	1					1	1		
CO 2-3 Germany 2023	Autocode - ANY: Right to life (art. 10)	Right to life (art. 10) 21. The Committee notes with appreciation that the State party has enacted a federal law governing triage decisions in situations of insufficient medical capacities, and that these rules prohibit any direct and indirect discrimination based on disability. However, the Committee is concerned that the triage criterion of "actual or short-term probability of survival", as laid down in the law, may discriminate indirectly against persons with disabilities, despite the legal prohibition of such discrimination. 22. The Committee recommends that the State party review the new federal law on triage decisions in situations of insufficient medical capacities and enact a triage criterion that effectively prevents any direct or indirect discrimination against persons with disabilities.	1		1	0	B		1										
CO 2-3 Hungary 2022	Autocode - ANY: Right to life (art. 10)	Right to life (art. 10) 20. The Committee notes with concern the lack of investigation and prosecutions concerning the deaths of persons with disabilities, including of children with disabilities, in residential institutions. 21. The Committee recommends that the State party expeditiously start investigations into the deaths of persons with disabilities in institutions, recognize such deaths as "extraordinary events", which may be due to the abuse endured in institutions, and prosecute and punish perpetrators. It also recommends that the State party provide remedies and redress to the families of victims in cases of deaths of persons with disabilities and expedite deinstitutionalization for all persons with disabilities who remain in institutions.			2	0	C		1	1				1				1	
CO 2-3 Mexico 2022	Autocode - ANY: Right to life (art. 10)	Right to life (art. 10) 29. The Committee is concerned about multiple reports indicating a high risk of death of children and adults with disabilities in institutions, resulting from various forms of restraints and improper medical treatment in psychiatric hospitals, and from insufficient professional assistance and support. 30. The Committee recommends that the State party: (a) In close consultation with, and including the active involvement of, persons with disabilities through their representative organizations, conduct a thorough inquiry into all deaths of children and adult persons with disabilities in all institutions since the Committee's previous concluding observations; (b) Provide protection to the victims of these crimes and bring perpetrators to justice.			1	1	C		1					1					
CO 2-3 New Zealand 2022	Autocode - ANY: Right to life (art. 10)	Right to life (art. 10) 17. The Committee is concerned about the negative perceptions and the devaluing of persons with disabilities expressed during the passage of the End of Life Choice Act of 2019, and the potential negative impact of such views on the implementation, monitoring and review of the Act. 18. The Committee recommends that monitoring and review mechanisms for the End of Life Choice Act of 2019 provide publicly available information on the impact on persons with disabilities, including the effectiveness of safeguards to counteract negative perceptions held by medical professionals and to prevent coercion in decision-making.			1	0	B		1	1									
CO 2-3 Rep Korea 2022	Autocode - ANY: Right to life (art. 10)	Right to life (art. 10) 21. The Committee is deeply concerned about: (a) The high rate of suicide and disappearances among autistic persons and persons with psychosocial disabilities, as well as cases of parents with disabilities killing their children before committing suicide; (b) The deaths of persons with disabilities in institutional settings, in particular during the coronavirus disease (COVID-19) pandemic. 22. The Committee recommends that the State party: (a) Adopt and implement a national suicide and disappearance prevention strategy for persons with disabilities, with specific measures to target autistic persons, persons with psychosocial disabilities and families, ensuring close consultation with and active involvement of persons with disabilities, through their representative organizations; (b) Develop measures, in consultation with organizations of persons with disabilities, and independent monitoring mechanisms to initiate the emergency deinstitutionalization of persons with disabilities to ensure safe and independent living in the community and to protect the right to life in critical health situations.			3	1	E		1			1						1	
CO 2-3 Spain 2019	Autocode - ANY: Right to life (art. 10)	Right to life (art. 10) 18. The Committee is concerned about: (a) Reported cases of violence against women with psychosocial disabilities perpetrated by their intimate partners, which in some cases resulted in their death; (b) Reported deaths of persons with psychosocial disabilities resulting from involuntary restraint and improper medical treatment in psychiatric hospitals; (c) Reported deaths of persons with disabilities resulting from insufficient professional assistance and support. 19. The Committee recommends that the State party take all appropriate measures to address gender-based violence against women with psychosocial disabilities and to prevent, investigate and provide redress for violations of their human rights, and prosecute those who are responsible. The Committee also recommends that the State party ensure that services and facilities, including shelters, victim support services and reporting and complaint mechanisms, for persons experiencing violence in the public or private spheres are accessible to persons with disabilities include a gender and a child rights perspective and are confidential. The Committee also recommends that the State party ensure that law enforcement officials, members of the judiciary and health and social workers receive mandatory and regular training on the prevention and detection of violence and abuse against persons with disabilities.			3	1	E		1				1					1	

UNCRPD - Article 11 Situations of risk and humanitarian emergencies
 Note:

Grade system	A	B	C	D	E	F	G	H
	0	1	2	3	4	5	6	7

Document name	Code	Segment	Positive comment	Rhetorical flourish /superficial display	No. of issues	Serious factor	Gender	Charter law	Improve law	policy and practice	lack of information	Themes observed								
												Consult with PD	missing from plans	accessible format information	Inclusion of PD in MRP					
OO 1 Australia 2013	Autocode - ANY: Situations of risk... (art. 11)	Situations of risk and humanitarian emergencies (art. 11) 22. The Committee notes with concern that despite the adoption of emergency response and mitigation plans at the local and state levels, disability needs are often not explicitly factored into disaster response measures, and that there are as yet no specific measures in national plans to address emergency intervention strategies for persons with disabilities. 23. The Committee calls upon the State party to consult with people with disabilities to establish nationally consistent emergency management standards to be implemented across all three levels of government, ensure inclusivity across diverse disabilities and cover all phases of emergency management preparation, early warning, evacuation, interim housing and support, recovery and rebuilding. The Committee further recommends the inclusion in national plans of emergency response schemes for persons with disabilities.			2		C			1		1	1							
OO 1 Austria 2013	Autocode - ANY: Situations of risk... (art. 11)	Situations of risk and humanitarian emergencies (art. 11) Write taking note of the efforts by the State party to develop a plan on disaster preparedness and its contributions to development cooperation and humanitarian aid, the Committee is concerned about the lack of information on the State party's preparedness to provide persons with disabilities with the necessary support in the event of a disaster. The Committee urges the State party to provide information in its next periodic report on specific measures taken to ensure its preparedness to provide persons with disabilities with the necessary support in the event of a disaster. The State party should also step up its efforts to implement the twin-track approach in order to fully achieve disability inclusion in all spheres of Austrian Development Cooperation (OEZA).	1		1	0	B			1	1									
OO 1 El Salvador 2013	Autocode - ANY: Situations of risk... (art. 11)	Situations of risk and humanitarian emergencies (art. 11) 25. The Committee is concerned that information regarding plans on prevention, risk mitigation and care of persons with disabilities in emergency situations are not available in accessible formats, and that organizations of persons with disabilities are not assigned a role in such situations. 26. The Committee urges the State party to define a concrete role for organizations of persons with disabilities in the design of the national civil protection system and to ensure that information on emergency mechanisms is made available in accessible formats.			2	0	C			1			1	1						
OO 1 Germany 2015	Autocode - ANY: Situations of risk... (art. 11)	Situations of risk and humanitarian emergencies (art. 11) 23. The Committee is concerned about: (a) access to the national emergency call system, especially for deaf persons; and (b) the absence of a specific strategy for the inclusion of persons with disabilities in disaster risk reduction and humanitarian relief. 24. The Committee recommends that the State party establish uniform emergency control centres across the State party, including modern protocols for deaf persons. It also recommends that the State party adopt a human rights-based strategy for disaster risk reduction and humanitarian relief, which should be inclusive and accessible to persons with disabilities.			2	0	C			1			1	1						
OO 1 Mexico 2014	Autocode - ANY: Situations of risk... (art. 11)	Situations of risk and humanitarian emergencies (art. 11) 21. The Committee notes with concern the lack of specific prevention, protection and assistance plans for persons with disabilities in situations of risk and humanitarian emergencies. 22. The Committee recommends that the State party: (a) Adopt a national plan of assistance in situations of risk and humanitarian emergencies that includes persons with disabilities on a cross-cutting basis and the institutions that care for them; (b) Design and disseminate, in accessible formats in all of the State party's official languages, including those used by the indigenous communities, information on early warning mechanisms in case of risk and humanitarian emergency, protection systems, institutional and community crisis response networks, and identify adequate places of refuge and shelters accessible to persons with disabilities in urban and rural areas; and (c) Train all civil defence staff in addressing issues of security and protection for persons with disabilities in situations of risk — such as armed violence, humanitarian emergencies and natural disasters — including a gender and age perspective.			2	1	D			1			1	1						
OO 1 Mongolia 2015	Autocode - ANY: Situations of risk... (art. 11)	Situations of risk and humanitarian emergencies (art. 11) 18. The Committee is concerned about the lack of specific measures and assistance to protect persons with disabilities in situations of risk and humanitarian emergencies, despite the fact that the State party experiences natural disasters frequently. 19. The Committee recommends that the State party adopt a national plan to provide assistance to persons with disabilities who are in situations of risk and humanitarian emergencies, and that it make the plan inclusive of and accessible to all persons with disabilities, especially deaf persons, including by adapting its format.			1	1	C			1			1							
OO 1 Paraguay 2013	Autocode - ANY: Situations of risk... (art. 11)	Situations of risk and humanitarian emergencies (art. 11) 27. The Committee notes that the State party has finished formulating its national policy on risk protection and civil defence. However, it notes with concern the absence of objectives and specific strategies to include persons with disabilities, despite their vulnerability in emergency and risk situations. 28. The Committee urges the State party to adopt the national risk-management policy as a matter of urgency, ensuring the involvement of disabled persons' organizations and taking due account of their input and recommendations.			1	0	B			1			1							
OO 1 Rep Korea 2014	Autocode - ANY: Situations of risk... (art. 11)	Situations of risk and humanitarian emergencies (art. 11) The Committee is concerned about the absence of specific strategies in accessible formats for all persons with disabilities in situations of emergencies, including natural disasters. The Committee is particularly concerned that the enforcement decrees of the Framework Act on Building and the Act on the Promotion of Convenience for the Disabled, Senior Citizens, and Pregnant Women fail to include evacuation systems for persons with disabilities. The Committee recommends that the State party adopt and implement a comprehensive plan to ensure, in situations of risk, including the occurrence of natural disasters, the protection and safety of persons with disabilities in consideration of the characteristics of their disabilities, and to further ensure universal accessibility and disability inclusion at all stages and levels of all disaster risk reduction policies and their implementation.			1	2	1	D		1	1		1	1						
OO 1 Spain 2011	Autocode - ANY: Situations of risk... (art. 11)	Situations of risk and humanitarian emergencies (art. 11) 31. The Committee is concerned at the insufficiency of specific protocols for persons with disabilities in emergency situations. 32. The Committee calls upon the State party to review its laws and policies related to emergency situations with a view to including provisions guaranteeing the security and protection of persons with disabilities.			1	0	B			1			1							

UNCRPD - Article 11 Situations of risk and humanitarian emergencies

Grade	A	B	C	D	E	F	G	H
Score	0	1	2	3	4	5	6	7

Note: Where the Coronavirus pandemic exposed failings in the system - this is counted - however, so as not to penalise SPs reporting during the critical few years care is taken not to over count.

0	A								

Document name	Code	Segment	Positive comment	No. of issues	Serious factor	Grade	Create law	Improve law	Policy and practice	Lack information	Themes observed							
											Consult with PD	Meeting term plans	Accessible format information	Inclusion of PD in relief				
CO-2-3 Australia 2019	Autocode - ANY: Situations of risk... (art. 11)	Situations of risk and humanitarian emergencies (art. 11) 21. The Committee, recognizing that the effects of climate change contribute to exacerbating inequality and vulnerability among persons with disabilities, remains concerned about the lack of: (a) National consistent emergency management standards that ensure access to disability-specific and disability-responsive support during emergencies; (b) A mechanism for engagement with organizations of persons with disabilities in the implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030 at the national level and in its reporting process. 22. The Committee reiterates its previous recommendation on the matter (CRPD/CAUS/CO/1, para. 23) and recommends that the State party, in close consultation with representative organizations of persons with disabilities, establish a fully accessible and inclusive mechanism to engage with persons with disabilities in the implementation and monitoring of the Sendai Framework.		1	1	D			1		1	1						
CO-2-3 Austria 2023	Autocode - ANY: Situations of risk... (art. 11)	Situations of risk and humanitarian emergencies (art. 11) 27. The Committee notes with concern the lack of involvement of organizations of persons with disabilities on the Länder level, resulting in a lack of inclusive and accessible communication and services in disaster management. The Committee is also concerned about the lack of data on persons with disabilities in the context of situations of risk. 28. Recalling the Sendai Framework for Disaster Risk Reduction 2015-2030, and the Inter-Agency Standing Committee Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action 2019, the Committee recommends that the State party, in particular the Länder, closely consult with and actively involve organizations of persons with disabilities in the design and implementation of disaster response and recovery measures, and render these measures, including evacuation mechanisms, warning systems, shelters, transportation, and humanitarian support facilities, fully accessible for persons with disabilities, as envisaged by the National Action Plan on Disability (NAP) 2022-2030.		2	0	C			1		1	1						
CO-2-3 China 2022 + HK	Autocode - ANY: Situations of risk... (art. 11)	Situations of risk and humanitarian emergencies (art. 11) 26. The Committee notes with concern the lack of inclusion of the specific needs of persons with disabilities within disaster risk reduction plans and strategies to protect persons with disabilities in situations of risk and humanitarian emergencies, as well as insufficient measures to involve persons with disabilities in the formulation of such plans and strategies, including in decision-making processes to address the coronavirus disease (COVID-19) pandemic and its consequences and during the recovery period. 27. The Committee recommends that the State party, being guided by the guidance on COVID-19 and the rights of persons with disabilities issued by OHCHR and the United Nations policy brief on a disability-inclusive response to COVID-19, and in line with the Sendai Framework for Disaster Risk Reduction 2015-2030 and the Paris Agreement, and with the active participation of representative organizations of persons with disabilities: (a) Prioritize the provision of emergency assistance to persons with disabilities and strengthen efforts to address the requirements of all persons with disabilities in situations of risk and humanitarian emergencies, including access to emergency information and alarm signals through alternative modes of communication and information; (b) Mainstream disability in COVID-19 response and recovery plans, with a specific emphasis on ensuring equal access to mainstream health-care systems for persons with disabilities, whether they are still in institutions or living independently, and protecting persons with disabilities from the effects of the pandemic, including the increased social isolation. (c) Ensure the equal participation of persons with disabilities in all measures affecting them, including the measures to address the COVID-19 pandemic and its consequences, and measures taken during the recovery period. Situations of risk and humanitarian emergencies (art. 11) 65. The Committee notes with concern the lack of inclusion of the specific needs of persons with disabilities within disaster risk reduction plans and strategies to protect persons with disabilities in situations of risk and humanitarian emergencies, as well as insufficient measures to involve persons with disabilities in the formulation of such plans and strategies, including in decision-making processes to address the COVID-19 pandemic and its consequences and during the recovery period. 66. The Committee recommends that Hong Kong, China, being guided by the guidance on COVID-19 and the rights of persons with disabilities issued by OHCHR and the United Nations policy brief on a disability-inclusive response to COVID-19, and in line with the Sendai Framework for Disaster Risk Reduction 2015-2030 and the Paris Agreement on climate change, and with the active participation of representative organizations of persons with disabilities: (a) Prioritize the provision of emergency assistance to persons with disabilities, and strengthen efforts to address the requirements of all persons with disabilities in situations of risk and humanitarian emergencies, including access to emergency information and alarm signals through alternative modes of communication and information; (b) Mainstream disability in COVID-19 response and recovery plans, with a specific emphasis on ensuring equal access to mainstream health-care systems for persons with disabilities, whether they are still in institutions or living independently, and protecting persons with disabilities from the effects of the pandemic, including the increased social isolation. (c) Ensure equal participation of persons with disabilities in all measures affecting them, including the measures to address the COVID-19 pandemic and its consequences, and measures taken during the recovery period.		3	0	D			1		1	1						
CO-2-3 Ecuador 2019	Autocode - ANY: Situations of risk... (art. 11)	Situations of risk and humanitarian emergencies (art. 11) 23. The Committee is concerned that the Inclusive Risk Management Strategy still lacks a protocol for the prevention and reduction of risks for persons with disabilities. 24. The Committee recommends that the State party put in place, without delay, a protocol for the prevention and reduction of risks for persons with disabilities that has been validated by persons with disabilities through their representative organizations. It further recommends that the State party earmark a specific budget allocation for that purpose.		1	0	B			1			1						
CO-2-3 El Salvador 2019	Autocode - ANY: Situations of risk... (art. 11)	Situations of risk and humanitarian emergencies (art. 11) 22. The Committee is concerned that only a few persons with disabilities, through their organizations, contributed to the Road Map for Inclusion, Protection and Attention to Persons with Disabilities in Emergencies and Disasters. Taking into consideration the fact that the State party is at risk from natural hazards, the Committee is also concerned that no budget has been allocated for the implementation of the road map and of the Strategic Plan of Action scheduled for 2020. 23. The Committee recommends that the State party, in consultation with and with the active involvement of persons with disabilities, through their representative organizations: (a) Ensure that budget is allocated for implementation of the road map and of the Strategic Plan of Action scheduled for 2020, and establish a contingency budget for humanitarian emergencies and disasters; (b) Implement the Strategic Plan of Action and monitor the accessibility of the shelters that are usually set up in emergencies; (c) Ensure that the specific requirements of all persons with disabilities are taken into consideration, and that they are provided with information in accessible formats.		2	0	C			1			1						
CO-2-3 Germany 2023	Autocode - ANY: Situations of risk... (art. 11)	Situations of risk and humanitarian emergencies (art. 11) 23. The Committee is concerned about the following: (a) The lack of close consultation with and active involvement of persons with disabilities through their representative organizations in disaster risk reduction and humanitarian action, including the planning of coronavirus disease (COVID-19) pandemic-mitigation responses, which resulted in adverse impacts on persons with disabilities; (b) The lack of disability-inclusive, human rights-based strategy for disaster risk reduction and humanitarian action that is in line with the Sendai Framework for Disaster Risk Reduction 2015-2030 and the Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action. 24. Recalling the Sendai Framework for Disaster Risk Reduction 2015-2030 and the Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action, the Committee recommends that the State party, in consultation with and with the active involvement of persons with disabilities, through their representative organizations, take the following steps: (a) A national public emergency plan that addresses the specific requirements of and responses for persons with disabilities and operates across all levels of federal, Länder and municipal governments; (b) An overarching disability-inclusive, human rights-based strategy for all situations of risk and humanitarian emergencies, including public health emergencies, climate change and disaster risk reduction. (CO-2-3 Germany 2023, Pos. 93-98)		2	0	C			1			1						
CO-2-3 Hungary 2022	Autocode - ANY: Situations of risk... (art. 11)	Situations of risk and humanitarian emergencies (art. 11) 22. The Committee notes with concern that: (a) Neither the Fundamental Law, the Disaster Protection Act, nor their respective protocols provide for specific measures in relation to the safety of persons with disabilities and various types of impairments in situations of risk and emergencies arising from conflict, natural disasters or refugee and migration crises; (b) Persons with disabilities placed in residential institutions and psychiatric settings, and persons with disabilities living independently have been disproportionately impacted by the COVID-19 pandemic, facing greater risks of contracting COVID-19, including due to lack of access to the general health system and social isolation; (c) Persons with disabilities have had limited participation in decision-making processes to address the COVID-19 pandemic and its consequences and during the recovery period. 23. The Committee recommends that the State party, following the guidance issued by the Office of the United Nations High Commissioner for Human Rights on COVID-19 and the rights of persons with disabilities living in institutions, and the guidance on COVID-19 and the rights of persons with disabilities issued by OHCHR and the United Nations policy brief on a disability-inclusive response to COVID-19, and in line with the Sendai Framework for Disaster Risk Reduction 2015-2030 and the Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action: (a) Review its legislation, protocols, plans and measures in relation to situations of risk and humanitarian emergencies arising from conflict, natural disasters or refugee and migration crises by incorporating the requirements of all persons with disabilities in such situations, including access to emergency information and alarm signals through alternative modes of communication and information; (b) Mainstream disability in COVID-19 response and recovery plans, with a specific emphasis on ensuring equal access to mainstream health-care systems for persons with disabilities, still in institutions or living independently, and safeguarding persons with disabilities from the effects of the pandemic, including increased social isolation. (c) Ensure equal participation of persons with disabilities in all measures affecting them, including the measures to address the COVID-19 pandemic and its consequences, and measures taken during the recovery period.		3	0	D			1			1	1					
CO-2-3 Mexico 2022	Autocode - ANY: Situations of risk... (art. 11)	Situations of risk and humanitarian emergencies (art. 11) 31. The Committee notes a lack of specific protocols for the evacuation of persons with disabilities in situations of risk, humanitarian emergencies and the occurrence of natural disasters. 32. The Committee recommends that the State party: (a) Develop specific protocols for evacuation in situations of risk, humanitarian emergencies and the occurrence of natural disasters, that are adapted to the specific situations of each state, providing clarity on the whereabouts of persons with disabilities and their specific requirements; (b) Design and disseminate, in accessible formats, such as Braille, sign language, Easy Read and audio and video transcription, in all of the State party's official languages, including those used by the indigenous communities, information on early warning mechanisms in case of risk and humanitarian emergency, protection systems, and institutional and community crisis response networks, and identify adequate places of refuge and shelters accessible to persons with disabilities in urban and rural areas; (c) Train all defence staff in addressing issues of security and protection for persons with disabilities in situations of risk, humanitarian emergencies and the occurrence of natural disasters. 33. The Committee notes with concern the lack of a disability-inclusive response to the disproportionate impact of the COVID-19 pandemic on persons with disabilities, in particular women and girls with disabilities and persons with disabilities living in institutions. The Committee is also concerned about the lack of data on the impact of the pandemic on persons with disabilities. 34. The Committee recommends that the State party follow the guidance issued by the Office of the United Nations High Commissioner for Human Rights on COVID-19 and the rights of persons with disabilities and the Secretary-General's policy brief on a disability-inclusive response to COVID-19, and that it: (a) Adopt a disability-inclusive response to the COVID-19 pandemic for persons with disabilities by implementing emergency deinstitutionalization of persons with disabilities, preventing their abandonment in their homes and providing them with the necessary support to live in the community in safe conditions; (b) Implement support programmes for persons with disabilities to address the aggravated consequences of the pandemic, considering specific measures for women with disabilities regarding economic empowerment, access to health services, including sexual and reproductive health rights, and provision of information in accessible formats, as well as measures for persons with disabilities living in institutions; (c) Compile data on infections, illness and death of persons with disabilities as a result of SARS-CoV-2, disaggregated by type of impairment, gender, residence in rural and urban areas and socioeconomic status; (d) Closely consult with and involve persons with disabilities, in particular women and girls with disabilities, and their representative organizations at all stages of the development and implementation of COVID-19 response and recovery plans, and in the preparation of such plans for future crises.		3	0	D			1			1	1					
CO-2-3 Mongolia 2023	Autocode - ANY: Situations of risk... (art. 11)	Situations of risk and humanitarian emergencies (art. 11) 21. The Committee is concerned about: (a) The fact that the Law on Disaster Protection and the plan of action to decrease natural disaster risks and strategies during a disaster, as well as the National Emergency Management Agency instruction to announce an emergency, do not contain specific provisions on assistance and support for persons with disabilities in situations of risk and humanitarian emergencies, and that they lack provisions on accessibility, including the use of sign language and Easy Read; (b) The low level of involvement of persons with disabilities and their representative organizations in the implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030 and climate change adaptation and Goal 7 of the Incheon Strategy to "Make the Right Real" for Persons with Disabilities in Asia and the Pacific at the national level and in its reporting process. 22. The Committee recommends that the State party: (a) Review the national legislation related to situations of risk and humanitarian emergencies and amend it in order to include provisions on the protection of persons with disabilities, and adopt inclusive and accessible disaster risk reduction plans, including sign language interpretation and Easy Read, for all persons with disabilities, particularly women and children with disabilities, persons with psychosocial disabilities, persons with intellectual disabilities and persons with sensory impairments; (b) Consult closely with persons with disabilities, through their representative organizations, on the design and implementation of all disaster risk reduction and climate change adaptation plans at the national and local levels and at all stages of the process, and adopt a comprehensive strategy, in accordance with the Sendai Framework for Disaster Risk Reduction 2015-2030, the Incheon Strategy to "Make the Right Real" for Persons with Disabilities in Asia and the Pacific and Goals 11 and 13 of the Sustainable Development Goals. 23. The Committee is concerned that persons with disabilities have been disproportionately affected by the coronavirus disease (COVID-19) pandemic, in particular those who are still in institutions, and that persons with disabilities still face barriers in gaining access to emergency information and devices. 24. The Committee recommends that the State party, guided by the guidance and policy brief on a disability-inclusive response to the COVID-19 pandemic prepared by the Office of the United Nations High Commissioner for Human Rights: (a) Mainstream disability in COVID-19 recovery plans, including in respect of ensuring equal access to vaccines and telemedicine, and other economic and social programmes to tackle the negative impact of the pandemic; (b) Adopt measures to deinstitutionalize persons with disabilities who are living in institutions, including in times of emergency, and to provide them with appropriate support to live in the community, in line with the Committee's general comment No. 5 (2017) and its guidelines on deinstitutionalization, including in emergencies (2022); (c) Actively involve persons with disabilities and their representative organizations at all stages of developing and implementing COVID-19 recovery plans; (d) Ensure that, in situations of risk and humanitarian emergencies, all persons with disabilities can receive the necessary information in accessible formats.		4	0	E			1			1	1	1				
CO-2-3 New Zealand 2022	Autocode - ANY: Situations of risk... (art. 11)	Situations of risk and humanitarian emergencies (art. 11) 19. The Committee notes with concern the lack of involvement of organizations of persons with disabilities, resulting in shortcomings in the State party's coronavirus disease (COVID-19) response measures for persons with disabilities, such as the lack of accessible and timely information, communication strategies and services. 20. The Committee recommends that the State party closely consult with and actively involve organizations of persons with disabilities in designing and implementing COVID-19 response and recovery measures, informed by the recommendations contained in the report on making disability rights real in a pandemic, prepared by the Independent Monitoring Mechanism in 2021.		1	0	B			1			1						

CO 2-3 Rep Korea 2022	Autocode - ANY: Situations of risk... (art. 11)	<p>Situations of risk and humanitarian emergencies (art. 11)</p> <p>23. The Committee is concerned:</p> <p>(a) That the Framework Act on the Management of Disasters and Safety of 2018 lacks disaster risk reduction plans, policies and protocols for the prevention and reduction of risks for persons with disabilities;</p> <p>(b)(a) the low level of involvement of persons with disabilities and their representative organizations in the implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030 and climate change adaptation and goal 7 of the Incheon Strategy to "Make the Right Real" for Persons with Disabilities in Asia and the Pacific at the national level and in its reporting process;</p> <p>24. The Committee recommends that the State party:</p> <p>(a) Accelerate the adoption of disaster risk reduction plans that are inclusive of and accessible to all persons with disabilities, in particular children, women, persons with psychosocial disabilities and/or intellectual disabilities and persons with sensory impairments;</p> <p>(b) Closely consult persons with disabilities, through their representative organizations, on the design and implementation of all disaster risk reduction and climate change adaptation plans of the national and local levels and at all stages of the process, and adopt a comprehensive strategy, in accordance with the Sendai Framework for Disaster Risk Reduction 2015-2030 and Sustainable Development Goals 11 and 13;</p> <p>25. The Committee is concerned that persons with disabilities, in particular those who are still in institutions, have been disproportionately affected by the COVID-19 pandemic and is also concerned at the barriers faced by persons with disabilities in gaining access to emergency information and devices;</p> <p>26. The Committee recommends that the State party, guided by the policy brief on a disability-inclusive response to the COVID-19 pandemic prepared by the Office of the United Nations High Commissioner for Human Rights:</p> <p>(a) Mainstream disability into its COVID-19 response and recovery plans, including in respect of ensuring equal access to vaccines, and other economic and social programmes to tackle the negative impact of the pandemic;</p> <p>(b) Adopt measures to deinstitutionalize persons with disabilities in times of emergency and provide them with appropriate support to live in the community;</p> <p>(c) Involve persons with disabilities and their representative organizations at all stages of developing and implementing COVID-19 response and recovery plans;</p> <p>(d) Ensure that, in situations of risk and humanitarian emergencies, all persons with disabilities can receive the necessary information in accessible formats and on the appropriate devices.</p>	4	0	E	1	1	1							
CO 2-3 Spain 2019	Autocode - ANY: Situations of risk... (art. 11)	<p>Situations of risk and humanitarian emergencies (art. 11)</p> <p>20. The Committee is concerned that legislation, protocols and plans relating to situations of risk and humanitarian emergencies do not sufficiently take into account the specific requirements of all persons with disabilities.</p> <p>21. The Committee recommends that the State party, in line with the Sendai Framework for Disaster Risk Reduction 2015-2030 and through the active participation of organizations of persons with disabilities, design and adopt specific legislation, protocols, plans and measures for the protection and rescue of all persons with disabilities in situations of risk and in humanitarian emergencies, which take into account the specific requirements of all persons with disabilities.</p>	1	0	B	1	1								
CO 2-3 Tunisia 2023	Autocode - ANY: Situations of risk... (art. 11)	<p>Situations of risk and humanitarian emergencies (art. 11)</p> <p>17. The Committee is concerned that there is no specific legislation or policies in place to ensure the inclusiveness and accessibility of preparedness and disaster risk reduction measures for the protection of persons with all types of impairments. It is also concerned that persons with disabilities, through their representative organizations, are not involved in disaster preparedness responses.</p> <p>18. The Committee recommends that the State party:</p> <p>(a) Put in place strategies and policies to ensure the inclusiveness and accessibility of preparedness and disaster risk reduction measures and management strategies, including in the context of needs assessment, emergency evacuation procedures, early public warning systems and recovery strategies, and to guarantee that information on risk situations reach all members of the community, including persons with disabilities, in particular persons who are deaf or hard of hearing or deafblind and persons with visual impairments, and that they are developed in accessible formats and languages;</p> <p>(b) Ensure that persons with disabilities and their representative organizations, including organizations of women and girls with disabilities, are meaningfully consulted and actively participate in all steps relating to comprehensive strategies, plans and protocols in disaster risk reduction and humanitarian emergencies, including those related to armed conflict and extreme climate conditions, namely, in the design, implementation, monitoring and evaluation and the systematic collection of disability-disaggregated data;</p> <p>(c) Take measures to regularly and effectively train rescue and emergency personnel on the inclusion of an age and a disability perspective based on human rights.</p>	3	0	D	1	1	1	1						

UNCRPD - Article 12 Equal recognition before the law

Note: Recommendation for training not explicit in the concern paragraph - is counted as an issue. Lack of progress is counted as a seriousness factor.

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	

Document name	Code	Segment	Positive comment	Substantive finding (impairment/ disability)	No of issues	Serious factor	Grade	Current law	Hygiene law	Public and private	Substitute decision-making	Legal capacity	Training of officials	CC No. (2014)	Block of info
CO1 Argentina 2012	Autocde - ANY Equal recognition before the law (art. 12)	Equal recognition before the law (art. 12) 19. The Committee is deeply concerned about the inconsistencies observed in both the laws already in force and bills that are now being considered in the State party which are based, or continue to be based, on a substitute decision-making model that overrides the wishes of the persons concerned, which clearly runs counter to article 12 of the Convention. The Committee is also concerned at the reluctance of some justice officials to apply the rules that set limits on a court's discretion in restricting the legal capacity of persons with disabilities. 20. The Committee urges the State party to launch an immediate review of all current legislation that is based on a substitute decision-making model that deprives persons with disabilities of their legal capacity. At the same time, the Committee urges the State party to take steps to adopt laws and policies that replace the substitute decision-making system with a supported decision-making model that upholds the autonomy, wishes and preferences of the persons concerned. In addition, the Committee recommends that training workshops on the human rights model of disability be organized for judges to encourage them to adopt the supported decision-making system instead of granting guardianships or trusteeships. 21. The Committee expresses concern at the inconsistencies existing between the proposal for the amendment and standardization of the Civil and Commercial Code and the Convention, as the concept of judicial prohibition would be retained and judges would have complete discretion to appoint a trustee or decide on what decision-making support tools are needed by persons with disabilities. 22. The Committee urges the State party to ensure that the concept of judicial prohibition does not figure in the proposal for the amendment and standardization of the Civil and Commercial Code and to guarantee the effective participation in the review process of organizations representing persons with disabilities.	1	2	1	D					1	1	1		
CO1 Australia 2013	Autocde - ANY Equal recognition before the law (art. 12)	Equal recognition before the law (art. 12) 24. The Committee notes that the Australian Law Reform Commission has been recently commissioned to inquire into barriers to equal recognition before the law and legal capacity for persons with disabilities. However, the Committee is concerned about the possibility that the regime of substitute decision-making will be maintained and that there is still no detailed and viable framework for supported decision-making in the exercise of legal capacity. 25. The Committee recommends that the State party effectively use the current inquiry to take immediate steps to replace substitute decision-making with supported decision-making and that it provide a range of measures which respect the person's autonomy, will and preferences and are in full conformity with article 12 of the Convention, including with respect to a person's right, in his or her own capacity, to give and withdraw informed consent for medical treatment, to access justice, to vote, to marry and to work. 26. The Committee further recommends that the State party provide training, in consultation and cooperation with persons with disabilities and their representative organizations, at the national, regional and local levels for all actors, including civil servants, judges and social workers, on recognition of the legal capacity of persons with disabilities and on the primacy of supported decision-making mechanisms in the exercise of legal capacity.	1	2	0	C					1	1	1		
CO1 Austria 2013	Autocde - ANY Equal recognition before the law (art. 12)	Equal recognition before the law (art. 12) The Committee notes with concern that in 2012, approximately 55,000 Austrians were under guardianship, half of whom were under guardianship in respect of all aspects of life. The Committee is concerned particularly because Austrian guardianship laws appear to be old-fashioned and out-of-step with the provisions of article 12 of the Convention. The Committee notes the lack of the pilot project on supported decision-making, under the National Disability Action Plan. The Committee recommends that the State party replace substituted decision-making with supported decision-making for persons with disabilities, and do more to ensure that persons with disabilities have access to supported decision-making and are not placed under guardianship. The Committee recommends that supported decision-making mechanisms respect the person's autonomy and preferences, and be in full conformity with article 12 of the Convention, including with respect to the individual's right, in his or her own capacity, to give and withdraw informed consent for medical treatment, to access justice, to vote, to marry, to work and to choose his or her place of residence. The Committee also recommends that disabled persons' organizations be involved in all aspects of the pilot project on supported decision-making. The Committee further recommends that the State party provide training, in consultation and cooperation with persons with disabilities and their representative organizations, at the national, regional and local levels, for all actors, including civil servants, judges and social workers, on recognition of the legal capacity of persons with disabilities and on mechanisms of supported decision-making.		2	0	C			1	1	1	1			
CO1 China 2012	Autocde - ANY Equal recognition before the law (art. 12)	Equal recognition before the law (art. 12) The Committee is concerned about the system for establishing legal guardianship, which is not in compliance with article 12 of the Convention. It takes note of the complete absence of a system of supported decision-making measures which recognize the rights of persons with disabilities to make their own decisions and to have their autonomy, will and preferences respected. The Committee urges the State party to adopt measures to repeal the laws, policies and practices which permit guardianship and trusteeship for adults and take legislative action to replace regimes of substituted decision-making with supported decision-making, which respects the person's autonomy, will and preferences, in the exercise of legal capacity with persons with disabilities, prepare, legislate and implement a blueprint for a system of supported decision-making, which includes: Recognition of all persons' legal capacity and right to exercise it. Accommodations and access to support where necessary to exercise legal capacity. Regulations to ensure that support respects the person's autonomy, will and preferences and establishment of feedback mechanisms to ensure that support is meeting the person's needs. Arrangements for the promotion and establishment of supported decision-making.		2	0	C			1	1					
CO1 Ecuador 2014	Autocde - ANY Equal recognition before the law (art. 12)	Equal recognition before the law (art. 12) 24. The Committee is concerned that the State party's civil legislation provides for a substitute decision-making model through the use of roles such as guardians and wards, and that there is no immediate plan to reform the Civil Code and the Code of Civil Procedure to include a supported decision-making model, as recommended in general comment No. 1 (2014) on equal recognition before the law. 25. The Committee recommends that the State party establish a working group with representatives of independent organizations of persons with disabilities in order to carry out a timely review of civil legislation and introduce supported decision-making mechanisms. It also recommends that the State party draw up an agenda, with a timetable, for the implementation of the plan.		1	0	B					1		1		
CO1 El Salvador 2013	Autocde - ANY Equal recognition before the law (art. 12)	Equal recognition before the law (art. 12) 27. The Committee is concerned at the legal disqualification arising in civil and family law when persons with intellectual, psychosocial, hearing or visual impairments are identified or deemed incapable of exercising some of their rights. The Committee regrets the lack of information provided on persons with disabilities placed in the system of guardianship or protection, and on the propriety of the processes for lifting interdictions. The Committee notes with concern that the Public Notaries Act limits possibilities for "blind", "mute" and "deaf" persons and those who "are not in full command of their mental faculties" to work as notaries. 28. The Committee recommends that the State party reform its legislation on disability by a decision-making support mechanism that respects the autonomy, will and preferences of the individual, and that it adopt immediate measures, in cooperation with organizations of persons with disabilities, to set up adequate decision-making support mechanisms, in keeping with the provisions of the Convention. The Committee requests that the State party abolish the restriction on persons with disabilities working as notaries and provide the necessary reasonable accommodation for them to exercise this profession.		3	0	D					1			1	
CO1 Germany 2015	Autocde - ANY Equal recognition before the law (art. 12)	Equal recognition before the law (art. 12) 26. The Committee is concerned that the legal instrument of guardianship ("rechtliche Betreuung"), as outlined in and governed by the German Civil Code is incompatible with the Convention. 28. The Committee recommends that the State party: (a) Eliminate all forms of substituted decision-making and replace it with a system of supported decision-making, in line with the Committee's general comment No. 1 (2014) on equal recognition before the law; (b) Develop professional quality standards for supported decision-making mechanisms; (c) In close cooperation with persons with disabilities, provide training on article 12 of the Convention in line with the Committee's general comment No. 1 at the federal, regional and local levels for all actors, including civil servants, judges, social workers, health and social services professionals and the wider community.		2	0	C			1	1	1	1	1		
CO1 Hungary 2012	Autocde - ANY Equal recognition before the law (art. 12)	Equal recognition before the law (art. 12) The Committee takes note of the fact that the State party is undertaking efforts to harmonize its national legislation with the provisions of article 12 of the Convention. It welcomes the plans to provide for supported decision-making in the drafting of the new Civil Code. The Committee however remains concerned about the possibility of maintaining a modified regime of substituted decision-making in the drafting of the new Civil Code. The Committee is also concerned that the process of drafting the new Civil Code has not been used to provide for a detailed and viable framework for supported decision-making in the exercise of legal capacity in accordance with the provisions of article 12 of the Convention. The Committee recommends that the State party use effectively the current review process of its Civil Code and related laws to take immediate steps to derogate guardianship in order to move from substitute decision-making to supported decision-making which respects the person's autonomy, will and preferences and is in full conformity with article 12 of the Convention, including with respect to the individual's right, in his or her own capacity, to give and withdraw informed consent for medical treatment, to access justice, to vote, to marry, to work, and to choose a place of residence. The Committee further recommends that the State party provide training, in consultation and cooperation with persons with disabilities and their representative organizations, at the national, regional and local levels for all actors, including civil servants, judges, and social workers, on the recognition of the legal capacity of persons with disabilities and on mechanisms of supported decision-making.	1	2	0	C			1	1	1	1			
CO1 Mexico 2014	Autocde - ANY Equal recognition before the law (art. 12)	Equal recognition before the law (art. 12) 23. The Committee is concerned at the lack of measures to repeal the declaration of legal incompetence and the limitations on the legal capacity of a person on the grounds of disability. It is also concerned at the lack of social awareness in this respect and the reluctance of some justice officials to put into effect the recommendations made by the Committee in its general comment No. 1 on equal recognition before the law (2014). 24. The Committee urges the State party to suspend any legislative reform that would perpetuate a system of substituted decision-making and to take steps to adopt laws and policies that replace the substitute decision-making system with a supported decision-making model that upholds the autonomy and wishes of the persons concerned, regardless of the degree of disability. At the same time, it urges the State party to review all federal and state legislation in order to eliminate any restriction of rights stemming from a declaration of legal incompetence or on the grounds of a person's disability. It recommends that the State party take steps to train the authorities and society regarding the right to legal capacity of persons with disabilities, on the basis of the recommendations made by the Committee in its general comment No. 1 (2014).		2	0	C					1	1	1		
CO1 Mongolia 2015	Autocde - ANY Equal recognition before the law (art. 12)	Equal recognition before the law (art. 12) 20. The Committee is concerned about the inadequacy of the State party's legal measures for ensuring the rights of persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, to make choices about their lives and enjoy legal capacity on an equal basis with others. The Committee is also concerned that the State party permits guardians of persons with disabilities to make decisions regarding the property and the personal issues of persons deemed permanently incapable of legal capacity, including with respect to the individual's right, in his or her own capacity, to give and withdraw informed consent, in particular for medical treatment, to access justice, to vote, to marry, to work, and to choose a place of residence. 21. The Committee urges the State party to ensure legal capacity for persons with disabilities, including with respect to their right to choose where and with whom they want to live, to vote for the political party they prefer, to have their health-care decisions respected, to control their own financial affairs and to have access to cinema and other leisure and cultural activities. The Committee recommends that the State party amend the Civil Code so as to move from substitute decision-making to supported decision-making which respects the person's autonomy, will and preferences and is in full conformity with article 12 of the Convention and general comment No. 1, including with respect to the individual's right to give and withdraw informed consent for medical treatment, to access justice, to vote, to marry, to work and to choose his or her place of residence. The Committee also recommends that the State party provide training, in consultation and cooperation with persons with disabilities and their representative organizations, at the national, regional and local levels for all actors, including civil servants, judges and social workers, on the recognition of the legal capacity of persons with disabilities and on the mechanisms of supported decision-making.		3	0	D			1	1	1	1			
CO1 New Zealand 2014	Autocde - ANY Equal recognition before the law (art. 12)	Equal recognition before the law (art. 12) The Committee notes the recent work on examining supported decision-making regimes in New Zealand. The Committee recommends that the State party take immediate steps to revise the relevant laws and replace substituted decision-making with supported decision-making. This should provide a wide range of measures that respect the person's autonomy, will and preferences, and is in full conformity with article 12 of the Convention, including with respect to the individual's right, in his or her own capacity, to give and withdraw informed consent, in particular for medical treatment, to access justice, to vote, to marry, and to work, among other things, consistent with the Committee's general comment No. 1 (2014) on equal recognition before the law.	1	1	0	B					1		1		
CO1 Paraguay 2013	Autocde - ANY Equal recognition before the law (art. 12)	Equal recognition before the law (art. 12) 28. The Committee is concerned at the State party's mechanism for declaring persons with disabilities legally incapable and regrets the lack of understanding in the State party concerning the scope of article 12 of the Convention. The Committee is also concerned at the lack of data and information on persons with disabilities who have been declared legally incapable since the declaration of incapacity is an impediment to respect for the legal capacity of persons with disabilities, and the full exercise of that capacity, in all areas of life, including, but not limited to, matters of property. 30. The Committee urges the State party to repeal the legal provisions of the Civil Code governing the procedure for declaring legal incapacity on grounds of disability and to set up an independent review mechanism with the aim of fully restoring the rights of those who have been declared legally incapable. It also recommends that the State party set up safeguards for persons with disabilities and develop a model for support in the decision-making process that takes due account of the individual's autonomy, free will and preferences, and of their rights, including the right to free and informed consent to medical treatment, the right of access to justice, and the rights to vote, to marry and to choose their place of residence.		2	0	C					1			1	
CO1 Peru 2012	Autocde - ANY Equal recognition before the law (art. 12)	Equal recognition before the law (art. 12) The Committee is concerned at reports that a number of persons with disabilities, especially those living in rural areas and in long-term institutional settings, do not have identity cards and, sometimes, have no name. The Committee urges the State party to promptly initiate programmes in order to provide identity documents to persons with disabilities, including in rural areas and in long-term institutional settings, and to collect complete and accurate data on people with disabilities in institutions who are currently undocumented and/or do not enjoy their right to a name. The Committee notes with concern that legislation of the State party (article 7 of the Constitution and articles 564 and 565 of the Civil Code) is not in conformity with article 12 of the Convention, as it establishes substitute decision-making instead of supported decision-making and permits the suspension of civil rights of persons with disabilities in cases of judicial interdiction. The Committee is also concerned at the lack of information concerning the number of persons who have been subjected to guardianship and trusteeship and the lack of legal remedies and safeguards, such as independent review and right to appeal, that are in place in order to revoke those decisions. The Committee recommends that the State party abolish the practice of judicial interdiction and review the laws allowing for guardianship and trusteeship to ensure their full conformity with article 12 of the Convention and take action to replace regimes of substitute decision-making with supported decision-making, which respects the person's autonomy, will, and preferences. The Committee is concerned that the State party's Civil Code denies the ability to exercise the right to marry to the "deaf-mute, blind-deaf and blind-mute persons, as well as to mentally handicapped persons and those suffering from mental deterioration". The Committee urges the State party to amend the Civil Code in order to adequately guarantee the exercise of civil rights, in particular the right to marry, to all persons with disabilities.	4	2	G				1	1	1	1		1	
CO1 Rep Korea 2014	Autocde - ANY Equal recognition before the law (art. 12)	Equal recognition before the law (art. 12) The Committee is concerned that the new adult guardianship system, which was introduced in July 2013, permits guardians to make decisions regarding the property and personal issues of persons deemed permanently incapable of managing tasks due to psychological restrictions caused by disease, disability or old age. The Committee notes that such a system tends to promote substituted decision-making instead of supported decision-making, contrary to the provisions of article 12 of the Convention, as established in the Committee's general comment No. 1 (2014) on equal recognition before the law. The Committee recommends that the State party move from substitute decision-making to supported decision-making which respects the person's autonomy, will and preferences and is in full conformity with article 12 of the Convention and general comment No. 1, including with respect to the individual's right to give and withdraw informed consent for medical treatment, to have access to justice, to vote, to marry, to work and to choose his or her place of residence. The Committee further recommends that the State party provide training, in consultation and cooperation with persons with disabilities and their representative organizations, at the national, regional and local levels for all actors, including civil servants, judges and social workers, on the recognition of the legal capacity of persons with disabilities and on the mechanisms of supported decision-making.		2	0	B			1	1	1	1			
CO1 Spain 2011	Autocde - ANY Equal recognition before the law (art. 12)	Equal recognition before the law (art. 12) 33. The Committee notes that Act 26/2011 allows a period of one year following its entry into force for the presentation of a bill to govern the scope and interpretation of article 12 of the Convention. The Committee is further concerned that no measures have been taken to replace substitute decision-making with supported decision-making in the exercise of legal capacity. 34. The Committee recommends that the State party review the laws allowing for guardianship and trusteeship, and take action to develop laws and policies to replace regimes of substitute decision-making with supported decision-making, which respects the person's autonomy, will and preferences. It further recommends that training be provided on this issue for all relevant public officials and other stakeholders.	3	0	D				1	1	1	1			

CO 1 Tunisia 2011	Autocode - ANN: Equal recognition before the law (art. 12)	Equal recognition before the law (art. 12) 22. The Committee is concerned that no measures have been undertaken to replace substitute decision-making by supported decision-making in the exercise of legal capacity. 23. The Committee recommends that the State party review the laws allowing for guardianship and trusteeship, and take action to develop laws and policies to replace regimes of substitute decision-making by supported decision-making. It further recommends that training be provided on this issue to all relevant public officials and other stakeholders.		2	0	C	1	1	1																																																																																																																																																																																																																																																																							
----------------------	--	---	--	---	---	---	---	---	---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

UNCRPD - Article 12 Equal recognition before the law

Note: Recommendation for training not explicit in the concern paragraph - is counted as an issue. Lack of progress is counted as a seriousness factor.

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	

Document name	Code	Segment	Formative comment	Thematic focus (urgent/delay)	No of issues	Serious factor	Grade	Create SW	Improve SW	Policy and practice	Individual decision making	Legal capacity	Training officials	Themes observed						
														CC No. 1 (2014)	Lack of info					
CO 2-3 Australia 2019	Autocode - ANY: Equal recognition before the law (art. 12)	23. Despite the recommendations of the Australian Law Reform Commission, the Committee is concerned about the lack of progress made to abolish the guardianship system and (particularly in decisions concerning forced psychiatric treatment), and at the lack of a time frame to completely replace that regime with supported decision-making systems. 24. Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee recommends that the State party: (a) Repeat all laws and policies and end practices or customs that have the purpose or effect of denying or diminishing the recognition of any person with disabilities as a person before the law; (b) Implement a nationally consistent supported decision-making framework, as recommended in a 2014 report of the Australian Law Reform Commission entitled Equality, Capacity and Disability in Commonwealth Laws.	1	1	1	C				1		1								
CO 2-3 Austria 2023	Autocode - ANY: Equal recognition before the law (art. 12)	29. The Committee notes the enactment of the 2nd Protection of Adults Act of 2018, and the close consultation with and active involvement of organizations of persons with disabilities in its development, but it is concerned about the significant remaining elements of substituted decision-making and the high number of established legal adult representations and court-appointed representatives, about the lack of progress made in the implementation of the law, particularly the lack of community-based services for supported decision-making provided by the Länder, and the lack of awareness about the law in many parts of the State and society. 30. Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee recommends that the State party repeal the remaining elements of substituted decision-making in its laws, substantially strengthen community-based services for supported decision-making, particularly those within the competencies of the Länder, and implement them comprehensively, and train the employees of all public and private entities who have a role in implementing the law. The Committee also recommends the State party regularly evaluate the implementation of the 2nd Protection of Adults Act, with a strong emphasis on the measures taken by the Länder.	1	1	2	D			1	1	1	1								
CO 2-3 China 2022	Autocode - ANY: Equal recognition before the law (art. 12)	28. The Committee is concerned about the persistence of the substitute decision-making regime, enabled by the absence of measures to abolish the discriminatory provisions of the Civil Code (2017) (arts. 21-24 and 28-31) allowing adults to be denied or restricted in their legal capacity to act based on the "incapability of discerning his or her conduct". 29. The Committee recommends that the State party, in line with article 12 of the Convention and the Committee's general comment No. 1 (2014) on equal recognition before the law: (a) Recognize the discriminatory nature of the substitute decision-making regime and abolish all provisions allowing restrictions of the legal capacity of persons with disabilities on the basis of impairment; (b) Adopt a mechanism to restore the full legal capacity of all persons with disabilities, regardless of their impairment; (c) Develop and implement, in close consultation with and with the active involvement of persons with disabilities and their representative organizations, a nationally consistent supported decision-making framework that respects the will, preference and individual choices of persons with disabilities. 67. The Committee is concerned about regulations in connection with the Mental Health Ordinance regarding guardianship orders that can lead to a determination of legal incapacity and segregation of guardianship for adults with disabilities, stripping them of the right to exercise their legal capacity, including the right to social participation, and the right to enter into marriage and form a family. The Committee is particularly concerned at reports of women with disabilities and persons with intellectual disabilities and/or psychosocial disabilities being disproportionately affected by substitute decision-making regimes. 68. The Committee recommends that Hong Kong, China, in accordance with the Committee's general comment No. 1 (2014): (a) Adopt laws and policies that replace the substitute decision-making system with supported decision-making mechanisms that respect the autonomy, will and preference of persons with disabilities, and ensure the effective participation of women with disabilities to inform the drafting of laws and policies; (b) Review all legislation with a view to eliminating all restrictions of rights as a result of a declaration of legal incapacity or on the grounds of a person's disability; (c) Provide the authorities, including law enforcement agencies and courts, with training on the requirements of the right to legal capacity of persons with disabilities. 82. The Committee is concerned about the regimes of "interdiction" and "incapacitation" and the appointing of guardianship for those declared "interdicted" or "incapacitated", stripping them of the right to exercise their legal capacity, including the right to social participation, and the right to enter into marriage and form a family. 83. The Committee urges Macao, China, in accordance with the Committee's general comment No. 1 (2014): (a) Adopt laws and policies that replace the substitute decision-making system with supported decision-making mechanisms that respect the autonomy, will and preference of persons with disabilities; (b) Review all legislation, with a view to eliminating all restrictions of rights as a result of a declaration of legal incapacity or on the grounds of a person's disability; (c) Provide the authorities, including law enforcement agencies and courts, with training on the requirements of the right to legal capacity of persons with disabilities.			3	D			1	1	1	1	1	1						
CO 2-3 Ecuador 2019	Autocode - ANY: Equal recognition before the law (art. 12)	25. The Committee is deeply concerned at the fact that the Civil Code and the Organic Code of General Procedure continue to provide for guardianships and wardships. 26. The Committee recommends that, bearing in mind its general comment No. 1 (2014) on equal recognition before the law, the State party: (a) Bring the Organic Code of General Procedure into line with the Convention without delay by, inter alia, eliminating restrictions on the legal capacity of persons with disabilities; (b) Replace substitute decision-making systems, including guardianships and wardships, with supported decision-making systems, take all appropriate measures for the provision of individualized support, properly inform persons with disabilities about such alternatives and train the relevant personnel in accordance with article 12 of the Convention; (c) Ensure the effective, independent participation of persons with disabilities through their representative organizations in the reform process.	1	1	1	C			1		1		1							
CO 2-3 El Salvador 2019	Autocode - ANY: Equal recognition before the law (art. 12)	24. The Committee is concerned that no progress has been made to repeal article 74 of the Constitution, which suspends citizenship rights due to "mental alienation" and "judicial interdiction", and which severely restricts the rights of persons with disabilities, particularly persons with intellectual or psychosocial disabilities and persons with hearing impairments, whose legal recognition before the law is restricted. 25. The Committee recalls its general comment No. 1 (2014) on equal recognition before the law, and recommends that the State party repeal the regime of declaration of incapacity in its legislation, particularly in the Constitution and the Family Code. The Committee also recommends that the State party allocate human and budgetary resources to replace substituted decision-making with a supported decision-making regime for persons with disabilities, particularly persons with psychosocial, intellectual or hearing disabilities.	1	2	1	D			1		1		1							
CO 2-3 Germany 2023	Autocode - ANY: Equal recognition before the law (art. 12)	25. The Committee is concerned that: (a) The Act on the Reform of Child and Adult Guardianship Law 2021 does not eliminate all forms of substitute decision-making; (b) There is no national comprehensive strategy for the implementation of supported decision-making mechanisms. 26. Recalling its general comment No. 1 (2014), the Committee recommends that the State party: (a) Eliminate all forms of substitute decision-making and replace them with a system of supported decision-making; (b) Develop in general consultation with and with the active involvement of persons with disabilities, through their representative organizations and across all levels of federal, Länder and municipal governments, for the implementation of supported decision-making mechanisms.			2	C				1	1	1		1						
CO 2-3 Hungary 2022	Autocode - ANY: Equal recognition before the law (art. 12)	24. The Committee notes with concern: (a) The discriminatory nature of restriction on the legal capacity of persons with disabilities on the basis of impairment, the absence of measures to abolish the discriminatory provisions of the Civil Code and the persistence of the substitute decision-making regime, depriving persons with disabilities of their rights; (b) That attributes of a substituted decision-making regime have been retained in the supported decision-making mechanism established in Act CLV of 2013, which resulted in a measure that is ineffective and discriminatory. 25. The Committee recommends that the State party, in line with article 12 of the Convention and the Committee's general comment No. 1 (2014): (a) Recognize the discriminatory nature of the substitute decision-making regime and abolish all provisions allowing restrictions on the legal capacity of persons with disabilities on the basis of impairment; (b) Adopt a mechanism to restore full legal capacity of all persons with disabilities, regardless of their impairment; (c) Review all provisions as regards the supported decision-making mechanism with the aim of ensuring that supported decision-making mechanisms respect the dignity, autonomy, will and preferences of persons with disabilities in the exercise of legal capacity by all persons with disabilities.	2	0		C			1	1	1		1							
CO 2-3 Mexico 2022	Autocode - ANY: Equal recognition before the law (art. 12)	35. With reference to paragraph 23 of its previous concluding observations , the Committee is concerned about provisions in the Federal Civil Code and the Federal District Civil Code that strip legal capacity and guardianship for adults with disabilities, despite a judgment by the National Supreme Court of Justice of 2019. It is equally concerned about the rules conferring guardianship of children in institutions on the institution housing them. The Committee also notes with concern that the proposed national code for civil and family procedures fails to provide support measures allowing persons with disabilities to exercise their legal capacity, and that, in particular, women with disabilities, persons with intellectual disabilities and persons with psychosocial disabilities are disproportionately impacted by substituted decision-making regimes. 36. The Committee recommends that the State party, in accordance with the Committee's general comment No. 1 (2014) on equal recognition before the law: (a) Adopt laws and policies that replace the substitute decision-making system with supported decision-making mechanisms that respect the autonomy, will and preference of persons with disabilities, and ensure effective participation of women with disabilities to inform the drafting of laws and policies; (b) Review all federal and state legislation with a view to eliminating all restrictions of rights as a result of a declaration of legal incompetence or on the grounds of a person's disability; (c) Provide training on the requirements of the right to legal capacity of persons with disabilities to the authorities, including courts.	1	4	1	F			1	1	1	1	1	1						
CO 2-3 Mongolia 2023	Autocode - ANY: Equal recognition before the law (art. 12)	25. The Committee remains concerned about the lack of progress made to abolish the guardianship and substituted decision-making regime under the Civil Code, limiting the legal capacity of persons with disabilities on the basis of psychosocial and/or intellectual impairment, and the lack of a time frame to completely replace this system with a supported decision-making system. The Committee is also concerned about the lack of information about supported decision-making in accessible formats to increase understanding for persons with disabilities and their families. 26. The Committee reiterates its previous recommendation and recommends that, in line with its general comment No. 1 (2014), the State party: (a) Repeat all discriminatory legal provisions on substitute decision-making systems, including guardianships and wardships, with supported decision-making systems, ensure the provision of individualized support and respect the autonomy, will and preferences of persons with disabilities; (b) Ensure the effective, independent participation of persons with disabilities, through their representative organizations, in the reform process and in the training of the relevant personnel on the recognition of the legal capacity of persons with disabilities and on the mechanisms of the supported decision-making system; (c) Organize and fund the development of information about what supported decision-making is, in accessible formats such as Braille, sign language and Easy Read, and disseminate it to persons with disabilities and their families.	1	3	1	E			1	1	1	1	1	1						
CO 2-3 New Zealand 2022	Autocode - ANY: Equal recognition before the law (art. 12)	21. The Committee notes the review into adult decision-making capacity by the Law Commission, but it is concerned about the lack of progress made in abolishing the guardianship system and substituted decision-making regime, and the lack of a time frame to completely replace that regime with supported decision-making systems. 22. Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee recommends that the State party repeal all laws and policies and end practices or customs that have the purpose or effect of denying or diminishing the recognition of any person with disabilities as a person before the law, and implement a nationally consistent supported decision-making framework that respects the autonomy, will and preferences of persons with disabilities.	1	1	1	C			1		1		1							
CO 2-3 Rep Korea 2022	Autocode - ANY: Equal recognition before the law (art. 12)	27. The Committee is deeply concerned about the lack of progress made to abolish the guardianship and substituted decision-making regime, which limits the active capacity of persons with disabilities on the basis of psychosocial and/or intellectual impairment, and at the lack of a time frame to completely replace this regime with a supported decision-making system. The Committee is also concerned about the lack of information about supported decision-making available in accessible formats to increase understanding for persons with disabilities and their families. 28. The Committee reiterates its previous recommendation and recommends that, in line with its general comment No. 1 (2014), the State party: (a) Replace substitute decision-making systems, including guardianships and wardships, with supported decision-making systems that ensure the provision of individualized support and respect the autonomy, will and preferences of persons with disabilities; (b) Ensure the effective, independent participation of persons with disabilities, through their representative organizations, in the reform process and in the training of relevant personnel on the recognition of the legal capacity of persons with disabilities and on the mechanisms of supported decision-making; (c) Organize and fund the development of information about supported decision-making, in accessible formats such as Braille, sign language and Easy Read, and disseminate it to persons with disabilities and their families.	1	3	1	E			1	1	1	1	1	1						
CO 2-3 Spain 2019	Autocode - ANY: Equal recognition before the law (art. 12)	22. The Committee is concerned that the Civil Code of the State party allows for the deprivation of the legal capacity of a person based on disability and maintains substituted decision-making regimes. 23. Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee recommends that the State party repeal all discriminatory legal provisions with a view to fully abolishing substituted decision-making regimes, recognize the full legal capacity of all persons with disabilities and introduce supported decision-making mechanisms that respect the dignity, autonomy, will and preferences of persons with disabilities.			2	C			1		1	1								
CO 2-3 Tunisia 2023	Autocode - ANY: Equal recognition before the law (art. 12)	19. The Committee is concerned that the State party continues to uphold guardianship and substituted decision-making for persons with disabilities, including persons with intellectual disabilities and persons with psychosocial disabilities, contrary to the Convention, which recommends supported decision-making. It is also concerned that the State party continues to uphold Law No. 66 (2008), on the facilitation of transactions for persons with motor disabilities, which allows financial institutions, such as banks, to limit access for persons with disabilities, including deaf persons and blind persons, to their own finances, when they are not accompanied by a witness; in such cases, if they go to the bank counter alone, they are denied the right to withdraw their own money. In some reported cases, the bank has even required that the witness be designated by a court decision. 20. The Committee, recalling its general comment No. 1 (2014) on equal recognition before the law, recommends that the State party: (a) Review all laws, including article 166 of the Code of Obligations and Contracts and articles 160, 162 and 163 of the Personal Status Code, that uphold guardianship and substituted decision-making and replace such provisions with ones that uphold supported decision-making and individual autonomy, in accordance with the Convention; (b) Repeal Law No. 66 (2008) and replace it with a law that establishes the principles of autonomy, privacy and independence of persons with disabilities in their administrative and financial transactions.			2	C			1		1		1							

11 7 5 12 2 0 0 0 0

UNCRPD - Article13 Access to Justice
 Note: recommendation for training of officials - treated as an issue.
 Paragraphs are written quite differently so this is a difficult article to grade comparatively.

Grade	A	B	C	D	E	F	G	H
	0	1	2	3	4	5	6	7

Document name	Code	Segment	Positive comment	Relevance (visual / urgent / density)	No of issues	Serious factor	Grade	Themes observed											
								Creates law	Improve law	policy and practice	legal aid	Training of officials	Access - barriers	Guidance for PD	psychosocial disabilities	Women / girls	Intersectionality		
CO1 Australia 2013	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) 27. The Committee is concerned at the lack of training for judicial officers, legal practitioners and court staff on ensuring access to justice for persons with disabilities, as well as 29. The lack of guidance on access to justice for persons with disabilities. The Committee is further concerned that access to sign language interpreters or the use of Augmentative and Alternative Modes of Communication is not supported in all Australian states and territories. 28. The Committee recommends that standard and compulsory modules on working with persons with disabilities be incorporated into training programmes for police officers, prison staff, lawyers, the judiciary and court personnel. It further recommends that legislation and policy across the states and territories be amended to ensure access to justice for persons with disabilities, in line with article 13 of the Convention. 29. The Committee further urges the State party to ensure that persons with psychosocial disabilities are ensured the same substantive and procedural guarantees as others in the context of criminal proceedings, and in particular to ensure that no diversion programmes to transfer individuals to mental health commitment regimes or requiring an individual to participate in mental health services are implemented, rather, such services should be provided on the basis of the individual's free and informed consent. 30. The Committee further recommends that the State party ensure that all persons with disabilities who have been accused of crimes and are currently detained in jails and institutions, without trial, are allowed to defend themselves against criminal charges, and are provided with required support and accommodation to facilitate their effective participation.			5	0	F	1	1	1	1	1	1						
CO1 China 2012	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) While appreciating the establishment of legal aid service centres for persons with disabilities, the Committee notes that these service centres often lack the necessary resources and do not operate on an independent basis. The Committee is concerned that neither the criminal nor the civil procedure laws in are accessible for the use of persons with disabilities on an equal basis with others and, instead, patronizing measures are put into place, such as the designation of public defenders that treat the person concerned as if they lacked legal capacity. The Committee suggests that the State party allocate the necessary human and financial resources to the legal aid service centres. It asks the State party to ensure that these centres safeguard the access to justice of persons with disabilities independently and in practice, including below the county level. The Committee suggests that the State party reviews its procedural civil and criminal laws in order to make mandatory the necessity to establish procedural accommodation for those persons with disabilities who intervene in the judicial system can do it as subject of rights and not as objects of protection.	1		2	0	C	1	1	1									
CO1 Ecuador 2014	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) 26. The Committee is concerned that judicial officials are unaware of the rights of persons with disabilities provided for in national and international instruments, that the justice sector has no programmes specifically designed to provide assistance to persons with disabilities and at the inaccessibility of judicial facilities. The Committee is concerned that there is no requirement under the criminal, civil, labour and administrative procedures in Ecuador for judicial authorities to make procedural accommodations when persons with disabilities take part in proceedings. 27. The Committee recommends that the State party: (a) Adapt training programmes for judicial personnel to ensure that they cover the rights of persons with disabilities included in national and international human rights instruments; (b) Ensure that the Council of the Judiciary implement a national adaptation plan so that there is adequate accessibility to judicial facilities both in terms of both their architecture and communications and that the plan includes the requirement to provide Ecuadorian sign-language interpreters and easy-read facilities for the participation of deaf persons and persons with intellectual disabilities, respectively; (c) Ensure that the legislature introduce legislative reforms so that the national criminal, civil, labour and administrative procedures include the requirement to make procedural accommodations for persons with disabilities, thereby enabling their access to justice on an equal basis with others.			3	0	D	1	1	1	1								
CO1 El Salvador 2013	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) 29. The Committee is concerned about the barriers to access to justice encountered by persons with disabilities and the lack of reasonable accommodation. The Committee is also concerned at the limited access to justice for women and girls with disabilities who are victims of abuse or neglect owing to the low credibility ascribed to their witness statements. 30. The Committee calls on the State party to: (a) Put in place reasonable procedural accommodation with a gender and age focus to ensure access to justice for persons with disabilities and to provide free legal assistance, information on each case — as early as the police investigation — in accessible formats, access to judicial buildings and the services of trained Salvadoran sign-language interpreters; (b) Strengthen the mandate of the Office of the Human Rights Advocate regarding legal remedies for the defence of the rights of persons with disabilities; (c) Design training programmes for all those involved in the legal system, including the police, judges, legal professionals, social workers and health-care workers, in both urban and rural areas; (d) Adopt measures to secure access to justice for women and girls with disabilities, with due consideration paid to their role as witnesses and victims during the trial phase.			3	0	D	1	1	1	1								
CO1 Germany 2015	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) 27. The Committee is concerned about (a) the lack of structures and procedural accommodation within the justice sector specifically designed to provide assistance for persons with disabilities, particularly girls who are victims of violence and abuse; (b) the inaccessibility of judicial facilities and lack of understanding of legal professionals with regard to access to justice; and (c) the lack of implementation and enforcement by the judiciary of the standards of the Convention in the national legal system and within court rulings. 28. The Committee recommends that the State party: (a) Introduce targeted measures to improve the physical and communicative accessibility of courts, judicial authorities and other bodies involved in administering the law; (b) Introduce legislative reforms so that the national criminal, civil, labour and administrative procedures include the requirement to ensure procedural accommodations for persons with disabilities, taking into particular account persons with intellectual or psychosocial disabilities, deaf-blind persons and children with disabilities; (c) Ensure effective training of personnel in the justice, police and prison systems on the application of human rights standards to promote and protect the rights of persons with disabilities.			3	0	D	1	1	1	1								
CO1 Mexico 2014	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) 26. The Committee is concerned at the limited access to justice of persons with disabilities from indigenous communities, of women and girls with disabilities who are the victims of violence and abuse, of persons with disabilities living in institutions and of children with disabilities. 28. The Committee recommends that the State party: (a) Adopt priority corrective measures to ensure that the groups of persons with disabilities who are particularly discriminated against also have access to justice; (b) Provide legal aid to persons with disabilities who live in poverty or in institutions; (c) Ensure that all children with disabilities have access to justice and may express their opinion in the course of the determination of the best interests of the child, through procedural accommodations appropriate to their age and specific disability-related needs.			3	0	D	1	1	1	1								
CO1 Mongolia 2015	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) 22. The Committee is concerned about the lack of explicit provisions ensuring procedural accommodation in situations necessary for guaranteeing access to justice for persons with disabilities. This includes the insufficiency of sign language, Braille and appropriate training for judicial, legal and law enforcement professionals. 23. The Committee recommends that the State party adopt legal measures to implement the principle of procedural accommodation, including measures to ensure that persons with disabilities are discriminated on account of physical status or language (when sign language or Braille is required), or owing to the lack of appropriate training of legal profession, police and prison officers, with special attention to women with disabilities.			2	0	C	1	1	1	1								
CO1 New Zealand 2014	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) The Committee notes that, in New Zealand, persons who acquire a disability through injury only have recourse to compensation via the Accident Compensation Corporation. The Committee notes that persons who have suffered injuries are concerned over the lack of access to justice to pursue their claims. There is concern about the limited amount of legal aid funding that is available and about the discretionary basis upon which legal costs are awarded. There is also concern that the Accident Compensation Corporation machinery lacks a human rights focus. The Committee recommends that the State party examine the processes for the assessing of compensation by the Accident Compensation Corporation to ensure that adequate legal aid is available and that its processes are fully accessible to all claimants, and finally to ensure that this mechanism has a human rights focus. The Committee notes that the Government is considering the establishment of an accident compensation tribunal to replace appeals to the District Court. The Committee is concerned that there has been insufficient consultation with persons who have acquired disabilities through injury, and with their representative organizations, about the establishment and operation of this tribunal. The Committee recommends that organizations representing persons with disabilities be consulted about the proposal to establish an accident compensation tribunal. The Committee also recommends that the tribunal adopt a flexible approach to the admission of evidence, and that those who lack the means should be given adequate legal aid to ensure full access to the tribunal. The Committee is concerned that no specific training of judges by the Institute of Judicial Studies has been given either on the Convention or on the requirement that justice be accessible to all persons with disabilities, including those with intellectual and those with psychosocial disabilities. The Committee recommends that the Institute of Judicial Studies, in conjunction with disabled persons' organizations, run training programmes on the Convention and on the rights of persons with disabilities who come before New Zealand courts and tribunals.			4	0	E	1	1	1									
CO1 Paraguay 2013	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) 31. The Committee is concerned that the State party's criminal legislation provides for penalties termed "care measures", that may be applied to persons with disabilities without due process. 32. The Committee recommends that the State party amend its criminal legislation in order to make penalties applicable to persons with psychosocial or intellectual disabilities subject to the same guarantees and conditions as those applicable to any other person who is the subject of criminal proceedings, making provision as necessary for reasonable accommodation and procedural adjustments.			1	0	B	1	1										
CO1 Rep Korea 2014	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) The Committee is concerned about the lack of effective implementation of article 26 of the Anti-Discrimination against and Remedies for Persons with Disabilities Act, which requires that the Government ensure reasonable accommodation during judicial procedures for persons with disabilities. It is also concerned that judicial personnel lack sufficient awareness of the rights of persons with disabilities. The Committee notes the existence of the Guidelines for Judicial Assistance for Persons with Disabilities published by the Korean Supreme Court in 2013. The Committee suggests that the State party increase its efforts to ensure the effective implementation of article 26 of the Anti-Discrimination against and Remedies for Persons with Disabilities Act. It further recommends that standard modules on working with persons with disabilities, on the provision of reasonable accommodation, in particular procedural and age-appropriate, as well as gender-sensitive, accommodations, and on the guarantee of access to justice be incorporated into training programmes for police officers, prison staff, lawyers, the judiciary and court personnel. It is recommended that the Guidelines for Judicial Assistance for Persons with Disabilities, published by the Korean Supreme Court, be legally binding and implemented effectively.			2	0	C	1	1	1	1								

UNCRPD - Article13 Access to justice

Note: recommendation for training of officials - treated as an issue. Lack of data counted as an issue. Paragraphs are written quite differently so this is a difficult article to grade comparatively.

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	

Document name	Code	Segment	Positive comment	Relevant/neutral/negative/unsure	Grade	Themes observed	Access to justice	Physical disabilities	Psychosocial disabilities	Women / girls	Intersectionality	
CO-2-3 Australia 2019	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) 25. The Committee is concerned about: (a) The fact that only some states and territories have passed legislation to support the equal participation of persons with disabilities in the jury system while the rest and the federal Government have not done so; (b) The lack of nationally consistent disability justice plans across governments to ensure that persons with disabilities are supported in accessing the same legal protections and redress as the rest of the community, particularly persons with intellectual or psychosocial disabilities whose reasonable and procedural accommodations are not adequately met; (c) The fact that legislation still views persons with disabilities as being unfit to plead; (d) The overrepresentation of convicted young persons with disabilities in the youth justice system, especially male youth from Aboriginal and Torres Strait Islander communities; (e) Ongoing use of substituted decision-making to assist persons with disabilities "unable to navigate the legal system by themselves"; (f) Absence of national data disaggregated by disability at all stages of the criminal justice system, including data on the number of persons unfit to plead who are committed to custody in prison and other facilities. 26. The Committee recommends that the State party, in close consultation with persons with disabilities, through their representative organizations, ensure effective access to justice for persons with disabilities, without any discrimination. It also recommends that the State party: (a) Develop legislation in all states on the equal participation of persons with disabilities in the jury system; (b) Develop nationally consistent disability justice plans across governments to ensure that persons with disabilities, particularly those whose reasonable and procedural accommodations are not adequately met, are supported in accessing the same legal protections and redress as the rest of the community; (c) Bring all state, territory and federal legislation, including criminal laws and policies, in compliance with the Convention to ensure due process guarantees for all persons with disabilities and ensure a review of the legislation of persons whose equal recognition before the law is restricted and who have been declared unfit to stand trial; (d) Address the overrepresentation of young Aboriginal and Torres Strait Islander persons in the juvenile justice system and implement the recommendations contained in Pathways to Justice - An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples; (e) Eliminate substitute decision-making, provide gender and culture-specific individualized support, including psychosocial support, for persons with disabilities in the justice system, make information accessible and provide community-based sentencing options; (f) Ensure that training modules on working with persons with disabilities and the Convention are incorporated into mandated training programmes for police officers, prison officers, lawyers, judicial officers, judges and court staff; (g) Collect data disaggregated by disability, age, gender, location and ethnicity at all stages of the criminal justice system, including on the number of persons unfit to plead who are committed to custody in prison and other facilities.			4	0	E	1	1	1	1	1
CO-2-3 Austria 2023	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) 31. The Committee is concerned about: (a) The insufficient availability of qualified sign language interpreters for administrative and court proceedings, inaccessibility of some administrative and court buildings, a wide-spread lack of administrative and court decisions in accessible formats, and insufficient accessibility of administrative and court hearings online; (b) The denial of legal standing to any person with disabilities subject to substitute decision-making within the ambit of the substitution. 32. The Committee recommends that the State party: (a) Ensure the availability of qualified sign language interpreters in administrative and court proceedings, expedite the evaluation and development of standards on the accessibility of administrative and court buildings, in close consultation with and the active participation of organizations of persons with disabilities, and implement them expeditiously; provide administrative and court decisions in accessible formats, and amend administrative and court hearings online accessible; (b) Amend the laws to remove the exclusion of persons with disabilities subject to substitute decision-making from legal standing.			2	0	C	1	1	1	1	1
CO-2-3 China 2022	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) 30. The Committee notes with concern barriers that persons with disabilities, particularly persons with intellectual and/or psychosocial disabilities and persons with hearing impairments, face in the justice system due to the lack of procedural accommodation, the lack of accessible information and communication in the context of legal procedures, and the inaccessibility of buildings. 31. The Committee recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities, issued in 2020, and target 16.3 of the Sustainable Development Goals, and recommends that the State party: (a) Implement the guiding opinions of the Supreme People's Court on comprehensively promoting the construction of litigation service centers in the people's courts, issued in 2014, to ensure access to justice for persons with disabilities, including by providing reasonable accommodation for illiterate persons with hearing impairments and negotiating accommodations with applicants, such as providing documents in Braille and Easy Read, audio and video transcription and interpreters of natural sign language in courts; (b) Strengthen professional development programmes for judges, other judicial officials, administrative professionals and other relevant government officials on the provisions of the Convention and the human rights model of disability and their implementation in domestic law.			2	0	C	1	1	1	1	1
CO-2-3 Ecuador 2019	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) 27. The Committee is concerned at the continued existence of restrictions that interfere with the full access to justice of persons with disabilities on an equal footing with others. 28. Taking into account the recommendation made in paragraph 27 of its concluding observations on the State party's initial report (CRPD/C/ECU/CO/1), the Committee recommends that, in accordance with the Convention and bearing in mind target 16.3 of the Sustainable Development Goals, the State party revise its laws so as to guarantee full access to justice for persons with disabilities, especially persons with psychosocial or intellectual disabilities, without discrimination. It also recommends that the State party continue to provide training to justice officials, that it take due account of accessibility considerations with respect to the physical environment, information and communications in all facilities having to do with the administration of justice, that it make age-appropriate procedural adjustments, and that it establish timelines, goals and funding arrangements to this end.			1	2	D	1	1	1	1	1
CO-2-3 El Salvador 2019	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) 26. The Committee remains concerned about the lack of measures taken to establish procedural adjustments, including gender and age accommodations, to ensure access to justice for persons with disabilities, in rural and urban areas. 27. Taking into account target 16.3 of the Sustainable Development Goals, the Committee recommends that the State party repeal any legislation that creates barriers for persons with disabilities to access justice and establish the necessary safeguards to guarantee the participation of persons with disabilities in all legal proceedings, on an equal basis with others, including a gender and age focus, and individualized accommodations, such as accessible modes and formats of communication - Braille, Easy Read, captioning, alternative communication devices and professional sign language interpreters, among others.			1	1	C	1	1	1	1	1
CO-2-3 Germany 2023	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) 27. The Committee is concerned about barriers to access to justice for persons with disabilities, including: (a) The lack of procedural and age-appropriate accommodations within the justice sector and the costs incurred by persons with disabilities in providing their own accommodations and support to facilitate effective participation in legal proceedings; (b) The lack of understanding by legal professionals about access to justice for persons with disabilities; (c) The lack of accessible judicial facilities and information and communications. 28. The Committee recommends that the State party, in close consultation with and with the active involvement of organizations of persons with disabilities, develop a national disability justice strategy: (a) To amend the procedural rules in criminal, civil, labour and administrative law to ensure that procedural and age-appropriate accommodations are provided to persons with disabilities in all proceedings on a no-cost basis; (b) To ensure appropriate training for those working in the field of administration of justice, including members of the judiciary, police officers and prison personnel, on Convention standards and principles to ensure access to justice; (c) To ensure that judicial facilities and information and communications are accessible.			2	0	C	1	1	1	1	1
CO-2-3 Hungary 2022	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) 26. The Committee notes with concern the barriers that persons with disabilities, particularly persons with intellectual disabilities, persons with psychosocial disabilities, those placed under the substitute decision-making regime, those in residential and psychiatric institutions and persons with physical disabilities, face in the justice system owing to the lack of procedural and age-appropriate accommodation, the lack of accessible information and communication on legal procedures and inaccessible buildings. 27. The Committee recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities prepared by the Special Rapporteur on the rights of persons with disabilities and target 16.3 of the Sustainable Development Goals and recommends that the State party: (a) Ensure that all necessary and effective procedural safeguards and accommodations are in place so that all persons who have restricted legal capacity and those placed in residential and psychiatric institutions have access to an effective judicial review of decisions affecting them and to free and effective legal representation in all proceedings; (b) Revise the Code on Civil Procedure and the Criminal Proceedings Act to guarantee procedural and age-appropriate accommodation for all persons with disabilities in any legal circumstances by developing alternative and augmentative means of information and communication, such as Braille, sign language, Easy Read, symbol systems and audio and video transcription.			2	0	C	1	1	1	1	1
CO-2-3 Mexico 2022	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) 37. With reference to paragraph 25 of its previous concluding observations, the Committee is concerned about limited access to justice of persons with disabilities, particularly those from indigenous communities, women and girls with disabilities who are victims of violence and abuse, persons with disabilities living in institutions and children with disabilities, resulting in seemingly wide-spread impunity of perpetrators of crimes committed against persons with disabilities in institutions or under guardianship, particularly women and children with intellectual and psychosocial disabilities. The Committee notes with concern that, in particular, women with disabilities face financial, linguistic and geographic restrictions of their right to access to justice, as well as a lack of reasonable and procedural accommodation. It is further concerned about restrictions of the right of women with disabilities, in particular in indigenous communities, to access to justice in cases of gender-based violence and in cases of women or who are under guardianship or are institutionalized, including disregard for the testimony of women and girls with intellectual or psychosocial disabilities. 38. The Committee recommends that the State party: (a) Adopt and implement age-appropriate and gender-sensitive legal measures guaranteeing access to justice for persons with disabilities, including women with disabilities in indigenous communities, such as procedural accommodations, accessible and affordable legal aid, counselling and personal assistance; remove barriers to the physical environment, to information and to prosecution services in criminal cases, and ensure that federal and state prosecutors adapt their practices and procedures accordingly; (b) Provide effective remedies to persons with disabilities living in institutions, allowing them to effectively lodge their complaints about violations of the Convention, and provide them with legal aid; (c) Establish specific standards to provide effective redress in situations of gender-based violence, and ensure that children with disabilities are in fact heard in any proceedings affecting them; (d) Eradicate gender- and disability-based stereotypes in the justice system, and ensure that all procedures, including prosecutions and trials, are conducted in a gender- and disability-sensitive manner.			1	3	E	1	1	1	1	1
CO-2-3 Mongolia 2023	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) 27. The Committee is concerned about: (a) The persistence of barriers faced by persons with disabilities with regard to access to justice, particularly persons with intellectual disabilities, persons with psychosocial disabilities and persons with hearing disabilities, due to lack of procedural accommodation, lack of accessible information and communication in the context of legal procedures and the inaccessibility of buildings and toilets; (b) The lack of capacity-building programmes on the human rights of persons with disabilities for the judiciary and justice sector professionals, policymakers and lawmakers, medical, health and social workers, and all other professionals in the justice system. 28. The Committee notes to its previous recommendation 8 recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities, prepared by the Special Rapporteur on the rights of persons with disabilities and endorsed by the Committee in 2020, and target 16.3 of the Sustainable Development Goals, and recommends that the State party: (a) Adopt, in accordance with the Convention, an action plan on access to justice for persons with disabilities, as well as the necessary legislative, administrative and judicial measures to eliminate all barriers to the effective participation of persons with disabilities at all stages of the judicial process; (b) Develop alternative and augmentative means of information and communication for use throughout legal proceedings, such as Braille, sign language, Easy Read and audio and video transcription, apply the principle of universal design and adopt an action plan to ensure physical access to all justice facilities, including buildings and toilets, and accessible transportation; (c) Strengthen professional development programmes for judges, other judicial officials, administrative professionals and other relevant government officials on the provisions of the Convention and the human rights-based model of disability and their implementation in domestic law.			1	2	D	1	1	1	1	1
CO-2-3 New Zealand 2022	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) 23. The Committee is concerned about: (a) The overrepresentation of persons with disabilities in the care and protection, youth justice and prison populations; (b) The lack of free independent advocacy and legal representation. 24. The Committee recommends that the State party: (a) Develop alternative and augmentative means of information and communication for use throughout legal proceedings, such as Braille, sign language, Easy Read and audio and video transcription, apply the principle of universal design and adopt an action plan to ensure physical access to all justice facilities, including buildings and toilets, and accessible transportation; (b) Establish and adequately resource free independent advocacy and increase resources for community legal advice services.			2	0	C	1	1	1	1	1
CO-2-3 Rep Korea 2022	Autocode - ANY: Access to justice (art. 13)	Access to justice (art. 13) 29. The Committee is concerned at the continued existence of restrictions that interfere with the full access to justice of persons with disabilities on an equal footing with others. 30. The Committee notes to its previous recommendation 8 recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities prepared in 2020 and target 16.3 of the Sustainable Development Goals, and recommends that the State party: (a) Adopt, in accordance with the Convention, an action plan on access to justice for persons with disabilities, as well as the necessary legal, administrative and judicial measures to eliminate all restrictions on the effective participation of persons with disabilities at all stages of the judicial process; (b) Make procedural adjustments, including the provision of individualized assistance, to ensure that persons with disabilities can participate effectively in the various aspects of legal proceedings; (c) Develop alternative and augmentative means of information and communication, such as with Braille, sign language, Easy Read and audio and video transcription, for use throughout legal proceedings, apply the principle of universal design and adopt an action plan to ensure physical access to all justice facilities, including through accessible transportation; (d) Intensify efforts to provide training on the Convention to judicial and law enforcement officials; (e) Take measures to ensure that persons with disabilities may enter the legal professions on an equal basis with others, and ensure individualized support for that purpose.			1	2	D	1	1	1	1	1

<p>CO 2-3 Spain 2019</p>	<p>Autocode - ANV: Access to justice (art. 13)</p>	<p>Access to justice (art. 13) 24. The Committee is concerned about: (a)The widespread lack of accessibility of buildings in which law enforcement agencies and judicial bodies are located, and the lack of overall procedural gender- and age-appropriate accommodation in judicial proceedings that takes into consideration the diversity among persons with disabilities, including persons with sensory, intellectual or psychosocial disabilities; (b)The barriers that prevent persons under substituted decision-making regimes from participating in legal proceedings on an equal basis with others, including by undermining the testimonial credibility of persons with psychosocial or intellectual disabilities; (c)The overall lack of awareness about the provisions of the Convention among lawyers, court staff, judges, prosecutors and law enforcement officials. 25. The Committee recommends that the State party: (a)Enact legislation to remove barriers for persons with disabilities in their access to justice, to guarantee the provision of procedural gender- and age-appropriate accommodation and establish relevant safeguards to enable the participation of persons with disabilities in all legal proceedings on an equal basis with others, through facilitating the use of the communication method of their choice in judicial interactions, including sign language, Braille, Easy Read, captioning, augmentative and alternative communication devices, and all other accessible means, modes and formats of communication; (b)In its implementation of the recommendation contained in paragraph 23, ensure that a person's guardianship status and type of disability does not prevent his or her full access to justice, and that specific support is provided for persons with psychosocial or intellectual disabilities and victims of gender-based violence; (c)Ensure regular training programmes and awareness-raising campaigns for lawyers, court staff, judges, prosecutors and law enforcement officers, including police and prison officers, on the need to provide access to justice for persons with disabilities; (d)Adhere to article 13 of the Convention in its implementation of target 16.3 of the Sustainable Development Goals.</p>			3	0	D			1		1	1				
<p>CO 2-3 Tunisia 2023</p>	<p>Autocode - ANV: Access to justice (art. 13)</p>	<p>Access to justice (art. 13) 21. The Committee is concerned about the lack of knowledge about the rights of persons with disabilities among law enforcement and judicial officers, as well as the insufficient number of interpreters to support the cases of persons with disabilities, in particular persons who are deaf or hard of hearing or deafblind, which leads the courts to ask professional interpreters or family members to interpret, and therefore be involved in the cases, or to postpone the hearings. It is also concerned about the fact that the legal support provided to persons with disabilities is only provided for those who have the Disability Card, which is conditional on not exceeding a certain financial threshold. 22. The Committee recommends that the State party: (a)Set up training courses for police officers, prison personnel and court officials on a human rights-based approach to disability, taking into account gender and age, to implement in their interactions with persons with disabilities; (b)Provide procedural accommodation for persons with disabilities, such as free or affordable legal assistance, sign language interpretation for persons who are deaf, hard of hearing or deafblind, or the provision of documents in accessible format, including in Easy Read, in civil, administrative and penal cases, regardless of whether the persons concerned meet the requirements for the Disability Card.</p>			2	0	C			1	1	1					

UNCRPD - Article 14 Liberty and security of the person
 Note: Serious nature of article - reflected in seriousness factor

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	

Document name	Code	Segment	Positive comment	Relevant (serious) nature of article	No. of issues	Serious factor	Grade	Themes observed									
								Human rights law	Policy and practice	International / regional / national / constitutional / industrial	Proportional or necessary / justified / effective	Non-discrimination	Women / girls	Intersectional / multiple	Medical intervention against will	Budget / resources	Lack of information
CO1 Argentina 2012	Autocode - ANY: Liberty and security of person (art. 14)	and security of the person (art. 14) 23. The Committee notes with concern that involuntary long-term commitment is still common in the State party, despite the fact that deinstitutionalization strategies have been adopted and the National Mental Health Act (Act No. 26.857) is based on the human rights model of disability. 24. The Committee urges the State party to implement the deinstitutionalization strategy that it has adopted in an effective manner and to develop and implement mental health plans based on the human rights model of disability, along with effective measures to promote the deinstitutionalization of persons with disabilities. 25. The Committee is concerned that, when a psychosocial or intellectual disability is declared to be exempt from criminal responsibility in criminal proceedings, due process guarantees are not upheld and the person is immediately deprived of his or her liberty without even having been shown to be linked to the event in question. 26. The Committee requests the State party to modify its federal and provincial criminal laws so that decisions regarding the application of security measures to persons found to be exempt from criminal responsibility are taken only after due process guarantees concerning the right to a defence and the right to the assistance of a lawyer, including any adjustments in the proceedings that may be necessary in order to guarantee the exercise of such rights, have been upheld.		2	0	C	1	1	1	1	1	1					
CO1 Australia 2013	Autocode - ANY: Liberty and security of person (art. 14)	and security of the person (art. 14) 31. The Committee is concerned that persons with disabilities who are deemed unfit to stand trial due to an intellectual or psychosocial disability can be detained indefinitely in prisons or psychiatric facilities without being convicted of a crime and for periods that can significantly exceed the maximum period of custodial sentence for the offence. The Committee is equally concerned that persons with disabilities are overrepresented in both the prison and juvenile justice systems, in particular women, children, Aboriginal and Torres Strait Islander persons with disability. 32. The Committee recommends that the State party, as a matter of urgency: (a) End the unwarranted use of prisons for the management of unconvicted persons with disabilities, focusing on Aboriginal and Torres Strait Islander persons with disabilities, by establishing legislative, administrative and support frameworks that comply with the Convention; (b) Establish mandatory guidelines and practice to ensure that persons with disabilities in the criminal justice system are provided with appropriate support and accommodation; (c) Review its laws that allow for the deprivation of liberty on the basis of disability, including psychosocial or intellectual disabilities, and repeal provisions that authorize involuntary internment linked to an apparent or diagnosed disability. 33. The Committee is further concerned that under Australian law a person can be subjected to medical intervention against his or her will, if the person is deemed to be incapable of making or communicating a decision about treatment. 34. The Committee recommends that the State party repeal all legislation that authorizes medical intervention without the free and informed consent of the persons with disabilities concerned, committal of individuals to detention in mental health facilities, or imposition of compulsory treatment, either in institutions or in the community, by means of Community Treatment Orders.		1	3	1	E	1	1	1	1	1	1	1	1	1	1
CO1 Austria 2013	Autocode - ANY: Liberty and security of person (art. 14)	and security of the person (art. 14) The Committee is deeply concerned that Austrian law allows for a person to be confined against his or her will in a psychiatric institution if he or she has a psychosocial disability and is considered to be a danger to himself or herself or to others. In conflict with article 14 of the Convention because it allows a person to be deprived of liberty on the basis of actual or perceived disability. The Committee urges the State party to take all necessary legislative, administrative and judicial measures to ensure that no one is detained against their will in any kind of mental health facility. It further urges the State party to develop de-institutionalization strategies based on the human rights model of disability. The Committee also urges the State party to ensure that all mental health services are provided with the free and informed consent of the person concerned. It recommends that the State allocate more financial resources to persons with intellectual and psychosocial disabilities who require a high level of support, in order to ensure that there are sufficient community-based outpatient services to support persons with disabilities.		1	2	1	D	1	1	1	1			1			
CO1 China 2012	Autocode - ANY: Liberty and security of person (art. 14)	and security of the person (art. 14) The Committee is concerned that the deprivation of liberty on the grounds of disability is allowed in the State party, and that involuntary civil commitment is perceived as a tool to maintain the public order. In this context, the Committee finds it disturbing that many persons with actual or perceived impairments are involuntarily committed to psychiatric institutions for various reasons, including but not limited to: (a) persons with intellectual and psychosocial disabilities who are deemed to be a danger to themselves or others; (b) persons with intellectual and psychosocial disabilities who are deemed to be a danger to themselves or others; (c) persons with intellectual and psychosocial disabilities who are deemed to be a danger to themselves or others; (d) persons with intellectual and psychosocial disabilities who are deemed to be a danger to themselves or others. The Committee recommends the abolition of the practice of involuntary civil commitment based on actual or perceived impairment. In addition, the Committee asks the State party to allocate more financial resources to persons with intellectual and psychosocial disabilities who require a high level of support, in order to ensure social support and medical treatment outside their own home when necessary.		1	2	1	D	1	1	1				1			
CO1 Ecuador 2014	Autocode - ANY: Liberty and security of person (art. 14)	Liberty and security of the person (art. 14) 28. The Committee is concerned that the State party considers that certain persons with disabilities, specifically those who have been abandoned and classified as 'serious and chronic cases of oligophrenia', remain institutionalized and do not have the necessary support to live in the community. The Committee is also concerned that the State party has not taken any measures to guarantee due process for persons with disabilities accused of having committed an offence. It is also concerned that declaring persons with disabilities unfit to stand trial is a pretext for applying security measures involving their indefinite deprivation of liberty and that they are not entitled to the same guarantees as other persons in the criminal justice system. 29. The Committee recommends that the State party: (a) Draw up a comprehensive deinstitutionalization plan for persons currently in the Julio Endara Psychiatric Hospital that ensures their personal safety and provides them with the guarantees enabling them to return to their families and communities; (b) Amend the plan to include actions to guarantee the accommodation, food and personal assistance services they require to ensure their full inclusion; (c) Refrain from declaring persons with disabilities unfit to stand trial when they are accused of an offence so that they are entitled to due process, on an equal basis with others, and that the general guarantees of criminal law and procedure are observed; (d) Eliminate the security measures that involve medical and psychiatric treatment in institutions and promote alternative measures that are in keeping with articles 14 and 19 of the Convention; (e) Ensure that all mental health services are delivered with the free and informed consent of the person concerned.		3	0	D	1	1	1	1	1			1			
CO1 El Salvador 2013	Autocode - ANY: Liberty and security of person (art. 14)	and security of the person (art. 14) 31. The Committee is concerned that disability constitutes grounds for deprivation of liberty in the State party. The Committee regrets the lack of information about the situation of persons with psychosocial or intellectual impairments who are held in psychiatric centres and other institutions and about legal remedies available to challenge involuntary institutionalization. The Committee is concerned at the lack of reasonable accommodation for persons with disabilities held in prisons and other detention centres. 32. The Committee calls on the State party to abolish the rules that allow for deprivation of liberty on grounds of disability, which portray persons with disabilities as potentially dangerous to themselves or others as being in need of care or treatment. It urges the State party to establish suitable procedures for ensuring that health-care services, including mental health services, are provided solely on the basis of the prior free and informed consent of the person concerned. The Committee calls on the State party to establish a mechanism to monitor the situation of persons with disabilities in prisons and other detention centres and to set up a legal framework for the provision of reasonable accommodation that preserves their dignity.		0	0	D	1	1	1	1							1
CO1 Germany 2015	Autocode - ANY: Liberty and security of person (art. 14)	Liberty and security of the person (art. 14) 29. The Committee is concerned about the widespread practice of involuntary placement in institutions of persons with psychosocial disabilities, the lack of protection of their privacy and the lack of data on their situation. 30. The Committee recommends that the State party take all the immediate necessary legislative, administrative and judicial measures that are in keeping with articles 14, 19 and 22 of the Convention; (b) Carry out an independent, human rights-based review of psychiatric services for persons with disabilities, privacy and the collection of relevant data. 31. The Committee notes with concern the lack of information about persons with disabilities in the criminal justice system who have been declared unfit to stand trial, the definition of persons based on that declaration and the application of safety measures, often for an indefinite period of time. 32. The Committee recommends that the State party: (a) Initiate a structural review of the procedures used to penalize persons with disabilities when they commit criminal offences; (b) Ensure that persons with disabilities have equal access to due process guarantees established for all persons accused of a crime in the criminal justice system, inter alia, the presumption of innocence and the rights to defence and to a fair trial; (c) Ensure reasonable accommodation in places of detention.		0	0	D	1	1	1	1	1			1			
CO1 Hungary 2012	Autocode - ANY: Liberty and security of person (art. 14)	and security of the person (art. 14) The Committee notes with appreciation that the State party is committed to undertaking measures to provide reasonable accommodation to persons with disabilities who are deprived of their liberty. It also notes with appreciation that 'personal liberty is assured by making use of the services voluntarily' (CRPD/C/HUN/1, para. 87). However, the Committee is concerned about the situation faced by persons under guardianship, where a decision on institutional care is made by the guardian rather than the person concerned. The Committee recommends that the State party review provisions in legislation that allow for the deprivation of liberty on the basis of disability, including mental, psychosocial or intellectual disabilities, and adopt measures to ensure that health care services, including all mental health care services, are based on the free and informed consent of the person concerned.		1	2	0	C	1	1	1							
CO1 Mexico 2014	Autocode - ANY: Liberty and security of person (art. 14)	Liberty and security of the person (art. 14) 27. The Committee notes with concern that persons with intellectual or psychosocial disabilities have frequently been the subject of declarations of non-liability in the context of criminal proceedings, in the absence of procedural safeguards. It is also concerned that the reform of the Code of Criminal Procedure maintains non-liability by reason of disability as a concept in the legal system. 28. The Committee recommends that the State party: (a) Adopt the necessary measures to guarantee due process for persons with disabilities in the context of criminal proceedings, whether as indicated persons, victims or witnesses, and define specific criteria for making reasonable accommodations during such proceedings; (b) Promote training measures for judges and prison officials in accordance with the Convention's legal paradigm. 29. The Committee is concerned that Mexican legislation authorizes deprivation of liberty in the case of persons with intellectual and psychological disabilities, on the ground of their disability, in particular, that provision is made for their confinement in psychiatric institutions in the context of medical or psychiatric treatment. 30. The Committee urges the State party to: (a) Eliminate security measures that mandate medical and psychiatric inpatient treatment and promote alternatives that comply with articles 14 and 19 of the Convention; (b) Repeal legislative permitting detention on grounds of disability and ensure that all mental health care services are provided based on the free and informed consent of the person concerned.		3	0	D	1	1	1	1	1			1			
CO1 Mongolia 2015	Autocode - ANY: Liberty and security of person (art. 14)	Liberty and security of the person (art. 14) 24. The Committee is concerned that there are insufficient legal safeguards, other than references to the Constitution, to ensure that persons with intellectual and psychosocial disabilities are protected from forced institutionalization and institutionalization. The Committee is concerned about the lack of information on people with disabilities allegedly involved in crimes and on whether the rules of due process apply in these cases. 25. The Committee recommends that the State party adopt a policy to initiate a structural review of the procedures used to sanction persons with disabilities when they commit criminal offences. The review should include, inter alia, the presumption of innocence and the rights to defence and to a fair trial. The Committee also recommends the application of reasonable accommodation in prisons in order not to aggravate incarceration conditions for persons with disabilities.		2	0	C	1	1	1	1	1						
CO1 New Zealand 2014	Autocode - ANY: Liberty and security of person (art. 14)	Liberty and security of the person (art. 14) The Committee notes that the Mental Health (Compulsory Assessment and Treatment) Act 1992 has been criticized for its lack of human rights principles. The Committee recommends that the State party take all the immediate necessary legislative, administrative and judicial measures to ensure that no one is detained against their will in any medical facility on the basis of actual or perceived disability. The Committee also recommends that the State party ensure that all mental health services are provided on the basis of the free and informed consent of the person concerned, in accordance with the Convention. The Committee further recommends that the Mental Health (Compulsory Assessment and Treatment) Act 1992 be amended to comply with the Convention. The Committee notes that the State party continues to allow the use of seclusion and restraints in psychiatric hospitals. Although there has been a decline in this practice, the situation is not satisfactory. The Committee recommends that immediate steps be taken to eliminate the use of seclusion and restraints in medical facilities. The Committee is concerned that the criminal justice system in New Zealand includes conditions in which a person with disabilities can be declared 'unfit to stand trial' and on that basis can be deprived of liberty. The system does not recognize that a person with disabilities should only be deprived of liberty when found guilty of a crime, after criminal procedure has been followed, with all the safeguards and guarantees applicable to everyone. The Committee recommends that the State party review the criminal justice system to ensure that criminal procedure is followed in accordance with all the safeguards and guarantees that are applicable to non-disabled persons, and that deprivation of liberty should be applied as a matter of last resort and when other diversion programmes, including restorative justice, are insufficient to deter future crime. The Committee also recommends that the State Party ensure that reasonable accommodation in prison settings operates in respect of persons with disabilities.		4	0	E	1	1	1	1	1			1			1
CO1 Paraguay 2013	Autocode - ANY: Liberty and security of person (art. 14)	and security of the person (art. 14) 33. The Committee regrets the lack of information on persons with disabilities who have been committed to institutions against their will, or on the procedures that make involuntary commitment possible. 34. The Committee urges the State party to have an independent human rights mechanism gather information on persons with disabilities in institutions, oversee and monitor the situation of persons with disabilities who have been placed in institutions and launch a procedure for their reintegrating into society and the community. 35. The Committee notes with concern that the State party is adopting measures on the deprivation of liberty on grounds of disability, such as committal of children, women and men with disabilities to homes or psychiatric hospitals without free and informed consent and for lengthy periods of time. Specifically, the Committee is concerned at the measures the State party is adopting to reinforce the model of deprivation of liberty on grounds of disability, as in the Albino Luis and Paequito Coloquio homes. 36. The Committee urges the State party to revise its procedures on commitment on grounds of disability in order to ensure that persons with disabilities who are subject to those procedures are able to fully exercise their legal capacity as provided in the Convention. It also urges the State party to institute a broad strategy, including a programme to provide support in decision-making, for the inclusion of homeless persons with disabilities in the community, particularly those with intellectual or psychosocial disabilities.		3	0	D	1	1	1	1	1			1			1
CO1 Peru 2012	Autocode - ANY: Liberty and security of person (art. 14)	and security of the person (art. 14) The Committee notes with concern that article 11 of the General Health Law No. 26842 permits involuntary detention for people with 'mental health problems', defined to include people with intellectual disabilities (persons with a 'serious mental disability' (persons with a drug or alcohol dependence)). The Committee calls upon the State party to eliminate Law 29377 which modifies article 11 of the General Health Law, in order to prohibit the deprivation of liberty on the basis of disability, including psychosocial, intellectual or perceived disability.		1	0	B	1	1	1	1	1						
CO1 Rep Korea 2014	Autocode - ANY: Liberty and security of person (art. 14)	Liberty and security of the person (art. 14) The Committee is concerned that the existing legal provisions in the Mental Health Act, as well as the draft amendment to the Act, allow for deprivation of liberty on the basis of disability. It is also concerned about the high rate of institutionalization, including long-term institutionalization, of persons with psychosocial disabilities without their free and informed consent. The Committee recommends that the State party repeal the existing legal provisions allowing for the deprivation of liberty on the basis of disability, including a psychosocial or intellectual disability, and adopt measures to ensure that health care services, including all mental health care services, are based on the free and informed consent of the person concerned. The Committee also recommends that until the law is amended, all cases of deprivation of liberty of persons with disabilities in hospitals and specialized institutions be reviewed and that the review include a possibility of appeal. The Committee is concerned about the lack of information on the safeguards and guarantees in force to ensure persons with disabilities who are declared unfit to stand trial the right to a fair trial in the Republic of Korea. The Committee notes the information provided by the State on the provision of legal aid for such persons and the rendering of not-convicted verdicts; however, no information was provided on the actual measures the Republic of Korea applies as sanctions for those persons considered unfit to stand trial. The Committee recommends the establishment of procedural accommodations that ensure fair trial and due process guarantees for persons with disabilities. It also recommends that the declaration of unfitness to stand trial be removed from the criminal justice system in order to allow due process for persons with disabilities on an equal basis with others.		3	1	E	1	1	1	1	1			1			1

OO 1 Spain 2011	Autocode - ANY: Liberty and security of person (art. 14)	and security of the person (art. 14) 35. The Committee takes note of the legal regime allowing the institutionalization of persons with disabilities, including persons with intellectual and psychosocial disabilities ("mental illness"). It is concerned at the reported trend of resorting to urgent measures of institutionalization which contain only ex post facto safeguards for the affected individuals. It is equally concerned at the reported abuse of persons with disabilities who are institutionalized in residential centres or psychiatric hospitals. 36. The Committee recommends that the State party review its laws that allow for the deprivation of liberty on the basis of disability, including mental, psychosocial or intellectual disabilities, repeal provisions that authorize involuntary internment linked to an apparent or diagnosed disability, and adopt measures to ensure that health-care services, including all mental-health-care services, are based on the informed consent of the person concerned.			2	1	D		1		1	1													
OO 1 Tunisia 2011	Autocode - ANY: Liberty and security of person (art. 14)	and security of the person (art. 14) 24. With reference to article 14 of the Convention, the Committee is concerned that having a disability, including an intellectual or psychosocial disability, can constitute a basis for the deprivation of liberty under current legislation. 25. The Committee recommends that the State party repeal legislative provisions which allow for the deprivation of liberty on the basis of disability, including a psychosocial or intellectual disability. The Committee further recommends that until new legislation is in place, all cases of persons with disabilities who are deprived of their liberty in hospitals and specialized institutions be reviewed, and that the review include the possibility of appeal.			1	0	B		1		1	1													

UNCRPD - Article 14 Liberty and security of the person
 Note: Serious nature of article - reflected in seriousness factor

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	

Document name	Code	Segment	Positive comment	Ratification /update /amendment /change	No of states	Serious Index	Grade	Themes observed									
								Crimes law	Improve law	policy and practice	involuntary or compulsory	proportional or medical disability	injustice systems	Civil Justice system	Women rights	Intersection - race	medical information against will
CO-2-3 Australia 2019	Autocode - ANY: Liberty and security of person (art 14)	Liberty and security of the person (art. 14) 27. The Committee is seriously concerned about: (a)Legislative frameworks, policies and practices that result in the arbitrary and indefinite detention and forced treatment of persons with disabilities, and that such frameworks, policies and practices disproportionately affect Aboriginal and Torres Strait Islander persons with disabilities; (b) The ongoing practice of obliging persons with "cognitive and mental impairment" to undergo treatment, including through indefinite detention in psychiatric centres, despite the recommendations contained in the Senate Community Affairs References Committee 2016 report <i>Indefinite Detention of Persons with Cognitive and Psychiatric Impairment in Australia</i> ; (c)The commitment of persons with intellectual or psychosocial disabilities to custody, often indefinitely or for terms longer than those imposed in criminal convictions; (d)The absence of data on the number of persons with intellectual or mental health impairment indefinitely detained and the number of such persons detained on an annual basis; (e)The practice of relating and restraining children with disabilities in adult settings. 28. The Committee, recalling its guidelines on the right to liberty and security of persons with disabilities (A/73/55, annex), urges the State party to: (a)Repeal any law or policy and cease any practice or custom that enables the deprivation of liberty on the basis of impairment and that enables forced medical interventions on persons with disabilities, particularly Aboriginal and Torres Strait Islander persons with disabilities; (b)Implement the recommendations contained in the Senate Community Affairs References Committee 2016 report <i>Indefinite Detention of People with Cognitive and Psychiatric Impairment in Australia</i> ; (c)Stop committing persons with disabilities to custody and for indefinite terms or for terms longer than those imposed in criminal convictions; (d)Collect data on the number of persons indefinitely detained and on the number of such persons detained on an annual basis, disaggregated by the nature of the offence, the length of the detention, disability, Aboriginal and other origin, sex, age and jurisdiction, with the aim of reviewing their detention; (e)The practice of detaining and restraining children with disabilities in any setting			5	0	F		1	1	1			1	1		
CO-2-3 Austria 2023	Autocode - ANY: Liberty and security of person (art 14)	Liberty and security of person (art. 14) 33. The Committee is concerned that the State party's mental health legislation is largely based on a medical model of disability, allows for involuntary detention and compulsory treatment. 34. The Committee recalls its Guidelines on the Right to Liberty and Security of Persons with Disabilities and recommends that the State party abolish all provisions that allow for the deprivation of liberty on the basis of impairment or for compulsory treatment, that measures for supported decision-making in places of detention are provided, and that organizations of persons with disabilities, particularly of persons with psychosocial and/or intellectual disabilities, are closely consulted with and actively involved in the development of these measures.			2	0	C		1	1				1			
CO-2-3 China 2022	Autocode - ANY: Liberty and security of person (art 14)	Liberty and security of person (art. 14) 32. The Committee notes with concern the discriminatory provisions of the Mental Health Law of 2012, which allow for the arbitrary deprivation of liberty of persons with psychosocial disabilities, forced institutionalization and non-consensual psychiatric treatment, on the grounds of family responsibility and on the grounds of medical assessments and diagnoses such as "severe mental disorder". The Committee is further concerned about reports of "lighter and other Muslim minority persons with disabilities who are detained in vocational education and training centres without support to ensure their safety and to meet all their disability-related needs." 33. The Committee recommends that the State party: (a)Take note of the Committee's guidelines on the right to liberty and security of persons with disabilities, adopted in 2015.6 and repeal provisions and practices that allow for the deprivation of liberty of adults and children with disabilities on the basis of actual or perceived impairment; (b)Repeal and replace all discriminatory legal provisions legitimizing the involuntary treatment and deprivation of liberty of persons on the grounds of their psychosocial disability and perceived dangerousness, and ensure that any treatment is always based on the free and informed consent of the person concerned; (c)Take prompt action to release Lighter and other Muslim minority persons with disabilities deprived of their liberty in vocational education and training centres, and immediately ensure that all disability-related needs of persons with disabilities still in detention are met.			3	0	D		1	1	1			1	1		
CO-2-3 Ecuador 2019	Autocode - ANY: Liberty and security of person (art 14)	Liberty and security of the person (art. 14) 29. The Committee is concerned at the continued institutionalization of children and adults with psychosocial and intellectual disabilities. It is also concerned at the fact that persons with psychosocial or intellectual disabilities continue to be subjected to involuntary medication practices, restraints and treatments. 30. The Committee recommends that the State party repeal all legal provisions that permit involuntary commitment and treatment and that it prohibit, criminalize, forced treatment and the involuntary application of restraints on persons with disabilities. The Committee also recommends that the State party establish a rigorous oversight mechanism for the prevention of and for the administration of compulsory treatment, measures that will afford full redress and penalties, measures that will afford full redress and penalties to ensure that persons with disabilities can exercise their legal capacity on an equal footing with others.			2	0	C		1	1				1			1
CO-2-3 El Salvador 2019	Autocode - ANY: Liberty and security of person (art 14)	Liberty and security of the person (art. 14) 28. The Committee is concerned at: (a)Legislation such as the Mental Health Act, 2017, and articles 436 and 437 of the Criminal Procedure Code, which allow for the forced medication / use of physical restraints on and involuntary institutionalization of persons with psychosocial or intellectual disabilities; (b)The Family Code, which allows relatives or guardians of persons with psychosocial or intellectual disabilities to hospitalize them, without the consent of the person concerned, under the presumption of being "mentally ill"; (c)Lack of sufficient accessible and individualized accommodations for persons with disabilities in detention centres and police stations. 29. The Committee recommends that the State party: (a)Immediately adopt measures to repeal or revise all legal provisions in order to prohibit medical treatment and forced institutionalization based on "unfitness to stand trial"; (b)Ensure the dignity, autonomy and independence of persons with disabilities on matters affecting them and establish a mechanism for monitoring detention centres and for the lodging of complaints; (c)Remove barriers preventing physical accessibility and communication accessibility in police stations and detention centres.			3	0	D		1	1	1		1		1		
CO-2-3 Germany 2023	Autocode - ANY: Liberty and security of person (art 14)	Liberty and security of person (art. 14) 29. The Committee is deeply concerned: (a)About the forced institutionalization and forced treatment of persons with disabilities on the basis of impairment in care and integration assistance facilities and other institutions, psychiatric institutions and forensic psychiatric care facilities; (b)That children and young people with disabilities can be deprived of their liberty on the basis of therapeutic needs; 30. Recalling its guidelines on the right to liberty and security of persons with disabilities and its guidelines on deinstitutionalization, including in emergencies,10 the Committee recommends that the State party take all necessary legislative, administrative and judicial measures: (a)To prohibit involuntary detention, forced institutionalization and forced treatment of persons with disabilities on the basis of impairment; (b)To strengthen all judicial and administrative protections to prevent the deprivation of liberty of children and young persons with disabilities on an equal basis with others. 31. The Committee is concerned about provisions on being "unfit to stand trial" that allow for the indefinite detention of persons with disabilities in forensic psychiatric care facilities. 32. The Committee recommends that the State party amend and/or repeal legislation that restricts the legal capacity of persons with disabilities and allows for harsher measures, such as indefinite detentions, against persons with disabilities than against persons without disabilities convicted of the same crimes and that the State party guarantee access by persons with disabilities to justice on an equal basis with others throughout judicial proceedings.			1	3	E		1	1			1				
CO-2-3 Hungary 2022	Autocode - ANY: Liberty and security of person (art 14)	Liberty and security of the person (art. 14) 28. The Committee notes with concern: (a)The discriminatory provisions of Act CLV of 1997 on health care, which allows for the arbitrary deprivation of liberty of persons with psychosocial disabilities and placement in mental health facilities on the basis of impairment and perceived dangerousness; (b)The lack of safeguards for ensuring the rights to liberty and security of persons in psychiatric institutions, including in forensic psychiatric institutions, in which the detention and medical treatment of persons with disabilities can endure indefinitely, even when the periodic judicial review deems treatment and detention no longer necessary; (c)The lack of availability and accessibility of human rights-based mental health services across the State party; (d)The absence of accessible and reasonable accommodation for persons with disabilities in penitentiary institutions, particularly for deaf persons and women and children with disabilities. 29. The Committee recommends that the State party: (a)Review and repeal all discriminatory legal provisions legitimizing the involuntary treatment and deprivation of liberty of persons on the grounds of their psychosocial disability and perceived dangerousness, and ensure that any treatment is always based on the free and informed consent of the person concerned; (b)Ensure legal safeguards for rights to liberty and security of persons in psychiatric institutions, including in forensic psychiatric institutions; (c)Develop community and human rights-based mental health services and support across the State party; (d)Guarantee full accessibility and procedural accommodation, including augmentative and alternative modes of communication, Braille and sign language, for all persons with disabilities at penitentiary institutions. 30. The Committee further calls upon the State party to be guided by its obligations under article 14 of the Convention, and the Committee's guidelines on the right to liberty and security of persons with disabilities, to ensure that the draft amendments to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Oviedo Convention), and that it supports its adoption. The State party should implement its obligations under the Oviedo Convention in a manner compatible with the human rights model of disability.			5	0	F		1	1	1			1	1		
CO-2-3 Mexico 2022	Autocode - ANY: Liberty and security of person (art 14)	Liberty and security of the person (art. 14) 30. The Committee notes with concern that: (a)Persons with intellectual or psychosocial disabilities have frequently been the subject of declarations of non-liability in the context of criminal proceedings, in the absence of procedural safeguards; (b)The Code of Criminal Procedure maintains non-liability by reason of disability as a concept, and that detention measures for persons with disabilities may exceed those of regular criminal procedures. 40. With reference to its previous concluding observations, the Committee recommends that the State party: (a)Guarantee all due process rights for persons with disabilities in processes leading to deprivation of liberty, in particular in the context of criminal proceedings, whether as indicted persons, victims or witnesses, and provide procedural accommodation, adjustments, counselling and personal assistance in such proceedings; (b)Provide training for officials in the justice and prison systems on the requirements of the Convention in processes leading to the deprivation of liberty of persons with disabilities.			2	0	C							1			
CO-2-3 Mongolia 2023	Autocode - ANY: Liberty and security of person (art 14)	Liberty and security of person (art. 14) 29. The Committee remains concerned that persons with disabilities, especially those with intellectual disabilities and those with psychosocial disabilities, are still subjected to deprivation of liberty on the basis of impairment and perceived dangerousness to themselves or others. 30. The Committee recalls its guidelines on the right to liberty and security of persons with disabilities (2015) and recommendations issued by the Special Rapporteur on the rights of persons with disabilities, and recommends that the State party: (a)Recognize the involuntary hospitalization of persons with disabilities as discrimination on the grounds of impairment, amounting to deprivation of liberty, and repeal all relevant legislative provisions, including the provisions of the Law on Health and the Law on Mental Health allowing for the involuntary deprivation of liberty on the grounds of impairment and perceived dangerousness to themselves or others; (b)Introduce legislation that ensures procedural accommodations for persons with disabilities in all procedures in connection with deprivation of liberty; (c)Establish a monitoring mechanism to ensure that persons with intellectual disabilities and persons with psychosocial disabilities are not subjected to arbitrary and forced treatment, particularly treatment that results in confinement.			1	2	D		1	1	1				1		
CO-2-3 New Zealand 2022	Autocode - ANY: Liberty and security of person (art 14)	Liberty and security of person (art. 14) 25. The Committee welcomes the commitment to repeal and replace the Mental Health (Compulsory Assessment and Treatment) Act of 1992, but is concerned that new mental health legislation may still allow for involuntary detention and compulsory treatment and may not actively involve the participation of persons with disabilities, particularly persons with psychosocial disabilities through their representative organizations in the development process. 26. The Committee recalls its guidelines on the right to liberty and security of persons with disabilities and recommends that the State party ensure that new mental health legislation embeds the Convention principles and standards to ensure that there are no provisions that allow for the deprivation of liberty on the basis of impairment or that allow for compulsory treatment, and that the development process actively involves persons with disabilities, particularly persons with psychosocial disabilities. 27. The Committee is concerned about: (a)Legislation that allows for involuntary detention and compulsory treatment on the basis of impairment, including the Substance Addiction (Assessment and Treatment) Act of 2017; (b)The Intellectual Disability (Compulsory Care and Rehabilitation) Act of 2003, which includes extensions to compulsory care orders and which allows persons with intellectual disabilities to be detained for periods of time exceeding the maximum length of the sentence they would be liable to in the criminal justice system. 28. The Committee recalls its guidelines on the right to liberty and security of persons with disabilities and recommends that the State party: (a)Repeal all provisions that allow for the deprivation of liberty on the basis of impairment, including the Substance Addiction (Assessment and Treatment) Act of 2017; (b)Repeal provisions within the Intellectual Disability (Compulsory Care and Rehabilitation) Act of 2003 that allow for persons with intellectual disabilities to be detained for periods of time exceeding the maximum length of the sentence they would be liable to in the criminal justice system.			1	3	D		1	1	1			1			
CO-2-3 Rep Korea 2022	Autocode - ANY: Liberty and security of person (art 14)	Liberty and security of the person (art. 14) 31. The Committee remains concerned that persons with disabilities, in particular persons with psychosocial disabilities and/or intellectual disabilities, are still subjected to laws that deprive them of their liberty on the basis of impairment, and that there is a lack of information on the measures taken to ensure that those persons are not subjected to arbitrary treatment, including confinement. 32. The Committee recalls its guidelines on the right to liberty and security of persons with disabilities and recommends that the State party: (a)Repeal all relevant legislative provisions, including the Civil Law on Adult Guardianship and the Mental Health Law provisions allowing for the involuntary deprivation of liberty on the grounds of impairment and perceived dangerousness to themselves or others, introduce legislation that ensures non-discrimination through, for example, procedural accommodation for persons with disabilities, including during the development process; (b)Introduce legislation that ensures procedural accommodations for persons with disabilities in all procedures in connection with deprivation of liberty; (c)Establish a monitoring mechanism to ensure that persons with psychosocial disabilities and/or intellectual disabilities are not subjected to arbitrary and forced treatment, in particular treatment that results in confinement.			2	0	C		1	1	1						1
CO-2-3 Spain 2019	Autocode - ANY: Liberty and security of person (art 14)	Liberty and security of the person (art. 14) 26. The Committee is concerned that: (a)Article 763 of the Civil Procedure Act still allows for persons with psychosocial or intellectual disabilities to be subjected to involuntary commitment in institutions where they can be deprived of their liberty and subjected to forced medical treatment and mechanical restraint; (b)The use of medication is imposed on persons with psychosocial disabilities as a requirement for gaining access to psychosocial support and housing services; (c)The lack of awareness among health-care professionals about the obligations contained in the Convention leads to forced institutionalization and mechanical restraint being wrongfully justified as therapeutic measures; (d)The lack of sufficient provisions within the Criminal Procedure Act to ensure accessibility, individualized reasonable accommodation and support for detained persons with disabilities. 27. The Committee recommends that the State party: (a)Review or repeal all legal provisions, including article 763 of the Civil Procedure Act, to prohibit forced institutionalization and treatment on the grounds of disability and to ensure that mental health provisions are human-rights based; (b)Repeal the requirement on the use of psychiatric medication in order to gain access to psychosocial support and housing services; (c)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; (d)Ensure accessibility and procedural accommodation, including provisions to support persons with disabilities in decision-making and to guarantee their right to a defence, at all stages of criminal proceedings for persons with disabilities who are under investigation or being prosecuted. 28. The Committee calls upon the State party to adhere to its obligations under article 14 of the Convention and be guided by the Committee's guidelines on article 14 (2015) throughout the regional discussions concerning the draft additional protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, entitled "The protection of human rights and dignity of persons with mental disorder with regard to involuntary detention and involuntary treatment".			5	0	F		1	1	1			1			1

CO 2-3 Tunisia 2023	Autocode - ANN: Liberty and security of person (art 14)	<p>Liberty and security of person (art. 14)</p> <p>23. The Committee is concerned that persons with psychosocial disabilities are involuntarily admitted to psychiatric hospitals under judicial order or at the request of a third party, often their guardians, where they are at times subjected to violent treatment. It is also concerned that Law No. 40 (2004), which authorizes psychiatrists to commit patients to a psychiatric facility without the consent, will or preference of the person concerned, is still in place.</p> <p>24. The Committee, recalling the guidelines on deinstitutionalization, including in emergencies, recommends that the State party:</p> <p>(a) Repeal any legislation, including Order No. 83 (1992) on the mental health and the conditions of hospitalization in the hospital due to mental disorders, and its amending Law No. 40 (2004) and other mental health laws, to eradicate policies and practices that allow for the deprivation of liberty of persons with disabilities on the basis of actual or perceived impairments, or their presumed dangerousness to themselves or to third parties, in particular persons with psychosocial impairments;</p> <p>(b) Ensure reasonable accommodation facilities within prisons and detention centres, considering the requirements of various disabilities in a manner consistent with the Convention.</p>					2	1	D		1		1	1											
------------------------	---	--	--	--	--	--	---	---	---	--	---	--	---	---	--	--	--	--	--	--	--	--	--	--	--

UNCRPD - Article 15 Freedom from torture and cruel, inhuman or degrading treatment or punishment
 Note: serious nature of article taken into consideration for seriousness factor
 Recommendations for staff training is counted as an issue.

Grade	A	B	C	D	E	F	G	H
-------	---	---	---	---	---	---	---	---

Document name	Code	Segment	Positive comment	Relevance to mental health (physical/ disability)	No. of issues	Serious factor	Create law	Improve law	Policy and practice	Themes observed									
										Training of staff	Implementation of psychosocial	Medical observation	Medical observation	Medical observation	Medical observation	Medical observation	Medical observation	Medical observation	Medical observation
CO1 Argentina 2012	Autocode- ANY: Freedom from torture (art. 15)	Freedom from torture (art. 15) 27. The Committee notes with concern that Senate approval of the bill that would create a national mechanism for the prevention of torture has been delayed. 28. The Committee urges the State party to immediately approve the bill on the creation of a national mechanism for the prevention of torture so that institutionalized persons with disabilities can be monitored and protected from actions that may constitute acts of torture or other forms of cruel, inhuman or degrading treatment or punishment.			1	0	B	1				1		1					
CO1 Australia 2013	Autocode- ANY: Freedom from torture (art. 15)	Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15) 35. The Committee is concerned that persons with disabilities, particularly those with intellectual impairment or psychosocial disability, are subjected to unregulated behaviour modification or restrictive practices such as chemical, mechanical and physical restraints and seclusion, in various environments, including schools, mental health facilities and hospitals. 36. The Committee recommends that the State party take immediate steps to end such practices, including by establishing an independent national preventive mechanism to monitor places of detention – such as mental health facilities, special schools, hospitals, disability justice centres and prisons –, in order to ensure that persons with disabilities, including psychosocial disabilities, are not subjected to intrusive medical interventions.			2	0	C	1		1	1				1				
CO1 Austria 2013	Autocode- ANY: Freedom from torture (art. 15)	Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15) The Committee notes with concern the continued use of net beds and other forms of non-consensual practices in the State party's psychiatric hospitals and institutions where people with intellectual, mental and psychosocial disabilities are confined. The Committee recommends that the State party abolish the use of net beds, restraints and other non-consensual practices with regard to persons with intellectual, mental and psychosocial disabilities in psychiatric hospitals and institutions. It further recommends that the State party continue to provide training to medical professionals and personnel in care and other similar institutions on the prevention of torture, cruel, inhuman or degrading treatment or punishment, as provided for under the Convention.			2	0	C			1	1	1							
CO1 China 2012	Autocode- ANY: Freedom from torture (art. 15)	Freedom from torture (art. 15) For those involuntarily committed persons with actual or perceived intellectual and psychosocial impairments, the Committee is concerned that the "corrective therapy" offered at psychiatric institutions represents inhuman and degrading treatment. Further, the Committee is concerned that not all medical experimentation without free and informed consent is prohibited by Chinese law. The Committee urges the State party to cease its policy of subjecting persons with actual or perceived impairments to such therapies and abstain from involuntarily committing them to institutions. Further it urges the State party to abolish laws which allow for medical experimentation on persons with disabilities without their free and informed consent.			2	0	C					1		1	1				
CO1 El Salvador 2013	Autocode- ANY: Freedom from torture (art. 15)	Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15) 33. The Committee notes with concern that there is no legal requirement to obtain the prior, free and informed consent of persons with disabilities regarding psychiatric procedures. It is also concerned at the lack of a mechanism overseeing the conditions of persons with disabilities being treated in psychiatric institutions, including children, and the lack of measures to prevent torture and other cruel, inhuman or degrading treatment or punishment in such institutions and to punish perpetrators. 34. The Committee urges the adoption of legislation and other effective measures for the prevention of torture and other cruel, inhuman or degrading treatment or punishment against persons with disabilities in psychiatric or other institutions. Specifically, the Committee recommends that the State party prohibit and prevent the practice of conducting medical or scientific experiments on persons with disabilities without their free and informed consent, and that it establish a mechanism to oversee psychiatric and other institutions.			3	0	D	1	1				1	1			1		
CO1 Germany 2015	Autocode- ANY: Freedom from torture (art. 15)	Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15) 33. The Committee is deeply concerned that the State party does not recognize the use of physical and chemical restraints, solitary confinement and other harmful practices as acts of torture. It is further concerned about the use of physical and chemical restraints, in particular for persons with psychosocial disabilities in institutions and older persons in residential care. 34. The Committee recommends that the State party: (a) Carry out a review with a view to formally abolishing all practices regarded as acts of torture; (b) Prohibit the use of physical and chemical restraints in older persons' care settings and institutions for persons with disabilities; (c) Consider compensation for the victims of such practices.			1	3	E			1	1	1						1	
CO1 Hungary 2012	Autocode- ANY: Freedom from torture (art. 15)	Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15) The Committee is concerned that Act CLIV of 1997 on Healthcare provides for a legal framework for subjecting persons with disabilities whose legal capacity is restricted to medical experimentation without their free and informed consent, as consent may be given by their legal guardians. The Committee also notes with concern that there is no independent medical examination body mandated to examine alleged victims of torture and guarantee respect for human dignity during the conduct of medical examinations, as stated by the Human Rights Committee (CCPR/C/HUNG/03). The Committee urges the State party to amend Act CLIV on Healthcare and abolish the provisions thereof that provide for a legal framework for subjecting persons with disabilities with restricted legal capacity to medical experimentation without their free and informed consent. The Committee recommends that the State party implement the recommendation made by the Human Rights Committee in 2010 (CCPR/C/HUNG/03) to establish "an independent medical examination body mandated to examine alleged victims of torture and guarantee respect for human dignity during the conduct of medical examinations."			2	0	C	1	1				1	1			1		
CO1 Mexico 2014	Autocode- ANY: Freedom from torture (art. 15)	Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15) 31. The Committee finds alarming the fact that human rights violations, such as physical restraint and placement in isolation, are committed against persons with disabilities interned in psychiatric hospitals and may even amount to acts of torture or cruel, inhuman or degrading treatment. It is also concerned that the mechanisms designated for the prevention of such situations do not offer effective remedies. 32. The Committee urges the State party to initiate administrative and criminal investigation processes, with a view to punishing the perpetrators of practices that violate the rights of persons with disabilities living in institutions. The Committee recommends that the State party abolish the use of physical restraint and isolation in institutions for persons with disabilities. It also requests the Government to strengthen the national torture prevention mechanism by providing it with sufficient funds, trained staff and guaranteed independence in the exercise of its functions.			1	3	E		1	1								1	
CO1 Paraguay 2013	Autocode- ANY: Freedom from torture (art. 15)	Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15) 37. The Committee takes note with satisfaction of the creation of the national mechanism for prevention of torture and other cruel, inhuman or degrading treatment or punishment in the State party. It is nevertheless concerned at the scant progress made in implementing the recommendations of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in particular with regard to persons with psychosocial disabilities interned in Tacumbi prison. 38. The Committee recommends that the mandate of the State party's national prevention mechanism include oversight of psychiatric hospitals and homes and the detention conditions of persons with psychosocial disabilities in such establishments, paying particular attention to Tacumbi prison. It also asks the State party to encourage the transfer of persons with psychosocial disabilities to social rehabilitation centres and their inclusion in the life of the community.	1		1	0	B		1			1		1					
CO1 Peru 2012	Autocode- ANY: Freedom from torture (art. 15)	Freedom from torture (art. 15) The Committee is concerned at consistent reports of the use of continuous forcible medication, including neuroleptics, and poor material conditions in psychiatric institutions, such as the hospital Latoro Herrera, where some persons have been institutionalized for more than ten years without appropriate rehabilitation services. The Committee urges the State party to promptly investigate the allegations of cruel, inhuman or degrading treatment, or punishment in psychiatric institutions, to thoroughly review the legality of the placement of patients in these institutions, as well as to establish voluntary mental health treatment services, in order to allow the persons with disabilities to be included in the community and release them from the institutions.			2	0	C	1						1		1	1		
CO1 Rep. Korea 2014	Autocode- ANY: Freedom from torture (art. 15)	Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15) The Committee is concerned that, in psychiatric hospitals, persons with psychosocial disabilities are subjected to acts considered cruel, inhuman or degrading treatment, including solitary confinement, constant beating, restraint and excessive drug treatment. The Committee urges the State party to abolish forced treatment that subjects persons with disabilities to cruel, inhuman and degrading treatment and punishment. As long as institutionalization continues, the Committee urges the State party to protect persons with disabilities in psychiatric hospitals from violence, abuse and ill-treatment of any kind through the establishment of effective external independent monitoring mechanisms that ensure the representation of organizations of persons with disabilities.			3	0	D				1	1		1		1	1		

UNCRPD - Article 15 Freedom from torture and cruel, inhuman or degrading treatment or punishment
 Note: serious nature of article taken into consideration for seriousness factor

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	

Documen t name	Code	Segment	Positive comment	Relevant (only Legal/Apply)	No of returns	Serious factor	Themes observed											
							Other	Other law	Improve law	policy and practice	Pragmatic solutions	Implementation of psychosocial treatment	Training of staff	medical experimentation	forced medication	monitoring / Justice / Mediation		
CO-2-3 Australia 2019	Autocode - ANY Freedom from torture (art. 15)	Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15) 29. The Committee is seriously concerned about: (a) legislation, policies and practices that permit the use of psychotropic medications, physical restraints and seclusion under the guise of 'behaviour modification' and restrictive practices against persons with disabilities, including children, in any setting, including in justice, education, health, psychosocial and aged care facilities; (b) the reported abuse of young Aboriginal and Torres Strait Islander persons with disabilities by fellow prisoners and prison staff, 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; (c) the lack of engagement with persons with disabilities, through their representative organizations, regarding the designation and establishment of a disability-inclusive national preventive mechanism. 30. The Committee urges the State party to: (a) Establish a nationally consistent legislative and administrative framework for the protection of all persons with disabilities, including children, from the use of psychotropic medications, physical restraints and seclusion under the guise of 'behaviour modification' and the elimination of restrictive practices, including corporal punishment, in all settings, including the home; (b) Introduce policies and measures to protect persons with disabilities, including young Aboriginal and Torres Strait Islander persons with disabilities and persons with intellectual or psychosocial disabilities, from abuse by fellow prisoners and prison staff and ensure that persons with disabilities cannot be held in solitary confinement; (c) Ensure that organizations of persons with disabilities can effectively engage in the establishment and work of the national preventive mechanism.			3	0	D				1	1			1			
CO-2-3 Austria 2023	Autocode - ANY Freedom from torture (art. 15)	Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15) 35. The Committee notes the absolute prohibition of net beds, but it is concerned about: (a) the legal permissibility and continued use of seclusion, physical and chemical restraints and other restrictive practices on persons with disabilities, in particular persons with psychosocial and/or intellectual disabilities, including children with disabilities, in places of detention; (b) insufficient support measures for persons with intellectual and/or psychosocial disabilities, including access to mental health support and services, and a lack of qualified staff in places of detention. 36. The Committee recommends that the State party: (a) End the use of seclusion, physical and chemical restraints and other restrictive practices in places of detention; (b) Provide sufficient support measures, including mental health support, and qualified staff in places of detention, particularly for persons with intellectual and/or psychosocial disabilities. 37. The Committee is concerned about the continued performance of sex-altering surgery on intersex children. 38. The Committee recommends the State party enact a legal ban on all non-life-saving sex-altering medical intervention on intersex children.			3	0	D				1	1						
CO-2-3 China 2022 HK	Autocode - ANY Freedom from torture (art. 15)	Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15) 34. The Committee is concerned about the reports of persons with disabilities being subjected to police brutality during public demonstrations, arbitrary arrest and detention following public demonstrations, and ill-treatment in detention, including denial of urgent medical treatment. The Committee is concerned about the lack of information on procedures in place for conducting independent investigations of violations of the rights of persons with disabilities in relation to their participation in public demonstrations, and about the lack of effective safeguards and sanctions. 70. The Committee recommends that Hong Kong, China establish an independent commission of inquiry to investigate allegations of police brutality against persons with disabilities who participated in public demonstrations, and ensure that persons with disabilities whose rights were violated following their participation in public demonstrations receive adequate support and compensation, including rehabilitation. Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15) 69. The Committee is concerned about the reports of persons with disabilities being subjected to police brutality during public demonstrations, arbitrary arrest and detention following public demonstrations, and ill-treatment in detention, including denial of urgent medical treatment. The Committee is concerned about the lack of information on procedures in place for conducting independent investigations of violations of the rights of persons with disabilities in relation to their participation in public demonstrations, and about the lack of effective safeguards and sanctions. 70. The Committee recommends that Hong Kong, China establish an independent commission of inquiry to investigate allegations of police brutality against persons with disabilities who participated in public demonstrations, and ensure that persons with disabilities whose rights were violated following their participation in public demonstrations receive adequate support and compensation, including rehabilitation.			4	0	E	1	1	1	1				1	1		
CO-2-3 El Salvador 2019	Autocode - ANY Freedom from torture (art. 15)	Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15) 30. The Committee is deeply concerned that legislation in the State party continues to allow ill-treatment and the use of physical restraints, electric shocks and drug sedation on persons with disabilities without their informed consent in psychiatric and other institutions. 31. Recalling its general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention and taking into account target 16.1 of the Sustainable Development Goals, the Committee recommends that the State party, in consultation with organizations of persons with disabilities: (a) Amend the Mental Health Law and mental health policies to prohibit corporal punishment, isolation, restraint measures and anti-seizure therapies and eliminate any cruel, inhuman or degrading treatment of persons with disabilities; (b) Establish an independent monitoring mechanism, in consultation with organizations of persons with disabilities, to investigate, monitor and receive complaints of ill-treatment, and apply sanctions for the conducting of any practice without the free and informed consent of persons with disabilities.			1	2	D	1	1	1			1			1		
CO-2-3 Germany 2023	Autocode - ANY Freedom from torture (art. 15)	Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15) 33. The Committee is concerned about: (a) The use of physical and chemical restraints, seclusion and other harmful practices, in particular in care and integration assistance facilities and other institutions, psychiatric institutions and forensic psychiatric care facilities; (b) The lack of oversight and monitoring of care and integration assistance facilities and other institutions, psychiatric institutions and forensic psychiatric care facilities and the use of restraints, seclusion and other harmful practices; (c) The lack of independent complaints and redress mechanisms to address harmful and forced practices perpetrated in care and integration assistance facilities and other institutions, psychiatric institutions and forensic psychiatric care facilities. 34. The Committee recommends that the State party take all legislative, administrative and judicial measures necessary: (a) To prohibit the use of harmful practices in all institutional settings; (b) To establish independent monitoring bodies in all Länder to provide regular oversight of all institutional facilities and to collect and analyse data on the use of forced treatment and coercive practices, and adequately resource existing monitoring mechanisms, including the National Agency for the Prevention of Torture and the German Institute for Human Rights, in order to strengthen their mandates; (c) To establish an independent complaints mechanism, accessible to all persons with disabilities in all settings, to receive complaints and investigate and sanction institutions and perpetrators of harmful and forced practices, and to support victims by providing legal advice, accessible information, counselling and redress, including compensation and rehabilitation.			3	0	D			1	1				1	1		
CO-2-3 Hungary 2022	Autocode - ANY Freedom from torture (art. 15)	Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15) 31. The Committee is concerned about: (a) Reports of solitary confinement, mechanical and chemical restraints, forced medication and other forms of ill-treatment of persons with disabilities in residential and psychiatric institutions; (b) The practice of placing children with psychosocial disabilities in isolation as a form of punishment. 32. The Committee recommends that the State Party: (a) Prevent any form of torture or cruel, inhuman or degrading treatment or punishment of persons with disabilities in residential and psychiatric institutions and ensure access to justice and reparations for victims, including through the establishment of an accessible complaints procedure; (b) End the placement of children with psychosocial disabilities in isolation and other types of punishment.			3	0	D				1	1		1		1	1	
CO-2-3 Mexico 2022	Autocode - ANY Freedom from torture (art. 15)	Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15) 41. The Committee is concerned about various reports alleging the use of coercive measures on persons with disabilities in institutions, in particular on persons with intellectual disabilities, persons with psychosocial disabilities, children with disabilities and women with disabilities, such as restraints, isolation, shackling, forced medication and sterilization, electroconvulsive therapy and other medical interventions without the informed consent of the person concerned. 42. The Committee recommends the State party: (a) Explicitly prohibit all forms of coercive measures, such as restraints, isolation, forced medication and sterilization, electroconvulsive therapy and shackling, taken specifically on persons with disabilities; (b) Monitor, in accordance with article 15 (3) of the Convention, and with the involvement and full participation of persons with disabilities and their representative organizations, the implementation of the ban on coercive measures in all public and private institutions, housing for persons with disabilities, including by paying unannounced visits, taking effective measures to ensure that the ban is adhered to and prosecuting violators; (c) Publish the findings of the monitoring processes; (d) Establish accessible mechanisms to report cruel, inhuman or degrading treatment, and effective remedies for victims, and ensure that perpetrators are prosecuted and punished.			3	0	D			1	1	1			1	1		
CO-2-3 Mongolia 2023	Autocode - ANY Freedom from torture (art. 15)	Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15) 31. The Committee is concerned that the Law on the Rights of Persons with Disabilities does not provide for a mechanism to protect persons with disabilities from torture or cruel, inhuman or degrading treatment or punishment. It is also concerned about the continuing occurrence of seclusion, physical, chemical and mechanical restraints, arbitrary treatment and other forms of ill-treatment in various settings, particularly for persons with intellectual disabilities and persons with psychosocial disabilities. 32. The Committee recommends that the State party: (a) Adopt the necessary measures for the protection of all persons with disabilities from torture and cruel, inhuman or degrading treatment or punishment in all settings, including in justice, education, health, psychosocial and aged care facilities, and recommends that organizations of persons with disabilities are closely consulted and actively involved in that process; (b) Ensure that complaint procedures are accessible to all persons with disabilities, and investigate and sanction perpetrators of practices that may amount to torture or cruel, inhuman or degrading treatment or punishment against persons with disabilities, imposing proportionate sanctions.			2	0	C	1			1	1	1		1			
CO-2-3 New Zealand 2022	Autocode - ANY Freedom from torture (art. 15)	Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15) 29. The Committee is seriously concerned about the continued, and in some cases prolonged, use of solitary confinement, seclusion, physical and chemical restraints and other restrictive practices on persons with disabilities, in particular persons with psychosocial and/or intellectual disabilities, in places of detention. 30. The Committee recommends that the State party take immediate action to eliminate the use of solitary confinement, seclusion, physical and chemical restraints and other restrictive practices in places of detention.			1	1	C					1	1					
CO-2-3 Rpe Korea 2022	Autocode - ANY Freedom from torture (art. 15)	Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15) 33. The Committee remains concerned about the ongoing occurrence of seclusion, physical, chemical and mechanical restraints and other forms of ill-treatment in family settings, psychiatric institutions, hospitals, prisons and educational services, in particular for persons with psychosocial disabilities and/or intellectual disabilities. 34. The Committee urges the State party to put an end immediately to the use of psychotropic medications and physical restraints and: (a) Adopt the necessary measures for the protection of all persons with disabilities from torture and cruel, inhuman or degrading treatment or punishment in all settings, including in justice, education, health, psychosocial and aged care facilities, and recommends that organizations of persons with disabilities are effectively consulted and involved in this process; (b) Ensure that the complaint procedure is accessible to all persons with disabilities still in institutions, and investigate and sanction perpetrators of practices that may amount to torture or cruel, inhuman or degrading treatment or punishment against persons with disabilities, imposing sanctions proportional to the conduct.			1	2	D			1	1	1				1		
CO-2-3 Spain 2019	Autocode - ANY Freedom from torture (art. 15)	Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15) 29. The Committee is concerned that article 9 of the law on patient autonomy and article 763 of the Civil Procedure Act allow for the use on persons with disabilities of physical, mechanical and chemical restraints, including forced medication, overmedication, electroconvulsive therapy and other treatment or commitment without their free and informed consent. The Committee is also concerned about reports of the intentional misrepresentation of forced consent as informed consent, in practice, in the State party. The Committee is also concerned that persons with disabilities in institutions, in particular persons with intellectual disabilities, are at risk of being subjected to humiliation or ill-treatment. It is concerned about the absence of an independent human rights-based mechanism for monitoring mental health facilities in the State party. 30. The Committee recommends that the State party: (a) Eliminate the use of restraint measures for reasons relating to disability in all settings; (b) Ensure the free and informed consent of the person concerned in all procedures and stages of the mental health system; (c) Take immediate action to eliminate any cruel, inhuman or degrading treatment of persons with disabilities; (d) With the equal and active participation of organizations of persons with psychosocial disabilities, establish an independent human rights-based mechanism for monitoring mental health facilities and services in all autonomous communities.			4	0	E	1	1	1			1	1	1	1	1	
CO-2-3 Tunisia 2023	Autocode - ANY Freedom from torture (art. 15)	Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15) 26. The Committee is concerned that coercive treatment and chemical and/or mechanical restraints, in particular for persons with psychosocial disabilities, which amounts to torture, especially in psychiatric facilities, is still allowed and therefore in practice. 26. The Committee recommends that the State party: (a) Ensure the protection in law and in practice of persons with disabilities, in particular persons with psychosocial disabilities, from all forms of torture, including coercive treatment, chemical and/or mechanical restraints of any type, both at home and in psychiatric facilities; (b) Establish an accessible mechanism to protect persons with disabilities and their families from torture and to provide effective redress for victims.			2	0	C				1	1				1		

UNCRPD - Article 16 Freedom from exploitation, violence and abuse

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	

Document name	Code	Segment	Positive comment	No. of issues	Serious actors	Gender	Child law	Improve law	Policy and practice	Themes observed								
										Women	children	institutionalized	mechanisms / detection / remedy	data	high professional education	GD No.3 (2016)		
CO1 Argentina 2012	Autocode - ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) 26. The Committee notes with concern that neither Act No. 26.485 on comprehensive protection and the prevention, punishment and elimination of violence against women nor Act No. 26.061 on the comprehensive protection of the rights of children and adolescents takes account of the specific situation of women with disabilities and children with disabilities, respectively. The Committee is also concerned about the lack of protection against violence and abuse for institutionalized persons with disabilities. 30. The Committee urges the State party to guarantee protection for women and children with disabilities and children with disabilities in, respectively, the revised versions of Act No. 26.485 and Act No. 26.061 and their implementing regulations. It also urges the State party to incorporate a disability perspective into policies and programmes developed on the basis of these acts. In addition, it recommends that the State party draw up appropriate guidelines for the prevention of violence against persons with disabilities who are institutionalized. The Committee also recommends that the State party collect data and information on violence and abuse against persons with disabilities, paying particular attention to women, children and persons with disabilities institutionalized. To that end, the State party should, inter alia, establish institutional mechanisms for the early detection of situations in which violence may occur, diligently investigate allegations of violent acts and make any adjustments in procedures that may be needed so that victims can testify and those responsible can be prosecuted.		3	0	D		1			1	1	1	1	1			
CO1 Australia 2013	Autocode - ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) 37. The Committee is concerned at reports of high rates of violence perpetrated against women and girls living in institutions and other segregated settings. 38. The Committee recommends that the State party investigate without delay the situations of violence, exploitation and abuse experienced by women and girls with disabilities in institutional settings, and that it take appropriate measures on the findings.		1	1	C					1	1						
CO1 Austria 2013	Autocode - ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) The Committee commends the Austrian Ombudsman Board for the work done to investigate allegations of mistreatment in institutional settings. However, the Committee remains concerned at reports of exploitation, violence and abuse of persons with disabilities. The Committee recommends that the State party take further measures to ensure protection of women, men, girls and boys with disabilities from exploitation, violence and abuse.		1	1	B					1	1	1					
CO1 China 2012	Autocode - ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) The Committee is concerned about the heightened risk of violence against women and girls with disabilities becoming victims of domestic violence and abuse. The Committee recommends that the State party ensure that services and information are made accessible to these victims. It specifically encourages... to set up a complaint mechanism and conduct mandatory training for the police force on this issue.		3	0	D					1	1		1	1			
CO1 Ecuador 2014	Autocode - ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) 30. The Committee is concerned about: (a) The high level of pregnancy among adolescents and young people aged between 12 and 19 years, according to the most recent population and housing census of 2010, and the fact that the age at which most women with disabilities reportedly had their first child was between 15 and 19 years old, which is indicative of a high incidence of sexual abuse of women with disabilities, particularly with intellectual disabilities; (b) The absence of appropriate mechanisms to detect situations of violence against persons with disabilities, especially women with intellectual disabilities, both within families and in institutions for persons with disabilities; (c) The fact that specific mechanisms have not yet been established for the effective social inclusion and prevention of violence against children and adolescents with disabilities living in institutions, where they can remain until the age of 18. Evidence of spaces are likely to give rise to situations of violence towards, and the neglect and abuse of, children and adolescents. 31. The Committee recommends that the State party: (a) Launch a training programme on the sexual and reproductive rights of persons with disabilities, targeted specifically at women with intellectual disabilities, their families and the professionals who provide services in the various State institutions; (b) Carry out institutional reforms and training programmes for professionals in the police and justice sectors so that they are able to detect situations of abuse and violence against persons with disabilities and to conduct investigations with the necessary procedural accommodations to ensure that criminal behaviour is punished; (c) No programmes are being developed to guarantee the right of children with disabilities to live in the community, establish mechanisms for the systematic monitoring, in accordance with article 16, paragraph 3, of the Convention, of the living conditions of such children in institutions, with the aim of preventing situations of abuse and violence.		3	0	D					1	1	1	1	1			
CO1 El Salvador 2013	Autocode - ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) 35. The Committee is concerned about: (a) The lack of official records of cases of exploitation, violence and abuse of persons with disabilities, especially children and women, and of preventive measures in both institutions and family settings; (b) The lack of protocols on handling women with disabilities who are victims or witnesses in trials for exploitation, violence and abuse; (c) The recourse to institutionalization as the main option envisaged by the State party for the restoration of rights in cases of exploitation, violence and abuse; (d) The lack of an express ban on corporal punishment of children with disabilities; (e) The exploitation of persons with disabilities, especially children, for the purposes of begging. 36. The Committee urges the State party: (a) To adopt legislation to prevent, investigate and punish exploitation, violence and abuse involving persons with disabilities, with a particular focus on women and children; (b) To set up protocols for and training in the investigation of cases of violence against persons with disabilities; (c) To follow up on the recommendations of the Committee on the Rights of the Child (CRC/C/SLV/CO/3-4) regarding the express prohibition of all forms of corporal punishment and ensure that the prohibition includes practices in institutions for children with disabilities; (d) To follow up on the recommendations made by the Committee on the Elimination of Discrimination against Women to El Salvador following the consideration of its report regarding the need to take a comprehensive approach to violence against women and girls (CEDAW/C/SLV/CO/7, para. 24); (e) To adopt measures to prevent the exploitation of children with disabilities for the purpose of begging and establish programmes to promote their integration in society and their right to live in the community.		3	0	F		1			1	1	1	1	1			
CO1 Germany 2015	Autocode - ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) 35. The Committee is concerned about the lack of (a) the appointment of an independent monitoring authority to investigate violence and abuse of persons with disabilities and the fact that the State party has not increased the risks, and outside of institutions; (b) independent complaint mechanisms inside institutions; and (c) permanent State funding to protect women against violence. 36. The Committee recommends that the State party provide a comprehensive and effective strategy with adequate funding to ensure that women and girls with disabilities are effectively protected against violence in all public and private settings. It also recommends that the State party immediately establish or designate an independent body or bodies in accordance with article 16 (3) of the Convention and ensure that complaints linked to incidents in institutions are handled by an independent body.		2	0	C					1	1	1		1			
CO1 Hungary 2012	Autocode - ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) The Committee appreciates that the State party has taken measures to provide some specific disability-related provisions in its legislation and policies for prevention of exploitation, violence and abuse. However, it is concerned that women, men, girls and boys with disabilities continue to face violence, abuse and exploitation. The Committee recommends that the State party take effective measures to ensure protection of women, men, girls and boys with disabilities from exploitation, violence and abuse in accordance with the Convention, inter alia, the establishment of protocols for the early detection of violence, abuse in all institutional settings, procedural accommodations to gather testimonies of victims, and prosecution of those persons responsible, as well as redress for victims. It also recommends that the State party ensure that protection services are age-, gender- and disability-sensitive and accessible.		1	2	C					1	1	1	1	1			
CO1 Mexico 2014	Autocode - ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) 33. The Committee notes that women and girls with disabilities, especially those from indigenous communities, are often the victims of violence and abuse and do not have access to effective protection or reparations. 34. The Committee urges the State party to implement existing legislative and policy measures to prevent violence against women and girls with disabilities and to provide protection and reparations for victims. The Committee requests the State party to periodically compile data and statistics on the situation of women and girls with disabilities in respect of violence, exploitation and abuse, including femicide. 35. The Committee is concerned at the lack of protection against violence and abuse for children with disabilities. It is further concerned by the absence of protocols for the registration of shelters and other residential centres for children with disabilities and the oversight of conditions there. 36. The Committee urges the State party to: (a) Take steps to prevent and eliminate all forms of domestic or institutional violence against children with disabilities; (b) Fully investigate cases of violence and abuse against children with disabilities in order to avoid the impunity of perpetrators; (c) Set up an independent oversight mechanism, in line with article 16, paragraph 3, of the Convention, to register and oversee conditions in shelters and other residential centres for children with disabilities.		4	2	G					1	1		1				
CO1 Mongolia 2015	Autocode - ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) 26. The Committee is concerned about information concerning the State party pointing to high rates of violence, abuse and exploitation of persons with disabilities, particularly women and girls, and the lack of protection mechanisms against these human rights violations. 27. The Committee recommends that the State party: (a) Make protection mechanisms, including shelters and legal redress, accessible to persons with disabilities, particularly women and girls, who face exploitation, violence and abuse; (b) Appoint an independent authority to monitor and protect persons with disabilities from exploitation, violence and abuse, in accordance with article 16 (3) of the Convention.		2	0	C					1	1		1				
CO1 New Zealand 2014	Autocode - ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) The Committee notes the programmes under the Domestic Violence Act 2013 to assist persons with disabilities who suffer violence — especially women, girls and boys with disabilities. However, the Committee is concerned that it is unclear whether the Act protects persons with disabilities experiencing abuse in home-care-like support situations, and whether the definition of a domestic relationship includes relationships between persons with disabilities and other resident service users, their caregivers, and other support staff. The Committee recommends that the State party strengthen these programmes and initiatives to protect persons with disabilities, especially those living in institutions, from violence and harm, and that it ensure that a system is put in place to detect and respond effectively to cases of abuse. It also recommends that the State party ensure that legislation, policy and practice relating to domestic violence covers persons with disabilities in the domestic situations that they encounter.		1	1	B		1			1	1						
CO1 Paraguay 2013	Autocode - ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) 39. The Committee regrets that offences of exploitation, violence and abuse against persons with disabilities are still not visible because judicial bodies do not keep systematic records of cases. 40. The Committee urges the State party to institute a comprehensive strategy, incorporating the gender perspective and in consultation with disabled persons' organizations, to prevent and punish exploitation, violence and abuse against persons with disabilities, and social rehabilitation and reintegration programmes aiming at the full enjoyment and exercise of their human rights; it also urges judicial bodies to become involved in that strategy. The Committee asks the State party to include in its next periodic report information on complaints and decisions on behalf of persons with disabilities who are victims of offences of this kind. 41. The Committee is concerned that the State party has not provided information on the number of persons with disabilities who are neglected, and whether they are victims of exploitation, human trafficking or abuse. The Committee recommends that the State party look closely at the situation of persons with disabilities who are neglected or of the victims of trafficking and take the necessary steps to protect them, including alternative housing for those who have been neglected or are making a living by begging. It also urges the creation of reception centres where victims of trafficking in persons can obtain psychosocial care and legal assistance. 43. The Committee is concerned at reports from various sources — as acknowledged by the authorities of the State party who look part in the interactive dialogue — that criminal gangs in are exploiting persons with disabilities by making them beg. 44. The Committee recommends that the State party: (a) Set up a special investigation unit within the competent law-enforcement bodies to find out how these gangs operate; (b) Take steps to protect the victims and place them in rehabilitation programmes, with the required support and reasonable accommodation, so that they can exercise their labour rights; (c) Take criminal proceedings against those responsible for the exploitation and impose the appropriate penalties.		3	0	D		1	1					1	1			
CO1 Rep. Korea 2014	Autocode - ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) The Committee is concerned that persons with disabilities continue to face violence, abuse and exploitation, including forced labour. It is also concerned about the failure of the State party to punish the perpetrators and provide reparation to the victims, and about the absence of shelters for persons with disabilities other than those who are victims of sexual and domestic violence. The Committee urges the State party to investigate all cases of violence, exploitation and abuse experienced by persons with disabilities both inside and outside institutional settings, to ensure that the perpetrators are punished and the victims receive reparation, and to provide accessible shelters for persons with disabilities who are victims. The Committee recommends, in particular, that the State party strengthen its investigations into the incidents of forced labour of persons with disabilities and provide the victims with adequate protection.		2	0	C								1				
CO1 Tunisia 2011	Autocode - ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) 26. The Committee expresses concern at the situation of violence that women and children with disabilities might face. 27. The Committee encourages the State party to include women and girls with disabilities in the National Strategy for the prevention of violence in the family and society, and to adopt preventive measures for them to have access to immediate protection, shelter and legal aid. It requests the State party to conduct awareness campaigns and develop educational programmes on the greater vulnerability of women and girls with disabilities with respect to violence and abuse.		2	0	C					1				1			

UNCRPD - Article 16 Freedom from exploitation, violence and abuse

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	

Document name	Code	Segment	Positive comment	Relevant articles / legal / policy	No of issues	Status factor	Grade	Themes observed												
								Gender law	Human rights law	Policy and practice	Women	children	institutionalized	data	mechanisms / detection / remedy	non professional / reduction	GD No. 3 (2016)			
CO 2-3 Australia 2019	Autocode- ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) 31. The Committee is concerned about: (a) The lack of additional oversight, complaint and redress mechanisms needed for persons with disabilities who are not eligible for the National Disability Insurance Scheme, older persons with disabilities and, particularly, women with disabilities; (b) The lack of resources and redress mechanisms available to the Royal Commission into Violence, Abuse, Neglect and Exploitation of Persons with Disabilities; (c) The non-implementation of the recommendations contained in the report of the Australian Human Rights Commission A Future without Violence; (d) The lack of an explicit reference to women and girls with disabilities in the National Plan to Reduce Violence against Women and their Children 2016-2022; (e) Insufficient expertise and structural barriers within services dealing with domestic violence, sexual assault and related crimes to adequately support women and girls with disabilities; (f) The fact that the instruments to collect data on violence against women and girls with disabilities are limited in both number and scope. 32. The Committee recommends that the State party: (a) Establish a national accessible overview, complaint and redress mechanism for persons with disabilities who have experienced violence, abuse, exploitation and neglect in all settings, including all those not eligible for the National Disability Insurance Scheme and, particularly, older women with disabilities; (b) Ensure adequate resources and a redress mechanism for the Royal Commission into Violence, Abuse, Neglect and Exploitation of Persons with Disabilities; (c) Implement the recommendations contained in the report of the Australian Human Rights Commission A Future without Violence; (d) Ensure the inclusion of women and girls with disabilities in the National Plan to Reduce Violence against Women and their Children 2016-2022, beyond project-based programmes and activities; (e) Ensure gender- and age-sensitive services to address gender-based violence that are inclusive and accessible to all women and girls with disabilities and ensure that staff are adequately trained; (f) Address the methodological restrictions in data-collection instruments used to capture data on violence against women and girls with disabilities.			4	0	E													
CO 2-3 Austria 2023	Autocode- ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) 38. The Committee notes the expanded protection of victims of domestic violence in the Violence Protection Act 2019, but it is concerned about the high rates of violence against persons with disabilities, particularly of persons with disabilities in institutions, of women and girls with disabilities, and of persons with psychosocial and/or intellectual disabilities, as evidenced by a study of the Federal Ministry of Employment, Social Affairs, Health and Consumer Protection, published in 2019, the wide-spread lack of concepts promoting sexual self-determination, violence prevention concepts, standard reporting procedures with effective remedies and strategies in qualified staff in institutions. 40. The Committee recalls its general comment No. 3 (2016) on women and girls with disabilities and recommends that the State party, in close consultation with and with the active involvement of organizations of persons with disabilities, in particular women and girls with disabilities, develop measures to address the high rate of violence against persons with disabilities in institutional settings, such as concepts promoting sexual self-determination, violence prevention concepts and accessible standard reporting procedures with effective remedies, and provide sufficient qualified staff. Recalling its Guidelines on deinstitutionalization, including in emergencies, the Committee further recommends the State party dismantle institutional settings, and provide to persons with disabilities, including women and girls with disabilities, adequate support for living in the community, with recovery community support services and redress.			1	2	D													
CO 2-3 China 2022	Autocode- ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) 36. The Committee is concerned about: (a) Reports of violence against and abuse of persons with disabilities, particularly women and girls with disabilities who are victims of domestic violence, trafficking and forced marriage; (b) The lack of a rigorous evidence base and comprehensive data on the prevalence of exploitation, violence against and abuse of all persons with disabilities, in particular women and girls with disabilities who are victims of domestic violence, trafficking and forced marriage; (c) The absence of effective measures for remedies such as compensation, rehabilitation and social reintegration of victims of violence, particularly women and girls with disabilities. 37. The Committee recommends that the State party take all steps necessary to prevent the exploitation, violence against and abuse of persons with disabilities, including (but not limited to) the recommendation made by the Committee on the Elimination of Discrimination against Women 7 following its consideration of the combined seventh and eighth periodic reports of China, systematically monitor and collect disaggregated data on the locations and prevalence of exploitation, violence against and abuse of persons with disabilities, including women and girls with disabilities who are victims of domestic violence, trafficking and forced marriage; (b) Strengthen measures to prevent and combat all forms of violence against persons with disabilities; (c) Ensure that all persons with disabilities have access to confidential mechanisms for reporting violence, that reports of exploitation, violence and abuse are promptly investigated that perpetrators are prosecuted and punished and that victims of abuse are provided with appropriate remedies, such as redress and adequate compensation, including accessible shelters, gender- and age-sensitive physical and psychological recovery support, and rehabilitation; (d) Review the law on the protection of the rights and interests of women, with a view to including a disability perspective and addressing the specific risks of gender-based violence and the barriers to protection faced by women and girls with disabilities.				1	E													
CO 2-3 Ecuador 2019	Autocode- ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) 31. The Committee is concerned because: (a) Ecuadorian law lacks specific provisions for the prevention of gender-based violence, neglect and abuse directed at persons with disabilities that take into account multiple and intersectional discrimination, especially such discrimination against girls and women with psychological or intellectual disabilities, Mestizo persons, indigenous persons, migrants, asylum seekers and refugees with disabilities in the public and private institutional and other spheres; (b) Persons with disabilities who still live in institutions, particularly women with intellectual or psychosocial disabilities, continue to be exposed to harassment, abuse and acts of sexual and other types of violence; (c) Ecuadorian law does not explicitly prohibit the corporal punishment of children, including children with disabilities, in all settings; (d) No data disaggregated by sex, age and ethnic origin are available on cases and complaints of violence or abuse committed in the public and private spheres against persons with disabilities, especially girls and women, and there is a lack of information on preventive, case management, protective and reparative measures, including sanctions. 32. Taking into account the recommendation made in paragraph 32 of its concluding observations on the State party's initial report (CRPD/C/ECU/CO/1), the Committee recommends that the State party: (a) Adopt all necessary measures, and review those measures already in place, to ensure that gender and disability are mainstreamed in its legislation on the prevention of violence and reinforce existing mechanisms and protocols by incorporating specific measures for preventing, eliminating, monitoring, penalizing and providing redress for all forms of violence, exploitation or abuse of persons with disabilities, especially children, women and older adults with disabilities, persons with psychosocial or intellectual disabilities, indigenous persons, migrants and refugees, persons of African descent and persons in poverty and persons living in rural areas who have disabilities; (b) Guarantee full access for all girls and women with disabilities to assistance programmes for victims of gender-based violence, including shelters that ensure the accessibility of the physical environment and communications and that are staffed by trained personnel; (c) Introduce legislation that explicitly prohibits the corporal punishment of children, especially indigenous children with disabilities, both in the home and in shelters, in line with targets 5.2 and 16.2 of the Sustainable Development Goals; (d) Complete data, disaggregated by sex, age, disability and ethnic origin, on complaints of violence and abuse committed in the public and private spheres against persons with disabilities and on preventive, protective, follow-up and reparative measures.			4	0	E													
CO 2-3 El Salvador 2019	Autocode- ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) 32. The Committee is concerned about: (a) The persistence of violence against persons with disabilities, especially sexual and gender-based violence against women and girls with psychosocial or intellectual disabilities, at home and in institutions, violence against older persons with disabilities, persons of African descent with disabilities, and persons with disabilities living in conditions of hardship in rural or remote areas; (b) Insufficient rehabilitation services and ineffective complaint and redress mechanisms for persons with disabilities who are victims of violence, as well as a lack of protection against reprisals against persons with disabilities who are victims of violence and of human and organ trafficking which may arise from filing complaints against the perpetrators; (c) Ineffective preventive measures taken against trafficking in persons with disabilities and in organs; (d) A lack of data on cases of sexual and gender-based violence against persons with disabilities in psychiatric hospitals, detention facilities and in the home, and on complaints reported and cases decided on trafficking in persons with disabilities and in organs. 33. The Committee recommends that the State party, in accordance with the Committee's general comment No. 3 (2016) on women and girls with disabilities, and taking into account target 16.2 of the Sustainable Development Goals, take measures to: (a) Protect persons with disabilities, particularly women and girls with disabilities, in the home and in institutions, older persons with disabilities, persons of African descent with disabilities, persons with psychosocial or intellectual disabilities, and persons with disabilities living in conditions of hardship in rural or remote areas, from all forms of violence, including sexual and gender-based violence; (b) Provide rehabilitation services, including emergency shelter and medical and psychological assistance, and effective complaint and redress mechanisms, including protection against reprisals arising from filing complaints against perpetrators, to persons with disabilities who are victims of violence and of human and organ trafficking; (c) Prevent trafficking in persons with disabilities and in organs, by inter alia, providing gender-sensitive training on preventing and identifying trafficking in persons with disabilities and in organs to officials, including the National Civil Police, the judiciary and health and social workers; (d) Collect data, disaggregated by age, sex, form of violence and disability, on victims of violence against persons with disabilities in psychiatric hospitals, detention facilities and in the home, and on the number of complaints reported and cases decided on trafficking in persons with disabilities and in organs.			5	1	G													
CO 2-3 Germany 2023	Autocode- ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) 35. The Committee is concerned about: (a) The high rates of all forms of violence against persons with disabilities, in particular women and girls with disabilities, and the lack of a comprehensive and effective violence prevention and response strategy to protect against violence in all public and private settings; (b) The lack of the purpose of the Protection Against Violence Act to cover all forms of violence experienced in all institutional settings by persons with disabilities, in particular women and girls with disabilities. 36. The Committee recommends that the State party, in close consultation with and with the active involvement of organizations of persons with disabilities, in particular organizations of women and girls with disabilities: (a) Develop a comprehensive and effective violence prevention and response strategy in line with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence that responds to gender- and age-specific requirements, ensures that all shelters, refuges and counselling centres are accessible and widely available and establishes independent monitoring bodies with complaints and redress mechanisms; (b) Undertake legislative and policy reform to ensure protection against all forms of violence and abuse experienced by persons with disabilities, in particular women and girls with disabilities, still living in institutional settings.			1	2	D													
CO 2-3 Hungary 2023	Autocode- ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) 33. The Committee is concerned about: (a) The systematic abuse, including sexual abuse, mistreatment and neglect of persons with disabilities, particularly of children with disabilities and persons with intellectual disabilities, as a result of the perpetration of institutional forms of care for persons with disabilities in residential care and psychiatric institutions; (b) The lack of independent monitoring of residential care and psychiatric institutions; (c) The lack of well-defined investigation methods and procedures for combating hate crimes against persons with disabilities; (d) The lack of accessibility and required accommodations for women with disabilities in services for victims of domestic violence; (e) Insufficient consideration of the recommendations raised by the Committee on the Rights of the Child in 2020 on cases of child sexual abuse and maltreatment of children with disabilities in institutional care. 34. The Committee, recalling targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, recommends that the State party: (a) Develop a comprehensive strategy and legal safeguards to prevent and combat all forms of violence and exploitation against persons with disabilities, including by repealing section 126 (b) of the Decree of the Ministry of Public Welfare 151/1998 (IV. 30) on the tasks and operational conditions of child welfare and child protection services and professionals providing personal care in order to abolish the use of isolation rooms for children with psychosocial disabilities in institutions for children; (b) Ensure that all facilities, residential care and psychiatric institutions are subjected to independent monitoring in line with article 16 (d) of the Convention, through the involvement of civil society organizations, including disability rights-based organizations, in order to prevent exploitation and abuse of and violence against persons with disabilities; (c) Establish well-defined investigation methods, protocols and procedures for combating hate crimes against persons with disabilities; (d) Ensure that all services for girls and women with disabilities who are survivors of domestic violence, including support centres and emergency shelters, are accessible and the required support is provided; (e) Ratify the Convention on Preventing and Combating Violence against Women and Domestic Violence adopted by the Council of Europe, with the aim of ensuring the necessary protection of the rights of women with disabilities, including access to support services and redress for victims of violence; (f) Ensure the full implementation of the recommendations of the Committee on the Rights of the Child in 2020.			0	D														
CO 2-3 Mexico 2022	Autocode- ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) 43. The Committee is concerned about: (a) The lack of measures to identify and prevent all forms of violence against children and adults with disabilities, including gender-based violence, in particular obstetric violence, when accessing sexual and reproductive health services; (b) The omission of a specific reference to women with disabilities in the General Act to Ensure Women a Life Free of Violence, to measures ensuring accessibility and to procedural accommodations women with disabilities may require to access justice and protective measures on an equal basis with others; (c) The limited availability of accessible shelters for women with disabilities who are victims of violence, and the lack of effective remedies for persons with disabilities facing violence, including gender-based violence. 44. The Committee recommends that the State party: (a) Reinforce the implementation of existing legislative and policy measures to prevent all forms of violence against persons with disabilities, including gender-based violence, and to provide effective remedies and redress to victims, both inside and outside of institutions; and amend the General Act to Ensure Women a Life Free of Violence to establish specific standards to support women with disabilities, including support systems that include personal assistance; (b) Periodically compile disaggregated data on the situation of women and children with disabilities in respect of violence, exploitation and abuse, both inside and outside of public and private institutions; (c) Ensure that shelters for victims of violence are established and that the facilities and services provided therein are accessible to persons with disabilities, particularly women with disabilities; (d) Create an independent monitor and oversight mechanism, adhering to article 16 (3) of the Convention, with the involvement and full participation of persons with disabilities and their representative organizations, to effectively monitor and supervise public and private institutions, and publish its findings.			5	0	D													
CO 2-3 New Zealand 2022	Autocode- ANY: Freedom from exploitation... (art. 16)	Freedom from exploitation, violence and abuse (art. 16) 31. The Committee is concerned that: (a) Rates of violence against persons with disabilities are much higher than those experienced by the rest of the population, and women and girls with disabilities, including Māori and Pasifika women and girls with disabilities, experience high levels of gender-based violence; (b) The National Strategy to Eliminate Family Violence and Sexual Violence is gender-neutral in relation to its focus on persons with disabilities. 32. The Committee recalls its general comment No. 3 (2016) on women and girls with disabilities and recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, in particular women and girls with disabilities, including Māori and Pasifika women and girls with disabilities: (a) Develop measures to address the high rates of violence experienced by persons with disabilities and to combat all forms of gender-based violence for inclusion within outcome area 4 of the New Zealand Disability Strategy; (b) Incorporate gender-specific measures for the disability focus within the National Strategy to Eliminate Family Violence and Sexual Violence and ensure specific issues for women and girls with disabilities are mainstreamed throughout the Strategy; 33. The Committee is concerned that persons with disabilities in existing institutional settings experience violence, abuse and neglect that is similar to that exposed by the Royal Commission of Inquiry into abuse in care. 34. The Committee recommends that urgent action be taken to amend legislative and policy frameworks that facilitate violence, abuse and neglect in institutions, to remove persons with disabilities from institutional settings with adequate support for living in the community, to investigate and sanction institutions and perpetrators and to provide victim and recovery support services and redress.			8	0	D													

UNCRPD - Article 17 Protecting the integrity of the person

Grade	A	B	C	D	E	F	G	H
Color	Light Green	Light Blue	Light Yellow	Light Orange	Light Red	Light Purple	Light Grey	Light Black

Note:

Document name	Code	Segment	Positive comment	Relevance/needs August/decry	No. of issues	Status factor	Grade	Create by	Improve law	Policy and practice	Contemporary and innovative solutions	Themes observed								
												Sterilization	Abortion	Intersex	Data					
CO 1 Argentina 2012	Autocode - ANY: Integrity of the person (art. 17)	Protecting the integrity of the person (art. 17) 31. The Committee regrets that, in cases where a woman with disabilities is under guardianship, her legal representative may give consent for a legal abortion on her behalf. It is likewise concerned that persons with disabilities are being sterilized without their free and informed consent. 32. The Committee recommends that the State party amend article 86 of its Criminal Code and article 3 of Contraceptive Surgery Act No. 26.130 so that they will be in accordance with the Convention and take steps to provide the necessary support to women under guardianship or trusteeship to ensure that the women themselves are the ones who give their informed consent for a legal abortion or for sterilization.			2	0	C		1			1	1							
CO 1 Australia 2013	Autocode - ANY: Integrity of the person (art. 17)	Integrity of the person (art. 17) 39. The Committee is deeply concerned that the Senate inquiry report into the involuntary or coerced sterilization of persons with disabilities, released in July 2013, puts forward recommendations that would allow this practice to continue. The Committee further regrets the State party's failure to implement the recommendations made by the Committee on the Rights of the Child (CRC/C/15/2008; CRC/C/15/2014), the Working Group on the Universal Periodic Review (A/HRC/17/10) and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/HRC/22/53), which address concerns regarding sterilization of children and adults with disabilities. 40. The Committee urges the State party to adopt uniform national legislation prohibiting the sterilization of boys and girls with disabilities, and adults with disabilities, in the absence of their prior, fully informed and free consent.			1	1	C		1			1								
CO 1 El Salvador 2013	Autocode - ANY: Integrity of the person (art. 17)	Protecting the integrity of the person (art. 17) 37. The Committee is concerned at the fact that the law permits the forced sterilization of women with disabilities and the abortion of pregnancies often resulting from sexual abuse, as well as the paucity of information about how the use of physical and pharmaceutical restraint and similar treatments in psychiatric facilities undermines the integrity of the person and about cases brought before the Office of the Human Rights Advocate. 38. The Committee recommends that the State party repeal provisions permitting the forced sterilization of women with disabilities and that it prevent and investigate the practice of aborting pregnancies resulting from sexual abuse. It also recommends that the State party ensure that the administrative authorities provide the information needed to monitor the situation of persons with disabilities in psychiatric hospitals.			3	0	D		1			1	1							
CO 1 Germany 2015	Autocode - ANY: Integrity of the person (art. 17)	Protecting the integrity of the person (art. 17) 37. The Committee is concerned about: (a) the use of compulsory and involuntary treatment, in particular for persons with psychosocial disabilities in institutions and older persons in residential care; (b) the lack of data on involuntary placement and treatment; (c) the practice of carrying out forced sterilization and coercive abortions on adults with disabilities on the basis of substituted consent; and (d) the lack of implementation of the 2011 recommendations of the Committee against Torture (see CAT/C/DEU/CO/5, para. 20) regarding upholding the bodily integrity of intersex children. 38. The Committee recommends that the State party take the measures, including of a legislative nature, necessary to: (a) Repeal section 1905 of the German Civil Code and explicitly prohibit in law sterilization without the full and informed consent of the individual concerned, eliminating all exceptions, including those based upon substituted consent or court approval; (b) Ensure that all psychiatric treatments and services are always delivered with the free and informed consent of the individual concerned; (c) Investigate human rights violations in psychiatric and other persons care settings in all Länder; (d) Implement all the recommendations of the Committee against Torture (bid.) relevant to intersex children.			6	0	F		1			1	1	1	1	1				
CO 1 Mexico 2014	Autocode - ANY: Integrity of the person (art. 17)	Protecting the integrity of the person (art. 17) 37. The Committee is concerned that persons with disabilities are being sterilized without their free and informed consent in institutions such as Casa Hogar Esperanza, where, according to reports received by the Committee, forced or coerced sterilization is recommended, authorized or performed on girls, adolescents and women with disabilities. 38. The Committee urges the State party to launch administrative and criminal investigations into the judicial and health authorities and institutions that recommend, authorize or perform forced sterilizations on girls, adolescents and women with disabilities and to guarantee access to justice and reparation for victims.			1	0	B		1			1								
CO 1 Mongolia 2015	Autocode - ANY: Integrity of the person (art. 17)	Protecting the integrity of the person (art. 17) 28. The Committee is concerned with the measures taken by the State party to prevent conception in persons with genetic psychosocial or intellectual disorders, or psychosocial or intellectually impaired persons, without informed consent (see art. 37 (b) of the Law on Health). 29. The Committee urges the State party to eliminate legislative provisions of the Law on Health, as well as of bylaws and related regulations, restricting sexual and reproductive rights and allowing the forced sterilization of and abortion for women with disabilities, in particular psychosocial and intellectual disabilities.			2	0	C		1			1	1							
CO 1 New Zealand 2014	Autocode - ANY: Integrity of the person (art. 17)	Protecting the integrity of the person (art. 17) The Committee is concerned that parents may give consent for the sterilization of their disabled children, and that courts may order that adults undergo sterilization without the individual's consent. The Committee recommends that the State party enact legislation prohibiting the use of sterilization on boys and girls with disabilities, and on adults with disabilities, in the absence of their prior, fully informed and free consent.			1	0	B		1			1								
CO 1 Rep Korea 2014	Autocode - ANY: Integrity of the person (art. 17)	Protecting the integrity of the person (art. 17) The Committee is concerned about cases of forced sterilization of women with disabilities despite legal provisions prohibiting the practice. It is also concerned about the absence of information on investigations undertaken by the State party on this matter. The Committee urges the State party to take measures to eradicate the practice of forced sterilization, including by raising awareness of the rights of women and girls with disabilities among their families, in communities and within institutions, and by ensuring that mechanisms providing protection against forced sterilization are effective and accessible. The Committee recommends that the State party carry out investigations into recent and current cases of forced sterilization.			2	0	C		1			1		1						
CO 1 Spain 2011	Autocode - ANY: Integrity of the person (art. 17)	Integrity of the person (art. 17) 37. The Committee is concerned that persons with disabilities whose legal capacity is not recognized may be subjected to sterilization without their free and informed consent. 38. The Committee urges the State party to abolish the administration of medical treatment, in particular sterilization, without the full and informed consent of the patient; and ensure that national law especially respects women's rights under articles 23 and 25 of the Convention.			1	0	B		1			1								
CO 1 Tunisia 2011	Autocode - ANY: Integrity of the person (art. 17)	Integrity of the person (art. 17) 28. The Committee is concerned about the lack of clarity concerning the scope of legislation to protect persons with disabilities from being subjected to treatment without their free and informed consent, including forced treatment in mental health services. 29. The Committee recommends that the State party incorporate into the law the abolition of surgery and treatment without the full and informed consent of the patient, and ensure that national law especially respects women's rights under article 23 and 25 of the Convention.			1	0	B		1			1								

UNCRPD - Article 17 Protecting the integrity of the person

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	

Document name	Code	Segment	Positive comment	Relevant/realized impact/ capacity	No. of issues	Status factor	Grade	Themes observed										
								Overall law	Internal law	Policy and practice	Compulsory sterilization	Abortion	Intersex	Data				
CO-2-3 Australia 2019	Autocode - ANY: Integrity of the person (art. 17)	Protecting the integrity of the person (art. 17) 33. The Committee is seriously concerned about: (a) The ongoing practice of forced sterilization, forced abortion and forced contraception among persons with disabilities, particularly women and girls, which remains legal; (b) The widespread use of involuntary surgery on infants and children born with variations in sex characteristics and of other invasive and irreversible medical interventions without the free and informed consent of those undergoing such interventions or without evidence of the need to carry them out. 34. The Committee urges the State party to: (a) Review and amend laws, including the section of the Family Law Rules 2004 relating to applications for medical procedures, in line with the Convention and adopt uniform legislation prohibiting, in the absence of free and informed consent, the sterilization of adults and children, the administration of contraception and the imposition of abortion procedures on women and girls with disabilities; (b) Adopt clear legislative provisions that explicitly prohibit the performance of unnecessary, invasive and irreversible medical interventions, including surgical, hormonal or other medical procedures on intersex children before they reach the legal age of consent, also provide adequate counselling and support for the families of intersex children and redress to intersex persons having undergone such medical procedures; (c) Prohibit the use of non-consensual electroconvulsive therapy on the basis of any form of impairment.		1	1	F		1	1	1	1							
CO-2-3 Austria 2023	Autocode - ANY: Integrity of the person (art. 17)	Protecting the integrity of the person (art. 17) 41. The Committee is concerned about reports stating that: (a) Sterilizations of women and girls with disabilities without their consent, apparently outside the confines of §§ 253-255 ABGB, have taken place in the State party; (b) Contraceptives are administered to women and girls with disabilities without their consent or even their knowledge, particularly in institutions. 42. The Committee recommends the State party: (a) Strictly enforce the prohibition of sterilization in § 255 ABGB, provide accessible information on sexual self-determination, collect data on performed sterilizations in the State party, disaggregated by sex, gender, age, procedure followed and place of the intervention, and train medical personnel on the requirements of the law; (b) Explicitly ban the use of medical measures to inhibit procreation on persons with disabilities without their personal consent, and enforce it.		3	0	D		1	1									
CO-2-3 China 2022	Autocode - ANY: Integrity of the person (art. 17)	Protecting the integrity of the person (art. 17) 38. The Committee is concerned about the legal exceptions to free and informed consent to compulsory hospitalization and medical interventions. 39. The Committee recommends that the State party remove the legal exceptions to the requirement of free and informed consent of all persons with disabilities to medical interventions, including hospitalization, and ensure adherence to the requirement of free and informed consent with regard to all persons with disabilities. Protecting the integrity of the person (art. 17) 84. The Committee is concerned about the legal exceptions to free and informed consent to compulsory hospitalization and medical interventions. 85. The Committee recommends that Macao, China remove the legal exceptions to the requirement of free and informed consent of all persons with disabilities to medical interventions, including hospitalization, and ensure adherence to the requirement of free and informed consent with regard to all persons with disabilities.		1	0	B		1	1									
CO-2-3 Ecuador 2019	Autocode - ANY: Integrity of the person (art. 17)	Protecting the integrity of the person (art. 17) 33. The Committee is concerned at: (a) The fact that the Organic Act on the Health System is not in line with the Convention since it is not based on the human rights model of disability; (b) That no special provision is made for the rights of persons with psychosocial and intellectual disabilities to request or reject treatments of any type on their own volition, including those dealing with sexual and reproductive health, on the basis of their informed consent and supported decision-making in the exercise of their legal capacity; (c) The fact that forced sterilization is not expressly prohibited. 34. The Committee recommends that the State party amend the Organic Act on the Health System to incorporate a human rights approach to disability and to expressly prohibit forced sterilization and the non-consensual interruption of pregnancies. The Committee also recommends that the State party guarantee the integrity and autonomy of persons with disabilities based on free and informed consent and supported decision-making in requesting or rejecting treatments relating to all relevant procedures. It also recommends that a mechanism be established for identifying, investigating and following up on any cases that, despite an explicit prohibition, continue to arise and for providing full redress in those instances.		3	0	D		1	1	1								
CO-2-3 El Salvador 2019	Autocode - ANY: Integrity of the person (art. 17)	Protecting the integrity of the person (art. 17) 34. The Committee is concerned that women and girls with disabilities continue to be subjected to forced sterilization and abortion, without their consent, and that the Counsel-Genera's Office has opinions to legalize medical sterilization without the consent of the person concerned but with the consent of a third party. It is also concerned that no cases of forced sterilization were reported by hospitals. 35. The Committee urges the State party to: (a) Amend article 147 (3) of the Criminal Code and abolish the practice of forced sterilization of women and girls with disabilities, and ensure that decisions regarding medical procedures are taken with the free and informed consent of the person with disability and not as per the opinions issued by the Counsel-Genera's Office; (b) Establish an independent mechanism to monitor, register and investigate cases of forced sterilization in hospitals and private clinics.		3	0	D		1	1	1								
CO-2-3 Germany 2023	Autocode - ANY: Integrity of the person (art. 17)	Protecting the integrity of the person (art. 17) 37. The Committee is concerned about: (a) The continued occurrence of forced and coerced sterilization of women and girls with disabilities; (b) The practice of forced and coerced sterilization of women and girls with disabilities and forced and coerced abortions in institutional facilities. 38. The Committee recommends that the State party take all necessary legislative, administrative and judicial measures: (a) To prohibit the sterilization of women and girls with disabilities without their free and informed consent, including sterilization based on substitute consent or court decisions; (b) To prohibit all forms of contraception and abortion without the free and informed consent of the individual concerned, including coercive practices. 39. The Committee is concerned that the Act on the Protection of Children with Variations in Sex Development of 2021 does not provide comprehensive protection for all intersex children from invasive or irreversible medical procedures that modify sex characteristics. 40. The Committee recommends that the State party closely consult and actively involve representative organizations of intersex persons to review and amend the Act on the Protection of Children with Variations in Sex Development of 2021 to ensure comprehensive protection for intersex children from invasive or irreversible medical procedures that modify sex characteristics unless necessary to avoid serious, urgent and irreparable harm.		3	0	D		1	1	1	1							
CO-2-3 Hungary 2022	Autocode - ANY: Integrity of the person (art. 17)	Protecting the integrity of the person (art. 17) 35. The Committee observes with concern that women and girls with disabilities, especially those placed under substitute decision-making regimes and those still in institutions are subject to sterilization and abortion without their consent. The Committee is particularly concerned that women and girls with intellectual and psychosocial disabilities and autistic women and girls are subjected to contraception without their consent in residential institutions, including in group homes, and face discriminatory legal restrictions on their right to have a child. 36. The Committee recommends that the State party abolish all legal provisions, including the provisions of the Health Act (187/6) that allows for women and girls with disabilities to be sterilized and abortions carried out on them on the basis of third-party requests, including from guardians. The Committee also recommends that the State party adopt protocols on respect for the sexual and reproductive health rights of women and girls with disabilities, in particular women and girls with intellectual disabilities, and include the duty to provide them with accessible information and services concerning their sexual and reproductive health rights. The Committee further recommends that the State party ensure that the use of contraception by all women and girls with disabilities in all settings is based on free and informed consent, respecting the dignity and autonomy of women and girls with disabilities.		3	0	D		1	1	1	1							
CO-2-3 Mexico 2022	Autocode - ANY: Integrity of the person (art. 17)	Protecting the integrity of the person (art. 17) 45. The Committee is concerned about continuing practices of forced sterilization, contraception and abortion, particularly affecting women and girls with intellectual or psychosocial disabilities both inside and outside of institutions and indigenous women and girls. The Committee has received very disturbing reports of forced sterilization in Casa Hogar Esperanza. 46. The Committee reiterates the recommendations made in paragraph 38 of its previous concluding observations urging the State party to launch administrative and criminal investigations into the judicial and health authorities and institutions that recommend, authorize or perform forced sterilizations, contraception and abortion on girls, adolescents and women with disabilities and to guarantee access to justice and reparation for victims. 47. The Committee further recommends that the State party implement training programmes for professionals in the public and private health sectors on sexual and reproductive health rights of women and girls with disabilities that include training on respect for their preferences and on dismantling prevalent stereotypes of the sexuality of women and girls with disabilities.		1	4	F		1	1	1	1							
CO-2-3 Mongolia 2023	Autocode - ANY: Integrity of the person (art. 17)	Protecting the integrity of the person (art. 17) 35. The Committee remains concerned at the persistence in law (art. 37 (b) of the Law on Health) and in practice of measures to "prevent" conception in persons with genetic, physical or mental disabilities, or "psychosocial or intellectually impaired persons", without their informed consent. The Committee is also concerned that article 9 (2) of the Law on Health authorizes abortions for women with "mental disorders" carried out without the free and informed consent of women and girls with disabilities. 36. The Committee reiterates its previous recommendation and urges the State party to eliminate the legislative provisions of the Law on Health, as well as those of the relevant by-laws regulations, restricting sexual and reproductive rights and allowing the forced sterilization and abortion for women with disabilities, in particular those with psychosocial disabilities, those with intellectual disabilities and those still living in institutions. It also recommends that the State party establish a mechanism for identifying, investigating and following up on any cases that, despite an explicit prohibition, continue to arise and for providing full redress in those instances, and take measures to provide protection against forced sterilization.		1	2	D		1	1	1	1							
CO-2-3 New Zealand 2022	Autocode - ANY: Integrity of the person (art. 17)	Protecting the integrity of the person (art. 17) 25. The Committee is seriously concerned about: (a) The lack of action by the State party, in response to the Committee's 2014 concluding observations, to address the fact that parents can consent to sterilization of their children with disabilities and to address laws that allow for the use of sterilization, contraception and abortion procedures with regard to women and girls with disabilities without their personal consent; (b) The lack of a prohibition on non-urgent, intrusive and irreversible medical interventions or the imposition of hormones on intersex infants and children before an age at which they can provide informed consent; (c) The lack of legislative provisions to prohibit Ashley Treatment or growth attenuation treatment for children with disabilities, including to prohibit accessing these procedures outside New Zealand; (d) The lack of data in relation to sterilization and abortion procedures performed on persons with disabilities without their personal consent, non-urgent medical interventions on intersex children without their consent and growth attenuation treatment. 36. The Committee urges the State party to: (a) Immediately place a moratorium on sterilization, contraception and abortion procedures performed without personal consent, and take urgent action to adopt uniform legislation prohibiting on women and girls with disabilities; (b) Adopt clear legislative provisions that explicitly prohibit the performance of unnecessary, invasive and irreversible medical interventions, including surgical, hormonal or other medical procedures on children before an age at which they can provide informed consent; (c) Recalling previous recommendations made by the Committee on the Rights of the Child to develop and implement a child rights-based health-care protocol for intersex children, setting the procedures and steps to be followed by health teams, ensuring that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guaranteeing the rights of children to bodily integrity, autonomy and self-determination, and provide families with intersex children with adequate counselling and support; (d) Adopt legislative provisions to prohibit growth attenuation treatment (Ashley Treatment), including a prohibition on procedures sought outside New Zealand; (e) Adopt legal provisions to provide holistic redress to victims of medical interventions performed without personal consent, including access to support and recovery services and adequate compensation; (f) Develop measures to ensure reporting and data collection on sterilization, contraception and abortion procedures performed without personal consent, on non-urgent medical interventions performed on intersex children and on growth attenuation treatment.		1	5	G		1	1	1	1	1	1	1				
CO-2-3 Rep Korea 2022	Autocode - ANY: Integrity of the person (art. 17)	Protecting the integrity of the person (art. 17) 37. The Committee is concerned that, despite legal provisions prohibiting the forced sterilization of women and girls with disabilities, the practice still persists. It is also concerned about the absence of information on investigations undertaken by the State party on this matter. 38. The Committee urges the State party to take measures to eradicate the practice of forced sterilization of women and girls with disabilities, in particular those living in institutions, and the non-consensual interruption of pregnancies. It recommends that the State party establish a mechanism for identifying, investigating and following up on any cases that, despite an explicit prohibition, continue to arise and for providing full redress in those instances, and take measures to provide protection against forced sterilization.		3	0	D					1	1						
CO-2-3 Spain 2019	Autocode - ANY: Integrity of the person (art. 17)	Protecting the integrity of the person (art. 17) 33. The Committee is deeply concerned that women and girls with disabilities continue to be subjected to forced sterilization and abortion. It is also concerned that medical treatment without the free and informed consent of the person concerned is practiced in the State party. 34. The Committee reiterates the recommendation made in its previous concluding observations (CRPD/C/ESP/CO/1, para. 38) and urges the State party to repeal article 156 of Organic Act No. 10/1995 to fully abolish the administration of sterilization, medical treatment and research on all persons with disabilities without the full and informed consent of the person concerned.		1	3	E		1	1	1	1							
CO-2-3 Tunisia 2023	Autocode - ANY: Integrity of the person (art. 17)	Protecting the integrity of the person (art. 17) 29. The Committee is deeply concerned about women with disabilities who are under guardianship and who could allegedly be subjected to forced sterilization at the request of third parties, including trusted persons, family members or guardians, without their free will or informed consent. The Committee is also concerned about the lack of public and objective debate on the issue and the absence of awareness-raising campaigns to increase understanding that persons with disabilities should have access to sexual and reproductive health training and be empowered to make their own decisions. 30. The Committee recommends that the State party: (a) Take immediate measures, including legislative measures, to prohibit and eliminate the practice of forced sterilization, especially of women with disabilities; (b) Establish awareness-raising campaigns on the rights of persons with disabilities to sexual and reproductive health, directed at medical personnel involved in sexual and reproductive health care and to persons with disabilities, in particular women with disabilities.		1	2	E		1	1	1								

UNCRPD - Article 18 Freedom of movement and nationality
Note

Grade	A	B	C	D	E	F	G	H
Level	0	1	2	3	4	5	6	7

Document name	Code	Segment	Positive comment	Reviews / months	No of issues	Serious factor	Status	Themes observed										
								Child's law	Improvement law	policy and practice	rural	ID docs / registration	Migrants / refugees	children	specific types of disabilities			
CO 1 Ecuador 2014	Autocode - ANV: Liberty of movement and nationality (art. 18)	Liberty of movement and nationality (art. 18) 32. The Committee is concerned that article 7 of the Naturalization Act still provides that Ecuadorian nationality may not be granted to persons with a "chronic illness". Given the close link between so-called "chronic illnesses" and disabilities, this article is overtly discriminatory and contrary to article 18 of the Convention. 33. The Committee recommends that the State party repeal article 7 of the Naturalization Act so that any person with disabilities can choose to apply for Ecuadorian nationality on an equal basis with others.			1	0	B	1										
CO 1 El Salvador 2013	Autocode - ANV: Liberty of movement and nationality (art. 18)	of movement and nationality (art. 18) 39. The Committee is concerned that children, adolescents and adults with disabilities living in rural areas remain unregistered and therefore do not have identity documents. 40. The Committee calls on the State party to ensure that children with disabilities are entered in the civil registry at birth.			1	0	B				1	1						
CO 1 Germany 2015	Autocode - ANV: Liberty of movement and nationality (art. 18)	Freedom of movement and nationality (art. 18) 39. The Committee is concerned about unequal access to and choice of available social services and support for migrants with disabilities. 40. The Committee urges the State party to ensure that all policies and programmes for migrant populations in the State party are fully accessible for persons with disabilities and that policies and programmes incorporate resources in the native languages of the main migrant communities.			1	0	B					1						
CO 1 Mexico 2014	Autocode - ANV: Liberty of movement and nationality (art. 18)	Liberty of movement and nationality (art. 18) 39. The Committee is concerned that migrants with intellectual or psychosocial disabilities are detained in migrant holding centres, that the authorities set stricter requirements for entry into the country for persons with disabilities and that persons injured as a result of falling from the train known as "La Bestia" ("The Beast") receive inadequate care. 40. The Committee urges the State party to: (a) Designate appropriate and accessible areas and appoint trained staff to assist persons with disabilities in migrant holding centres; (b) Review and harmonize the operational guidelines under the Migration Act to ensure that persons with disabilities are treated equally in the issuance of visas and entry permits; (c) Review and harmonize care protocols for migrants who are injured while in transit in Mexico, so that they are provided with not only emergency medical care but also sufficient recovery time and basic rehabilitation. 41. The Committee notes that the steps taken to promote the registration of children with the civil registry have not led to the universal registration of children with disabilities. 42. The Committee urges the State party to ensure that all children with disabilities are immediately registered at birth and are provided with an identity document.			4	0	E		1		1	1	1					
CO 1 Paraguay 2013	Autocode - ANV: Liberty of movement and nationality (art. 18)	of movement and nationality (art. 18) 45. The Committee is concerned that children with disabilities are not registered in the State party and that there are as yet no concrete measures to encourage the registration of children with disabilities, particularly in rural areas. 46. The Committee urges the State party to set up a programme on the civil registration of children with disabilities at birth, on an equal footing with other children, and decentralize registry procedures and ensure that they can be carried out simply, quickly and free of charge.			1	0	B		1	1	1		1					
CO 1 Rep Korea 2014	Autocode - ANV: Liberty of movement and nationality (art. 18)	Liberty of movement (art. 18) The Committee is concerned about the provisions of article 11 of the Immigration Control Act pursuant to which entry to the State party is denied to persons with psychosocial disabilities: "who lack reason and are not accompanied by an assistant for their sojourn", and of article 32 of the Welfare of Persons with Disabilities Act, which restrict basic disability services for migrants with disabilities. The Committee recommends that the State party repeal article 11 of the Immigration Control Act and article 32 of the Welfare of Persons with Disabilities Act in order to ensure that persons with disabilities are not deprived of the right to enter the Republic of Korea on the basis of disability and to free migrants with disabilities from restrictions on basic disability services.			2	0	C		1			1		1				

UNCRPD - Article 18 Freedom of movement and nationality
Note:

Grade	A	B	C	D	E	F	G	H
Score	0	1	2	3	4	5	6	7

Document name	Code	Segment	Final comment	Relevance / impact	No. of states	Serious actor	Status	Charter law	Improvement law	Policy and practice	ID card / registration	Migrants / refugees	Children	Themes observed								
														Specific types of disabilities								
CO-23 Austria 2023	Autocode - ANV: Liberty of movement and nationality (art. 18)	Liberty of movement and nationality (art. 18) 43. The Committee is concerned about: (a) Insufficient provision of qualified interpretation, sign language interpretation, information in Easy Read format, Plain German, Braille, and other measures to ensure the accessibility of health services for refugees with disabilities, stateless persons with disabilities, and of persons with disabilities in refugee-like situations; (b) Insufficient accessible information in the admissions process, the content of decisions taken therein, and about appropriate service providers, for refugees with disabilities, stateless persons with disabilities, and for persons with disabilities in refugee-like situations, about deficiencies in their referral to the appropriate services providers, and about insufficient access to crucial disability support schemes; (c) Reports that refugees and stateless persons with disabilities and persons with disabilities in refugee-like situations, including unaccompanied children with disabilities, are frequently accommodated in facilities that are not accessible or not designed for these purposes, and are not provided the support measures necessary. (d) Insufficient targeted and regular training on the standards for the treatment and the rights of persons with disabilities under the Convention for the employees of all entities participating in the admissions process. 44. The Committee recommends that the State party: (a) Provide qualified interpretation, sign language interpretation, information in Easy Read format, Plain German, Braille and other measures to ensure the accessibility of medical examinations of refugees and stateless persons with disabilities and persons with disabilities in refugee-like situations; (b) Provide accessible information about the admissions process, the content of decisions taken therein, and service providers for refugees and stateless persons with disabilities and persons with disabilities in refugee-like situations, and guarantee access to crucial support schemes to persons with disabilities in refugee-like situations and persons with disabilities under temporary protection. (c) Ensure that refugees and stateless persons with disabilities and persons with disabilities in refugee-like situations, including unaccompanied children with disabilities, are accommodated in facilities that are accessible and designed for these purposes; (d) Intensity advanced training on the standards for the treatment of persons with disabilities and their rights under the Convention to all entities and their employees participating in the admissions process, as envisaged by the 'Nationaler Aktionsplan Behindertengleichung 2022 - 2030'			4	0	E		1			1	1									
CO-23 Australia 2019	Autocode - ANV: Liberty of movement and nationality (art. 18)	Liberty of movement and nationality (art. 18) 35. The Committee is concerned about: (a) Migration and asylum legislation, such as the Migration Act 1958 and the health requirement in the Migration Regulations 1994, which allows for discrimination against persons with disabilities in asylum and migration procedures. (b) The Disability Discrimination Act 1992 providing an exemption to certain provisions within the Migration Act 1958, which results in the exclusion of persons with disabilities; (c) The 10-year qualifying period for migrants with a non-permanent visa to access the Age Support Pension and the Disability Support Pension; (d) The transfer of refugees and asylum seekers with disabilities to Nauru, Papua New Guinea and other 'regional processing countries'. 36. The Committee recommends that the State party: (a) Review and amend its migration laws and policies to ensure that persons with disabilities do not face discrimination in any of the formalities and procedures relating to migration and asylum and, especially, remove the exemption in the Disability Discrimination Act 1992 to certain provisions of the Migration Act 1958; (b) Remove the 10-year qualifying period for migrants to access the Age Support Pension and the Disability Support Pension; (c) Cease the transfer of refugees and asylum seekers, particularly persons with disabilities, to Nauru, Papua New Guinea and other 'regional processing countries', as requested by the Office of the United Nations High Commissioner for Refugees in a factbook on the protection of so-called 'legacy cases' asylum seekers, and establish a minimum standard of health care and support for persons with disabilities held in immigration detention.			4	0	E		1	1			1									
CO-23 Ecuador 2019	Autocode - ANV: Liberty of movement and nationality (art. 18)	Liberty of movement and nationality (art. 18) 35. The Committee notes with concern the adoption of restrictions on entry into the country by persons with disabilities, particularly persons with disabilities who are seeking international protection. The Committee is also concerned at the lack of accessible shelters for migrants with disabilities that are staffed with personnel trained to provide information and to follow up on their applications and petitions. 36. The Committee recommends that the State party: (a) Ensure that migrants with disabilities, particularly those who are seeking international protection, are able to exercise their rights on an equal footing with others; (b) Establish monitoring and assessment mechanisms at the borders for the identification, processing and protection of migrants with disabilities that use information and adapted procedures in accessible formats, individual adaptations such as the facilitation of physical access and trained personnel; (c) Ensure that conditions at reception centres are such that they afford adequate living standards for migrants and refugees with disabilities and safeguard their physical and mental health on an equal footing with others in accordance with the Convention.			3	0	D			1			1									
CO-23 El Salvador 2019	Autocode - ANV: Liberty of movement and nationality (art. 18)	Liberty of movement and nationality (art. 18) 36. The Committee is concerned that the new Migration Law and the Passport Issuance and Revitalization Law enforce legal impediments to leaving the country for persons with hearing impairments and persons with intellectual or psychosocial disabilities. The Committee is also concerned at cases of some persons with disabilities still not having access to identity documents. 37. The Committee recommends that the State party review and reform its legislation on migration to eliminate discriminatory restrictions and ensure that all persons with disabilities who wish to leave or enter the country have access to procedures on an equal basis with others. The Committee also recommends that the State party take measures to ensure that all persons with disabilities have a birth certificate or identity document.			2	0	C						1									1
CO-23 Germany 2023	Autocode - ANV: Liberty of movement and nationality (art. 18)	Liberty of movement and nationality (art. 18) 41. The Committee is concerned about: (a) Access to essential supports, including disability-specific supports, for refugees and asylum-seekers with disabilities being dependent on country of origin; (b) The lack of uniform and adequate procedures across all Länder for the identification of refugees and asylum-seekers with disabilities, resulting in inconsistent and inadequate implementation of human rights law and Directive 2013/33 of the European Parliament and of the Council laying down standards for the reception of applicants for international protection. (c) The impact of the draft law to amend the Nationality Act, which would preclude persons with disabilities in receipt of benefits from obtaining citizenship. 42. The Committee recommends that the State party take legislative, administrative and other measures: (a) To ensure that access to essential supports, including disability-specific supports, for all refugees and asylum-seekers with disabilities is available without discrimination on the basis of country of origin; (b) To implement uniform and adequate procedures across all Länder to ensure the identification of refugees and asylum-seekers with disabilities and the provision of appropriate disability-related supports, as required by human rights law and Directive 2013/33 of the European Parliament and of the Council laying down standards for the reception of applicants for international protection; (c) To ensure that the draft law to amend the Nationality Act does not preclude persons with disabilities in receipt of benefits from obtaining citizenship.			3	0	D		1	1												
CO-23 Hungary 2022	Autocode - ANV: Liberty of movement and nationality (art. 18)	Liberty of movement and nationality (art. 18) 37. The Committee notes with concern the lack of: (a) Procedural safeguards, accessibility and reasonable accommodation for asylum seekers and refugees with disabilities at border crossings and in reception and accommodation facilities; (b) Accessible and understandable modes of information and communication for asylum-seeking or refugee children with disabilities; (c) Measures to end the detention of asylum seekers in closed border transit zone facilities and accommodate asylum seekers in open reception facilities; (d) Efforts to remove restrictions on non-governmental organizations providing support to asylum seekers, including restrictions on funding from the European Union Asylum, Migration and Integration Fund; (e) Data on asylum seekers and refugees with disabilities, disaggregated by sex, age and type of impairment. 38. The Committee recommends that the State party, in close cooperation with organizations of persons with disabilities: (a) Assess the current status of asylum seekers and refugees with disabilities at border crossings and in reception and accommodation facilities, and ensure accessibility, reasonable accommodations and support measures for them; (b) Ensure accessible and understandable modes of information and communication for asylum-seeking or refugee children with disabilities; (c) End the detention of asylum seekers in closed border transit zone facilities and accommodate asylum seekers in open reception facilities; (d) Remove restrictions on non-governmental organizations providing support to asylum seekers, including restrictions on funding from the European Union Asylum, Migration and Integration Fund; (e) Collect data, disaggregated by sex and age, on asylum seekers and refugee persons with disabilities. 39. In the light of the growing humanitarian crisis in Ukraine, which has already pushed a large number of people into the neighbouring countries, the Committee recommends that the State party take appropriate measures to provide persons with disabilities, in particular children with disabilities, in need of international protection with all the necessary support and services, including their accommodation in foster care families.			4	1	F			1			1	1								
CO-23 Mexico 2022	Autocode - ANV: Liberty of movement and nationality (art. 18)	Liberty of movement and nationality (art. 18) 46. The Committee is concerned about a lack of accessibility of information, procedures and migration centres for migrant, refugee, asylum-seeking and internally displaced persons with disabilities. It is also concerned that there is no comprehensive and systematic identification of migrant and internally displaced persons with disabilities and their requirements, and that there is a lack of disaggregated data on migrant and internally displaced persons with disabilities. 49. The Committee recommends the State party: (a) Render migration centres, information and procedures accessible for migrant, refugee, asylum-seeking and internally displaced persons with disabilities, in accordance with article 9 of the Convention; (b) Systematically and comprehensively identify migrant, refugee, asylum-seeking and internally displaced persons with disabilities and their requirements; (c) Compile disaggregated data and statistics on migrant, refugee, asylum-seeking and internally displaced persons with disabilities.			3	0	D			1			1									
CO-23 Mongolia 2023	Autocode - ANV: Liberty of movement and nationality (art. 18)	Liberty of movement and nationality (art. 18) 37. The Committee is concerned that, despite the provisions of the Law on Citizenship that guarantee freedom of movement, the Law on Travel and Immigration limits travelling and immigration of persons with psychosocial disabilities and persons with intellectual disabilities. 38. The Committee recommends that the State party amend the Law on Travel and Immigration and the Law on the Legal Status of Foreign Nationals, in order to harmonize their provisions with the Convention.			1	1	C			1												1
CO-23 New Zealand 2022	Autocode - ANV: Liberty of movement and nationality (art. 18)	Liberty of movement and nationality (art. 18) 37. The Committee is concerned about: (a) The acceptable standard of health requirements applied under the immigration rules of New Zealand, which allow for discrimination in practice against persons with disabilities in immigration and some asylum procedures; (b) The ineligibility under the acceptable standard of health medical waiver policy of persons with disabilities whose impairment requires full-time care, including care in the community; (c) Provisions of the Immigration Act of 2009, which prevent people from lodging complaints related to immigration decisions with the New Zealand Human Rights Commission. 38. The Committee recommends that the State party: (a) Review and amend its immigration and asylum legislation and administrative rules, in close consultation with and with the active involvement of organizations of persons with disabilities and migrants and refugees, to ensure that persons with disabilities do not face discrimination in any of the formalities and procedures relating to immigration and asylum, in particular as a result of application of the acceptable standard of health requirements; (b) Reverse the ineligibility under the acceptable standard of health medical waiver policy of persons with disabilities whose impairment requires full-time care; (c) Repeal section 392, paragraphs (2) and (3), of the Immigration Act of 2009, which prohibit the lodging of immigration-related complaints to the Human Rights Commission.			3	0	D		1	1			1									
CO-23 Rep Korea 2022	Autocode - ANV: Liberty of movement and nationality (art. 18)	Liberty of movement and nationality (art. 18) 39. The Committee remains concerned about the lack of efforts made to repeal provisions of article 11 of the Immigration Control Act, which deprives persons with disabilities, in particular persons with psychosocial disabilities, of the right to enter the Republic of Korea on the basis of their disability, and of article 32 of the Act on Welfare of Persons with Disabilities, which restricts access to basic disability services for migrants with disabilities. 40. The Committee recommends that the State party take urgent steps to repeal discriminatory provisions in order to ensure that persons with disabilities are not deprived of the right to enter the Republic of Korea on the basis of disability and to allow migrants with disabilities access to basic disability services.			2	0	C			1			1									1
CO-23 Spain 2019	Autocode - ANV: Liberty of movement and nationality (art. 18)	Liberty of movement and nationality (art. 18) 35. The Committee is concerned about the precarious situation of refugees and asylum-seeking persons with disabilities in the State party and that refugee status determination procedures are not accessible. The Committee is also concerned about the lack of a gender perspective in policies and measures for refugees and asylum-seeking persons with disabilities and the general lack of knowledge among professionals working in reception centres of the rights of those persons. 36. The Committee recommends that the State party ensure that all refugee status determination procedures and social protection programmes, including disability support schemes, are accessible for all non-nationals with disabilities residing in the State party and do not discriminate against them in law and in practice. The Committee also recommends that the State party design specific gender-sensitive policies and ensure that reception centres are fully accessible for asylum seekers. The Committee recommends that the State party provide training for professionals and civil servants working in reception centres on the rights of persons with disabilities.			3	0	D			1			1									
CO-23 Tunisia 2023	Autocode - ANV: Liberty of movement and nationality (art. 18)	Liberty of movement and nationality (art. 18) 31. The Committee is concerned that some persons with disabilities, in particular persons with psychosocial disabilities, are excluded from some services provided to other persons with disabilities by the State party, such as reduced fares on public transport, due to obstacles that they face in obtaining identity cards. 32. The Committee recommends that the State party: (a) Review Decree No. 1477 (2008) to simplify and facilitate the procedures related to the enjoyment by travellers with disabilities of reduced fares for international transportation; (b) Recognize persons with psychosocial disabilities in the law currently being drafted for the tax exemption of persons with disabilities to enhance freedom of movement.			2	0	C					1										1

UNCRPD - Article 19 Living independently and being included in the community

Grade	A	B	C	D	E	F	G	H
Score	0	1	2	3	4	5	6	7

Document name	Code	Segment	Positive comment	Relevant medical argument / depth	Themes observed											
					No of issues	Serious factor	Grade	Change law	Improve law	policy and practice	resources and services	national state	institutions	psychosocial / intellectual disabilities		
CO1 Argentina 2012	Autocode - ANY: Living independently ... (art.19)	Living independently (art. 19) 33. The Committee regrets that the State party's Support Service for Independent Living (SIVA) is not yet operational, and it is concerned that the available resources and services are of insufficient quality and quantity to guarantee the right of persons with disabilities to live independently and to be included in the community. 34. The Committee urges the State party to ensure that the Support Service for Independent Living (SIVA) becomes operational as soon as possible and to develop and implement comprehensive programmes that will enable persons with disabilities to have access to a wide range of in-home, residential, community-based and other rehabilitation services and to freely choose where and how to live.		2	0	C			1		1					
CO1 Australia 2013	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) 41. The Committee is concerned that despite the policy to close large residential centres, new initiatives replicate institutional living arrangements, and many persons with disabilities are still obliged to live in residential institutions in order to receive disability support. 42. The Committee encourages the State party to develop and implement a national framework for the closure of residential institutions and to allocate the resources necessary for support services that would enable persons with disabilities to live in their communities. The Committee recommends that the State party take immediate action to ensure that persons with disabilities have a free choice as to where and with whom they want to live, and that they are eligible to receive the necessary support regardless of their place of residence. The State party should therefore map the various forms of living accommodation, based on the needs of various kinds of persons with disabilities.		2	0	C			1			1	1			
CO1 Austria 2013	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) 41. The Committee notes with concern that over the last 20 years the population of Austrians with disabilities living in institutions has increased. The Committee is particularly concerned at this phenomenon because placing in institutions is contrary to article 19 of the Convention, and leaves persons with disabilities vulnerable to violence and abuse. The Committee recommends that the State party ensure that the Federal Government and the governments of the Länder step up efforts towards de-institutionalization and allowing persons with disabilities to choose where they live. The Committee commends on its various personal assistance programmes (at the federal and Länder levels) for persons with disabilities. However, it notes with concern that personal assistance programmes are not available to persons with psychosocial disabilities and that not all cover persons with intellectual disabilities. The Committee recommends that the State party ensure that the personal assistance programmes provide sufficient financial assistance to ensure that a person can live independently in the community. The Committee further recommends that the State party harmonize and broaden its personal assistance programmes by making personal assistance available to all persons with intellectual and psychosocial disabilities.		1	1	D							1	1		
CO1 China HK M 2012	Autocode - ANY: Living independently ... (art.19)	Right to live independently and live in the community (art. 19) The Committee is concerned about the high number of persons with disabilities living in institutions and about the fact that maintains institutions with up to 2,000 residents. Such institutions are not in compliance with article 19 of the Convention. The Committee is further concerned about the existence of lepers colonies, where people with leprosy live in isolation. The Committee recommends taking immediate steps to phase out and eliminate institutional-based care for people with disabilities. Further, the Committee recommends that State party consult with organizations of persons with disabilities on developing support services for persons with disabilities to live independently in accordance with their own choice. Support services should also be provided to persons with a high level of support needs. In addition, the Committee suggests that the State party undertake all necessary measures to grant people with leprosy the medical treatment needed and to reintegrate them into the community, thereby eliminating the existence of such lepers' colonies. Right to live independently and live in the community (art. 19) The Committee is concerned about the shortage on sublet residential homes. It is also worried about the lack of premises for District Support Centres, whose aim is to strengthen the ability of persons with disabilities to live at home in their own community and be integrated into society. The Committee suggests that Hong Kong, allocate more resources to setting up more sublet mainstream residential homes and strengthening policies promoting establishment of accessible living facilities to secure the de facto possibility of free choice of accommodation. It calls upon , to ensure that the District Support Centres receive the necessary funds and premises in order to enable persons with disabilities to live in the community. Right to live independently and live in the community (art. 19) The Committee is concerned that the right to live independently and in the community has not yet been fully achieved . The Committee urges , to prioritize the implementation of this right and shift from institutionalization to in-home or residential living, as well as provide other community support services		1	4	F			1				1			
CO1 Ecuador 2014	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) 34. The Committee is concerned that, although the Joaquín Gallegos Lara vouchers are provided so that persons with disabilities can have assistance in the home, these payments are made to the carers and not to the persons with disabilities themselves. 35. The Committee recommends that the State party review the criteria for issuing Joaquín Gallegos Lara vouchers to persons with disabilities, with a view to ensuring that it is they who receive such support to live independently and be included in the community.		1	0	B			1			1				
CO1 El Salvador 2013	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) 41. The Committee notes that the State party does not have a legal and public policy framework on the right to live independently and that poverty serves as a background for the abandonment and isolation of persons with disabilities and their separation from their families and communities. The Committee regrets that children with disabilities remain subject to institutional placement. 42. The Committee urges the State party to adopt, in cooperation with organizations of persons with disabilities, an adequately funded strategy to deinstitutionalize persons with disabilities, including children, with their social inclusion and their right to live independently in the community, with the possibility of a personal assistant or support services in the home. It also recommends the adoption of measures to prevent persons with disabilities being hidden or isolated from society or being separated from their families and social circle, including through granting their families the necessary support.		2	1	D			1		1	1	1			
CO1 Germany 2015	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) 41. The Committee is concerned about the high levels of institutionalization and the lack of alternative living arrangements or appropriate infrastructure, which present additional financial barriers for persons with disabilities. Furthermore, it is concerned that, currently, access to benefits and support services impedes the right to live in the community with an adequate standard of living, owing to the means-testing of those benefits, which do not cover disability-related expenses. 42. The Committee recommends that the State party (a) Take steps towards the legal reform of section 13, paragraph 1 (3), of the Twelfth Book of the Social Code for increased social assistance services to enable inclusion, self-determination and the choice of residence; (b) Allocate sufficient resources to facilitate deinstitutionalization and promote independent living, including increased financial resources to provide community-based outpatient services providing the required support to persons with intellectual or psychosocial disabilities based on the free and informed consent of the individual concerned, across the whole country; (c) Increase access to programmes and benefits to support living in the community and ensure they cover disability-related costs.		2	1	D			1		1	1	1			
CO1 Hungary 2012	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) The Committee takes note that the State party has recognized the need for the replacement of large social institutions for persons with disabilities in community-based settings (deinstitutionalization). The Committee, however, notes with concern that the State party has set a 30-year time frame for its plan for deinstitutionalization. It is furthermore concerned that the State party has dedicated disproportionately large resources, including regional European Union funds, to the reconstruction of large institutions, which will lead to continued segregation, in comparison with the resources allocated for setting up community-based support service networks. The Committee is concerned that the State party fails to provide instant and adequate support services in local communities to enable persons with disabilities to live independently outside residential institutional settings. The Committee calls upon the State party to ensure that an adequate level of funding is made available to effectively enable persons with disabilities to enjoy the freedom to choose their residence on an equal basis with others, access a full range of in-home, residential and other community services for daily life, including personal assistance, and enjoy reasonable accommodation with a view to supporting their inclusion in their local communities. The Committee further calls upon the State party to re-examine the allocation of funds, including the regional funds obtained from the European Union, dedicated to the provision of support services for persons with disabilities and the structure and functioning of small community living centres, and to ensure full compliance with the provisions of article 19 of the Convention.		1	3	D			1		1	1				
CO1 Mexico 2014	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) 43. The Committee is concerned at the lack of a State strategy for the inclusion of persons with disabilities in society and their ability to live independently. The Committee is further concerned by the absence of a specific and effective strategy for the deinstitutionalization of persons with disabilities. 44. The Committee recommends that the State party (a) Adopt legislative, financial and other measures to ensure that persons with disabilities may live autonomously in the community. These measures should include personal assistance services, be culturally appropriate, enable beneficiaries to choose their lifestyle and place of residence and express their preferences and needs, and contain a gender and age perspective; (b) Legally define a strategy for the deinstitutionalization of persons with disabilities, including specific time frames and assessment measures.		1	2	D			1		1	1	1			
CO1 Mongolia 2015	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) 30. The Committee is concerned about the lack of social assistance programmes aimed at enabling persons with disabilities to live independently in the community as provided for in article 19 of the Convention. 31. The Committee recommends that the State party develop a deinstitutionalization plan, in consultation with persons with disabilities, that establishes support measures, including personal assistance to persons with disabilities, regardless of whether they have a family or not.		1	0	B							1			
CO1 New Zealand 2014	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) The Committee notes the independent living model and the Enabling Good Lives project, which both give greater independence to persons with disabilities. However, the Committee is concerned that there appears to be a lack of choice and of a range of supports to ensure that persons with disabilities can freely and by themselves choose to live included in the community, noting especially that persons with disabilities in some cases have no other option than to live in residential facilities for the elderly. The Committee recommends that the independent living model and the Enabling Good Lives programme be extended to enable more persons with disabilities to live independently in the community. The Committee also recommends that a range of supports be made available in the community to ensure that persons with disabilities can exercise choice and control regarding where they live.		1	1	B							1			
CO1 Paraguay 2013	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) 47. The Committee regrets that the State party has made no significant progress on a mental health policy that includes measures to deinstitutionalize persons with disabilities who are currently housed in psychiatric hospitals, institutions for children with disabilities and shelters for homeless persons, particularly children, with disabilities. 48. The Committee asks the State party to implement a policy to gradually deinstitutionalize persons with disabilities, with clear time frames and benchmarks, and which includes the setting up of community services, including rights-based mental health services. 49. The Committee is concerned at the lack of understanding of the importance of persons with disabilities being able to live an independent life as part of the community. It is also concerned at the lack of measures and policies aimed at including persons with disabilities in the community and the low level of involvement of local authorities and institutions in this question. 50. The Committee urges the State party to encourage the creation of services aimed at including persons with disabilities in the community and, to that end, to obtain the involvement and commitment of the authorities at all levels, particularly the local and the community levels, and to conduct appropriate consultations and encourage the involvement of disabled persons' organizations in these services.		1	3	E								1		
CO1 Peru 2012	Autocode - ANY: Living independently ... (art.19)	Right to live independently and be included in the community (article 19) The Committee is concerned at the absence of resources and services to guarantee the right of persons with disabilities to live independently and to be included in the community, in particular in rural areas. The Committee urges the State party to initiate comprehensive programmes to enable persons with disabilities to access a whole range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community, especially in rural areas.		1	0	B								1		
CO1 Rep. Korea 2014	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) The Committee is concerned about the lack of efficiency of the deinstitutionalization strategies and the lack of sufficient measures aimed at including persons with disabilities in the community, as reflected by the increase in both the number of institutions for persons with disabilities and the number of residents, and the lack of policies for inclusion in the community with all necessary support services, including personal assistance services. The Committee urges the State party to develop effective deinstitutionalization strategies based on the human rights model of disability and to significantly increase support services in the community, including personal assistance services. The Committee is concerned that the amount that a person with disabilities is required to pay to receive personal assistance services is calculated based on the "degree of impairment" rather than on the characteristics, circumstances and needs of that person and on the income of the family rather than on the income of the person concerned, resulting in the exclusion of some persons with disabilities from receiving personal assistance services. The Committee encourages the State party to ensure that social assistance programmes provide sufficient and fair financial assistance so that persons with disabilities can live independently in the community. The Committee also recommends that the State party base the amount of payment for the personal assistant services on the characteristics, circumstances and needs of the persons with disabilities, rather than on the "degree of impairment", and on the income of the person with disabilities concerned, rather than on the income of his or her family.		3	0	D			1				1	1		
CO1 Spain 2011	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) 36. The Committee is concerned at the lack of resources and services to guarantee the right to live independently and to be included in the community, in particular in rural areas. It is further concerned that the choice of residence of persons with disabilities is limited by the availability of the necessary services, and that those living in residential institutions are reported to have no alternative to institutionalization. Finally, the Committee is concerned about linking eligibility of social services to a specific grade of disability. 40. The Committee encourages the State party to ensure that an adequate level of funding is made available to effectively enable persons with disabilities: to enjoy the freedom to choose their residence on an equal basis with others; to access a full range of in-home, residential and other community services for daily life, including personal assistance; and to enjoy reasonable accommodation so as to better integrate into their communities. 41. The Committee is concerned that the law for the promotion of autonomy limits the resources to hire personal assistants only to those persons who have level 3 disabilities and only for education and work. 42. The Committee encourages the State party to expand resources for personal assistants to all persons with disabilities in accordance with their requirements.		0	0	E			1	1		1	1			

UNCRPD - Article 19 Living independently and being included in the community

Grade	A	B	C	D	E	F	G	H
Score	0	1	2	3	4	5	6	7

Document name	Code	Segment	Positive comment	Reference in article (art. 19)	Themes observed													
					No of issues	Grade	Change law	Improve law	Policy and practice	Resources and services	Reasonable state	Institutions	Psychosocial in individual disabilities					
CO 2-3 Australia 2019	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) 37. The Committee is concerned about: (a) The fact that the Specialist Disability Accommodation framework facilitates and encourages the establishment of residential institutions and will result in persons with disabilities having to live in particular living arrangements in order to access National Disability Insurance Scheme support; (b) The lack of appropriate, affordable and accessible social housing, which severely limits the capacity of persons with disabilities to choose their place of residence; (c) The fact that the Younger People in Residential Aged Care action plan outlines ways to reduce the number of persons under 65 years of age, including persons with disabilities, living in aged care facilities, but does not end the process. 38. The Committee recommends that the State party: (a) Develop a national framework aimed at closing all disability-specific residential institutions and preventing re-institutionalization, including by addressing how persons with disabilities not eligible for the National Disability Insurance Scheme can be supported to transition from living in an institution to living independently in the community; (b) Increase the range, affordability and accessibility of public and social housing for persons with disabilities, including by implementing a quota for accessible social housing and by developing regulations and standards to guarantee the progressive application of universal design principles in accessible housing; (c) Revise the Younger People in Residential Aged Care action plan to ensure that by 2025 no person under 65 years of age enters or lives in residential aged care.		3	0	D		1		1		1						
CO 2-3 Austria 2023	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) 45. The Committee is concerned about: (a) The lack of a comprehensive and unified strategy to forcefully promote, coordinate and design the deinstitutionalization process, encompassing the Federal government and the Länder; (b) Persons with disabilities being unable and not having the right to choose their place of residence, with choice equal to others, due to a lack of adequate residential accommodation in the community and of the requisite support services, including budget allocations, for personal assistants, and of a corresponding enforceable legal right; (c) The lack of harmonized regulations regarding the different personal assistance services and offers and their being assessed based on a medical model of disability; (d) Investments, partly with funding by the European Structural Funds, in the renovation and construction of segregated institutions for persons with disabilities. 46. Recalling general comment No. 5 (2017) on living independently and being included in the community and Committee's Guidelines on deinstitutionalization, including in emergencies (2022), the Committee recommends: (a) Establish a comprehensive, nationwide deinstitutionalization strategy, with benchmarks, timetables, and funding, encompassing the competencies of the Federal government, the Länder and the municipalities, and ensure close consultation with and the active involvement of organizations of persons with disabilities in all deinstitutionalization processes; (b) Enact legislation on the level of the Federal Government, the Länder and - if appropriate - on the municipal level, providing the requisite legal bases to end institutionalization of persons with disabilities and to provide adequate accessible residential accommodation and support services for persons with disabilities to live independently in the community, and implement them expeditiously; (c) Guarantee an enforceable legal right to adequate financial, technical and personal support to live independently in the community; (d) Urge the participation of all Länder in the pilot project 'National model' for the institutionalization of all persons with disabilities, including in hotspot colonies or villages, with measures to prevent re-institutionalization, with specific time frames, human, technical and financial resources, and clear responsibilities for implementation and independent monitoring. (e) Refrain from any further investment in existing or new institutions for persons with disabilities and allocate appropriate financial, technical and educational resources to foster the right to independent living of all persons with disabilities.		4	0	E		1		1		1						
CO 2-3 China 2022	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) 40. The Committee is concerned about: (a) The institutionalization of adults and children with disabilities, including persons with intellectual and/or psychosocial disabilities and autistic persons; (b) The absence of a strategy to recognize the right of persons with disabilities to live independently in the community, including the development of community support services for persons with disabilities and the allocation of technical and financial resources to persons with disabilities who require high levels of support. 41. Recalling its general comment No. 5 (2017) on living independently and being included in the community and its guidelines on deinstitutionalization, including in emergencies, adopted in 2022, the Committee recommends that the State party, in close consultation with organizations of persons with disabilities, including women with disabilities, develop an action plan to end, as a matter of priority, the institutionalization of all persons with disabilities, including in hotspot colonies or villages, with measures to prevent re-institutionalization, with specific time frames, human, technical and financial resources, and clear responsibilities for implementation and independent monitoring. Living independently and being included in the community (art. 19) 71. The Committee is concerned about the insufficiency of community support services for persons with disabilities, including personal assistance, and of the human, technical and financial resources allocated to persons with disabilities who require high levels of support. 72. Recalling its general comment No. 5 (2017) and its guidelines on deinstitutionalization, including in emergencies, the Committee recommends that Hong Kong, China, in close consultation with organizations of persons with disabilities, develop an action plan to end, as a matter of priority, the institutionalization of all persons with disabilities, including persons with disabilities and to support the transition from institutions to life in the community, with specific time frames, human, technical and financial resources, and clear responsibilities for implementation and independent monitoring.		3	0	D						1	1	1				
CO 2-3 Ecuador 2019	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) 37. The Committee notes with concern that public policies and programmes directed towards persons with disabilities, including the 'Las Manueltas' Mission, disability pensions and the 'Neighbourhood Doctor' Strategy are not primarily focused on measures that will help persons with disabilities to live independently and be included in the community. The Committee is also concerned at: (a) The fact that the State party's laws, in particular the Organic Act on Disabilities, do not provide for the right to live independently and be included in the community; (b) The institutionalization of persons with disabilities and the lack of deinstitutionalization plans and community service programmes that involve organizations of persons with disabilities. 38. The Committee recommends that the State party: (a) Revise the measures provided for in public policies and programmes directed towards persons with disabilities, including the 'Las Manueltas' Mission, disability pensions and the 'Neighbourhood Doctor' Strategy, so as to protect the right of persons with disabilities to live independently and be included in their communities; (b) Review and amend its laws, including, in particular, the Organic Act on Disabilities, to incorporate the right of persons with disabilities to live independently and be included in their communities; (c) Establish, without delay and in coordination with the organizations representing persons with disabilities, a strategic deinstitutionalization plan that includes community strategies and programmes, family and social support networks, and personal and in-home assistance.		3	0	D		1				1						
CO 2-3 El Salvador 2019	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) 38. The Committee is concerned about: (a) The lack of a strategy for the deinstitutionalization of persons with disabilities currently in reception centres or psychiatric hospitals, principally, and the lack of involvement of organizations of persons with disabilities in that regard; (b) Insufficient foster care programmes to ensure the right to family life of children with disabilities, and the lack of accessibility in individual homes that are part of social housing programmes. 39. In accordance with its general comment No. 5 (2017) on living independently and being included in the community, the Committee recommends that the State party adopt and implement, in close consultation with the active involvement of organizations of persons with disabilities, a comprehensive national strategy with clear time-bound measures, benchmarks and the allocation of sufficient funds for effective deinstitutionalization at all levels, which should include community programmes, family and social support networks in the community and personal and domiciliary assistance.		3	0	D		1				1						
CO 2-3 Germany 2023	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) 43. The Committee is concerned about: (a) The extensive segregation of persons with disabilities in institutional settings and the lack of measures to achieve progress in deinstitutionalization; (b) The range of barriers to enable persons with disabilities to exercise choice and preference regarding their place of residence and support services, such as additional cost provisions, the forced pooling of inclusion benefits and services and the complexity of individual personal budgets and benefit allowances based on shared accommodation rather than individual requirements. 44. Recalling its general comment No. 5 (2017), its guidelines on deinstitutionalization, including in emergencies, and the report of the Special Rapporteur on the rights of persons with disabilities on the transformation of services for persons with disabilities, 11 the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities: (a) Develop a comprehensive deinstitutionalization strategy to end, as a matter of priority, the institutionalization of persons with disabilities, including in small residential homes, with measures to prevent re-institutionalization and to support the transition from institutions to life in the community, with specific time frames, human, technical and financial resources and clear responsibilities for implementation and monitoring; (b) Develop measures to remove barriers for persons with disabilities to choose where and with whom they live, including by committing to increase the supply of affordable and accessible housing, establishing personal assistance supports and services, removing additional cost requirements and the forced pooling of inclusion benefits and services, reducing the complexity of allocating personal budgets and basing benefit allowances on individual requirements rather than shared accommodation.		2	1	D					1		1	1				
CO 2-3 Hungary 2022	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) 40. The Committee is concerned about: (a) The perpetuation of institutionalization of children with disabilities by the refurbishing and building of new institutionalized settings and by placing children with disabilities who require higher levels of support in institutions for adult persons with disabilities; (b) The lack of an independent monitoring mechanism for the deinstitutionalization of children; (c) The lack of recognition of the right of persons with disabilities to live independently and be included in the community, in line with the provisions of the Convention. The Committee is also concerned about the institutionalization of persons with disabilities moving from large institutions into small-scale institutions, including supported housing, and the refurbishment of existing institutions, including with the use of structural funds from the European Union, perpetuating institutionalization and exclusion on the basis of disability; (d) The mistaken interpretation of the substitute decision-making regime, depriving persons with disabilities of the opportunity to exercise their right to choose their place of residence and live independently on an equal basis with others in the community. (e) The continuing admission of persons with disabilities into residential institutions under the Act on Social Administration and Social Benefits and government decree No. 1295/2019 (V.27), due to the lack of community-based services and individualized support for persons with disabilities to live independently; (f) Insufficient measures to promote and ensure access by persons with disabilities on an equal basis with others to community services and facilities. 41. Recalling its general comment No. 5 (2017), the Committee recommends that the State party: (a) Discourage the institutionalization of children with disabilities and ensure their right to a family life by redirecting investments from institutions into support measures for families and the provision of inclusive community services, such as inclusive early intervention, across the State party; (b) Ensure independent monitoring of the deinstitutionalization of children with disabilities and independent methodological support for that process, with the close involvement of disability rights organizations; (c) Revise its deinstitutionalization strategy with the aim of redefining its objectives; (d) Redesign its measures and redirect its efforts and budgets into community-based support services, including personal assistance, with the aim of providing for persons with disabilities to live independently in the community equally with others, regardless of their type of impairment, guarantee that community services and facilities for the general population are available for persons with disabilities and ensure that persons with disabilities have the opportunity and right to choose their place of residence on an equal basis with others in the community.		1	1	E		1		1		1	1					
CO 2-3 Mexico 2022	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) 50. The Committee is concerned about the lack of a federal and state strategy for the inclusion of persons with disabilities in society and their ability to live independently, and about the absence of a specific and effective strategy for the deinstitutionalization of persons with disabilities. 51. The Committee recalls its general comment No. 5 (2017) on living independently and being included in the community, and recommends that the State party: (a) Amend or adopt laws, policies, financial and other measures, including time frames for their implementation, to ensure that persons with disabilities can live independently in the community. These measures should include personal assistance services, be culturally appropriate, enable beneficiaries to choose their lifestyle and place of residence, express their will and preferences and contain a gender and age perspective; (b) Take expedient measures to end the institutionalization of persons with disabilities by, inter alia, developing and implementing a strategy for the deinstitutionalization of persons with disabilities, in particular children with disabilities, including specific time frames, assessment measures and an adequate budget.		2	0	C		1	1		1							
CO 2-3 Mongolia 2023	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) 39. The Committee observes with concern: (a) The continued institutionalization of persons with disabilities and the lack of efforts, including budgetary and other measures, made to include persons with disabilities in the community and to provide the necessary support services, including personal assistance services, as well as the lack of awareness in society and among public authorities of the right of persons with disabilities to live independently and be included in the community, the right to choose where and with whom to live and the right not to be obliged to live in a particular living arrangement; (b) The absence of a deinstitutionalization strategy for persons with disabilities, including women and children with disabilities placed in existing residential institutions, the lack of resettlement programmes for persons with disabilities, in particular persons with intellectual disabilities and persons with psychosocial disabilities, who cannot afford housing; (c) Current wages for personal assistants remain low and there is a lack of individualized support and personal assistance for persons with disabilities in the community, despite some progress having been made under the Universal Progress programme of the Independent Living Centre for Persons with Disabilities to train personal assistants and the slight increase in wages for personal assistants. 40. The Committee recalls its general comment No. 5 (2017) and its guidelines on deinstitutionalization, including in emergencies, and recommends that the State party: (a) Develop a national strategy on deinstitutionalization of persons with disabilities, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, and ensure that it is in line with the Convention and includes sufficient budgetary and other measures, as well as awareness-raising activities, to promote understanding of the right of choice and self-determination of persons with disabilities concerning their living arrangements, the right not to be obliged to live in a particular living arrangement and the value of inclusion in, as opposed to segregation from, the community; (b) Increase the availability of community-based services aimed at enabling persons to live independently and participate in the community, and increase the wages of personal assistants; (c) Strengthen personal assistance training and support services for persons with disabilities to live independently in the community, and increase the wages of personal assistants.		3	0	D		1		1		1		1				
CO 2-3 New Zealand 2022	Autocode - ANY: Living independently ... (art.19)	Living independently and being included in the community (art. 19) 39. The Committee is concerned about: (a) The protracted rollout of initiatives under the Enabling Good Lives programme and the exclusion of particular impairment types, such as people with foetal alcohol syndrome disorder, from the programme; (b) The lack of a comprehensive deinstitutionalization strategy to close all residential institutions, including group homes and residential specialist schools, and to enable community supports for persons with disabilities to live independently in the community; (c) Barriers to choose where and with whom, such as the lack of affordable and accessible housing and the Disability Community Residential Support Services Strategy that provides segregated living arrangements linked with shared support; (d) The continued investment of public resources in residential specialist schools for children with disabilities. 40. The Committee recalls its general comment No. 5 (2017) on living independently and being included in the community, and its guidelines on deinstitutionalization, including in emergencies, recommends that the State party: (a) Expedite the national rollout of the Enabling Good Lives programme and ensure that all persons with disabilities, including people with foetal alcohol syndrome disorder, are eligible; (b) Develop a comprehensive deinstitutionalization strategy, with specific time frames and adequate budgets, to close all residential institutions, including group homes and residential specialist schools, to provide community supports for persons with disabilities to live independently in the community; (c) Develop measures to remove barriers for persons with disabilities to choose where and with whom they live, including by committing to increase the supply of affordable and accessible housing and by reforming programmes, such as the Disability Community Residential Support Services Strategy to prevent segregated living arrangements linked with shared support; (d) Take measures to cease investment in residential specialist schools for children with disabilities and establish a deinstitutionalization process that ensures adequate support is provided for children with disabilities to return to their families and exercise their right to an inclusive education.		3	0	D		1		1		1		1				

CO-2-3 Rep Korea 2022 Autocode - ANY: Living independently ... (art.19)	<p>Living independently and being included in the community (art. 19)</p> <p>41 The Committee observes with concern:</p> <p>(a) The ongoing institutionalization of persons with disabilities and the lack of efforts, including budgetary and other measures, made towards the inclusion of persons with disabilities in the community and the provision of all necessary support services, including personal assistance services, as well as the lack of awareness in society and among public authorities of the right of persons with disabilities to live independently and be included in the community, the right to choose where and with whom to live and the right not to be obliged to live in a particular living arrangement;</p> <p>(b) The weak implementation of the deinstitutionalization strategy for persons with disabilities, including women and children with disabilities placed in existing residential institutions, and the lack of programmes for resettling persons with disabilities, in particular persons with psychosocial disabilities and/or intellectual disabilities who cannot afford housing.</p> <p>42 The Committee recalls its general comment No. 5 (2017) and its Guidelines on deinstitutionalization, including in emergencies, 7 and recommends that the State party:</p> <p>(a) Review the Road Map for Independent Living Support, in consultation with organizations of persons with disabilities, bring it into line with the Convention and ensure that it includes sufficient budgetary and other measures, as well as awareness-raising activities to promote understanding of the right to choice and self-determination of persons with disabilities concerning their living arrangements, the right not to be obliged to live in a particular living arrangement and the value of inclusion in, as opposed to segregation from, the community;</p> <p>(b) Strengthen the implementation of the deinstitutionalization strategy for the process of deinstitutionalization of those adults and children with disabilities who are still in a residential setting and increase the availability of community-based services aimed at enabling persons to live independently and participate in the community.</p>				4	0	E		1		1		1						
CO-2-3 Spain 2019 Autocode - ANY: Living independently ... (art.19)	<p>Living independently and being included in the community (art. 19)</p> <p>37. The Committee is concerned about:</p> <p>(a) The limited access to personal assistance, despite positive developments in some autonomous communities, due to non-personalized eligibility criteria and the lack of a human rights-based approach to individualized support;</p> <p>(b) The continuing investment of public funds in the construction of new residential institutions for persons with disabilities;</p> <p>(c) The lack of a deinstitutionalization strategy and action plan to promote independent living for all persons with disabilities within their community.</p> <p>38. With reference to the Committee's general comment No. 5 (2017) on living independently and being included in the community, the Committee recommends that the State party, in consultation with organizations of persons with disabilities:</p> <p>(a) Recognize the right to personal assistance in law, ensuring that all persons with disabilities are entitled to personal assistance, with individualized criteria for their independent living in the community and with access to a wide range of person-directed or user-led support and the self-management of service delivery;</p> <p>(b) Discontinue the use of public funds to build residential institutions for persons with disabilities and invest in independent living arrangements in the community and in all general services to make those arrangements inclusive, guaranteeing their accessibility and availability for all persons with disabilities, to enable their inclusion and participation in all spheres of life;</p> <p>(c) Design, adopt and implement a comprehensive deinstitutionalization strategy and implement safeguards to ensure the right to live independently and be included in the community across all regions, by redirecting resources from institutions to community-based services and increasing budgetary support for persons with disabilities to enhance their equal access to services, including personal assistance.</p>				3	0	D		1		1		1						
CO-2-3 Tunisia 2023 Autocode - ANY: Living independently ... (art.19)	<p>Living independently and being included in the community (art. 19)</p> <p>33 The Committee is concerned that the State party continues to apply the Orientation Law No. 83 (2005), which provides for the placement of persons with disabilities in specialized accommodation and care facilities, thereby institutionalising them without their consent to such living arrangements, where they may be admitted either through judicial authorization or by decision of their guardian and where they may remain for an indefinite period. It is also concerned about community services targeted at the general population which still fail to be inclusive and lack personal assistant services.</p> <p>34 The Committee, in accordance with its general comment No. 5 (2017) on living independently and being included in the community, recommends that the State party:</p> <p>(a) Put in place legal and policy measures for the deinstitutionalization of persons with disabilities and their effective inclusion in the community, in accordance with the guidelines on deinstitutionalization, including in emergencies;</p> <p>(b) Take appropriate measures to recognize the right of persons with disabilities, irrespective of age, gender or impairment, to choose their place of residence and with whom they want to live and their right to have access to social support, including personal assistants and security based on their individual requirements;</p> <p>(c) Ensure that services aimed at the general population in the community adopt an inclusive approach throughout the State party;</p> <p>(d) Consult with persons with disabilities, through their representative organizations, to ensure the inclusiveness of services and to identify the adequate support services to be provided.</p>				3	0	D		1	1		1							

11 0 12 1 9

UNCRPD - Article 20 Personal mobility

Note:

Grade colour	A	B	C	D	E	F	G	H
--------------	---	---	---	---	---	---	---	---

0 A
H

0
Themes observed

Document name	Code	Segment	Positive comment	Reiterates / recalls	No of issues	Serious factor	Grade	Create law	Improve law	policy and practice	mobility aids	cost subsidies	choice						
CO 1 El Salvador 2013	Autocode - ANY: Personal mobility (art. 20)	Personal mobility (art. 20) 43. The Committee is concerned that the distribution of mobility aids is not universal and notes that measures ensuring personal mobility are either insufficient or non-existent. 44. The Committee recommends that the State party ensure access to equipment and various other forms of mobility aids, technical aids, live assistance and support technologies for all persons with disabilities, including those living in rural areas and those who do not benefit from any specific social security or insurance.			2	0	C				1								
CO 1 Mongolia 2015	Autocode - ANY: Personal mobility (art. 20)	Personal mobility (art. 20) 32. The Committee is concerned about the quality of subsidized mobility and assistive devices and the amount of subsidies the cost of which does not reflect market prices. 33. The Committee recommends that quality assistive devices, technologies and services, including for repair and manufacturing, be made available through increased subsidies and that persons with disabilities be permitted to make their own choices in that regard.			2	0	C				1	1	1						
CO 1 Paraguay 2013	Autocode - ANY: Personal mobility (art. 20)	Personal mobility (art. 20) 51. The Committee is concerned at the lack of any comprehensive strategy for the provision of mobility equipment and aids for persons with disabilities, and including the development of low-cost universal-design appliances. 52. The Committee urges the State party to ensure that persons with disabilities have ready access to the high-quality equipment and aids they need in order to exercise their right to mobility and freedom of movement autonomously and independently. The Committee also urges the State party to encourage research and development into low-cost mobility appliances.			2	0	C			1	1								

UNCRPD - Article 20 Personal mobility

Grade colour	A	B	C	D	E	F	G	H
--------------	---	---	---	---	---	---	---	---

Note:

0	A	Themes observed							
1	B								
2	C								
3	D								

Document name	Code	Segment	Positive comment	Reiterates /restates	No of issues	Series leader	Grade	Create law	Improve law	policy and practice	mobility aids	cost subsidies	choice						
CO 2-3 Australia 2019	Autocode - ANY: Personal mobility (art. 20)	Personal mobility (art. 20) 39. The Committee is concerned about the lack of locally available solutions to address, enhance and promote the use of mobility aids and equipment among persons with disabilities, especially within Aboriginal and Torres Strait Islander communities and in remote areas. 40. The Committee recommends that the State party, in partnership with Aboriginal and Torres Strait Islander persons with disabilities, through their representative organizations and in their communities, develop locally relevant solutions to address the underlying structural obstacles that can preclude the use of aids and equipment within Aboriginal and Torres Strait Islander communities and in remote areas.		1			B			1	1								
CO 2-3 Austria 2023	Autocode - ANY: Personal mobility (art. 20)	Personal mobility (art. 20) 47. The Committee is concerned that: (a) State party subsidies for the adaptation of vehicles, including cars of persons with disabilities, are granted solely to employed people, jobseekers, apprentices, and pensioners, that there is no legal right to such subsidies, and that there is insufficient data on them; (b) The shortage of training personnel for assistive devices, including mobility devices, and the high cost of assistive devices and equipment restrict access of persons with disabilities to the appropriate assistive devices, modification services and quality mobility aids. 48. The Committee recommends that the State party: (a) Guarantee a legal right to mobility subsidies and extend it to persons with disabilities outside of the employment context; (b) Ensure the availability of sufficient qualified training personnel for mobility issues and the affordability of appropriate assistive devices, modification services and mobility aids, including assistive technology, for all persons with disabilities.		2		0	C			1	1	1							
CO 2-3 EI Salvador 2019	Autocode - ANY: Personal mobility (art. 20)	Personal mobility (art. 20) 40. The Committee notes that there is no comprehensive mobility plan that includes technical aids, subsidies for the repair and maintenance of such aids and ergonomics for the individual manufacture of wheelchairs, particularly for persons who do not benefit from any social security programme or scheme. 41. The Committee recommends that the State party establish a comprehensive mobility plan, for both urban and rural areas, which takes into account the individual technical assistance requirements of persons with disabilities, including those who do not benefit from any social security programme or scheme.		1		0	B			1	1								
CO 2-3 Germany 2023	Autocode - ANY: Personal mobility (art. 20)	Personal mobility (art. 20) 45. The Committee is concerned about the lack of comprehensive and consistent mechanisms across all Länder to ensure that persons with disabilities are provided with affordable, quality mobility aids, devices, assistive technologies and other forms of assistance based on individual requirements. 46. The Committee recommends that the State party establish comprehensive and consistent mechanisms across all Länder to facilitate the provision of affordable, quality mobility aids, devices, assistive technologies and other forms of assistance based on the individual requirements of persons with disabilities.		1		0	B			1	1								
CO 2-3 Hungary 2022	Autocode - ANY: Personal mobility (art. 20)	Personal mobility (art. 20) 42. The Committee is concerned about the lack of access to quality mobility aids, devices, assistive technologies and forms of life assistance and intermediaries for persons with disabilities, resulting from their compulsory linkage with health insurance, including the lack of involvement of organizations of persons with disabilities in the licensing of measures aimed at facilitating personal mobility. 43. The Committee recommends that the State party, in close cooperation with organizations of persons with disabilities, revise the mobility aids system for persons with disabilities, including its mechanism for quality assurance, and facilitate the provision of quality mobility aids, devices and assistive technologies for all persons with disabilities, based on their individual needs, with the aim of promoting their autonomy and independent life.		2		0	C			1	1								
CO 2-3 Mongolia 2023	Autocode - ANY: Personal mobility (art. 20)	Personal mobility (art. 20) 41. The Committee remains concerned at the lack of progress concerning measures taken to ensure personal mobility of persons with disabilities, including the lack of access to quality and affordable mobility devices and technologies, in particular in rural and remote areas. 42. The Committee reiterates its previous recommendation and recommends that the State party review the list of assistive devices (Ordinance No. 363/2021), develop a regulation on quality assistive devices, technologies and services, and adopt other appropriate measures, with the support of national and international cooperation, to facilitate access to the necessary quality mobility aids, devices and assistive technologies, especially in rural and remote areas, free of charge or at an affordable price.		1	1	1	C			1	1								
CO 2-3 New Zealand 2022	Autocode - ANY: Personal mobility (art. 20)	Personal mobility (art. 20) 41. The Committee is concerned that as a result of funding caps and the high cost of assistive devices and equipment, persons with disabilities are unable to afford the appropriate assistive devices, modification services and mobility aids. 42. The Committee recommends that the State party take measures to ensure the affordability of necessary assistive devices, modification services and mobility aids, including assistive technology for persons with disabilities.		1		0	B			1	1	1							
CO 2-3 Tunisia 2023	Autocode - ANY: Personal mobility (art. 20)	Personal mobility (art. 20) 35. The Committee is concerned about article 47 of Decree No. 79 (2022), related to the finance law for the year 2023, which may negatively affect persons with disabilities in need of motor vehicles specially adapted for their personal mobility, in contradiction to the Convention. It is also concerned about the alleged lack of facilities to ensure accessible transport for blind and visually impaired persons. 36. The Committee recommends that the State party: (a) Review article 47 of Decree No. 79 (2022), related to the finance law for the year 2023, to ensure that all persons with disabilities, irrespective of the categories of their disabilities, have the right to be exempted from paying any fees and taxes on vehicles or medical and assistive devices and equipment; (b) Provide all necessary mobility assistive devices, including prosthetics, for persons with disabilities and include them in the system of materials supported by the State party; (c) Take measures to make public transportation accessible for persons with disabilities, especially persons with physical disabilities and visually impaired persons.		3		0	D			1	1	1							

UNCRPD - Article 21 Freedom of expression and opinion, and access to information

Grade	A	B	C	D	E	F	G	H
-------	---	---	---	---	---	---	---	---

Note:

Document name	Code	Segment	Positive comment	References (article)	No. of issues	Serious factor	Grade	Themes observed										
								Chara law	Improve law	policy and practice	Interactional	Sign language	accessible format	Braille				
CO 1 Australia 2013	Autocode - ANY: Freedom of expression... (art.21)	Freedom of expression and opinion, and access to information (art. 21) 43. The Committee is concerned by the State party's failure to provide all information in accessible formats and effectively promote and facilitate the use of Australian Sign Language (Auslan) as Australia's official sign language, as well as the use of all other forms of accessible formats of communication (deaf-blind interpretation, Braille, easy and plain English, audio description), in particular when persons with disabilities are engaged in official interactions. 44. The Committee recommends that the State party recognize Australian Sign Language as one of the national languages of Australia, and develop the use of other accessible formats of communication by allocating adequate funding for their development, promotion and use, in accordance with articles 24, paragraph 3, and 29 (b) of the Convention.			2	0	C		1		1	1	1					
CO 1 China 2012	Autocode - ANY: Freedom of expression... (art.21)	Freedom of expression and opinion, and access to information (art. 21) The Committee takes note of the difficult situation of persons with hearing impairments in accessing information due to lack of official recognition of the significance of sign language by Hong Kong, China. The Committee is concerned about the lack of training for and services provided by sign-language interpreters. The Committee recommends that Hong Kong, increase training for and the services provided by sign-language interpreters. It should also recognize the public examination and assessment of such interpreters.			1	0	B		1		1							
CO 1 El Salvador 2013	Autocode - ANY: Freedom of expression... (art.21)	Freedom of expression and opinion, and access to information (art. 21) 45. The Committee is concerned that Salvadoran sign language does not enjoy official recognition and that insufficient steps have been taken to develop and provide augmentative and alternative communication. It is also concerned at the limited access to and promotion of Braille and other forms of accessible communication for persons with visual impairments, especially new information technologies. 46. The Committee recommends that the State party: (a) Recognize Salvadoran sign language as an official language and encourage its dissemination, including through the training of professional interpreters, and its use as a means of ensuring access to information for persons with hearing impairments; (b) Ensure that the necessary resources are available to provide public information in accessible formats, including augmentative and alternative communication for persons with intellectual or psychosocial impairments and accessible information technologies for persons with visual impairments.			2	0	C				1	1	1					
CO 1 New Zealand 2014	Autocode - ANY: Freedom of expression... (art.21)	Freedom of expression and opinion, and access to information (art. 21) The Committee notes the limited number of sign language interpreters in the State party. The Committee recommends that the Sign Language Board work to ensure funding for the training and employment of sufficient numbers of sign language interpreters, as well as an increased use of New Zealand Sign Language in all aspects of life, including educational and cultural activities. The Committee is concerned that it is still the case that Maori people with disabilities find it more difficult to access information in their own language. Maori people who are deaf find accessing information in New Zealand Sign Language even more difficult, owing to the lack of interpreters from Maori into New Zealand Sign Language. The Committee recommends that greater efforts be made to enable Maori and Pacific people with disabilities, and especially those who are deaf and deaf-blind, to access information.			1	2	D		1	1	1							
CO 1 Paraguay 2013	Autocode - ANY: Freedom of expression... (art.21)	Freedom of expression and opinion, and access to information (art. 21) 53. The Committee takes note with satisfaction of the adoption of Act No. 4336 of 2011, making it compulsory to use sign language in information and news broadcasts in the audiovisual media. It is nevertheless concerned that this effort is not sufficient to guarantee freedom of expression and access to information, in particular in public and private services and institutions for the general public. 54. The Committee recommends that the State party adopt the Act giving official recognition to sign languages used by persons with disabilities and ensure that all public information is available in accessible forms and formats, in accordance with the Convention.	1		1		B				1	1						
CO 1 Rep Korea 2014	Autocode - ANY: Freedom of expression... (art.21)	Freedom of expression and opinion, and access to information (art. 21) The Committee is concerned that the sign language used in the Republic of Korea is not recognized as an official language in the State party and that the draft law declaring Braille as an official script is still pending before the National Assembly. It is also concerned that the regulation ensuring access to broadcast material for persons with disabilities, in particular television programmes, includes a standard on programming quantity but fails to include standards to ensure the quality of the programmes and to provide adequate accessible information through sign language, closed-captioning, descriptive video/audio description, easy-to-read/easy-to-understand content and through other access formats, modes and means of communication. The Committee encourages the State party to recognize Korean Sign Language as an official language of the Republic of Korea, and to adopt the draft law recognizing Braille as an official script of the State party. It further recommends that the regulation on ensuring access to broadcast material for persons with disabilities include standards on programming quality and on providing adequate, accessible information through sign language, closed-captioning, descriptive video/audio description, easy-to-read/easy-to-understand content and through other access formats, modes and means of communication.			0	0	D	1	1		1	1	1					

UNCRPD - Article 21 Freedom of expression and opinion, and access to information

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	

Document name	Code	Segment	Themes observed																	
			Positive comment	Reasonable financial support / energy	No of issues	Serious factor	Grade	Open to law	Improve law	policy and practice	Interactional	Sign language	accessible format	Braille						
CO-2-3 Austria 2023	Autocode - ANY: Freedom of expression... (art.21)	Freedom of expression and opinion, and access to information (art. 21) 49. The Committee is concerned about: (a)Shortcomings in the dissemination of government information in accessible formats, such as Plain German, sign language, Easy Read Braille, and tactile, augmentative and alternative means of communication; (b)The lack of support measures, including financial support, for organizations of persons with disabilities, including organizations of persons with psychosocial and/or intellectual disabilities, of women with disabilities, and children with disabilities, to facilitate their communicative activities; (c)The lack of close consultation with and active involvement of organizations of persons with disabilities in the design and review of measures planned or taken to ensure accessibility of information. 50. The Committee recommends that the State party: (a)Ensure the dissemination of information, particularly of information by the government, in accessible formats and technologies, fully implement the Web Accessibility Directive, and render all websites and mobile applications of public sector entities accessible, in line with European Standard EN 301 549; (b)Provide support, including financial assistance, to organizations of persons with disabilities, including organizations of persons with psychosocial and/or intellectual disabilities, of women with disabilities, and of children with disabilities, to facilitate their communicative activities; (c)Closely consult with and actively involve organizations of persons with disabilities in the design and review of measures planned or taken to ensure accessibility of information.																		
CO-2-3 Australia 2019	Autocode - ANY: Freedom of expression... (art.21)	Freedom of expression and opinion, and access to information (art. 21) 41. The Committee is concerned that, besides a provision under the Disability Discrimination Act, there are no legally binding information and communications standards that require information to be fully accessible. 42. The Committee recommends that the State party develop a plain language law requiring government agencies to use clear communication and that it also develop legally binding information and communications standards so that information, particularly all information about significant changes to laws, policies, systems and obligations, is provided in accessible modes, means and formats, including Braille, Easy Read and sign language (Auslan), and that communication supports are routinely available. It also recommends that the State party promote and support the use of sign language (Auslan) and take steps to ensure the availability of qualified sign language interpreters.																		
CO-2-3 China 2022 +HK	Autocode - ANY: Freedom of expression... (art.21)	Freedom of expression and opinion, and access to information (art. 21) 42. The Committee observes with concern the lack of access to media and to information and communications technology services for persons with disabilities, in particular for persons with visual impairments. 43. The Committee recommends that the State party be guided by the Web Content Accessibility Guidelines 2.1 and take appropriate measures to: (a)Recognize Chinese Sign Language at the constitutional level, promote access to and the use of sign languages (Chinese Sign Language and natural sign language) in all areas of life, ensure the availability of qualified sign language interpreters, and ensure close consultation and engagement with the deaf community, especially in schools and universities; (b)Allocate sufficient funding for the development, promotion and use of accessible communication formats, such as Braille, interpretation for the deafblind, sign language, Easy Read, plain language, audio description, video transcription, captioning, and tactile, augmentative and alternative modes of communication. 44. The Committee is deeply concerned about the reports of continuing pressure on, and censorship of, human rights defenders and civil society organizations for their advocacy work on disability rights and of reprisals against them, in particular for their cooperation with the United Nations. 45. The Committee urges the State party to take all measures necessary to ensure that persons with disabilities are able to enjoy the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas, including in their cooperation with the United Nations. Freedom of expression and opinion, and access to information (art. 21) 73. The Committee is deeply concerned about the reports of reprisals against and continuing pressure on human rights defenders and civil society organizations for their advocacy work, including on the rights of persons with disabilities. The Committee further notes with concern the use of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region to brand human rights defenders as "foreign agents" and to bring charges of terrorism and sedition against them, to restrict access to foreign funding and to restrict and repress the legitimate activities of human rights organizations, including organizations of women with disabilities. 74. The Committee urges Hong Kong, China to: (a)largely repeal and independently review the Law of the People's Republic of China on Safeguarding National Security Law in the Hong Kong Special Administrative Region to ensure that it is compliant with human rights and international law; (b)Take prompt action to release human rights defenders with disabilities who were arbitrarily deprived of their liberty under charges of terrorism and subversion of national security; (c)Adopt measures to ensure that human rights organizations, including organizations of persons with disabilities, operate in safe environments and can seek, receive and use funding from foreign or international sources, without undue impediments.																		
CO-2-3 Ecuador 2019	Autocode - ANY: Freedom of expression... (art.21)	Freedom of expression and opinion, and access to information (art. 21) 39. It is of concern to the Committee that: (a)Measures to promote access to information provided in the media in accessible formats are lacking and not all government websites are accessible; (b)Ecuadorian Sign Language is not recognized as an official language of the State party; (c)Qualified interpreter training courses are not sufficient or adequate given the number of deaf persons. 40. The Committee recommends that the State party: (a)Take steps to promote access to information and communications in public institutions and in the media in accessible formats, including news broadcasts and television and radio programmes; (b)Recognize Ecuadorian Sign Language as an official language of the State party; (c)Increase the number of certified interpreter training courses with the effective participation of organizations of deaf persons in identifying their specific needs.																		
CO-2-3 El Salvador 2019	Autocode - ANY: Freedom of expression... (art.21)	Freedom of expression and opinion, and access to information (art. 21) 42. The Committee is concerned: (a)By several government websites that continue to be inaccessible, and that there is no legal provision ensuring the existence and availability of information in accessible formats; (b>About the limited availability of professional Salvadoran Sign Language interpreters, and the lack of an official register of Salvadoran Sign Language interpreters and of technical aids for persons who are deaf or hard of hearing. 43. The Committee recommends that the State party: (a)Ensure that all government sites are accessible, and adopt measures to promote the use of accessible communication formats by the media sector such as websites and television and radio programmes that are provided to or open to the public; (b)Increase training courses for qualified Salvadoran Sign Language interpreters, and establish a register of Salvadoran Sign Language interpreters.																		
CO-2-3 Germany 2023	Autocode - ANY: Freedom of expression... (art.21)	Freedom of expression and opinion, and access to information (art. 21) 47. The Committee is concerned about the lack of a national standard on, and effective monitoring of, the accessibility of information, leading to a lack of effective access to information, in particular in private broadcasting and on websites, and the limited accessibility of information during the COVID-19 pandemic, in particular for persons who are deaf or hard of hearing and persons with an intellectual disability. 48. The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities and their representative organizations, take all necessary measures, including the adoption of inclusive media regulations and the development and implementation of a national standard on accessibility, and mechanisms of monitoring and sanctions, based on international and European standards, to ensure that information intended for the general public is available in accessible formats and through assistive technology for all persons with disabilities, in a timely manner and without additional costs, in particular during emergencies.																		
CO-2-3 Hungary 2022	Autocode - ANY: Freedom of expression... (art.21)	Freedom of expression and opinion, and access to information (art. 21) 44. The Committee observes with concern the lack of access to media, telecommunication and information and communications technology services for persons with disabilities, in particular for persons with visual impairments, in the State party. 45. The Committee recommends that the State party be guided by the Web Content Accessibility Guidelines 2.1 and take appropriate measures to: (a)Ensure that persons with disabilities can exercise their right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, including but not limited to sign language, Braille, Easy Read, symbol systems, induction loops, subtitles, audio description, transcription and all other accessible means, modes and formats of communication. (b)Fully transpose the Audiovisual Media Services Directive (EU) 2018/1808 into the State party's legislation.																		
CO-2-3 Mongolia 2023	Autocode - ANY: Freedom of expression... (art.21)	Freedom of expression and opinion, and access to information (art. 21) 43. The Committee is concerned about the insufficient provision of information in accessible formats and of information and communications technology, 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, in particular on the websites that provide public information, and the lack of access to information and communications technology by persons with disabilities, including persons with disabilities belonging to Kazakh and Tuva ethnic minorities. It is also concerned that sign language interpretation on national and private broadcasting channels is limited to news programmes. 44. The Committee recommends that the State party: (a)Ensure the accessibility of all public information, including television and media services, hotlines and websites, for all persons with disabilities in accessible communication formats, such as Braille, deafblind interpretation, sign language, Easy Read, plain language, audio description, captioning and subtitles, by allocating adequate funding for its development, promotion and use, and ensure access to information and communications technology appropriate for the diversity of persons with disabilities, including for those belonging to Kazakh and Tuva ethnic minorities; (b)Ensure access to public and private broadcasting services and audiovisual content, through sign language interpretation, subtitles and audio description, in accessible and usable formats for persons with disabilities.																		
CO-2-3 New Zealand 2022	Autocode - ANY: Freedom of expression... (art.21)	Freedom of expression and opinion, and access to information (art. 21) 43. The Committee is concerned about: (a)Gaps in the provision of government information in accessible formats, such as Easy Read, sign language, Braille, and tactile, augmentative and alternative means of communication; (b)The shortage of New Zealand Sign Language interpreters, including bilingual interpreters who can interpret between New Zealand Sign Language, English and Te Reo Māori; (c)The limited television channels that provide captioning and audio description with funding only provided on a yearly basis; (d)The lack of specific initiatives to increase the provision of accessible information and communications for Māori persons with disabilities. 44. The Committee recommends that the State party: (a)Strengthen implementation of the Accessibility Charter by expanding its coverage to local authorities and district health boards, and increasing funding and capacity for the provision of accessible information and communications formats and technologies; (b)Implement incentives and increase funding for the training and employment of sign language interpreters, including bilingual interpreters who can interpret between New Zealand Sign Language, English and Te Reo Māori, and adopt a national standardized accreditation framework for sign language; (c)Adopt legislation to ensure captioning and audio description is provided on television channels with funding security; (d)Develop specific initiatives to increase the provision of culturally appropriate, accessible information and communications for Māori persons with disabilities.																		
CO-2-3 Rep Korea 2022	Autocode - ANY: Freedom of expression... (art.21)	Freedom of expression and opinion, and access to information (art. 21) 43. The Committee is concerned: (a)About the insufficient provision of information in accessible formats and of information and communications technology, 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 in particular on the websites that provide public information, and the lack of access to information and communications technology by persons with disabilities; (b)That the Guidelines on the Provision of Broadcast Programs Accessible for the Disabled fail to include a requirement for the provision of fully accessible information in Easy Read and through other access formats and modes and means of communication. 44. The Committee recommends that the State party: (a)Ensure that all public information, including television and media services, is made available in accessible communication formats such as Braille, deafblind interpretation, sign language, Easy Read, plain language, audio description, captioning and subtitles by allocating adequate funding for its development, promotion and use, and ensure access to information and communications technology appropriate for the diversity of persons with disabilities; (b)Review the Guidelines on the Provision of Broadcast Programs Accessible for the Disabled to include standards on providing adequately accessible information in Easy Read and through other access formats and modes and means of communication.																		
CO-2-3 Spain 2019	Autocode - ANY: Freedom of expression... (art.21)	Freedom of expression and opinion, and access to information (art. 21) 39. The Committee is concerned about the limited availability of: (a)Sign language interpreters in the State party; (b)Technical aids for persons with hearing impairments due to eligibility age limits and the lack of measures to ensure their affordability; (c)Public information and mass media in accessible and usable formats for persons with disabilities. 40. The Committee recommends that the State party: (a)Ensure full access to sign language interpretation services for persons who are deaf and increase the training of sign language interpreters, particularly in rural areas; (b)Ensure that all persons with hearing impairments are eligible for affordable technical aids; (c)Take measures to promote the accessibility of websites and mobile applications in the private sector; (d)Develop and use accessible communication formats, such as Braille, deafblind interpretation, sign language, Easy Read, plain language, audio description, captioning and subtitles, in the mass media and for public information, and allocate adequate funding for the development, promotion and use of those formats, in accordance with articles 24 (3) and 29 (b) of the Convention, the Committee's general comment No. 2 (2014) on accessibility and article 7 of European Union Directive 2018/1808, amending Directive 2010/13 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changing market realities.																		
CO-2-3 Tunisia 2023	Autocode - ANY: Freedom of expression... (art.21)	Freedom of expression and opinion, and access to information (art. 21) 37. The Committee is concerned that the use of sign language by the electronic media remains very limited, thereby depriving deaf persons of information provided through television. It is also concerned about the limited availability or lack of public information in Braille and other augmentative means of communication. 38. The Committee recommends that the State party: (a)Sign the media to increase the presence of sign language interpretation in all television programmes; (b)Provide important public information in Braille, Easy Read and other augmentative means of communication.																		

UNCRPD - Article 22 Respect for privacy

Note: Comments only in CO2-3

Grade	A	B	C	D	E	F	G
-------	---	---	---	---	---	---	---

Document name	Code	Segment	Positive comment	Relevance / needs	No. of issues	Serious factor	Grade	Create law	Improve law	Policy/practice	Lack of privacy	Sexual relationships	Same-sex relationships	Sexual companionship	Data and records	Registration	Visits	Themes observed								
CO 2-3 Austria 2023	Autocode - ANY: Respect for privacy (art. 22)	Respect for privacy (art. 22) 51. The Committee is concerned about: (a)The constraints for persons with disabilities in institutions to decide on and enter into a personal relationship, especially same-sex relationships, largely due to a lack of privacy and stymieing interference by personnel and legal representatives; (b)The deleterious effect of anti-prostitution laws of the Länder on publicly funded facilitation services of sexual companionship for persons with disabilities. 52. The Committee recommends that the State Party: (a)Ensure respect for the right to private life, including sexual self-determination, of persons with disabilities living in institutions, and end deterring interference by personnel and guardians; (b)Harmonize federal and Länder legislation on prostitution and sexual companionship to ensure the provision of publicly funded facilitation services of sexual companionship for persons with disabilities.			2	0	C			1	1	1	1	1												
CO 2-3 China 2022	Autocode - ANY: Respect for privacy (art. 22)	Respect for privacy (art. 22) 46. The Committee is concerned about the insufficiency of the information provided on measures taken to protect persons with disabilities from arbitrary or unlawful interference with their privacy and to protect the privacy of personal data and records of persons with disabilities from arbitrary or unlawful interference, including in the system of registration of persons with "mental disorders", and on the remedies available in the event of violations of the right to privacy. 47. The Committee recommends that the State party ensure that the privacy of the personal data of persons with disabilities is comprehensively protected by data protection laws across the State party, including through right of action and access to a remedy.			3	0	D				1					1	1									
CO 2-3 Germany 2023	Autocode - ANY: Respect for privacy (art. 22)	Respect for privacy (art. 22) 49. The Committee is concerned about the lack of comprehensive measures ensuring data protection and the right to privacy concerning the personal, medical and rehabilitation information of persons with disabilities in institutions and sheltered workshops, and the absence of confidentiality protocols concerning the data protection of disability certificate holders in terms of data exchange among institutions and service providers. 50. The Committee recommends that the State party adopt all necessary measures, including the revision of data protection laws, to ensure data protection and the right to privacy in hospitals, institutions and sheltered workshops, and set up data protection protocols and secure systems to guarantee the privacy of the personal, health and rehabilitation information of persons with disabilities, on an equal basis with others.			1	0	B	1		1						1										
CO 2-3 Rep Korea 2022	Autocode - ANY: Respect for privacy (art. 22)	Respect for privacy (art. 22) 45. The Committee observes with concern that, in order to prevent disappearances, tracking devices are being issued to autistic persons and persons with psychosocial disabilities and/or intellectual disabilities without their free and informed consent, violating their right to privacy. 46. The Committee recommends that the State party: (a)Take measures to respect the privacy of persons with disabilities, in particular autistic persons, persons with psychosocial disabilities and/or intellectual disabilities and neurodivergent persons, and to ensure that tracking devices are issued with their consent; (b)Take appropriate measures, including policies to prevent disappearances, that are in line with the Convention and the human rights model of disability.			1	0	B				1															
CO 2-3 Spain 2019	Autocode - ANY: Respect for privacy (art. 22)	Respect for privacy (art. 22) 41. The Committee is concerned that the right to privacy of persons with intellectual or psychosocial disabilities is widely violated in institutions and mental health facilities, including through the deprivation of personal belongings and an inflexible and minimal regime of visits and contact with persons outside the facilities. The Committee is also concerned about reports of video surveillance cameras placed in the rooms of patients and leaks of confidential information on patients across the mental health-care sector. 42. The Committee recommends that the State party implement effective measures to ensure the privacy of persons with intellectual or psychosocial disabilities, including the confidentiality of information and of their personal medical records, in institutions and mental health systems and services.			2	3	F				1					1		1								
CO 2-3 Tunisia 2023	Autocode - ANY: Respect for privacy (art. 22)	Respect for privacy (art. 22) 39. The Committee is concerned about the lack of information related to the laws on data protection and the lack of awareness on the part of persons with disabilities about their rights to data protection and privacy. 40. The Committee recommends that the State party: (a)Adopt measures to train and sensitize persons with disabilities and their families with regard to the legislation on the protection of personal data; (b)Raise awareness among persons with disabilities, and their representative organizations, as well as their families, on the respect for privacy and data protection; (c)Set up a national strategy, in close consultation with, and the meaningful involvement of, persons with disabilities and their representative organizations, to ensure the respect for their privacy and the protection of their personal data as well as of their families.			2	1	D									1										

UNCRPD - Article 23 Respect for home and the family
 Note:

Grade	A	B	C	D	E	F	G
0	1	2	3	4	5	6	

Document name	Code	Segment	Positive comment	Relevant articles (legal/ capacity)	No. of issues	Serious index	Themes observed											
							Gender	Child law	Empower law	Policy and practice	State support	Legal capacity	Intellectual, psychosocial	Forced sterilization and/or forced adoption	Interactional	Voluntary placement of children	Adoption / fostering	Marriage
CO 1 Argentina 2012	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 35. The Committee notes with concern that the right to form a family is denied to some persons with disabilities, especially those declared "insane" or "lacking legal capacity", in accordance with article 309 of the State party's Civil Code. 36. The Committee urges the State party to amend the Civil Code to bring it into line with article 12 and article 23, paragraph 1 (b), of the Convention and to make support services to assist with the demands of parenthood available to persons with disabilities who require them.			1	0	B		1		1							
CO 1 China 2012	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 47. The Committee is concerned about the rules depriving persons with disabilities without free and informed consent The Committee calls upon the State party to revise its laws and policies in order to prohibit compulsory sterilization and forced abortion on women with disabilities.			1	1	C		1	1			1					
CO 1 El Salvador 2013	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 48. The Committee urges the State party to put in place adequate measures to make it easier for persons with disabilities to exercise their family and maternity rights.			2	0	C				1	1						1
CO 1 Germany 2015	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 43. The Committee is concerned that the State party does not provide adequate support for parents with disabilities to bring up their children and exercise their parental rights, and to facilitate the adoption of children with disabilities. 44. The Committee recommends that the State party: (a) take measures to ensure explicitly in the law the prohibition of the removal of children from their parents on the basis of their parents' disability; (b) ensure that accessible and inclusive community support and safeguard mechanisms are available for parents with disabilities to exercise parental rights; and (c) provide increased opportunities for the adoption of children with disabilities.			2	0	C			1	1				1	1		
CO 1 Hungary 2012	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 45. The Committee notes with concern that persons with disabilities still face various financial, physical and institutional barriers to founding a family and that scarcity of the support services for independent living (see paras. 34 and 35 above), presents a de facto barrier to the full and effective enjoyment of the rights set out in article 23 of the Convention. The Committee calls upon the State party to take appropriate measures to enable men and women with disabilities who are of marriageable age to marry and found a family, as well as to provide adequate support services to men and women, boys and girls with disabilities to enable them to live with their families, in order to prevent or reduce the risk of placement in an institution. The Committee calls upon the State party to take appropriate and urgent measures to protect persons with disabilities from forced sterilization.			2	0	C			1	1			1				1
CO 1 Mexico 2014	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 45. The Committee notes that the Civil Code restricts the right of some persons with disabilities to marry and their right to custody and guardianship of their children. It further notes that children with disabilities living in poverty are at greater risk of abandonment and placement in institutions. 46. The Committee urges the State party to: (a) Review and harmonize the Civil Code to ensure that all persons with disabilities have the right to marry and to have custody or guardianship of their children; (b) Set up programmes to provide sufficient support to mothers with psychosocial disabilities so that they may discharge their responsibilities towards their children; (c) Establish family support mechanisms in keeping with the recommendation made by the Committee on the Rights of the Child following the consideration of the third periodic report (CRC/C/MEX/CO/3, para. 55); and (d) Opt for the placement of all abandoned children with disabilities in foster care instead of in institutions and ensure that foster families receive the requisite support for their care.			3	0	D		1				1		1	1	1	
CO 1 Mongolia 2015	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 34. The Committee is concerned that the State party does not ensure the rights and responsibilities of all persons with disabilities, with regard to the guardianship, wardship and trusteeship of their sons and daughters, including access to adoption. It also notes that it does not render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities. 35. The Committee urges the State party to review and repeal all laws that prevent people with disabilities from exercising their parental rights, including the right to adoption, and to render appropriate assistance to people with disabilities in the performance of their child-rearing responsibilities.			2	0	C		1	1	1				1	1		
CO 1 New Zealand 2014	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) The Committee is concerned that sections 141, 142, and 144 (2) of the Children, Young Persons and Their Families Act 1989 appear not to give children with disabilities the same protections as other children when they are placed in out-of-home care. The Committee notes the passage of the Vulnerable Children Act 2014. The Committee recommends that these two statutes be re-examined to ensure that children with disabilities have the same safeguards as other children when they are placed in out-of-home care. The Committee is concerned that section 8 (1) (b) of the Adoption Act 1955 subjects disabled birth parents to differential treatment based on their disability. This provision enables consent to an adoption order to be dispensed with if the court is satisfied that the parent or guardian is unfit, by reason of any physical or mental incapacity, to be entrusted with the care and control of the child. The Committee recommends that section 8 of the Adoption Act 1955 be repealed and that the statute be amended to ensure that parents with disabilities are treated on an equal basis with other parents with respect to adoption.			2	0	C		1						1			
CO 1 Paraguay 2013	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 55. The Committee is concerned at the State party's expansion of its schemes for homes for children with disabilities, undermining their right to live in a family. 56. The Committee urges the State party to adopt measures to encourage foster families and to provide financial support to low-income families with children with disabilities to enable the children to live with their families and be active members of the community. The Committee also urges the State party to guarantee equality of treatment for children with disabilities in the Family Placement Programme for Children and Adolescents requiring Protection and Support, and to revise the draft rules on subsidies to foster families and residential care institutions and bring them into line with the provisions of article 23 of the Convention.			1	0	B		1	1	1							1
CO 1 Peru 2012	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) The Committee is deeply concerned that, according to the technical Norm for Family Planning 536/2005 - MINSA from 26 July 2005, persons with "mental incompetence" can be sterilized without their free and informed consent, as a method of contraception. The Committee urges the State party to abolish administrative directives on forced sterilization of persons with disabilities.			1	1	C		1					1				
CO 1 Rep. Korea 2014	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) The Committee is concerned that support services provided to families of children with disabilities is limited to low-income families that include persons with severe disabilities. Due to short supply, even such services are insufficient. The Committee is furthermore concerned that the Government provides more subsidies and benefits to families adopting children with disabilities than to their families of origin, which encourages the abandonment of children with disabilities by their own families, in particular by single mothers who face compounded stigmatization, and denies the child's right to family. The Committee recommends that the State party provide the legal basis for, and implement, comprehensive policies to enable parents, including single mothers, of children with disabilities to receive support to raise their child within the family and to ensure the child's rights to family and to participation in the community on an equal basis with other children.			2	0	C			1	1							1

UNCRPD - Article 23 Respect for home and the family

Grade	A	B	C	D	E	F	G
0	1	2	3	4	5	6	

Document name	Code	Segment	Positive comment	Relevant articles (legal/ policy)	No. of issues	Serious factor	Gender	Child law	Empower law	Policy and practice	State support	Legal capacity	Intellectual, professional, psychosocial	Themes observed							
														1	2	3	4	5	6	7	8
CO-23 Australia 2019	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 43. The Committee is concerned about: (a) The fact that parents with disabilities are more likely than other parents to have their child removed from their care, often on the basis of disability, and about the lack of support provided to parents with disabilities in the exercise of parental responsibilities; (b) The reported discrimination suffered, in particular by women with disabilities and by lesbian, gay, bisexual, transgender, intersex and queer persons with disabilities, in accessing assisted reproductive technologies. 44. The Committee recommends that the State party: (a) Ensure that no child is separated from his or her parents because of the disability of either the child or one or both of the parents; (b) Adopt comprehensive and gender- and culturally-specific parenting and family support measures for parents with disabilities; (c) Ensure that women with disabilities and lesbian, gay, bisexual, transgender, intersex and queer persons with disabilities have equal access to assisted reproductive technologies.			3	0	D			1	1			1	1						
CO-23 Austria 2023	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 53. The Committee is concerned about: (a) The denial of the right to marry to persons with disabilities under adult or court-appointed representation without the consent of their legal representative; (b) The lack of support services for persons with intellectual and/or psychosocial disabilities and their children and the latter's removal from their parents. 54. The Committee recalls its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities, and recommends that the State party: (a) Recognize the right to marry of all persons with disabilities on the basis of their personal consent; (b) Provide the services necessary for persons with intellectual and/or psychosocial disabilities to effectively exercise their right to family life with their children, and cease the latter's removal from their parents and their placement in institutions, including in residential specialist schools.			3	0	D		1	1	1		1		1						
CO-23 China 2022	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 48. The Committee is concerned about: (a) The lack of measures to support parents with disabilities to carry out parental responsibilities, to prevent the separation of children from their parents on the basis of the disability of the parents or the child, and to ensure that alternative care is provided by the wider family or an alternative family instead of through placement in institutions; (b) The lack of in-home and community-based services for families with a member with disability, particularly those with autistic children and children requiring higher levels of support, especially in rural areas. 49. The Committee recalls its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities, and recommends that the State party: (a) Implement the provisions of the national population development plan (2016-2030), prioritizing increased support for families of persons with disabilities in order to strengthen home education support services for children with learning disabilities, provide regularized and professionalized family support and the referral services needed for children with disabilities, and reinforce the responsibilities of parents as the primary guardians of children; (b) Ensure the accessibility and availability of in-home and community-based services for families with a member with disability across the territory of the State party; (c) Provide specific support services to parents with disabilities, prohibit the separation of children from their parents on the basis of the disability of either the child or one or both of the parents, and ensure that alternative care is provided only within the extended family or an alternative family instead of placement in institutions. Respect for home and the family (art. 23) 46. The Committee is concerned about the legal restrictions in the Civil Code depriving persons with disabilities who have been placed under substitute decision-making of their rights to marriage and family life. 47. The Committee recommends that Macao, China repeal all legal restrictions on marriage and family life for persons with disabilities on the grounds of their impairment and ensure their rights in relation to marriage, family and parenthood on an equal basis with others.			4	0	E		1	1	1				1	1					
CO-23 Ecuador 2019	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 41. The Committee is concerned at the lack of express recognition in the State party's laws of the right of persons with disabilities to marry or respect for home and the family. 42. The Committee is concerned that the State party amend its legislation so that it explicitly recognizes the right of persons with disabilities, including those with intellectual and psychosocial disabilities, to marry, found a family, exercise parental responsibilities and adopt children on an equal footing with others.		1	2	1	D		1						1	1					
CO-23 El Salvador 2019	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 44. The Committee is concerned: (a) That laws, particularly articles 171, 292 and 301 of the Family Code and articles 1317 and 1318 of the Civil Code, continue to restrict rights and declare persons with disabilities incapable of marrying, forming a family and being parents on an equal basis with others; (b) About the lack of information on the rights of persons with disabilities to retain parental responsibility, as well as on rights to adoption on an equal basis with others. 45. The Committee recommends that the State party review and repeal any legislation or policy, particularly the Family Code and the Civil Code, that restricts the rights of persons with disabilities to marry, to form a family and to be a parent, including adoption on an equal basis with others.			3	0	D		1						1	1					
CO-23 Germany 2023	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 51. The Committee is concerned about certain provisions of the German Civil Code that may lead to violations of the rights of persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, to home and family life, namely: (a) Section 1304, which prohibits a person who is "incapable of contracting" to enter into marriage; (b) Section 1873, which determines the suspension of the parental custody of persons who are "incapable of contracting"; (c) Section 1748, which foresees substituted consent for adoption in cases of parents' "serious psychological illness or a particularly serious mental or psychological handicap"; (d) Section 1905, which foresees the possibility of sterilization of persons under guardianship without their free and informed consent. 52. The Committee recommends that the State party review the German Civil Code and abolish all provisions that may restrict the full enjoyment and exercise of the right to marriage and parenthood and reproductive rights of persons with disabilities and that the State party promote the supported decision-making model in all matters related to home and family life.			4	0	E		1				1	1	1	1					
CO-23 Hungary 2022	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 46. The Committee is concerned about: (a) Equal restrictions under the Civil Code depriving persons with disabilities, who have been placed under substitute decision-making, of their rights to marriage and family life; (b) The lack of in-home and community-based services for families with a member with disability, particularly those with autistic children and children requiring higher levels of support, especially in areas outside the capital and in rural areas; (c) The risk for children with disabilities of being separated from their parents based on their impairment or socioeconomic status and resulting in their institutionalization. 47. The Committee recommends that the State party: (a) Repeal all legal restrictions on marriage and family life for persons with disabilities on the grounds of their impairment and ensure their rights in relation to marriage, family and parenthood on an equal basis with others; (b) Ensure the accessibility and availability of in-home and community-based services for families with a member with disability across the territory of the State party; (c) Prevent the separation of children with disabilities from their parents based on their impairment or socioeconomic status and ensure all necessary community-based support and services in the performance of their child-rearing responsibilities.			4	0	E		1		1				1	1					
CO-23 Mexico 2022	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 52. The Committee is concerned that the Civil Code restricts the right of some persons with disabilities to marry, and their right to have custody and guardianship of their children on an equal basis with others. It is further concerned about the lack of disaggregated data on persons with disabilities who are victims of domestic violence. 53. The Committee recommends that the State party: (a) Amend the Civil Code to ensure that all persons with disabilities have the right to marry and to have custody or guardianship of their children, and can in fact exercise it; (b) Provide support to parents with intellectual disabilities and parents with psychosocial disabilities for the discharge of their responsibilities towards their children; (c) Provide financial, organizational and administrative support to effectively guarantee the right of children with disabilities to live with their families or to family life; (d) Establish family support mechanisms, in keeping with the recommendation made by the Committee on the Rights of the Child, following its consideration of the combined fourth and fifth periodic reports of Mexico; (e) Compile disaggregated data on persons with disabilities, including women and children with disabilities, who are victims of domestic violence.			3	0	D		1	1	1		1		1	1					
CO-23 Mongolia 2023	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 45. The Committee is concerned about: (a) The fact that the Law on Family limits the rights of persons with intellectual disabilities and persons with psychosocial disabilities placed under guardianship with respect to family, parenthood and relationships; (b) The lack of sufficient support for the parents of children with disabilities and parents with disabilities to carry out their parental responsibilities, in particular for children with disabilities who require a high level of support, including children with severe palsy and children with swallowing difficulties. 46. The Committee recommends that the State party: (a) Amend its legislation to explicitly recognize the right of persons with disabilities, including women with disabilities, persons with intellectual disabilities and persons with psychosocial disabilities, to marry, found a family and exercise parental responsibilities on an equal basis with others; (b) Repeal the laws and regulations that prevent persons with disabilities from exercising their parental rights and adopt legislative and policy measures to ensure effective support for families of persons with disabilities to raise their children in a family setting, in particular for children with disabilities who require a high level of support, including children with severe palsy and children with swallowing difficulties.			3	0	D		1	1	1		1		1	1					
CO-23 New Zealand 2022	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 45. The Committee is concerned about: (a) The lack of action by the State party, in response to the Committee's 2014 concluding observations, to repeal section 8 of the Adoption Act of 1955, which allows for children to be removed for adoption from parents with disabilities without their consent; (b) The lack of suitable family placements for children with disabilities taken into care, including the ability for siblings to be placed together in families; (c) The lack of comprehensive information, services and supports for children with disabilities and their families, resulting in out-of-home placements, including placements in residential specialist schools; (d) The lack of specific policies and guidelines concerning parents with disabilities within Oranga Tamariki (Ministry for Children) and a limited human rights understanding of disability, resulting in the removal of children, including newborn babies, from their parents with disabilities, particularly parents with intellectual disabilities and Māori parents with disabilities. 46. The Committee recalls the joint statement issued by it with the Committee on the Rights of the Child on the rights of children with disabilities, and recommends that the State party: (a) Repeal section 8 of the Adoption Act of 1955 and amend the statute to ensure that parents with disabilities are treated on an equal basis with other parents with respect to adoption; (b) Implement strategies to increase family placements for children with disabilities and to ensure that siblings can remain together in these placements; (c) Significantly increase and resource comprehensive information, services and supports for children with disabilities and their families to prevent out-of-home placements and placements in institutions, including residential specialist schools; (d) Take immediate action within Oranga Tamariki (Ministry for Children) to implement the recommendations from the 2020 Ombudsman report, entitled "A matter of urgency", and increase disability, gender and culturally appropriate expertise, policies and guidelines that adhere to the Convention in order to ensure that newborn babies and children are not removed from parents with disabilities, particularly parents with intellectual disabilities and Māori parents with disabilities, on the basis of impairment.		1	4	1	F		1		1	1			1	1					
CO-23 Rep Korea 2022	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 47. The Committee is concerned about: (a) The lack of express recognition in the State party's legislation of the right of persons with disabilities, in particular women with disabilities and persons with psychosocial disabilities and/or intellectual disabilities placed under guardianship, with respect to family, parenthood and relationships; (b) The lack of sufficient support provided to children with disabilities and their families and to parents with disabilities to carry out their parental responsibilities. 48. The Committee recommends that the State party: (a) Amend its legislation to explicitly recognize the right of persons with disabilities, including women with disabilities, persons with intellectual disabilities and persons with psychosocial disabilities, to marry, found a family and exercise parental responsibilities on an equal basis with others; (b) Adopt legislative and policy measures to ensure effective support for families of persons with disabilities to raise their children in a family setting.			3	0	D		1		1	1		1	1	1					
CO-23 Spain 2019	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 43. The Committee is concerned about: (a) The lack of adequate policies and related services to support children with disabilities and their families; (b) The persistence of bias and stereotyping among staff belonging to the justice and social service sectors concerning the parenthood capacity of persons with disabilities. 44. The Committee recommends that the State party: (a) Develop adequate policies and provide the support necessary for children with disabilities to remain in a family setting, including through the promotion of foster family-related services; (b) Provide support to enable parents with disabilities to retain full parental responsibility of their children and promote a positive image of their capacities and rights to parenthood and family life.			2	0	C		1	1	1				1						
CO-23 Tataria 2023	Autocode - ANY: Respect for home and the family (art. 23)	Respect for home and the family (art. 23) 41. The Committee is concerned about the legislation and the practice that allows for a judge to remove the parenthood from a parent with disability, while granting the responsibility to relatives away from close family or to a social affairs centre, which is contrary to the provisions of the Convention that no child is to be separated from his or her parents on the grounds of either their disability or that of the parent. 42. The Committee recommends that the State party: (a) Repeal any legislation that allows for a judge to remove the parenthood from a parent with a disability and to place the child concerned away from close family; (b) Strengthen the mechanisms of protection and support for families, especially where a member has intellectual or psychosocial disabilities, to protect parents and children against abuse and parents against the deprivation of their parenthood.			2	0	C		1		1				1						

UNCRPD - Article 24 Education
Note:

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	

Document name	Code	Segment	Positive comment	Partial success / limited / empty	No of issues	Serious factor	Grade	Themes observed										
								Other laws	Improve law	policy and practice	special schools	curricula	Inclusion / access	comparative rate	University admission	training of teachers	Bullying	GC No.4 (2010)
CO 1 Argentina 2012	Autocode - ANY: Education (art. 24)	Education (art. 24) 37. The Committee notes that the legal framework regarding education in the State party expressly recognizes the principle of inclusive education (Art. No. 26.206, art. 11). However, it is concerned that the implementation of this principle is limited, in practice, by a failure to tailor programmes and curricula to the needs of pupils with disabilities and by the presence of barriers that prevent persons with disabilities from accessing the educational system without discrimination and on an equal footing with other students. The Committee is deeply concerned about the high number of children with disabilities who attend special schools and about the lack of educational resource centres that support the effective inclusion of students with disabilities. 38. The Committee recommends that the State party develop a comprehensive State education policy that guarantees the right to inclusive education and allocates sufficient budgetary resources to ensure progress towards the establishment of an education system that includes students with disabilities. The Committee also urges the State party to intensify its efforts to ensure that all children with disabilities receive a full compulsory education as established by the State party, while devoting particular attention to indigenous peoples and other rural communities. It likewise urges the State party to take the necessary steps to ensure that pupils with disabilities who attend special schools are enrolled in inclusive schools and to offer reasonable adjustments for students with disabilities within the general education system.	1	1	3	1	E	1	1	1	1							
CO 1 Australia 2013	Autocode - ANY: Education (art. 24)	Education (art. 24) 45. The Committee is concerned that despite the Disability Standards for Education established to ensure access to education on an equal basis, students with disabilities continue to be placed in special schools and many of those who are in regular schools are largely confined to special classes or units. The Committee is further concerned that students with disabilities enrolled in regular schools receive a substandard education due to lack of reasonable accommodation. The Committee is also concerned that secondary school completion rates for students with disabilities are about half of those for people without disability. 46. The Committee recommends that the State party: Step up its efforts to provide reasonable accommodation of necessary quality in education; Conduct research into the effectiveness of current education inclusion policies and the extent to which the Disability Standards in Education are being implemented in each state and territory; Set targets to increase participation and completion rates by students with disabilities in all levels of education and training.			3	0	D	1	1		1							
CO 1 Austria 2013	Autocode - ANY: Education (art. 24)	Education (art. 24) The Committee is concerned that progress towards inclusive education is stagnant. The Committee notes with concern reports suggesting that the number of children in special schools is increasing and that sufficient efforts are being made to support inclusion. It further notes that there is some confusion between "inclusive" education and "integrated" education. However, the Committee commends the establishment of inclusive education models in several Länder. The Committee is disappointed that there are very few university graduates with disabilities in it commends for offering sign language interpretation to students at the tertiary level. However, it noted, as mentioned by the State party during the constructive dialogue, that there have only been 13 students with hearing impairment, of whom only three have graduated from university. It appears that there is a lack of teacher training for teachers with disabilities and teachers who use sign language. Without sufficient teachers with sign language skills, deaf children are at a significant disadvantage. The Committee recommends that greater efforts be made to support students with disabilities in all areas of inclusive education from kindergarten to secondary school. It particularly recommends that the State party ensure that persons with disabilities, including children with disabilities and their representative organizations, are involved in the day-to-day implementation of the inclusive education models introduced in various Länder. The Committee further recommends that greater efforts be made to enable persons with disabilities to study at universities and other tertiary institutions. The Committee also recommends that the State party step up its efforts to provide quality teacher training to teachers with disabilities and teachers with sign language skills, so as to enhance the education of deaf and hearing-impaired girls and boys, in accordance with the formal recognition of Austrian sign language in the Constitution of Austria.	1	1	4	1	F	1	1	1	1	1	1					
CO 1 China 2012	Autocode - ANY: Education (art. 24)	Education (art. 24) The Committee is concerned about the high number of special schools and the State party's policy of actively developing these schools. The Committee is especially worried that in practice only students with certain kinds of impairments (physical disabilities or mild visual disabilities) are able to attend mainstream education, while all other children with disabilities are forced to either enroll in a special school or drop out altogether. The Committee wishes to remind the State party that the concept of inclusion is one of the key notions of the Convention and should be especially adhered to in the field of education. In this regard, the Committee recommends that the State party reallocate resources from the special education system to promote the inclusive education in mainstream schools, so as to ensure that more children with disabilities can attend mainstream education. Education (art. 24) While commending the Integrated Education Plan to help students with disabilities study in mainstream schools, the Committee is concerned about its implementation. The Committee worries that the teacher-student ratio is too high and that the training for teachers in special education needs is inadequate. In addition, the Committee is troubled by the low number of students with disability in tertiary education, due to lack of a coherent education policy. The Committee recommends a review of the effectiveness of the Integrated Education Plan and the improvement of the teacher-student ratio, as well as the training of teachers in special education needs and reasonable accommodation. The Committee urges, to provide sufficient resources to ensure the accessibility in tertiary education. Education (art. 24) The Committee is concerned that the number of students with special educational needs in a non-inclusive environment is higher than that in an inclusive one. The Committee is also troubled by the low number of students with disabilities attending tertiary education. The Committee wishes to remind, that the concept of inclusive education is essential to the implementation of article 24 and should be the rule rather than an exception. The Committee calls upon, to continue making tertiary education more accessible to students with disabilities.	1		4	0	E	1	1	1	1	1	1					
CO 1 Ecuador 2014	Autocode - ANY: Education (art. 24)	Education (art. 24) 36. The Committee is concerned: (a) That persons with disabilities are educated only up to primary level and that, out of a total of 4.14 million registered students nationwide, only 24 499 are students with disabilities. The Committee is concerned that the average number of years of schooling of persons with disabilities is three to four years, compared with the national average of nine years; (b) That, despite efforts to provide professional training for teachers so that they can cope with the demands of inclusive education, a further effort is still required to meet all educational needs; (c) At the procedural and organizational guarantees that the State currently has in place for the review and monitoring by the National Council for the Equality of Persons with Disabilities and district units supporting inclusion of access by persons with disabilities to inclusive education; (d) That few persons with disabilities have access to State universities, which have not yet adjusted their curriculum and made their main facilities accessible so that persons with disabilities can enroll in their various courses. 37. The Committee recommends that the State party: (a) Introduce a State programme to ensure that all persons with disabilities living in Ecuador can enroll in primary, secondary and higher secondary education and have access to an inclusive education in urban and rural areas, and access to adult education. The Committee is concerned about discrimination in access to school and retention in school for children with psychosocial or intellectual impairments. It is also of concern to the Committee that the State party has not laid down the principle of free education for children with disabilities. 50. The Committee recommends that the State party: (a) Develop an inclusive education model at all levels, in both urban and rural areas, including a gender and cultural perspective and the reasonable accommodation needed to ensure children and adolescents with disabilities can access education; (b) Adopt a plan and allocate the requisite budget for the compulsory training of teachers in inclusive education techniques in respect of persons with disabilities, thereby removing the barriers to access and retention for children with psychosocial or intellectual impairments in education; (c) Implement initiatives and public-private partnerships to design accessible pedagogical tools and teaching methods and provide students with disabilities with access to new technologies and the Internet.			4	1	F	1	1	1	1	1	1					
CO 1 El Salvador 2013	Autocode - ANY: Education (art. 24)	Education (art. 24) 49. The Committee is concerned at the low school enrollment rates among children with disabilities and the lack of reasonable accommodation to guarantee their access to education in urban and rural areas, and access to adult education. The Committee is concerned about discrimination in access to school and retention in school for children with psychosocial or intellectual impairments. It is also of concern to the Committee that the State party has not laid down the principle of free education for children with disabilities. 50. The Committee recommends that the State party: (a) Develop an inclusive education model at all levels, in both urban and rural areas, including a gender and cultural perspective and the reasonable accommodation needed to ensure children and adolescents with disabilities can access education; (b) Adopt a plan and allocate the requisite budget for the compulsory training of teachers in inclusive education techniques in respect of persons with disabilities, thereby removing the barriers to access and retention for children with psychosocial or intellectual impairments in education; (c) Implement initiatives and public-private partnerships to design accessible pedagogical tools and teaching methods and provide students with disabilities with access to new technologies and the Internet.			4	0	E	1	1	1	1	1	1					
CO 1 Germany 2015	Autocode - ANY: Education (art. 24)	Education (art. 24) 45. The Committee is concerned that the State party has an education system where the majority of students with disabilities attend segregated special-needs schools. 46. The Committee recommends that the State party: (a) Immediately develop a strategy, action plan, timeline and targets to provide access to a high-quality, inclusive education system across all Länder, including the required financial resources and personnel at all levels; (b) Scale down segregated schools to facilitate inclusion and ensure that the law and policy uphold the duty that mainstream schools enroll children with disabilities with immediate effect if that is their choice; (c) Ensure that reasonable accommodation is provided at all levels of education and that the right to such accommodation is legally enforceable and justiciable before the courts; (d) Ensure the training of all teachers in inclusive education, increased accessibility of the school environment, materials and curricula, and the provision of sign language in mainstream schools, including at the post-doctoral level.			4	0	E	1	1	1	1	1	1					
CO 1 Hungary 2012	Autocode - ANY: Education (art. 24)	Education (art. 24) The Committee notes with appreciation that students with disabilities have the opportunity to study using sign language and the Braille system. It also notes that training in those subjects is provided to teachers. However, the Committee regrets that many students with disabilities continue to attend special educational institutions. It furthermore notes with concern that the State party has not taken sufficient steps to provide reasonable accommodation to all students with disabilities in mainstream educational facilities and to develop and promote an inclusive education system as defined by the Convention. The Committee is further concerned by the lack of social programmes aimed at ensuring the access of Roma children with disabilities to mainstream education and by the lack of adequate consultation with them and their parents with a view to deciding what kind of support is needed to satisfy their right to education. The Committee calls upon the State party to allocate sufficient resources for the development of an inclusive education system for children with disabilities. It reiterates that denial of reasonable accommodation constitutes discrimination, and recommends that the State party significantly increase its efforts to provide reasonable accommodation to children with disabilities based on the student's individual requirements; provide students with disabilities with the required support within the general education system; and to continue training teachers and all other educational staff to enable them to work in inclusive educational settings. The Committee urges the State party to develop programmes to ensure that Roma children with disabilities are included in mainstream education programmes, without disregarding the provision of reasonable accommodation that might be needed to obtain the desired outcome.	1		3	0	D	1	1	1	1	1	1					
CO 1 Mexico 2014	Autocode - ANY: Education (art. 24)	Education (art. 24) 47. The Committee is particularly concerned at: (a) The persistence of the special education model; (b) The fact that not all children with disabilities receive an education; and (c) The lack of accessible schools and didactic materials, including textbooks in Braille and sign-language interpreters. 48. The Committee calls on the State party to: (a) Establish, in law and policy, an inclusive education system at all levels — primary, secondary and post-secondary — along with provisions for reasonable accommodations, adequate funding and training for regular teachers; (b) Adopt measures to ensure that all children with disabilities receive an education, especially those with intellectual and psychosocial disabilities, blind-deaf children and those from indigenous communities; and (c) Urgently implement measures for the accessibility of schools and didactic materials, including Braille and sign language, and ensure their use from the start of education.			3	0	D	1	1	1	1	1	1					
CO 1 Mongolia 2015	Autocode - ANY: Education (art. 24)	Education (art. 24) 36. The Committee is concerned that the number of teachers trained on teaching children with disabilities remains low. The Committee is also concerned that the State party does not have specific measures for ensuring an inclusive education system in pursuance of its initiatives such as the Law on Education and the Master Plan for Developing Education in Mongolia (2006-2015). 37. The Committee recommends that the State party consider making education for children with disabilities a mandatory part of the syllabus for teacher training and providing options for advanced training on this topic. The Committee also recommends that the State party develop specific policies and programmes, and allocate a budget, for the implementation of an inclusive education system aimed at ensuring a quality inclusive education for all children with disabilities in their own localities. In doing so, the State party should not subject children with disabilities to an assessment as to whether their disability is "minor" or "major".			2	0	C	1	1	1	1	1	1					
CO 1 New Zealand 2014	Autocode - ANY: Education (art. 24)	Education (art. 24) The Committee notes the steps being taken to increase inclusive primary and secondary education, and the ongoing challenges to making the education system fully inclusive, such as the lack of reasonable accommodation. The Committee is concerned at reports indicating that children with disabilities experience bullying in schools, and notes that there is no enforceable right to inclusive education. The Committee recommends that further work be undertaken to increase the provision of reasonable accommodation in primary and secondary education, and to increase the levels of entry into tertiary education for persons with disabilities. The Committee encourages the State party to implement anti-bullying programmes and to establish an enforceable right to inclusive education.	1		2	0	C	1	1	1	1	1	1					
CO 1 Paraguay 2013	Autocode - ANY: Education (art. 24)	Education (art. 24) 57. The Committee is concerned at the low numbers of children with disabilities enrolled in school (less than 1 per cent) and at the fact that most of those schools are special schools, and at the persistent use of terminology drawn from the medical model of disability when assessing educational standards. It also regrets the lack of information on enrollment rates in urban and rural areas and on whether education is ethnically and linguistically relevant. 58. The Committee recommends that the State party implement a strategy to give all children and adolescents with disabilities access to the national education system and that education should be inclusive at all levels and throughout the country and incorporate the gender perspective and be ethnically and linguistically relevant. The Committee urges the State party to modify educational terminology drawn from the medical model and to reorient segregated special education towards the inclusive model and encourage it to move in that direction.			4	1	F	1	1	1	1	1	1					
CO 1 Peru 2012	Autocode - ANY: Education (art. 24)	Education (art. 24) While taking note with appreciation of a number of Ministerial Directives aimed at establishing the framework of an inclusive education system, the Committee is concerned at the existing gaps in the de facto implementation of these provisions, in particular of the illiteracy rate among the indigenous peoples and Afro-Peruvian communities, and the impact that this may have on the indigenous and minority children with disabilities. The Committee recommends that the State party allocate sufficient budget resources to achieve advances in the progress for an inclusive education system for children and adolescents with disabilities, and take appropriate measures to identify and reduce illiteracy among children with disabilities, especially indigenous and Afro-Peruvian children.	1		1	0	B											
CO 1 Rep Korea 2014	Autocode - ANY: Education (art. 24)	Education (art. 24) The Committee is concerned that, despite the existence of an inclusive education policy, students with disabilities in regular schools return to special schools. It is further concerned about reports that students with disabilities enrolled in regular schools fail to receive education that is suitable to their impairment-related needs. The Committee recommends that the State party: (a) Conduct research into the effectiveness of the current education inclusion policy; (b) Step up efforts to provide inclusive education and reasonable accommodation in schools and other learning institutions by providing, inter alia, assistive technology and support in classrooms, accessible and adapted educational materials and curricula, and accessible school environments; (c) Intensity training for education personnel, including teachers and administrators in regular schools.			2	0	C	1	1	1	1	1	1					

OO 1 Spain 2011	Autoboode - ANV: Education (art. 24)	<p>Education (art. 24)</p> <p>43. The Committee welcomes the fact that the principle of inclusion governs the schooling of pupils with special educational needs; that discrimination in education is prohibited; and that most children with disabilities are included in the regular education system. It commends the enactment of Organic Act 2/2006 on education, which obliges the education authorities to provide specialist teachers, qualified professionals and the necessary materials and resources, as well as the laws that oblige schools to make necessary curricular adjustments and diversifications for pupils with disabilities. However, the Committee is concerned by the implementation of these laws in practice, in view of reported cases of failure to provide reasonable accommodation, of continued segregation and exclusion, of financial arguments used as justification for discrimination, and of the cases of children enrolled in special education against their parents' will. The Committee notes with concern that parents challenging the placement of their children with disabilities in special education have no possibility of appeal and that their only alternative is to educate them at their own expense or pay for the reasonable accommodation of their child in the regular education system.</p> <p>44. The Committee reiterates that denial of reasonable accommodation constitutes discrimination and that the duty to provide reasonable accommodation is immediately applicable and not subject to progressive realization. It recommends that the State party:</p> <p>(a) increase its efforts to provide reasonable accommodation in education, by allocating sufficient financial and human resources to implement the right to inclusive education; paying particular attention to assessing the availability of teachers with specialist qualifications; and ensuring that educational departments of local governments understand their obligations under the Convention and act in conformity with its provisions;</p> <p>(b) ensure that the decisions to place children with a disability in a special school or in special classes, or to offer them solely a reduced-standard curriculum, are taken in consultation with the parents;</p> <p>(c) ensure that the parents of children with disabilities are not obliged to pay for the education or for the measures of reasonable accommodation in mainstream schools;</p> <p>(d) ensure that decisions on placing children in segregated settings can be appealed swiftly and effectively.</p>	1	4	D	E		1	1	1									
OO 1 Tunisia 2011	Autoboode - ANV: Education (art. 24)	<p>Education (art. 24)</p> <p>30. The Committee takes note of the national programme of inclusive education for children with disabilities. However, it notes with deep concern that, in practice, the inclusion strategy is not equally implemented in schools; rules relating to the number of children in mainstream schools and to the management of inclusive classes are commonly breached; and schools are not equitably distributed between regions of the same governorate.</p> <p>31. The Committee is equally concerned that many integrated schools are not equipped to receive children with disabilities, and that the training of teachers and administrators with regard to disabilities remains a concern in the State Party.</p> <p>32. The Committee recommends that the State party:</p> <p>(a) take measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion on an equal basis with others and, in this regard, provide information intended for the general public in accessible formats and – especially with respect to the deaf, hard-of-hearing, and deafblind – recognize and promote the use of sign language;</p> <p>(b) increase its efforts to enforce inclusive education for girls and boys with disabilities in all schools;</p> <p>(c) intensify training for education personnel, including teachers and administrators;</p> <p>(d) allocate sufficient financial and human resources to implement the national programme of inclusive education for children with disabilities.</p>	1	4	1	F		1	1										1

UNCRPD - Article 24 Education Note:

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	

Document name	Code	Segment	Positive comment	Reasonable (positive) comment / (any)	No of issues	Serious factor	Grade	Themes observed												
								Gender	Ordnung	Improve law	policy and practice	special schools	curricula	inclusion process	comprehension as a	literacy acquisition	training of teachers	Bullying	GD No. 4 (2018)	
CO-2-3 Austria 2019	Autocoe - ANY: Education (art. 24)	Education (art. 24) 50. The Committee is concerned about: (a) The lack of implementation of many of the recommendations of the 2015 review of the Disability Standards for Education 2005; (b) The significant increase in students with disabilities experiencing a segregated education, seclusion, isolation and a lack of age-appropriate settings, and about insufficient funding for inclusive education in mainstream schools; (c) The fact that there is no national disaggregated data on students with disabilities, including on the use of restrictive practices and cases of bullying; (d) The fact that the established, enforceable legal right for children with disabilities of age 14 and older to attend inclusive schools at the secondary level is not based on quality inclusive education; (e) The Committee's previous recommendations on education (CRPD/C/AUS/CO/1, para. 46) and recommends that the State party: (a) Conduct a robust review, in consultation with organizations of persons with disabilities, of the Disability Standards for Education 2005, implement the recommendations arising from that review and develop a national action plan for inclusive education; (b) Address the increasing rate of segregation, seclusion and isolation and the lack of age-appropriate settings for students with disabilities at all levels, in particular Aboriginal and Torres Strait Islander students, and address adequate resources to a nationwide inclusive education system for all students; (c) Expand the collection of data on the number of students with disabilities who do not qualify for an adjustment and who are unable to enrol in local mainstream schools, as well as data on educational attainment, on completion, suspension and expulsion rates, on the use of restrictive practices and on cases of bullying.			3	0	D			1	1							1		
CO-2-3 Austria 2023	Autocoe - ANY: Education (art. 24)	Education (art. 24) 50. The Committee is gravely concerned about: (a) The regression in inclusive education, partly due to the termination of inclusive school policies, the prioritization of segregated schools over inclusive schools in the Education Reform Act (Bildungsreformgesetz 2017), the severe capacity shortages of inclusive kindergarten and elementary education, and a lack of funding and transfer of resources from the segregated school system towards inclusive education, resulting in increased enrolment of students with disabilities in segregated schools, including at the kindergarten level; (b) The lack of trained personnel for inclusive education, due to cuts at the primary and secondary levels, and the insufficiency of disability specific teacher training and recruitment; (c) The lack of reasonable accommodation in education, such as personal assistance and support services for students with disabilities, especially at the secondary and tertiary level, and the exclusion of persons with psychosocial and/or intellectual disabilities from such supports; (d) Exceedingly complex and lengthy administrative procedures for access to inclusive education; (e) The non-admission of children with disabilities to extra-curricular pedagogical supervision services, such as complementary care facilities, and their inaccessibility; (f) The lack of an established, enforceable legal right for children with disabilities of age 14 and older to attend inclusive schools at the secondary level based on quality inclusive education; (g) The absence of Austrian Sign Language in the school programs, as a means of communication in class as well as a subject to be taught; (h) The lack of comprehensive data on education of children with disabilities, disaggregated by sex, age, level of education, region and type of impairment, and the lack of comprehensive data on financial, organizational, educational and political measures taken to implement the objective of inclusive education in accordance with the Convention. 56. Recalling its general comment No. 4 (2016) on the right to inclusive education, the Committee recommends that the State party: (a) Promptly end the expansion of the segregated school system, transition resources, including funding, from segregated education to inclusive education, develop a nationwide strategy for inclusive education that encompasses all education systems of all levels of education, including those of the Länder and the municipalities, establish inclusive education policies and guidelines, including on the level of the Länder and the municipalities, develop harmonized inclusive education curricula, in close consultation with and the effective involvement of organizations of persons with disabilities, and implement them with all deliberate speed; (b) Develop and expand teacher training for inclusive education; (c) Provide reasonable accommodation, including personal assistance, for students with disabilities at all levels of education; (d) Render administrative procedures for access to inclusive education fully accessible, easy to navigate, and speedy; (e) Take measures at all federal levels, including the municipalities, to ensure access of all children with disabilities to extra-curricular pedagogical supervision services, such as complementary care facilities; (f) Enact legislation providing an enforceable, legal right of all children with disabilities to attend inclusive education, including at the secondary and tertiary levels; (g) Recognize the Austrian Sign Language in education and effectively implement it as a means of communication at school and as a subject to be taught; (h) Comprehensively collect data on inclusive and non-inclusive education of all children with disabilities, disaggregated by sex, age, level of education, region and type of impairment, and on financial, organizational, educational and political measures taken to implement inclusive education in accordance with the Convention.			1	5	1	G		1	1	1						1	1	
CO-2-3 China 2022	Autocoe - ANY: Education (art. 24)	Education (art. 24) 50. The Committee notes with concern that: (a) The number of children in segregated educational settings remains high and that there is a lack of resources in mainstream schools to support inclusive education, including the lack of sign language interpretation, reasonable accommodations and specialist qualifications in inclusive education in mainstream schools, in particular in rural areas; (b) That the updated Regulations on the Education of Persons with Disabilities of 2017 require that children with disabilities be evaluated by the quasi-governmental expert committees on the education of persons with disabilities, which places children in schools according to their physical condition and ability to be educated and adapt to mainstream schools. 51. Recalling its general comment No. 4 (2016) on the right to inclusive education and targets 4.5 and 4.4 of the Sustainable Development Goals, the Committee recommends that the State party: (a) Introduce legislation containing an enforceable right to inclusive education and develop a comprehensive action plan for implementing high-quality inclusive education for children with disabilities, including those with intellectual and/or psychosocial disabilities, in specific targets, time frames and budgets, the transfer of resources from special schools, and inclusive education curricula; (b) Revise the Regulations on the Education of Persons with Disabilities with the aim of eliminating all discriminatory provisions regarding the education of children with disabilities, and explicitly provide for quality inclusive education to ensure that no child with disabilities is excluded from the general education system on the basis of impairment.			1	2	1	D		1	1	1							1	
CO-2-3 Ecuador 2018	Autocoe - ANY: Education (art. 24)	Education (art. 24) 43. The Committee notes with concern that the State party retains the use of a special education model; that segregated forms of education predominate in its legislation, in particular in the Organic Act on Disabilities; that 151 segregated schools still exist and that not enough is being done to change the education system into one based on quality inclusive education. 44. The Committee recommends that the State party revise and amend the Organic Act on Disabilities without delay and that, as an overall strategy, on the basis of general comment No. 4 (2016) on the right to inclusive education and bearing in mind target 4.5 of the Sustainable Development Goals, it establish an inclusive education system for all persons with disabilities at all levels, regardless of their migration status. It also recommends that the State party redirect budget allocations from special education to the regular education system, provide training from the preschool and primary levels and provide appropriate training and professional development for teachers. It recommends that the State party ensure that support, specifically designed teaching materials in alternative accessible formats, modes and means of communication, and information and assistive technologies are provided and that reasonable accommodation for individual requirements is made			1	2	1	D		1	1	1							1	
CO-2-3 El Salvador 2019	Autocoe - ANY: Education (art. 24)	Education (art. 24) 46. The Committee is concerned: (a) That limited progress has been made with regard to the right to inclusive education for persons with disabilities; (b) That the lack of information on the number of children with disabilities in segregated schools and in mainstream schools; (c) That the Ministry of Education's Comprehensive Sexuality Education Strategy does not include persons with disabilities in a multidimensional and intersectional manner. 47. The Committee recalls its general comment No. 4 (2016) on the right to inclusive education, and targets 4.5 and 4.4 of the Sustainable Development Goals, and recommends that the State party: (a) Establish a national strategy for the inclusion of children with disabilities in mainstream education and redirect budget from segregated to mainstream classrooms and schools, ensure full accessibility in educational premises, adopting measures to remove architectural and communication barriers, ensure that teaching and non-teaching staff are trained, and ensure the availability of accessible learning material in Easy Read and Braille and the availability of sign language interpreters; (b) Establish a system to collect disaggregated data on the number of children with disabilities, especially children with intellectual or psychosocial disabilities still in segregated education and those in mainstream education, and the types of support provided to them, with a view to designing adequate public policies; (c) Ensure that all the educational policies and strategies aimed at the general population, including the Comprehensive Sexuality Education Strategy are applicable to persons with disabilities.			3	0	D			1	1	1							1	
CO-2-3 Germany 2023	Autocoe - ANY: Education (art. 24)	Education (art. 24) 53. The Committee is concerned about the lack of full implementation of inclusive education throughout the education system, the prevalence of special schools and classes and the various barriers encountered by children with disabilities and their families to enrolling in and completing studies at mainstream schools, including: (a) The lack of a clear mechanism to promote inclusive education in the Länder and at the municipal level; (b) The misconceptions and negative perception of inclusive education on the part of some executive entities, which may take parents' requests to enrol their children in mainstream schools as an indication of 'inability to take care of their child'; (c) The lack of accessibility and accommodation in public schools and the lack of accessible transportation, in particular in rural areas; (d) Insufficient training for teachers and non-teaching staff on the right to inclusive education, the insufficient development of specific skills and teaching methodologies and reported pressure on parents to enrol children with disabilities in special schools. 54. Recalling its general comment No. 4 (2016), the Committee recommends that the State party, in close consultation with and with the active involvement of students with disabilities, their families and representative organizations: (a) Develop a comprehensive plan to accelerate the transition from special schooling to inclusive education at the Länder and municipal levels, with specific time frames, human, technical and financial resources, implementation responsibilities and monitoring; (b) Implement awareness-raising and educational campaigns to promote inclusive education at the community level and among the relevant authorities; (c) Ensure that children with disabilities can attend mainstream schools, including by enhancing accessibility and accommodation for all kinds of disabilities and providing appropriate arrangements for transportation, in particular in rural areas; (d) Guarantee ongoing training for teachers and non-teaching staff on inclusive education at all levels, including training in sign language and other accessible formats of communication, and develop a monitoring system to eliminate all forms of direct and indirect discrimination against children with disabilities and their families. 55. The Committee is concerned about the lack of data on the access of refugee children with disabilities to education and to mainstream schools. 56. The Committee recommends that the State party allocate sufficient resources for the regular collection of data, disaggregated by sex and type of disability, on the number and proportion of refugee children with disabilities who access education and are enrolled in mainstream and special schools, as well as on dropout rates.			5	0	F			1	1								1	1
CO-2-3 Hungary 2022	Autocoe - ANY: Education (art. 24)	Education (art. 24) 48. The Committee notes with concern that children with disabilities are excluded from the general education system. In particular, it is concerned about: (a) The Public Education Act, which provides for segregated education and omits the obligation to admit children with disabilities into general education schools, as provided in the Convention, and legitimizes both the education of children with high support requirements in residential institutions and at home and a reduced number of teaching hours for children with disabilities; (b) The lack of access to regular education facilities and transportation for children with physical disabilities in their communities, providing reasonable accommodation for the requirements of individuals, including in rural areas; (c) The limited knowledge and skills of teachers in the general education system that is necessary for inclusive education; (d) The barriers experienced by deaf and hard-of-hearing children in accessing the general education system and the lack of opportunities for bilingual education within inclusive educational settings; (e) The lack of accessibility of general vocational education facilities and programmes, particularly for autistic children and children with intellectual disabilities; (f) The segregation of children with disabilities, including Roma children, through poor-quality education in special schools. 49. Recalling its general comment No. 4 (2016) and target 4.5 and indicator 4.4 of the Sustainable Development Goals, the Committee recommends that the State party: (a) Revise its Public Education Act with the aim of eliminating all discriminatory provisions regarding the education of children with disabilities and explicitly provide for quality inclusive education to ensure that no child with disabilities is excluded from the general education system on the basis of impairment; (b) Ensure access to the general education system in the community and provide the necessary reasonable accommodations for all children with disabilities on an equal basis with other children; (c) Guarantee access to regular education facilities and transportation for children with physical disabilities in their communities across the State party; (d) Provide comprehensive and focused training for general education teachers and administrative staff on the principles and methods of inclusive education, the capacities of children with disabilities and the individualized support measures required by children with disabilities; (e) Provide access to the general education for deaf and hard-of-hearing children and promote bilingual education opportunities within an inclusive educational setting, particularly through quality sign language and other support that is required; (f) Ensure the accessibility of regular vocational education facilities and programmes for all children with disabilities, particularly for autistic children and children with intellectual disabilities, through measures of universal design and reasonable accommodation; (g) Take measures aimed at ensuring access to inclusive, high-quality and free primary, secondary and vocational education for children with disabilities, including Roma children, on an equal basis with others.			3	1	E			1	1	1							1	1
CO-2-3 Mexico 2022	Autocoe - ANY: Education (art. 24)	Education (art. 24) 54. The Committee is concerned about: (a) The persistence of special education; (b) The lack of a strategy covering all levels of the State party aimed at ensuring inclusive education for all children with disabilities; (c) A high dropout level of children with disabilities from the education system after age 15; (d) Widespread exclusion of women and girls with disabilities from educational settings in both early and higher education, due to, inter alia, their disability and gender, a lack of accessibility and reasonable accommodations, and a lack of knowledge about the requirements of students with disabilities; (e) The lack of accessible schools and didactic materials, including textbooks in Braille, and sign-language interpretation. 55. With reference to paragraph 48 of its previous concluding observations, the Committee recommends that the State party: (a) Establish, in law and policy, an inclusive education system at all levels – primary, secondary, post-secondary and life-long learning – including support measures, the provision of reasonable accommodation, adequate funding and training for educational staff; (b) Adopt measures to ensure that all children with disabilities, in particular girls with disabilities, receive an education in mainstream school settings, including children with intellectual and psychosocial disabilities, blind-deaf children and children with disabilities from indigenous communities; (c) Implement measures for the accessibility of schools and didactic materials, including Braille and sign language, and ensure their use from the start of education; (d) Compile data on education, disaggregated by gender, national and ethnic origin, indigenous, rural or urban living environment, and type of impairment, on enrolment in segregated school settings and in mainstream schools.			4	0	E			1	1	1							1	1
CO-2-3 Mongolia 2023	Autocoe - ANY: Education (art. 24)	Education (art. 24) 47. The Committee is concerned that: (a) The State party maintains a system of special education, which results in a large number of children with disabilities receiving segregated education; (b) There is a lack of resources in mainstream schools to support inclusive education, including the lack of sign language interpretation, reasonable accommodation, accessible textbooks in Braille, large print and easy Read and assistive learning devices for students with disabilities based on individual needs in particular in rural and remote areas; (c) The number of teachers trained in teaching children with disabilities remains low and there is a lack of specific measures to ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination, on an equal basis with others. 48. Recalling its general comment No. 4 (2016) and target 4.5 of the Sustainable Development Goals, the Committee recommends that the State party: (a) Formulate a comprehensive national policy with an allocated budget to promote a culture of inclusion and eliminate discrimination at all educational levels, including individualized human rights-based assessments of educational requirements and necessary accommodations, and provide appropriate training for regular teachers and non-teaching education personnel on inclusive education; (b) Provide students with disabilities with assistive compensatory aids and learning materials in alternative and accessible formats, such as inclusive digital access, and modes and means of communication, including Easy Read, communication aids and assistive and information technologies; (c) Ensure the training of regular education teachers and non-teaching education personnel on inclusive education and raise their awareness about the human rights-based model of disability, and ensure the access of persons with disabilities to general tertiary education, vocational training, adult education and lifelong learning without discrimination, on an equal basis with others.			3	0	D			1	1								1	1

CO 2-3 New Zealand 2022	Autocode - ANY: Education (art. 24)	Education (art. 24) 47. The Committee is concerned about: (a) The increased enrolment of students with disabilities in separate learning environments, such as specialist schools, residential specialist schools and special education satellite units, despite legislative and policy commitments to inclusive education; (b) The proposal to change entry requirements for enrolment at residential specialist schools for children with disabilities rather than investing in inclusive education; (c) The high proportion of Māori children with disabilities in residential specialist schools. 48. Recalling its general comment No. 4 (2016) on the right to inclusive education and target 4.5 and 4.a of the Sustainable Development Goals, the Committee recommends that the State party: (a) Develop an inclusive education strategy that includes measures for the devolution of segregated education settings into a mainstream inclusive education system, to transition funding and resources from specialist education to inclusive education, to prioritize inclusive education in teacher training, to establish uniform, inclusive education policies and guidelines, to develop an inclusive education curriculum and to promote and raise community awareness; (b) Withdraw the proposal to change entry requirements for enrolment in residential specialist schools and redirect funding and resources into an inclusive education system; (c) Develop specific culturally appropriate strategies to address the high proportion of Māori children with disabilities in residential specialist schools, including the provision of supports to remain with whānau (extended family networks) in their local communities.		2	1	D		1	1	1									1
CO 2-3 Rep Korea 2022	Autocode - ANY: Education (art. 24)	Education (art. 24) 49. The Committee is concerned: (a) That the State party maintains special education on the basis of a medical impairment-based approach and regularly increases the number of special schools, which results in a high number of children with disabilities, including autistic children and children with intellectual, psychosocial or multiple disabilities, receiving segregated special education; (b) About the insufficient number of teaching and support staff trained in Braille, sign language and accessible modes of teaching and the level of training for teachers on the skills and competencies required to promote inclusive education; (c) That children with disabilities who attend day-care centres other than kindergarten do not receive support from the Ministry of Education. 50. Recalling its general comment No. 4 (2016) and target 4.5 of the Sustainable Development Goals, the Committee reiterates its previous recommendation and urges the State party to: (a) Formulate a comprehensive inclusive education policy with strategies to promote a culture of inclusion in mainstream education at all educational levels, including individualized human rights-based assessments of educational requirements and necessary accommodation, and provide appropriate training for teachers and non-teaching education personnel on inclusive education; (b) Provide students with disabilities with assistive compensatory aids and learning materials in alternative and accessible formats, such as inclusive digital access, and modes and means of communication including Easy Read, communication aids and assistive and information technology; (c) Ensure that all children with disabilities attending segregated day-care centres operated under the Ministry of Health and Welfare are transferred to mainstream kindergartens operated under the Ministry of Education.		3	0	D		1	1									1	1
CO 2-3 Spain 2019	Autocode - ANY: Education (art. 24)	Education (art. 24) 46. The Committee is concerned about the limited progress made by the State party with regard to inclusive education, including the lack of a clear policy and action plan for the promotion of inclusive education. The Committee is particularly concerned that the State party has maintained all regulatory provisions on special education and a medical impairment-based approach. The Committee is concerned that a high number of children with disabilities, including autism, intellectual or psychosocial and multiple disabilities, are still receiving segregated special education. 46. Recalling its general comment No. 4 (2016) on the right to inclusive education and targets 4.5 and 4.A of the Sustainable Development Goals, the Committee reiterates the recommendations provided in its report on the inquiry concerning Spain under article 8 of the Optional Protocol to the Convention (CRPD/C/20/3), urging the State party to expedite legislative reform in line with the Convention, in order to clearly define inclusion and its specific objectives at each educational level. The Committee recommends that the State party take measures to view inclusive education as a right, and grant all students with disabilities, regardless of their personal characteristics, the right to access inclusive learning opportunities in the mainstream education system, with access to support services as required. The Committee also recommends that the State party implement all other recommendations contained in the report on the inquiry. 47. The Committee recommends that the State party formulate a comprehensive inclusive education policy with strategies for promoting a culture of inclusion in mainstream education, including individualized human rights based assessments of educational requirements and necessary accommodation, support for teachers, respect for diversity in ensuring the rights to equality and non-discrimination, and the full and effective participation of persons with disabilities in society.		1	3	E		1	1	1									1
CO 2-3 Tunisia 2023	Autocode - ANY: Education (art. 24)	Education (art. 24) 43. The Committee is concerned that limited progress has been made in the field of education for children with disabilities over the decade since the review of the State party's previous report, in particular the continuous application of old legislation which supports segregated education. It is also concerned that the budget for inclusive education remains very low. It is further concerned that children with disabilities are only allowed in an inclusive setting after assessing their abilities, while reasonable accommodation in inclusive settings is not provided. 44. The Committee, recalling its general comment No. 4 (2016) on the right to inclusive education, and Sustainable Development Goal 4, to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all, recommends that the State party: (a) Amend the current laws governing the education of children with disabilities to recognize the right to inclusive education and to remove all environmental barriers to educational inclusion, in accordance to the Convention and the Committee's general comment No. 4 (2016); (b) Adopt unified programmes with specific goals and time frames in order to promote access for persons with disabilities to inclusive schools, ensuring that children with disabilities can seek individualized support and are provided with reasonable accommodation; (c) Increase the budget for educational inclusion and recognize the duty of the State party to provide reasonable accommodation in the education sector and put in place procedures for requesting and granting the service; (d) Modify the role of the local disability commission to make it responsible for the identification and the provision of the personalized support necessary for the inclusion of children with disabilities in addition to their assessment role; (e) Transform the specialized centres progressively to make them resource centres for inclusion, instead of providing segregated education.		3	0	D		1	1	1									1

UNCRPD - Article 25 Right to health
Note:

Grade	A	B	C	D	E	F	G	H
	0	1	2	3	4	5	6	7

Document name	Code	Segment	Positive comment	Ratification / access / impact / entry	No of issues	Status factor	Grade	Charter law	Improve law	Policy and practice	Access / supply	Training of professionals	Legal capacity / consent	Themes observed						
														Mental Health	Inequality					
CO1 Argentina 2012	Autocode - ANY: Health (art. 25)	Health (art. 25) 38. The Committee is concerned about the systemic barriers that make it impossible for persons with disabilities to access health services in the State party. These include physical barriers, a dearth of accessible materials, a lack of health-care professionals trained in the human rights model of disability and restrictions on the exercise of legal capacity that exclude persons with disabilities from taking decisions concerning their own treatment. 40. The Committee recommends that the State party develop comprehensive health-care programmes that specifically make provision for persons with disabilities and ensure that they have access to habilitation and rehabilitation health services. It urges the State party to allocate budgetary resources and provide training for health personnel in order to effectively realize the right to health of persons with disabilities, while also ensuring that hospitals and health centres are accessible to persons with disabilities. 41. The Committee regrets that the effective implementation of the National Mental Health Act (Act No. 26.657) is under threat because its implementing regulations have not yet been adopted and because the make-up of its review body has yet to be agreed upon. It also regrets the lack of clear-out mechanisms for ensuring that persons with disabilities give their free and informed consent for any type of medical treatment before it is administered. 42. The Committee urges the State party to adopt the implementing regulations for the National Mental Health Act (Act No. 26.657) as soon as possible, to establish its review body, to strengthen the network of community mental health services and to improve coordination between these services and inclusive employment, education and housing mechanisms in order to guarantee the effective implementation of the National Mental Health Act. The Committee also recommends that the State party adopt protocols for ensuring that all persons with disabilities give their free and informed consent for any type of medical treatment before it is administered.			4	0	E		1	1	1	1	1							
CO1 China 2012	Autocode - ANY: Health (art. 25)	Right to health (art. 25) The Committee is concerned about the current involuntary commitment system in the State party. It takes note of the Draft Mental Health Act and the ordinances of six major cities in the State party on mental health which do not respect the individual will of persons with disabilities. The Committee advises the State party to adopt measures to ensure that all health care and services provided to persons with disabilities, including all mental health care and services, is based on the free and informed consent of the individual concerned, and that laws permitting involuntary treatment and confinement, including upon the authorization of third party decision-makers such as family members or guardians, are repealed. It recommends that the State party develop a wide range of community-based services and supports that respond to needs expressed by persons with disabilities, and respect the person's autonomy, choice, dignity and privacy, including peer support and other alternatives to the medical model of mental health. Right to health (art. 25) The Committee is troubled by the fact that the demand for public medical services is higher than the supply. The Committee is also concerned about the fact that many insurance companies reject the applications of persons with disabilities, thus leaving them unable to pay the medical fees. The Committee suggests that Hong Kong... allocate more human and financial resources to the public medical services and arrange the cooperation of the insurance companies.			2	0	C		1	1	1	1	1							
CO1 Ecuador 2014	Autocode - ANY: Health (art. 25)	Health (art. 25) 38. The Committee is concerned that the health services provided for persons with disabilities by the Ministry of Public Health through comprehensive support centres are not accessible to persons with disabilities living in rural areas. 39. The Committee recommends that the Ministry of Public Health carry out an accessibility programme at the comprehensive support centres with a view to implementing protocols for different types of disabilities and ensuring that its facilities are accessible to persons with disabilities living in rural areas. 40. The Committee is concerned that the Comprehensive Organic Criminal Code allows the spouse, partner, close family member or legal representative of a woman with an intellectual disability to take a decision on her behalf to have an abortion if the pregnancy is the result of rape. 41. The Committee recommends that the State party amend article 150 of the Comprehensive Organic Criminal Code and any other similar legislation that authorizes a third party to take decisions concerning the body of a woman with a disability.			2	0	C		1	1	1	1								
CO1 El Salvador 2013	Autocode - ANY: Health (art. 25)	Health (art. 25) 51. The Committee is concerned about the discrimination against persons with disabilities in terms of access to health, including sexual and reproductive health, caused by barriers including the lack of equipment suitable for use by all, for example for obstetrical and gynaecological care. The Committee is also concerned about the lack of information on the right to health of persons with disabilities in rural areas and the availability of community rehabilitation services. The Committee is concerned about the fact that medical procedures are conducted without the free and informed consent of persons with disabilities. 52. The Committee recommends that the State party: (a) Adopt the requisite legislative measures to protect persons with disabilities against discrimination in health matters; ensure their access to health insurance schemes; carry out public health campaigns directed at persons with disabilities, including comments on gender and age, sexual and reproductive rights and HIV/AIDS prevention and care; and involve women with disabilities in campaigns to prevent breast and cervical cancer; (b) Adopt plans and allocate resources for the accessibility of health-care services, including equipment suitable for use by all; (c) Produce statistics and data on persons with disabilities so that better planning can facilitate their access to health-care services, and identify options for their access to community rehabilitation services; (d) Adopt measures to ensure persons with disabilities can exercise their right to free and informed consent regarding medical treatment.			3	0	D		1	1	1	1								
CO1 Germany 2015	Autocode - ANY: Health (art. 25)	Health (art. 25) 47. The Committee is concerned about barriers to gaining access to health care, particularly for asylum seekers and refugees with disabilities. 48. The Committee recommends that the State party develop and implement plans and allocate resources to ensure the accessibility of health-care services, including services for refugees, rights-based training for health-care professionals, communication, information, respect for free and informed individual consent, and universally designed equipment.			1	0	B				1									
CO1 Mexico 2014	Autocode - ANY: Health (art. 25)	Health (art. 25) 49. The Committee is concerned at the lack of community mental health services. It is further concerned by restrictions on the right of women with disabilities to safely access sexual and reproductive health services and by the pressure to undergo an abortion when they become pregnant. 50. The Committee recommends that the State party: (a) Ensure that informed consent is obtained for any medical treatment of persons with disabilities, including the possibility of advance directives; that appropriate community health services are available to persons with disabilities, based on the right to free and informed consent; and that any medication required for a disability are included in the support system and are available at no or low cost; (b) Ensure that women with disabilities may enjoy their right to accessible and safe sexual and reproductive health services, in both urban and rural areas, and prevent pregnant women with disabilities from being pressured to undergo abortions, investigate any such cases and punish the doctors involved.			3	0	D			1										
CO1 Mongolia 2015	Autocode - ANY: Health (art. 25)	Health and rehabilitation (arts. 25 and 26) 38. The Committee is concerned about the limited access for persons with disabilities to comprehensive health and rehabilitation services, particularly in rural and remote areas, including access to sexual and reproductive health. It is also concerned that under the health legislation of the State party, not all persons with disabilities can exercise free and informed consent. 39. The Committee recommends that the State party take measures to ensure access for people with disabilities to health services without financial constraints, in particular sexual and reproductive health services, maternal and child health services, psychosocial services and comprehensive rehabilitation community-based services, for rural and isolated areas. The Committee also recommends ensuring that all persons with disabilities, regardless of the nature of their impairment, have the right to free and informed consent.			2	0	C		1	1	1	1								
CO1 New Zealand 2014	Autocode - ANY: Health (art. 25)	Health (art. 25) The Committee is concerned that barriers still exist preventing persons with disabilities, and especially persons with intellectual disabilities, from fully accessing health-care services, including sexual and reproductive health care. The Committee recommends that further measures be taken to ensure access to full health care for all persons with disabilities. The Committee is concerned that Maori people have the poorest health outcomes in New Zealand. The Committee is also concerned that the prevalence of disability is higher in the Maori population as a result of poverty and disadvantages. The Committee recommends that measures be strengthened to enhance the health outcomes of Maori and Pacific persons with disabilities.			2	0	C			1										
CO1 Paraguay 2013	Autocode - ANY: Health (art. 25)	Health (art. 25) 55. The Committee is concerned at the scant information on health services for persons with disabilities, and in particular on services at the community level, including HIV-related services. It is also concerned at poor accessibility in specialist and general medical services, including barriers preventing access to physical facilities and medical equipment and furnishings, and at discrimination in the provision of sexual health and reproductive services. 60. The Committee asks the State party to take the necessary measures to ensure that all health services are fully accessible to persons with disabilities at all levels, including the community level, and that these measures incorporate the gender perspective.			3	0	D			1										
CO1 Peru 2012	Autocode - ANY: Health (art. 25)	Right to health (art. 25) The Committee is concerned that, according to State party's replies to the list of issues, no rehabilitation services exist for 81 per cent of the population with a disability, and only 1.42 per cent of persons with disabilities are covered by social security programmes. The Committee is also concerned about the lack of health services, in particular in rural areas, as well as numerous limitations to persons with disabilities imposed by the Supreme Decree 004-2007-SA on Comprehensive Health Insurance. It further regrets the lack of early detection programmes of deafness for children in order to minimize and prevent further disabilities. The Committee urges the State party to elaborate comprehensive health programmes in order to ensure that persons with disabilities are specifically targeted and have access to rehabilitation and health services in general. The Committee further recommends that the State party: Review its legal framework in order to ensure that insurance companies and other private parties do not discriminate against persons with disabilities; Apply budgetary resources and create skills among health personnel, in order to effectively comply with the right to health care of persons with disabilities, ensuring that hospitals and health centres are accessible to persons with disabilities; Provide services of early identification of disabilities, in particular deafness, designed to minimize and prevent further disabilities, including among children.			4	0	E		1	1	1	1								
CO1 Rep Korea 2014	Autocode - ANY: Health (art. 25)	Health (art. 25) The Committee is concerned that the recently amended article 732 of the Commercial Act recognizes life insurance contracts for persons with disabilities only if the person "possesses mental capacity". The Committee notes that the denial of insurance contracts on the basis of "mental capacity" constitutes a discrimination against persons with disabilities. The Committee encourages the State party to repeal article 732 of the Commercial Act, which recognizes life insurance contracts for a person with disability only if the person "possesses mental capacity", and to withdraw its reservation to the provision of article 22 (e) of the Convention regarding life insurance.			1	1	C		1											

UNCRPD - Article 25 Right to health
Note:

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	

Document name	Code	Segment	Positive comment	Reasons for concern / comment / enquiry	No of issues	Serious factor	Grade	Themes observed											
								Ordnance law	Improve law	Policy and practice	Access / supply	Training of professionals	Legal capacity / consent	Individual health	Industry				
CO-2-3 Australia 2019	Autocode - ANY - Health (art. 25)	Health (art. 25) 47. The Committee is concerned about the fact that, compared to the general population, persons with disabilities, in particular persons with disabilities living in remote areas, Aboriginal and Torres Strait Islander persons with disabilities, persons with intellectual or psychosocial disabilities, persons with disabilities living in institutions and children and women with disabilities, are in significantly poorer health and have less access to information and to adequate, affordable and accessible health services and equipment. 48. The Committee recommends that the State party adhere to article 25 of the Convention in its efforts to achieve targets 3.7 and 3.8 of the Sustainable Development Goals and to ensure that: (a) All persons with disabilities, in particular persons with disabilities living in remote areas, Aboriginal and Torres Strait Islander persons with disabilities, persons with intellectual or psychosocial disabilities, persons with disabilities living in institutions and women and children with disabilities, have access to information on an equal basis with others and to affordable, accessible, quality health services, including sexual, reproductive and mental health services; (b) All health-care services are based on a non-discriminatory, human rights model of disability and that any medical treatment is provided with the free and informed consent of the person concerned prior to any medical treatment; (c) Health-care practitioners receive training on the human rights model of disability to enhance their capacity to provide accessible, quality health care to persons with disabilities.			3	0	D		1	1	1	1		1					
CO-2-3 Austria 2023	Autocode - ANY - Health (art. 25)	Health (art. 25) 57. The Committee is concerned about: (a) The negative impact of seemingly structural deficiencies of child and adolescent mental health services on children and adolescents with disabilities, particularly pronounced after the COVID-19 pandemic, and about the lack of reliable information and data on it; (b) Restrictive access of women and girls with disabilities, particularly women and girls with disabilities in institutions, to sexual and reproductive health services, including contraception, and sex education; (c) The lack of qualified sign language interpretation services in the provision of health services for persons with disabilities, including for refugee and stateless persons with disabilities, and persons with disabilities in refugee-like situations; (d) The inaccessibility, including physical inaccessibility, of many health facilities and services. 58. The Committee recommends that the State party: (a) Significantly improve access to mental health services for persons with disabilities, especially for children with disabilities, and collect data on the provision of such services and their results, disaggregated by age, sex, region and type of impairment; (b) Ensure access for women and girls with disabilities, particularly women and girls with disabilities in institutions, to sexual and reproductive health services, including contraception, and sex education; (c) Provide quality sign language interpretation in health services to persons with disabilities, including refugees and stateless persons with disabilities and persons with disabilities in refugee-like situations; (d) Effectively guarantee accessibility, including physical accessibility, of health facilities and services.			4	0	E		1	1					1				
CO-2-3 China 2022	Autocode - ANY - Health (art. 25)	Health (art. 25) 52. The Committee regrets the lack of information provided on the measures taken to implement the Committee's previous concluding observations and recommendations 8 in particular to ensure that individuals' autonomy, choices, dignity and privacy are respected. It is further concerned about the restrictions for persons with disabilities in access to health care, including sexual and reproductive health services; and about reports of health professionals' non-adherence to the requirement of free and informed consent with regard to persons with disabilities. 53. Taking into account the links between article 25 of the Convention and targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party: (a) Ensure the accessibility and availability of health-care facilities, services and equipment for persons with disabilities across the State party, with specific emphasis on the sexual and reproductive health of women and girls with disabilities; and ensure accessible information and communication is accessible for all persons with disabilities in general treatment in the health-care system; (b) Integrate a human rights-based approach to disability into the training curriculum of all health professionals. Health (art. 25) 75. The Committee is concerned about the reported increase in the number of persons with disabilities experiencing post-traumatic stress disorder, anxiety and depression, and the rising rate of suicide in persons with disabilities. The Committee further notes with concern the lack of a comprehensive, long-term mental health strategy to address this context. 76. The Committee recommends that Hong Kong, China allocate sufficient funds to developing a multi-year mental health care plan that includes the establishment of community and human rights-based mental health services and support across Hong Kong, China.			4	0	E				1	1			1				
CO-2-3 Ecuador 2019	Autocode - ANY - Health (art. 25)	Health (art. 25) 45. The Committee is concerned that: (a) Health programmes do not expressly include persons with disabilities, in particular women and girls living in rural communities and areas; (b) The physical environment, information and communications for health care have not been made accessible, and public programmes and policies are predominantly welfare-based; (c) Insufficient technical, human and economic measures and resources are in place for guaranteeing access to sexual and reproductive health for persons with disabilities, especially girls, adolescents and women with disabilities, and disability prevention measures continue to be prioritized as a means of implementing the right to health. 46. The Committee recommends that the State party: (a) Design specific health-care protocols for persons with disabilities based on a cross-cutting gender and intersectional perspective; (b) Adopt measures and allocate technical resources to ensure the accessibility of the physical environment, infrastructure, information and communications in all places where health-care services are provided and to ensure the availability of information in accessible means and modes, including Braille, trained personnel and accredited sign language interpreters; (c) Exclude disability prevention measures, which do not form part of the implementation of the Convention.			3	0	D			1									
CO-2-3 El Salvador 2019	Autocode - ANY - Health (art. 25)	Health (art. 25) 48. The Committee is concerned that the State party highlights various programmes to contribute to women's health, but makes no specific reference to access to health insurance on an equal basis with others and access to sexual and reproductive health services for girls and women with disabilities, persons with psychosocial or intellectual disabilities and deaf, blind and deafblind persons. The Committee remains concerned about the lack of adaptation to health-care infrastructure and equipment. 49. The Committee recommends that the State party ensure that in its nationwide health programmes, including its sexual and reproductive health programmes, it include persons with disabilities, especially women and girls with disabilities, persons with psychosocial or intellectual disabilities, and deaf, blind and deafblind persons. It also recommends that persons with disabilities have access to health insurance on an equal basis with others. The Committee recommends that the State party allocate resources to ensure accessibility of health services and equipment and that medical professionals be duly trained on the rights of persons with disabilities when providing them with treatment and counseling, in both urban and rural locations.			2	0	C								1				
CO-2-3 Germany 2023	Autocode - ANY - Health (art. 25)	Health (art. 25) 57. The Committee is concerned about: (a) The lack of accessibility and health practitioners trained on communication and on providing information in accessible methods and formats in health-care facilities, in particular for persons with disabilities and in rural areas, and the fact that persons with disabilities may have to travel long distances to obtain accessible medical services; (b) The fact that persons with intellectual and/or psychosocial disabilities and persons who are deaf or hard of hearing are less likely to receive quality health care due to the lack of training of, and discriminatory approach taken by, health professionals; (c) The absence of legal provisions, in particular in the German Civil Code, concerning the delivery of medical information for persons with disabilities in accessible formats to ensure that their free and informed consent is obtained, on an equal basis with others, prior to any medical intervention; (d) Access to health services for persons with disabilities who may receive acute care but not "complementary" services such as physiotherapy, occupational therapy and mental health treatment. 58. The Committee recommends that the State party: (a) Take measures to guarantee the availability and accessibility of health services across the Länder, in particular for women with disabilities and in rural areas, without discrimination, by identifying and removing barriers and providing accessible medical equipment; (b) Strengthen mechanisms for the regular training of health professionals about human rights, dignity, autonomy and the requirements of persons with disabilities; (c) Enforce regulations on the legal protection of persons with disabilities against discrimination in health-care services and define standardized protocols concerning the delivery of medical information to persons with disabilities and their free and informed consent for medical interventions in accordance with the Convention and the Committee's general comment No. 1 (2014); (d) Ensure that asylum-seekers with disabilities have access to comprehensive health services upon their arrival, on an equal basis with others.			4	0	E	1		1	1								
CO-2-3 Hungary 2022	Autocode - ANY - Health (art. 25)	Health (art. 25) 50. The Committee is concerned about: (a) The insufficient accessibility of health-care facilities, services and medical equipment, including physical and informational accessibility, for all persons with disabilities across the State party, particularly for persons with intellectual disabilities and autistic children, in general treatment and women with disabilities in relation to their sexual and reproductive health; (b) The attitudinal barriers and limited knowledge of the rights and requirements of persons with disabilities among health-care professionals. 51. Taking into account the links between article 25 of the Convention and targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party: (a) Develop action plans to ensure the accessibility and availability of health-care facilities, services and equipment for persons with disabilities across the State party, with a specific emphasis on the sexual and reproductive health of women with disabilities, as well as on accessible information and communication for autistic persons, persons with intellectual disabilities and persons with visual and hearing impairments in general treatment in the health-care system; (b) Develop training programmes, including in universities and in-service training curricula, for health-care professionals on the needs and rights of persons with disabilities.			2	0	C				1	1							
CO-2-3 Mexico 2022	Autocode - ANY - Health (art. 25)	Health (art. 25) 56. The Committee is concerned about serious restrictions for persons with disabilities in access to health care, including mental health services and sexual and reproductive health care. It is further concerned about legal exceptions to free and informed consent to medical interventions, and about reports of non-adherence to the requirement of free and informed consent with regard to persons with disabilities. 57. The Committee recommends that the State party: (a) Remove legal exceptions to the requirement of free and informed consent of all persons with disabilities to medical interventions, including hospitalization, and ensure adherence to the requirement of free and informed consent with regard to all persons with disabilities; (b) Ensure available, accessible and quality health-care services, including sexual and reproductive health services, for persons with disabilities, particularly for women and girls with disabilities, make hospitals and health centres accessible to persons with disabilities in urban and rural areas, and protect pregnant women with disabilities from being pressured to undergo abortions; (c) Compile disaggregated data on the access of women with disabilities to safe sexual and reproductive health services, and on infringements on their right to decide on whether to have an abortion; (d) Provide accessible, effective remedies to persons with disabilities alleging a violation of their rights under article 25, in particular to women with disabilities alleging a violation of their sexual and reproductive health rights. 58. The Committee is concerned about serious curtailments of health services for persons with disabilities during the COVID-19 pandemic, and about a lack of emergency medical services in cases of sexual violence against persons with disabilities. 59. The Committee recommends that the State party: (a) Restore all health services for persons with disabilities that were curtailed during the COVID-19 pandemic, and compile disaggregated data on the effects of the pandemic on the health situation of persons with disabilities and on their access to health services; (b) Provide emergency medical services for persons with disabilities who are victims of sexual violence.			4	0	E			1	1				1				
CO-2-3 Mongolia 2023	Autocode - ANY - Health (art. 25)	Health (art. 25) 49. The Committee remains concerned about the limited access of persons with disabilities, in particular women with disabilities, to sexual and reproductive health, particularly in rural and remote areas. It also remains concerned about the lack of progress made to ensure that persons with disabilities exercise their right to free and informed consent. 50. Taking into account the links between article 25 of the Convention and targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee reiterates its previous recommendation and recommends that the State party take measures to ensure access for all persons with disabilities to health services, in particular sexual and reproductive health services, maternal and child health services, especially in rural and remote areas. The Committee also recommends that the State party takes measures to ensure that all persons with disabilities, regardless of the nature of their impairments, have the right to free and informed consent.			2	0	C			1	1								
CO-2-3 New Zealand 2022	Autocode - ANY - Health (art. 25)	Health (art. 25) 49. The Committee is concerned about the poorer health outcomes and life expectancy, compared with the general population, experienced by persons with disabilities, in particular persons with intellectual disabilities, and Māori and Pasifika persons with disabilities. 50. The Committee recommends that the State party progress development of the Health of Disabled People Strategy and strengthen and expedite measures within the New Zealand Disability Strategy, the Health Services and Outcomes Kaupapa Inquiry and the Pathways to Pacific Health and Well-being Strategy, to increase access to health services and improve health outcomes for persons with disabilities.			1	1	C								1				
CO-2-3 Rep Korea 2022	Autocode - ANY - Health (art. 25)	Health (art. 25) 51. The Committee remains concerned that article 732 of the Commercial Act recognizes life insurance contracts for persons with disabilities only if the person "possesses mental capacity", which constitutes discrimination against persons with disabilities. It is also concerned that, under the Act on the Right to Health of the Disabled, women's right to health is limited to pregnancy, childbirth and maternity. 52. Taking into account the links between article 25 of the Convention and targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee reiterates its previous recommendation and recommends that the State party: (a) Repeat article 732 of the Commercial Act and develop and implement specific programmes on different aspects of women's right to health, including access to sexual and reproductive health-care services and mental health services; (b) Develop training for health-care professionals on the rights of persons with disabilities, including on their skills, support measures and communication means and methods, and provide information in accessible formats, including Braille, sign language and Easy Read, for persons with disabilities, in particular persons with psychosocial disabilities and/or intellectual disabilities and women and girls with disabilities.			2	0	C	1		1									
CO-2-3 Spain 2019	Autocode - ANY - Health (art. 25)	Health (art. 25) 48. The Committee is concerned about the limited accessibility of: (a) Health-care services for persons with disabilities, particularly in rural areas; (b) Health-related information and appropriate means of communication, particularly for persons who are deaf or blind and persons with intellectual disabilities; (c) Gynaecological and obstetric care for women with disabilities. 49. The Committee recommends that the State party: (a) Ensure the accessibility and availability of health-care services for all persons with disabilities, particularly in rural areas; (b) Ensure that persons with disabilities have accessible information and that health-care services are provided with alternative means of communication, such as sign language interpretation, Braille, Easy Read and all required augmentative means for that purpose; (c) 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.			3	0	D			1									

CO 2-3 Tunisia 2023	Autocode - ANN: Health (art. 25)	<p>Health (art. 25)</p> <p>45. The Committee is concerned that, for persons with disabilities to benefit from either free health care or reduced rates, they must obtain a Disability Card and be affiliated with the social security system, conditions which constitute a barrier that limits the enjoyment of those benefits by persons with disabilities. It is also concerned that the preference and will of persons with disabilities with regard to health service provision is not observed, in particular for persons with psychosocial or intellectual disabilities, as article 103 of the code of medical ethics authorizes the health professional to have the agreement of the guardian or legal representative to make a decision without the consent of the person concerned. It is further concerned that specialized medical services are only available in the major cities, hindering access to these services for persons with disabilities from rural and remote areas, further complicated by the absence of safe public transport outside urban areas.</p> <p>46. The Committee recommends that the State party:</p> <p>(a) Simplify the administrative measures for obtaining the Disability Card and for becoming affiliated with the social security system;</p> <p>(b) Put in place measures, including by amending Decree No. 93 of the code of medical ethics to align it with the Convention, to ensure that health services and treatments, in particular sexual and reproductive health services, are provided to persons with disabilities, including persons with psychosocial or intellectual disabilities, on the basis of their free will and informed consent;</p> <p>(c) Train doctors and other health professionals on the rights of persons with disabilities, throughout the territory of the State party, including in rural areas;</p> <p>(d) Take all appropriate measures to ensure that all persons with disabilities, in particular women and girls with disabilities, have access to the full variety of health and rehabilitation services in their own communities, including in rural areas, to avoid their having to travel far to urban centres for such services.</p>																							
------------------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

UNCRPD - Article 26 Habilitation and rehabilitation

Note:

Grade colour	A	B	C	D	E	F	G	H
	0	1	2	3	4	5	6	7

Document name	Code	Segment	Positive comment	References/recalls	No of issues	Serious factor	Grade	Create law	Improve law	policy and practice	Themes observed							
											Consent	migration						
CO 1 Australia 2013	Autocode - ANY: Access to h... and rehabilitation (art. 26)	Access to habitation and rehabilitation (art. 26) 47. The Committee regrets the State party's medical model of habilitation and rehabilitation is not based on the human rights model. 48. The Committee recommends that the State party establish a framework to protect persons with disabilities from imposed habilitation and rehabilitation services without their free and informed consent.			1	2	D				1							
CO 1 China 2012	Autocode - ANY: Access to h... and rehabilitation (art. 26)	Rehabilitation and habilitation (art. 26) The Committee is concerned with the imposition of rehabilitation and habilitation measures on persons with disabilities, especially persons with psychosocial or intellectual disabilities, without their informed consent. The Committee recommends that rights based approach to rehabilitation and habilitation be put in place and ensure that such programmes promote the informed consent of individuals with disabilities and respects their autonomy, integrity, will and preference.			1	2	D				1							
CO 1 El Salvador 2013	Autocode - ANY: Access to h... and rehabilitation (art. 26)	Habilitation and rehabilitation (art. 26) 53. The Committee is concerned at the number of people acquiring a disability following migration-related accidents and the lack of vocational and social rehabilitation programmes for their integration in the community. 54. The Committee urges the State party to design and implement rehabilitation programmes for repatriated Salvadoran migrants who have acquired a disability with a view to their integration in the labour force and society.			1	0	B					1						
CO 1 Paraguay 2013	Autocode - ANY: Access to h... and rehabilitation (art. 26)	Habilitation and rehabilitation (art. 26) 61. The Committee is concerned that habilitation and rehabilitation in the State party focus solely on health and do not encompass other areas such as education, work or access to housing. 62. The Committee urges the State party to institute a broad rehabilitation strategy for persons with disabilities at the national level that is tied in with the establishment of the necessary community services and strengthens the services provided at local level so that they are able to meet individual needs.			1	0	B			1								

UNCRPD - Article 26 Habilitation and rehabilitation

Note:

Grade colour	A	B	C	D	E	F	G	H
	0	1	2	3	4	5	6	7

Document name	Code	Segment	Positive comment	References/recalls	No of issues	Serious factor	Grade	Create law	Improve law	policy and practices	Themes observed								
											Consent	migration							
CO 2-3 Austria 2023	Autocode - ANY: Access to h... and rehabilitation (art. 26)	Habilitation and Rehabilitation (art. 26) 59. The Committee is concerned about unequal and often restricted access to habilitation and rehabilitation services for persons with disabilities, depending on their employment status. 60. The Committee recommends that the State party guarantee equal and effective access to quality habilitation and rehabilitation services for all persons with disabilities, irrespective of their present or previous employment status.			1	1	C			1									
CO 2-3 Germany 2023	Autocode - ANY: Access to h... and rehabilitation (art. 26)	Habilitation and rehabilitation (art. 26) 59. The Committee is concerned about the lack of mechanisms in place to ensure that persons with disabilities receive integral rehabilitation services from different providers across the Länder and the uncertain long-term impact of the Federal Participation Act in creating efficient rehabilitation systems to reduce segregation, in particular in congregated settings and sheltered workshops. 60. The Committee recommends that the State party develop cross-cutting, accessible and flexible mechanisms through which persons with disabilities can easily select and receive the most relevant rehabilitation programmes or services in accordance with their choice and preference, and conduct periodic thematic assessments of rehabilitation programmes to ensure that persons with disabilities can exercise independent living and have access to the labour market.			2	0	C			1									
CO 2-3 Mongolia 2023	Autocode - ANY: Access to h... and rehabilitation (art. 26)	Habilitation and rehabilitation (art. 26) 51. The Committee is concerned that the development centres for rehabilitation of children with disabilities and the six development centres for persons with disabilities established in six provinces focus only on the medical model of habilitation and rehabilitation. 52. The Committee recommends that the State party take measures to expand habilitation and rehabilitation systems, taking into account the human rights-based model of disability, and ensure that all persons with disabilities have access to these services based on their individual requirements.			1	1	C			1									
CO 2-3 Rep Korea 2022	Autocode - ANY: Access to h... and rehabilitation (art. 26)	Habilitation and rehabilitation (art. 26) 53. The Committee notes with concern that social security and social welfare support are available, in addition to the State party's citizens, only to long-term residents and non-nationals married to Korean citizens, and require registration as a person with a disability, which excludes non-national persons with disabilities from accessing medical and rehabilitation treatment, vocational training and personal assistance. 54. The Committee recommends that the State party expand habilitation and rehabilitation systems and ensure that persons with disabilities, irrespective of their citizenship or residency status, have access to habilitation and rehabilitation on the basis of their individual requirements.			1	1	C			1									

UNCRPD - Article 27 Work and employment

Grade	A	B	C	D	E	F	G	H
Score	0	1	2	3	4	5	6	7

Document name	Code	Segment	Positive comment	No of states	Serious find	Grade	Chen ba law	Improve law	policy and practice	data	barriers to work	Themes observed								
												Open market / private sector	Women	wages	Training for PD	CC No. 8 (2022)				
CO1 Argentina 2012	Autocode - ANY Work and employment (art. 27)	Work and employment (art. 27) 43. The Committee takes note of the labour law that establishes a minimum quota of 4 per cent for the employment of persons with disabilities in the public sector (Act No. 25.689) and of the various employment programmes for persons with disabilities that have been developed within the public sector. However, the Committee notes with concern that there is a lack of disaggregated data (by inter alia, sex, age, type of disability and geographic location) needed to assess compliance with this quota at the national and provincial levels. The Committee is also concerned about the cultural barriers and prejudices that hinder persons with disabilities from entering the labour market, particularly in the private sector, despite the existence of tax incentives for employers. It is also disturbed about discrimination against persons with disabilities in the realm of employment. 44. The Committee urges the State party to develop a public policy to promote the inclusion of persons with disabilities in the labour market through, for example, the launch of awareness-raising campaigns targeting the private sector and the public at large which are designed to break down cultural barriers and prejudices against persons with disabilities, the implementation of reasonable adjustments in order to ensure that persons with disabilities in need of such adjustments can participate in the labour market, and the development of training and self-employment programmes. The Committee recommends that the State party reinforce its measures for monitoring and certifying compliance with the employment quota for persons with disabilities in the public sector. It also recommends that the State party undertake the systematic collection of disaggregated data as a basis for a proper assessment of compliance with the employment quota at the national and provincial levels.		0	D															
CO1 Australia 2013	Autocode - ANY Work and employment (art. 27)	Right to work (art. 27) 48. The Committee is concerned that employees with disabilities in Australian Disability Enterprises are still being paid wages based on the Business Services Wage Assessment Tool. 49. The Committee recommends that the State party immediately discontinue the use of the Business Services Wage Assessment Tool. 50. The Committee recommends that the State party ensure that the Supported Wage System is modified to set a correct assessment of the wages of persons in supported employment. Adopt initiatives to increase employment participation by women with disabilities by addressing the specific underlying structural barriers to their workforce participation.		1	0	B														
CO1 Austria 2013	Autocode - ANY Work and employment (art. 27)	Work and employment (art. 27) The Committee notes with concern that approximately 19,000 Austrians work in sheltered workshops outside of the open labour market and receive very little pay. While noting that there is a quota system for employing persons with disabilities, the Committee is concerned at reports that the majority of employers prefer to pay a fine rather than comply with the quota requirement. It notes that only 22 per cent of employers actually fulfil their obligations under the Disability Employment Act which governs the quota system. The Committee notes with concern that there is a significant gender gap in the employment and income of women with disabilities, compared to men with disabilities. The Committee recommends that the State party enhance programmes to employ persons with disabilities in the open labour market. The Committee further recommends that measures be put in place to narrow the employment and pay gender gap.		1	4	E														
CO1 China 2012	Autocode - ANY Work and employment (art. 27)	Work and employment (art. 27) While observing the existence of a quota system, the Committee worries that this system does not effectively address the chronic problem of unemployment among persons with disabilities or the deep-rooted causes of discrimination in employment. Specifically, the Committee is concerned that often the employment offered is only of symbolic value or that companies and government bodies frequently opt to pay the employment levy rather than employing persons with disabilities. The Committee is also concerned about the practice of reserved employment (such as the field of "blind massage") which discriminates against persons with disabilities in their vocational and career choices. The Committee urges the State party to ensure that the State party takes necessary measures to ensure the persons with disabilities freedom of choice to pursue vocations according to their preferences. It suggests that the State party create more working opportunities and enact legislation, so that companies and State organs employ more persons with disabilities. Work and employment (art. 27) The Committee is concerned about the high unemployment rate of persons with disabilities in, and that their average salary ranks well below that of persons without disabilities. The Committee is also troubled by the low number of civil servants with disabilities. The Committee recommends that Hong Kong, ...introduce affirmative actions to promote the employment of persons with disabilities, inter alia, to prioritize the employment of persons with disabilities as civil servants. Work and employment (art. 27) The Committee is concerned that employees with disabilities only account for 0.3 per cent of the total employed population. The Committee recommends, ...to introduce more affirmative action to enable persons with disabilities to find employment.		1	4	E														
CO1 Ecuador 2014	Autocode - ANY Work and employment (art. 27)	Work and employment (art. 27) 42. The Committee is concerned at the low employment rate among persons with disabilities. 43. The Committee recommends that programmes be designed to increase the employment rate of persons with disabilities and that employment programmes for persons with disabilities be developed.		1	0	B														
CO1 El Salvador 2013	Autocode - ANY Work and employment (art. 27)	Right to work (art. 27) 55. The Committee is concerned at the discrepancy in access to employment between men and women with disabilities and the fact that there are no mechanisms for monitoring and controlling the employment of persons with disabilities. The Committee is concerned that the State party should provide reasonable accommodation is not an integral part of employment policies, perpetuating discrimination against persons with disabilities in that domain. The Committee is also concerned at the lack of vocational training for persons with disabilities. 56. The Committee recommends that the State party adopt measures, including affirmative action, to ensure equal access to the labour market for women and men with disabilities. It also recommends that the State party implement programmes on access to vocational training for persons with disabilities and encourage their formal and informal training free of charge through the technical body recognized by the State for that purpose.		4	0	E														
CO1 Germany 2015	Autocode - ANY Work and employment (art. 27)	Work and employment (art. 27) 49. The Committee is concerned about: (a) Segregation in the labour market; (b) Financial disincentives for persons with disabilities preventing their entry or transition to the open labour market; (c) The fact that segregated, sheltered workshops fail to prepare workers for or promote transition to the open labour market. 50. The Committee recommends that the State party provide regulations that effectively create an inclusive labour market in accordance with the Convention by: (a) Creating employment opportunities in accessible workplaces, in line with general comment No. 2 of the Committee, in particular for women with disabilities; (b) Phasing out sheltered workshops through immediately enforced strategies and timelines and incentives for public and private employment in the mainstream labour market; (c) Ensuring that persons with disabilities do not face any reduction in social protection and pension insurance currently tied to sheltered workshops; (d) Collecting data on the accessibility of workplaces in the open labour market.		3	0	D														
CO1 Hungary 2012	Autocode - ANY Work and employment (art. 27)	Right to work (art. 27) The Committee notes with appreciation that the State party has taken a number of steps to promote the right to work of persons with disabilities, including through the inclusion of a provision on reasonable accommodation for persons with disabilities in the 2012 Labour Code (Law 1/2012). The Committee regrets, however, that the overall employment rate of persons with disabilities remains lower than for other population groups despite such efforts. The Committee recommends that the State party effectively implement the disability-specific provisions of the Labour Code and develop programmes to integrate persons with disabilities into the open labour market and the education and professional training systems, and to make all work places and educational and professional training institutions accessible for persons with disabilities, as recommended by the Committee on Economic, Social and Cultural Rights in 2008 (E/C.12/HUNCO/3), through fulfilling the requirements of article 27 of the Convention, with a special view to further intensifying its efforts to increase the employment opportunities for women and men with disabilities in the public and private sectors.		1	1	0	B													
CO1 Mexico 2014	Autocode - ANY Work and employment (art. 27)	Work and employment (art. 27) 51. The Committee is concerned at: (a) The low employment rate among persons with disabilities, especially intellectual and psychosocial disabilities, and the limited coverage of strategies and programmes to promote their employment; (b) The lack of information on the working conditions of persons with disabilities; (c) The particular discrimination women and indigenous persons with disabilities face in accessing the labour market; (d) The lack of mechanisms to achieve the 3 per cent quota of persons with disabilities in the public sector; and (e) The lack of regulations on the provision of reasonable accommodations for persons with disabilities in the workplace, both public and private. 52. The Committee recommends that the State party: (a) Boost access-to-employment programmes for persons with disabilities, especially intellectual and psychosocial disabilities, by allocating resources and through measures to encourage their recruitment in the private sector; (b) Set up mechanisms to protect persons with disabilities from all forms of forced labour, exploitation and harassment in the workplace; (c) Take corrective measures to ensure the recruitment of women and indigenous persons with disabilities; (d) Set up a mechanism to monitor the achievement of the public sector quota of persons with disabilities and roll out similar affirmative action measures in the private sector; and (e) Regulate the criteria for the provision of reasonable accommodations for workers with disabilities and allocate the necessary budget for such accommodations in the public and private sectors.		4	0	E														
CO1 Mongolia 2015	Autocode - ANY Work and employment (art. 27)	Work and employment (art. 27) 40. The Committee is concerned that the sanctions for non-compliance with the legislative requirement for public and private entities with more than 25 personnel to have 4 per cent of personnel consisting of persons with disabilities is not commensurate and results in the majority of such entities choosing to pay the low fines for non-compliance rather than employ persons with disabilities. Furthermore, the Committee is concerned that the legislation limiting the maximum number of working hours per week to 36 for persons with disabilities may discourage their employment. 41. The Committee recommends that the State party review its current system for enforcing the requirement that 4 per cent of the personnel of entities employing more than 25 personnel consist of persons with disabilities in employment. In doing so, the State party should consider increasing the financial penalties for non-compliance with the quota. Furthermore, the Committee recommends that the State party adopt measures to improve the vocational capacity of persons with disabilities to improve their employment prospects, along with other reinforcing statutory measures, such as monitoring the quota system and developing new disability employment policies.		2	0	C														
CO1 New Zealand 2014	Autocode - ANY Work and employment (art. 27)	Work and employment (art. 27) The Committee is concerned that the employment levels in New Zealand for persons with disabilities, and especially for Maori and Pacific people with disabilities, are still low. The Committee recommends that further steps be taken to increase the employment levels of persons with disabilities. The Committee is concerned that under the Minimum Wage Act 1983, some 1,200 persons with disabilities are paid less than the minimum wage under minimum wage exemption permits. The Committee recommends that the State party examine alternatives to minimum wage exemption permits in the employment of persons with disabilities.		2	0	C														
CO1 Paraguay 2013	Autocode - ANY Work and employment (art. 27)	Work and employment (art. 27) 63. The Committee takes note of the quota system for employing persons with disabilities in the public sector, but notes with concern that there are no policies to encourage employment in the private sector. It is also concerned at the fact that employment training programmes concentrate on manual and craft work and occupations and that there is no promotion of equal employment opportunities. 64. The Committee recommends that the State party adopt without delay policies on the employment of persons with disabilities in both the public and the private sectors, including the implementation of affirmative action measures, and opportunities for persons with disabilities to choose over-education or employment by means of training in areas of their choice and access to soft loans. 65. The Committee is greatly concerned at the fact that there is no legislation to protect persons with disabilities from discrimination, including denial of reasonable accommodation, in the labour sector. 66. The Committee urges the State party to encourage the adoption of legislation to prohibit and effectively penalize all forms of discrimination against persons with disabilities in the labour sector, and to establish mechanisms for redress where their labour rights are violated.		1	0	D														
CO1 Peru 2012	Autocode - ANY Work and employment (art. 27)	Work and employment (art. 27) While taking note with appreciation of the State party's efforts to increase the level of employment of persons with disabilities, in particular the Supreme Decree No. 027-2007-PCM which requires institutions within the public sector to have at least 3 per cent of the total workforce composed of workers with disabilities, the Committee remains concerned at the high rate of unemployment and underemployment of persons with disabilities that, according to the State party's response to the list of issues, go as to nearly 60 per cent and 55.3 per cent respectively. The Committee urges the State party to develop new policies that promote the inclusion of persons with disabilities in the labour market which could include tax incentives for companies and persons who employ persons with disabilities, the recruitment of persons with disabilities in public administration and the development of self-employment programmes. The Committee further recommends that the State party adopt educational programmes to capacitate persons with disabilities in order to include them in the labour market. The Committee appreciates the State party's concern with the widespread poverty of persons with disabilities. The Committee urges the State party to address the negative impact of poverty by mainstreaming disability inclusive socio-economic development.		1	2	0	C													
CO1 Rep. Korea 2014	Autocode - ANY Work and employment (art. 27)	Work and employment (art. 27) The Committee is concerned that the Minimum Wage Act excludes from the benefit of the minimum wage "those who clearly lack the capacity to work" and fails to set clear standards for conducting assessments and making decisions to define the lack of capacity to work. The Committee is also concerned that, as a result, many persons with disabilities who work, especially those with psychosocial disabilities, receive compensation below the minimum wage, and that the practice of placing such workers in sheltered workshops that do not aim to prepare them for entry into the open labour market continues. The Committee encourages the State party to introduce a supplementary wage system to compensate those persons with disabilities who are excluded from the benefit of the minimum wage by the Minimum Wage Act and to eliminate sheltered workshops and seek alternatives in line with the Convention to promote the employment of persons with disabilities in close consultation with organizations of persons with disabilities. The Committee is concerned that, despite the existence of a mandatory employment quota system for persons with disabilities, unemployment is higher for persons with disabilities, and in particular for women with disabilities, than for the general population. The Committee recommends that the State party put in place measures to narrow the employment gap, paying particular attention to the employment of women with disabilities. It recommends, in particular, that the State party ensure the effective implementation of the mandatory employment quota system for persons with disabilities and the publication of relevant statistics on the achievements and results in that area.		3	0	D														
CO1 Spain 2011	Autocode - ANY Work and employment (art. 27)	Right to work (art. 27) 45. Despite a number of enabling provisions to keep persons with disabilities in employment, the Committee is concerned with the overall low rate of employment of persons with disabilities. 46. The Committee recommends that the State party develop open and advanced programmes to increase employment opportunities for women and men with disabilities.		1	0	B														
CO1 Tansania 2011	Autocode - ANY Work and employment (art. 27)	Work and employment (art. 27) 34. The Committee takes note of the State party's efforts to support the employment of persons with disabilities in public services. However, it remains concerned at the low level of inclusion of persons with disabilities in the private sector. 35. The Committee recommends that the State party: (a) Ensure the implementation of measures of affirmative action provided for in the law for the employment of women and men with disabilities; (b) Increase the diversity of employment and vocational training opportunities for persons with disabilities; and (c) Ensure the participation of persons with disabilities and their representative organizations within the Labour Inspection Office and the Conciliation Committees.		1	1	0	B													

UNCRPD - Article 27 Work and employment

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	

Document name	Code	Segment	Poverty comment	No of States	Relevant financial support / density	Status factor	Grade	Themes observed										
								Gender law	Improve law	Policy and practice	Barriers to work	Open market / private sector	Women	Wages	Training by FDI	CC No. 8 (2022)		
CO-23 Australia 2019	Autocode- ANY Work and employment (art. 27)	Work and employment (art. 27) 49. The Committee is concerned about: (a) The narrow and incomplete scope of the review of the National Employment Framework for People with Disability and about the lack of clear measures to reform the Disability Employment Services; (b) The ongoing segregation of persons with disabilities employed through Australian Disability Enterprises and the fact that such persons receive a sub-minimum wage; (c) The low labour force participation of persons with disabilities, particularly women with disabilities, Aboriginal and Torres Strait Islander persons with disabilities, persons with disabilities from culturally and linguistically diverse backgrounds and refugees and asylum-seeking persons with disabilities. 50. The Committee recommends that the State party: (i) Take measures to reform the Disability Employment Services and develop a national disability employment strategy that incorporates the recommendations from the "Willing to work" inquiry and contains targeted gender-sensitive measures; (ii) Undertake a comprehensive review of Australian Disability Enterprises to ensure that they adhere to article 27 of the Convention and provide services to enable persons with disabilities to transition from sheltered employment into open, inclusive and accessible employment, ensuring equal remuneration for work of equal value; (iii) Implement measures to address systemic and structural barriers experienced by persons with disabilities, particularly by women with disabilities, Aboriginal and Torres Strait Islander persons with disabilities, persons with disabilities from culturally and linguistically diverse backgrounds and refugees and asylum-seeking persons with disabilities.		3	0	D		1				1	1					
CO-23 Austria 2023	Autocode- ANY Work and employment (art. 27)	Work and employment (art. 27) 61. The Committee is concerned about: (a) The comparatively low rate of participation in the work force of persons with disabilities, the low employment rate of persons with disabilities in the open labour market, and the increasingly high rate of long-term unemployment of persons with disabilities; (b) The segregating effects of the Assessment of the ability to work by the pension insurance institute (PIA) commissioned by the Austrian Public Employment Service (AMS) on the basis of legal principles and the evaluation of "performance ability" or "suitability for work" (on persons with disabilities) (loss of health and pension insurance, counseling and care services, mobility to refer, etc.), its grounding in a medical model of disability, its application even to children, the irreversibility of the assessment and the lack of an effective remedy against it; (c) The segregated employment of persons with disabilities in sheltered workshops and "occupational therapy workshops", engendering, among others, the denial of the status of employed or self-employed person, and the payment of "pocket money" instead of adequate wages; (d) The lack of compatibility between the provision of disability benefits and payment from gainful employment by persons with disabilities; (e) The prerequisites for the provision of personal assistance at the workplace being based on a medical model of disability; (f) The lack of inclusive vocational orientation and training for persons with disabilities, in particular for young persons with disabilities. 62. The Committee recommends that the State party: (a) Further develop and implement the projects in the National Action Plan on Disability (NAP) 2022-2030, in close consultation with and the active involvement of persons with disabilities, including women with disabilities, and incorporate specific measures in the NAP, endowed with adequate resources, time frames and monitoring mechanisms, ensuring the transition from segregated employment to employment in the open labour market for all persons with disabilities; (b) Render the assessment based on the Assessment Ordinance compliant with the human rights model of disability, do not apply it to children, re-evaluate assessments periodically, provide an effective remedy against assessments, ensure that persons with disabilities retain their social security status, including health and pension insurance, irrespective of the outcome of the assessment, and apply it retroactively to persons with disabilities already assessed as "suitable for work"; (c) Ensure equal pay for work of equal value to all persons with disabilities, on an equal basis with others, adopt measures to eliminate the gender gap in employment, including pay, and secure the fulfilment of employment contracts or the conferment of the legal status as "employee", and the recognition as "self-employed" for all persons with disabilities, on an equal basis with others; (d) Harmonize disability benefits with payment from gainful employment, avoiding negative repercussions on disability benefits from taking up employment; (e) Ground the prerequisites for the provision of reasonable accommodation, including personal assistance, at the workplace in the human rights model of disability, as enshrined in the Convention; (f) Provide inclusive vocational orientation and training to persons with disabilities, particularly young persons with disabilities.		4	0	E		1	1		1	1	1	1				
CO-23 China 2022	Autocode- ANY Work and employment (art. 27)	Work and employment (art. 27) 54. The Committee notes with concern the practice of recruiting and employing small persons for the amusement park "Kingdom of the Little People", under unhealthy working conditions that promote harmful stereotypes and are conducive to ridicule, and offer lower pay for work of equal value. Upon receiving reports of small persons lacking effective access to general and vocational guidance programmes, placement services and ongoing training, the Committee is further concerned that, although it constitutes a segregated working environment, the "Kingdom of the Little People" has become, de facto, the only real work opportunity open to small persons. This constitutes a violation of their right to freely choose their work and the right to just and favourable conditions of work. 55. Recalling its general comment No. 8 (2022) on the right of persons with disabilities to work and employment, the Committee recommends that the State party take measures to move away from segregated working environments and facilitate small persons' greater access to new career opportunities, by: (a) Promoting inclusive education, and access to technical and vocational guidance programmes, ongoing training and placement services for small persons; (b) Offering small persons employment opportunities in the public sector; (c) Allocating resources to broad and targeted awareness-raising campaigns to promote the dignity, capabilities and contributions of small persons in the area of work.		2	1	D							1		1			
CO-23 Ecuador 2019	Autocode- ANY Work and employment (art. 27)	Work and employment (art. 27) 47. The Committee is concerned that: (a) The refusal of reasonable accommodation in the workplace as a form of discrimination in the Organic Act on Disabilities; (b) The reduction in the number of persons with disabilities, especially women with disabilities, engaged in regular employment, the low level of compliance by the institutions of the State party itself and by businesses with the promotion of employment by means, inter alia, of assigned hiring quotas, the scant enforcement and lack of legislative measures for penalizing companies that are not hiring a sufficient number of persons with disabilities in regular positions; and the failure to promote opportunities for self-employment and entrepreneurship incentives for persons with disabilities; 48. The Committee recommends that, in accordance with the Convention and bearing in mind target 8.5 of the Sustainable Development Goals, the State party: (a) Recognize the refusal of reasonable accommodation in the workplace as a form of discrimination in the Organic Act on Disabilities; (b) Step up its efforts to increase the number of persons with disabilities who are employed in regular positions and who are self-employed in open work environments and to comply with measures designed to promote the employment of persons with disabilities, including quotas in the public sector, and adopt legislative measures to penalize companies that do not hire a sufficient number of persons with disabilities in regular positions; (c) Thoroughly train persons with disabilities for employment in regular paid positions in both urban and rural areas and adopt extensive measures to promote entrepreneurship among persons with disabilities.		3	0	D		1			1	1	1	1				
CO-23 El Salvador 2019	Autocode- ANY Work and employment (art. 27)	Work and employment (art. 27) 50. The Committee is concerned that: (a) Legislation does not recognize denial of reasonable accommodation in employment as discrimination on the basis of disability; (b) There is a low rate of representation of persons with disabilities in employment, particularly as public servants; (c) The national strategy has been established to provide vocational training programmes for persons with disabilities in either urban or rural areas and to ensure the creation of job opportunities in the open labour market. 51. Taking into account target 8.3 of the Sustainable Development Goals, the Committee recommends that the State party: (a) Review and modify labour legislation to ensure that denial of reasonable accommodation in the workplace is considered discrimination on the basis of disability; (b) Establish affirmative measures, with quotas, and with sanctions for non-compliance, to increase the proportion of persons with disabilities in the open labour market in the public and private sectors, especially women with disabilities, and in that regard monitor the work and employment situation of persons with disabilities; (c) Design and implement a national strategy with a focus on disability in the field of vocational rehabilitation and work.		3	0	D		1			1	1	1	1				
CO-23 Germany 2023	Autocode- ANY Work and employment (art. 27)	Work and employment (art. 27) 61. The Committee is concerned about: (a) The high incidence of unemployment among persons with disabilities, in particular persons with intellectual support requirements, the high number of persons with disabilities enrolled in sheltered workshops and the low rate of transition to the open labour market; (b) Insufficient legal measures to guarantee the accessibility of and reasonable accommodation in workplaces to make the private sector accountable for not observing the quotas of employment for persons with disabilities; (c) The lack of accessible and inclusive facilities that provide vocational training and protocols to eliminate discrimination and segregation and to ensure that persons with disabilities have equal opportunities to choose vocational programmes freely, without any kind of coercion. 62. With reference to its general comment No. 8 (2022) and recalling the recommendations of the Committee on Economic, Social and Cultural Rights, 12 the Committee recommends that the State party: (a) Develop, in close consultation with and with the active involvement of organizations of persons with disabilities, an action plan to promote the transition of persons with disabilities in sheltered workshops to the open labour market across the Länder that sets forth a suitable allocation of resources and specific time frame; (b) Enforce the implementation of the quotas of employment for persons with disabilities in both the public and the private sectors, including through measures more effective than the current compensatory levy, and ensure the accessibility of and reasonable accommodation in workplaces; (c) Restructure the vocational training system and take measures to ensure accessibility and inclusiveness, including through the establishment of a complaints mechanism to investigate discriminatory practices on the basis of disability in the field of vocational rehabilitation and work.		3	0	D		1		1	1	1	1	1				
CO-23 Hungary 2022	Autocode- ANY Work and employment (art. 27)	Work and employment (art. 27) 52. The Committee notes with concern: (a) The very low employment rate of persons with disabilities, particularly in the open labour market, where those employed are mostly in underpaid, unskilled jobs and in sheltered workshops; (b) The ineffectiveness of existing measures of support for the employment of persons with disabilities in an open labour market, including the obligation under the Labour Code to provide reasonable accommodation; (c) The barriers that persons with disabilities face in their employment, resulting from the lack of accessibility to and reasonable accommodation in workplaces, including transportation. 53. The Committee recommends that in line with target 8.5 of the Sustainable Development Goals, the State party: (a) Reverse the existing legislation and measures of support for the employment of persons with disabilities and take comprehensive measures aimed at effectively supporting the work and employment of persons with disabilities in the open labour market and in inclusive work environments; (b) Adopt legislative and policy measures to protect the rights of persons with disabilities to just and favourable conditions of work, and ensure that persons with disabilities are not paid below the minimum wage and are provided with work contracts and equal remuneration for work on an equal basis with others; (c) Redirect the allocations for the employment of persons with disabilities from sheltered employment to support the employment of persons with disabilities, including of persons who require higher levels of support and destigmatized persons, and ensure that the right to seek reasonable accommodation in the workplace is recognized for employees in the public and private sectors; (d) Monitor, in close consultation with organizations of persons with disabilities, the accessibility of workplaces across the State party and adopt an action plan with the aim of outlining measures, with time frames and adequate budgets, to ensure reasonable accommodation in and the accessibility of workplaces, including access to transportation.		4	0	E		1			1	1	1	1				
CO-23 Mexico 2022	Autocode- ANY Work and employment (art. 27)	Work and employment (art. 27) 60. The Committee is concerned about: (a) The persistently low employment rate among persons with disabilities, especially among women with disabilities and persons with intellectual and psychosocial disabilities; (b) Reports of forced labour and trafficking for the purpose of labour exploitation of persons with disabilities; (c) The lack of legal provisions and specific measures to implement the national work and employment programme for people with disabilities for 2021-2024, including provisions and measures on support measures and reasonable accommodation for persons with disabilities in public and private employment; (d) The lack of vocational education and training programmes for persons with disabilities. 61. The Committee recommends that, in accordance with target 8.5 of the Sustainable Development Goals, the State party: (a) Take effective measures to increase employment of persons with disabilities, particularly women with disabilities and persons with intellectual and psychosocial disabilities, in public and private employment, to guarantee non-discrimination in employment and to ensure that the open labour market is inclusive and accessible; (b) Compile data on forced labour, exploitation and harassment, and trafficking for the purpose of labour exploitation, of persons with disabilities, disaggregated by sex, gender, indigenous, urban and rural living environment and type of impairment; (c) Intensify efforts to prevent and punish forced labour, exploitation and harassment, and trafficking for the purpose of labour exploitation of persons with disabilities; (d) Enact legal provisions and take specific measures to implement the national work and employment programme for persons with disabilities for 2021-2024, including support measures and reasonable accommodation for persons with disabilities, in public and private employment; (e) Provide vocational education and training programmes for persons with disabilities, and guidance for persons with disabilities on employment.		4	1	F					1	1	1	1				
CO-23 Mongolia 2023	Autocode- ANY Work and employment (art. 27)	Work and employment (art. 27) 63. The Committee notes with concern that: (a) Despite some efforts made by the State party to improve the access of persons with disabilities to work and employment, they are continually excluded, in particular women with disabilities, persons with intellectual disabilities and persons with psychosocial disabilities, from the open labour market and from starting a business; (b) Despite the existing legal provisions on reasonable accommodation in the Labour Code, they are not consistently recognized and applied in all sectors. 64. The Committee recalls its general comment No. 8 (2022) and recommends that the State party, in line with target 8.5 of the Sustainable Development Goals: (a) Repeal all discriminatory legislation that excludes or limits the participation of persons with disabilities in the open labour market and adopt effective measures to ensure the right of all persons with disabilities to work, in particular women with disabilities, persons with intellectual disabilities and persons with psychosocial disabilities, as well as measures to combat discrimination, particularly in relation to advertisements, recruitment processes, reasonable accommodation, retaining, promotion and other rights related to work and employment; (b) Strengthen the implementation of the Labour Code and ensure that the right to seek reasonable accommodation in the workplace is recognized for employees in the public and private sectors; (c) Strengthen measures to ensure that persons with disabilities, including persons with disabilities who leave institutions, persons with intellectual disabilities, persons with psychosocial disabilities and persons with hearing disabilities, have access to work and employment in the open labour market and to inclusive work environments, particularly in relation to advertisements, recruitment processes, reasonable accommodation, retaining, promotion, starting a business and other rights related to work and employment.		3	0	D		1			1	1	1	1				
CO-23 New Zealand 2022	Autocode- ANY Work and employment (art. 27)	Work and employment (art. 27) 61. The Committee is concerned about: (a) The continued low rate, compared with the general population, of labour force participation and the low rate of employment of persons with disabilities in the open labour market; (b) The continued segregated employment programmes for persons with disabilities ("business enterprises") and the use of minimum wage exemption permits. 62. The Committee recommends that the State party: (a) Expedite the development of the Disability Employment Action Plan in close consultation with and with the active involvement of persons with disabilities, including women with disabilities, Māori with disabilities and Pasifika persons with disabilities; (b) Incorporate concrete measures in the Disability Employment Action Plan, with resources, time frames and monitoring mechanisms that ensure the transition from segregated employment to the open labour market; (c) Repeal section 8 of the Minimum Wage Act of 1983 and ensure that persons with disabilities are paid on the principle of equal pay for work of equal value.		3	0	D		1				1	1	1				

CO-2-3 Rep Korea 2022	Autocode: ANY: Work and employmen t (art. 27)	Work and employment (art. 27) 55. The Committee notes with concern: (a)Discriminatory legislation that excludes or limits the participation of persons with psychosocial disabilities and/or intellectual disabilities in the labour market; (b)That the Minimum Wage Act excludes persons with disabilities from benefiting from the minimum wage, which has resulted in many persons with disabilities who work receiving compensation below the minimum wage; (c)The ongoing segregation of persons with disabilities in sheltered workshops and the lack of concrete plans to gradually move workers with disabilities from these workshops to the open labour market; 56. The Committee recommends that the State party, in line with target 8.5 of the Sustainable Development Goals: (a)Repeal all discriminatory legislation that excludes or limits the participation of persons with disabilities in the open labour market and adopt effective measures to ensure the right of all persons with disabilities to work, as well as measures to combat discrimination, in particular in relation to advertisements, recruitment processes, reasonable accommodation, training, promotion and other rights related to work and employment; (b)Review the Minimum Wage Act to ensure equal remuneration for work of equal value and provide compensation to persons with disabilities who are excluded from the benefit of the Act; (c)Strengthen measures to ensure that persons with disabilities, including persons with disabilities taking part in deinstitutionalization processes, persons with hearing impairments and persons with psychosocial disabilities and/or intellectual disabilities, have access to work and employment in the open labour market and to inclusive work environments; (d)Implement measures to enable persons with disabilities to transition from sheltered employment into open, inclusive and accessible employment and ensure the effective implementation of specific affirmative action measures designed to promote the employment of persons with disabilities, including quotas to increase participation of persons with disabilities, in particular women with disabilities, in the open labour market.			3	0	D		1		1	1	1				
CO-2-3 Spain 2019	Autocode: ANY: Work and employmen t (art. 27)	Work and employment (art. 27) 50. The Committee is concerned about: (a)The lack of progress made to implement the Committee's recommendation made in its previous concluding observations (CRPDICESPIDCOH, para. 46) to increase the low employment rate of persons with disabilities in the open labour market, which especially affects women with intellectual or psychosocial disabilities and persons with disabilities living in rural areas; (b)The lack of information on the application of anti-discrimination laws, including provisions on direct and indirect discrimination and denial of reasonable accommodation, in the workplace; (c)The failure to comply with the quota set out in the revised text of Act No. 9/2017 on public sector contracts. 51. The Committee recommends that the State party, in line with target 8.5 of the Sustainable Development Goals: (a)Analyse and modify legislation, regulations and policies to promote the employment of persons with disabilities in the public and private sectors, with particular emphasis on women with disabilities and persons with disabilities living in rural areas; (b)Ensure that reasonable accommodation is available and accessible for persons with disabilities with administrative safeguards, especially in cases of accidents that have led to disabilities in the workplace; (c)Adopt concrete measures to fully implement the legal quota established in the revised text of Act No. 9/2017 on public sector contracts.			1	3	1	E	1		1						
CO-2-3 Tunisia 2023	Autocode: ANY: Work and employmen t (art. 27)	Work and employment (art. 27) 47. The Committee is concerned about the lack of compliance with the laws on the employment of persons with disabilities, in particular Law No. 83 (2005), which provides for the quota system as well as entry into a competitive job market. It is also concerned that the majority of persons with disabilities who have any form of employment are in the informal sector, where they are subjected to precarious working conditions, such as underemployment, low wages and no social protection. It is further concerned that unemployment of persons with disabilities has also been allegedly associated with inequalities in access to education and training, negatively affecting persons with disabilities. 48. The Committee, recalling its general comment No. 8 (2022) on the right of persons with disabilities to work and employment, and Sustainable Development Goal 8, to promote sustained, inclusive, and sustainable economic growth, full and productive employment and decent work for all, recommends that the State party: (a)Take appropriate measures to enforce compliance with the laws on the employment of persons with disabilities, in particular Law No. 83 (2005), including more effective sanctions for employers who violate those laws in the recruitment, hiring and retention of persons with disabilities and through denial of reasonable accommodation in their establishments; (b)Adopt measures to secure, through constructive dialogue with the active participation of and in consultation with organizations of persons with disabilities, the development of efficient policies and programmes for the inclusion of persons with disabilities on the open labour market; (c)Adopt protection measures for persons with disabilities from employers in the informal sector, where they are subjected to precarious and unlawful working conditions; (d)Adopt legislative and policy measures to improve access and accessibility to assistive technical and vocational guidance and training for persons with disabilities to increase their employability on equal basis with other persons.			3	0	D		1		1	1	1	1			

UNCRPD - Article 28 Adequate standard of living and social protection
Note:

Grade	A	B	C	D	E	F	G	H
	0	1	2	3	4	5	6	7

Document name	Code	Segment	Positive comment	No of issues	Serious factor	Grade	Cross to law	Injurious law	Poverty and practices	Poverty	Lack of data	Women / children	Migrant /refugee	Themes observed						
														1	2	3	4	5	6	7
CO1 Argentina 2012	Autocode - ANY: Adequate standard of living (art. 28)	Adequate standard of living and social protection (art. 28) 45. The Committee notes with concern that provisions in the State party's laws on non-contributory pensions (including the requirement set out in Regulatory Decree No. 432/97 and the eligibility requirement for a welfare pension based on the presence of a disability established in Act No. 18.910) discriminate, either directly or indirectly, against persons with disabilities. The Committee is also concerned about the unequal treatment of migrant workers with disabilities and disabled children of migrant workers in terms of access to social protection measures, such as disability pensions, health care, rehabilitation services and housing. 46. The Committee urges the State party to review its social security legislation and to reformulate the provisions that prevent persons with disabilities, including migrant workers and disabled children of migrant workers, from having equal access to social protection in accordance with article 28 of the Convention.		2	0	C		1	1				1							
CO1 China 2012	Autocode - ANY: Adequate standard of living (art. 28)	Adequate standard of living and social protection (art. 28) While appreciating the existence of a policy of poverty reduction and providing benefits and subsidies, the Committee is concerned about the gap in receiving such benefits between the persons with disabilities living in rural and urban areas. The Committee recommends that the State party increase measures to remedy the gap for the awarding of benefits between rural and urban areas and take steps to ensure that persons with disabilities – regardless of how they acquire their disability – have immediate access to certification and benefits. It asks the State party to specifically inform persons with disabilities in rural areas of their right to benefits and develop a system to prevent the corruption in the context of allocation and distribution of welfare benefits by local officials. Adequate standard of living and social protection (art. 28) The Committee is concerned about the family-based assessment for application and eligibility to receive the Comprehensive Social Security Assistance. In addition, the Committee is worried about the different standards employed by doctors in approving the disability allowance. The Committee suggests that Hong Kong, , replace the family-based assessment with an individual-based one in order to determine the eligibility to receive the Comprehensive Social Security Assistance. The Committee also recommends that Hong Kong, , introduce uniform standards for approving the disability allowance.		2	0	C		1	1				1							
CO1 Ecuador 2014	Autocode - ANY: Adequate standard of living (art. 28)	Adequate standard of living and social protection (art. 28) 44. The Committee is concerned that the social housing prototype of the Ministry of Urban Development and Housing has been designed without taking into account the universal design component that would make it possible for persons with disabilities to make use of such housing. 45. The Committee recommends that the social housing prototype be reviewed and redesigned to take account of the needs of persons with disabilities and that housing planned from the perspective of universal design.		1	0	B		1												
CO1 El Salvador 2013	Autocode - ANY: Adequate standard of living (art. 28)	Adequate standard of living and social protection (art. 28) 57. The Committee notes that social protection measures mainly protect persons whose disabilities result from the armed conflict, and that the State does not have strategies for fulfilling the various aspects of the right to an adequate standard of living and social protection, such as a home, clothing, food, drinking water and poverty reduction. The Committee is concerned that persons with disabilities tend to be illiterate, that those living in rural and remote areas cannot access certain basic services, such as drinking water and sanitation, and that plans to provide water do not take their needs into account. 58. The Committee recommends that the State party adopt measures to ensure that persons with disabilities, including children, have access to social protection and non-contributory pension schemes. It also recommends that the State party adopt public policies, including poverty reduction strategies, which foster the fulfillment of the right to an adequate standard of living and social protection of persons with disabilities, as well as allocate the necessary budget for their implementation. The Committee urges the State party to adopt, through consultation with organizations of persons with disabilities, measures for the elimination of barriers to the access of such persons to basic services, drinking water and sanitation in rural and remote areas, and to include the organizations in monitoring their implementation.		2	0	C		1	1					1						
CO1 Germany 2015	Autocode - ANY: Adequate standard of living (art. 28)	Adequate standard of living and social protection (art. 28) 51. The Committee is concerned that persons with disabilities use personal finances to pay for additional disability-related expenses, especially in relation to living independently. 52. The Committee recommends that the State party immediately undertake a review of the personal income used by persons with disabilities to meet their needs and to live independently. The Committee also recommends that the State party provide social services to persons with disabilities that provide the same living standards compared to persons without disabilities on comparable incomes.		1	0	B		1												
CO1 Mexico 2014	Autocode - ANY: Adequate standard of living (art. 28)	Adequate standard of living and social protection (art. 28) 53. The Committee is deeply concerned at the exclusion, poverty, lack of access to drinking water, sanitation and decent housing, and the overall conditions of poverty experienced by indigenous persons with disabilities and at the lack of information in this regard. It is further concerned that the National Commission for the Development of Indigenous Peoples does not have a work programme for persons with disabilities and that its own premises and services are not accessible. 54. The Committee urges the State party to: (a) Step up efforts to include indigenous persons with disabilities in post-2015 development policies, with a community and rural focus, and ensure that their needs, perspectives and views are taken into account in these policies; (b) Set up a system to periodically monitor initiatives for indigenous peoples under the National Programme for the Development and Inclusion of Persons with Disabilities; and (c) Take special measures to eliminate the particular disadvantages faced by indigenous women, children and older persons with disabilities who have been abandoned or live in extreme poverty.		1	3	E		1	1				1	1						
CO1 Mongolia 2015	Autocode - ANY: Adequate standard of living (art. 28)	Adequate standard of living and social protection (art. 28) 42. The Committee is concerned about the lack of data on the standard of living of persons with disabilities and the resulting lack of information to guide the formulation and implementation of social support measures for ensuring an adequate standard of living for such persons. 43. The Committee recommends the State party to increase the quantity of social benefits afforded to persons with disabilities in line with the minimum wage and the minimum standard of living, and develop and implement compensation schemes for with regard to disability-related extra expenses incurred by persons with disabilities and their families.		1	0	B		1				1								
CO1 New Zealand 2014	Autocode - ANY: Adequate standard of living (art. 28)	Adequate standard of living and social protection (art. 28) The Committee is concerned that persons with disabilities have a lower socioeconomic status when compared with other New Zealanders. In particular, children with disabilities are overrepresented in statistics on child poverty and are more likely to be living in one-parent households. The support and income-pension provided to persons with disabilities differs according to the cause of their disability, which results in an unjustified and unreasonable difference in their standard of living and social protection. The Committee recommends that a review be undertaken of disability-related costs to ensure a sufficient allocation of income-pension, in particular for children with disabilities, and their families.		2	0	C		1	1			1								
CO1 Paraguay 2013	Autocode - ANY: Adequate standard of living (art. 28)	Adequate standard of living and social protection (art. 28) 67. The Committee notes the introduction of a disability voucher. It is nevertheless concerned at the fact that, though it is non-contributory, the amount of the voucher is not consistent with the right to an adequate standard of living for persons with disabilities. The Committee is also concerned at the inadequacy of measures to compensate persons with disabilities and their families, whose income is reduced because of their disability. It is also concerned at the lack of policies on access to housing and development. 68. The Committee recommends that the State party adopt a public policy on development that includes gender-sensitive strategies specifically aimed at reducing poverty and providing access to development for persons with disabilities and their families, including guarantees of decent housing on an equal footing with others, and paying particular attention to persons living in rural areas.		3	0	D			1											
CO1 Rep Korea 2014	Autocode - ANY: Adequate standard of living (art. 28)	Adequate standard of living and social protection (art. 28) The Committee is concerned that the National Basic Living Security Act excludes from the benefit of minimum living support those persons with disabilities whose family members have a certain amount of income or property. It is also concerned that eligibility for the minimum living support benefit is based on the existing disability grading system and is limited to 'persons with severe disabilities'. The Committee recommends that the State party grant the minimum living support benefit on the basis of the personal characteristics, circumstances and needs of persons with disabilities, rather than on the basis of the disability grading system and on the income and property of their family.		2	0	C		1												

UNCRPD - Article 28 Adequate standard of living and social protection

Grade	A	B	C	D	E	F	G	H
	0	1	2	3	4	5	6	7

Document name	Code	Segment	Positive comment	Reasons for concern / Ample / Adequacy	No of issues	Status factor	Grade	Themes observed												
								Ordnance law	Temporary law	Policy and practice	Poverty	Lack of data	Women / children	Indigenous / migrant / rural	Interaction	Other	Other			
CO-2-3 Australia 2019	Autocode - ANY	Adequate standard of living (art. 28) 51. The Committee is concerned about: (a) The fact that a significant proportion of persons with disabilities are living either near or below the poverty line; (b) The existence of eligibility restrictions to the Disability Support Pension and the inadequacy of income support payments such as the Newstart Allowance to persons with disabilities; (c) The limited consideration of persons with disabilities, particularly Aboriginal and Torres Strait Islander persons with disabilities, in poverty and homelessness reduction strategies, including the National Affordable Housing Agreement and the National Partnership Agreement on Homelessness. 52. The Committee recommends that the State party: (a) Develop a national poverty reduction plan that is inclusive and accessible to all persons with disabilities and prioritize the realization of the right to an adequate standard of living and social protection for Aboriginal and Torres Strait Islander persons with disabilities; (b) End the eligibility restrictions on the Disability Support Pension, increase the rate of Newstart Allowance unemployment payments and other income support payments to ensure that persons with disabilities have access to an adequate standard of living; (c) Ensure that persons with disabilities are included as a priority cohort in the implementation of poverty reduction and public housing programmes, including the National Affordable Housing Agreement and the National Partnership Agreement on Homelessness.			3	0	D		1	1				1						
CO-2-3 Austria 2023	Autocode - ANY	Adequate standard of living (art. 28) 63. The Committee is concerned about: (a) The disproportionately high incidence of poverty among persons with disabilities, persons with disabilities in refugee-like situations, including persons with disabilities under temporary protection; (b) The lack of access to disability support schemes for refugees with disabilities, persons with disabilities in refugee-like situations, including persons with disabilities under temporary protection; 64. The Committee recommends that the State party: (a) Take effective measures, including full coverage by the social security scheme, to eradicate poverty among persons with disabilities; (b) Provide access to disability support schemes for refugees with disabilities, persons with disabilities in refugee-like situations, including persons with disabilities under temporary protection, preventing them to fall into poverty.			2	0	C			1	1				1					
CO-2-3 Ecuador 2019	Autocode - ANY	Adequate standard of living and social protection (art. 28) 49. The Committee is concerned that the US\$ 240.000 Joaquín Gallegos Lara voucher for persons with a disability classified by the State party as "severe" and the disability pension of US\$ 50 granted to persons with disabilities are not sufficient to cover basic expenses and the additional costs derived from the existence of a disability. The Committee is also concerned that: (a) As a result of the lack of an appropriate interlinkage between the Ministry of Economic and Social Inclusion and the Ecuadorian Social Security Institute, a significant number of persons with disabilities are not covered by the social protection system; (b) Persons with disabilities do not have access to an equal footing with others to credits for social housing adapted to meet their accessibility needs. 50. The Committee recommends that, in accordance with the Convention and bearing in mind target 10.2 of the Sustainable Development Goals, the State party: (a) Establish, without delay, a national social protection programme for persons with disabilities and step up its efforts to improve the standard of living of persons with disabilities, in particular women, migrants, indigenous persons with disabilities living in rural areas, by considering an increase in the disability-related voucher that they receive; (b) Guarantee access to an equal footing with others to credits for social housing and the adaptation of such housing to meet accessibility needs.			3	0	D			1										
CO-2-3 El Salvador 2019	Autocode - ANY	Adequate standard of living and social protection (art. 28) 52. The Committee is concerned about the high illiteracy rate, and that the 2015 poverty index does not take into account multidimensional factors that result in high levels of poverty among persons with disabilities, including women with disabilities, persons of African descent with disabilities, indigenous persons with disabilities, and persons with disabilities living in remote and rural areas. It is also concerned there are no statistical data available to reflect the number of persons with disabilities who have benefited from social programmes and State schemes. 53. The Committee recommends that the State party: (a) Establish a national programme to address the higher levels of poverty among persons with disabilities, that includes social protection schemes inclusive of a disability perspective, and strengthen efforts to achieve Sustainable Development Goal 1 on reducing poverty; (b) Allocate budget to improve the standard of living of persons with disabilities, particularly women with disabilities, migrants with disabilities, indigenous persons with disabilities, persons of African descent with disabilities and persons with disabilities living in rural and remote areas.			3	0	D			1	1			1	1	1				
CO-2-3 Germany 2023	Autocode - ANY	Adequate standard of living and social protection (art. 28) 63. The Committee is concerned about: (a) The higher risk of poverty among persons with disabilities, the lack of measures to address poverty among persons with disabilities and the absence of regular research efforts examining the systemic causes of the interrelation of poverty and disability that are able to inform governmental policies and plans adequately; (b) Insufficiently individualized support, including financial support, to persons with disabilities aged over 25 and living with their parents; (c) The integration assistance benefit system, which, by taking into account the assets and income of persons with disabilities and other members of the household, hinders saving on an equal basis with others and jeopardizes financial security for senior citizens. 64. The Committee recommends that the State party: (a) Take all necessary measures to address the increased risk of poverty among persons with disabilities and mainstream disability into all studies, research, policies and plans related to poverty reduction; (b) Revise benefit assessment rules for persons with disabilities in order to meet the individual support requirements of persons with disabilities; (c) Revise the integration assistance benefits of persons with disabilities to allow for savings on an equal basis with others and guarantee their financial security in old age.			3	0	D			1	1									
CO-2-3 Hungary 2022	Autocode - ANY	Adequate standard of living and social protection (art. 28) 54. The Committee notes with concern: (a) The extremely low and inadequate disability allowances and benefits for persons with disabilities, particularly for persons with disabilities requiring higher levels of support, that, alongside the lack of community-based services, result in a high risk of poverty and social marginalization of persons with disabilities and their families; (b) The legal benefits schemes in 2012, which have adversely affected the living conditions of persons with disabilities and their families; (c) The disability entitlement system, which maintain barriers to persons with disabilities in accessing social support services and the information they require. 55. The Committee recommends that the State party take appropriate legislative steps to: (a) Recognize the right of persons with disabilities to an adequate standard of living for them and their families and to progressive improvement in their living conditions through decent disability allowances and benefits and accessible and available housing and services in the community; (b) Redress the negative impacts of the reform of the disability benefits schemes in 2012 and ensure that persons with disabilities are compensated for the damage caused by the reform; (c) Revise the disability entitlement system to make it accessible and easy to use for all persons with disabilities, through the provision of alternative and augmentative modes of information and communication.			3	0	D			1	1									
CO-2-3 Mexico 2022	Autocode - ANY	Adequate standard of living and social protection (art. 28) 62. The Committee is concerned about the high poverty level of persons with disabilities, and about a lack of measures specifically designed for persons with disabilities in the special programme for indigenous and Afro-Mexican people for 2020-2024. 63. The Committee recommends that the State party create a national plan specifically addressing the high level of poverty among persons with disabilities, including its financing and a time schedule for its implementation, implement it, and monitor its implementation.			2	0	C			1	1				1					
CO-2-3 Mongolia 2023	Autocode - ANY	Adequate standard of living and social protection (art. 28) 55. The Committee notes with concern: (a) The inadequacy of the disability allowance and disability pension paid under the disability income and social security policy to cover the high cost of living in the State party, as they do not take into account the rate of inflation and the minimum standard of living; (b) The lack of housing programmes with allocated budgets for persons with disabilities; 56. Recalling the links between article 28 of the Convention and target 10.2 of the Sustainable Development Goals, the Committee recommends that the State party: (a) Strengthen social protection and poverty reduction schemes for persons with disabilities and review the amount of disability allowance paid, in close consultation with and with the active involvement of persons with disabilities and their representative organizations, taking into account the rate of inflation and the minimum standard of living; (b) Establish accessible and affordable housing programmes for persons with disabilities and provide sufficient budgetary allocations for these programmes.			2	0	C			1	1									
CO-2-3 New Zealand 2022	Autocode - ANY	Adequate standard of living and social protection (art. 28) 53. The Committee is concerned about: (a) The disproportionate levels of poverty among persons with disabilities, who are twice as likely to live in poverty than the general population, and for Māori persons with disabilities, who are three times as likely to live in poverty, and the protracted implementation of the recommendations from the Welfare Expert Advisory Group report; (b) The fragmented model of support for persons with disabilities, and the disparity in access to health care, habilitation and rehabilitation services and income support between those who are eligible for coverage under the Accident Compensation Corporation and those who are supported through the disability support system, with those in the latter category more likely to face barriers in maintaining an adequate standard of living; (c) The exclusion from the disability support system of people with foetal alcohol syndrome disorder, chronic fatigue syndrome and other chronic and rare conditions. 54. The Committee recommends that the State party: (a) Expedite implementation of the recommendations of the report from the Welfare Expert Advisory Group to address the inequality and complexity within the social security system for persons with disabilities; (b) Urgently address the fragmentation of the support system for persons with disabilities through a co-design and co-production process to address the inequality between Accident Compensation Corporation recipients and other persons with disabilities, including considering an integrated model of support to ensure uniform standards for all persons with disabilities; (c) Ensure people with foetal alcohol syndrome disorder, chronic fatigue syndrome and other chronic and rare conditions have access to the disability support system and are included in disability policies and programmes.			4	0	E			1	1				1					
CO-2-3 Rep Korea 2021	Autocode - ANY	Adequate standard of living and social protection (art. 28) 57. The Committee notes with concern: (a) The inadequacy of the amount provided as the disability allowance and disability pension to cover the high cost of living in the State party under the disability income and social security policy; (b) That some persons with disabilities are still excluded from the pension system even after the abolition of the disability rating system; (c) The non-eligibility of migrants with disabilities to receive essential support, such as the disability pension, even after completing disability registration. 58. Recalling the links between article 28 of the Convention and target 10.2 of the Sustainable Development Goals, which seek to empower and to promote the economic inclusion of all persons, irrespective of disability status, the Committee recommends that the State party: (a) Strengthen the social protection and poverty reduction schemes for persons with disabilities and review the amount of the disability allowance, in consultation with organizations of persons with disabilities; (b) Expand the eligibility for the disability pension system, in particular by completely abolishing the obligatory provider requirements, to ensure that all persons with disabilities benefit from the disability pension; (c) Take immediate steps to ensure that migrants and refugees living with disabilities can benefit from social security and social welfare support, such as basic living security and disability benefits.			3	0	D			1	1				1					
CO-2-3 Spain 2019	Autocode - ANY	Adequate standard of living and social protection (art. 28) 52. The Committee is concerned that: (a) There are high levels of poverty among persons with disabilities, especially women with disabilities, due to the lack of access to the labour market, lower incomes and the lack of disability-related support measures; (b) The co-payments system for services, which was introduced as an austerity measure, has not been withdrawn. 53. The Committee recommends that the State party: (a) Ensure that the national strategy for reducing poverty incorporates a disability perspective, including specific measures and an allocated budget; (b) Repeal the co-payments system for all services necessary for living independently in the community and ensure that persons with disabilities have full access to those services.			2	0	C			1	1			1						
CO-2-3 Tunisia 2023	Autocode - ANY	Adequate standard of living and social protection (art. 28) 49. The Committee is concerned that, despite the social protection legislative and policy measures, which have included grants to set up small businesses for persons with disabilities, among others, the measures have not been effective enough in reducing social inequalities, given the difficulties of inclusion in the world of work and the increased costs often linked to disabilities. It is also concerned that persons with disabilities face economic insecurity, and this vulnerability is even more evident for the large number of women and girls with disabilities who live in rural areas, where acquiring access to basic public services is even more difficult. 50. The Committee recommends that the State party: (a) Set up an effective system of social protection, which ensures minimum levels of economic security and access to basic support services, including disability-related costs; (b) Put practical measures in place to ensure that persons with disabilities, in particular women and children with disabilities, including those living in rural areas, have access to appropriate, accessible and affordable mainstream social programmes and services, including adequate food, clothing and housing; (c) Mainstream disability into poverty reduction strategies that also include specific measures for persons with disabilities, in particular for women, girls and older persons with disabilities.			2	0	C			1	1	1			1					1

UNCRPD - Article 29 Participation in political and public life

Note:

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	

Document name	Code	Segment	Positive comment	Relevance (national /supran/ energy)	No. of issues	Serious factor	Themes observed												
							Gender	Ordn's Law	Improve law	policy and practice	Exclusion from voting	Access / barriers to polling	Participation in politics / office	GD No. 7 (2019)					
CO1 Argentina 2012	Autocode - ANY. Participation in ... public life (art. 29)	Participation in political and public life (art. 29) 47. The Committee would like to express its recognition of the fact that the State party has repealed the provisions in its Electoral Code that barred deaf-mute persons who do not know how to communicate in writing and persons with psychosocial or intellectual disabilities who have been interned in public institutions from exercising their right to vote. Nevertheless, the Committee remains concerned by: (a) The fact that the amendments to the Electoral Code have not included the elimination of the provision whereby persons who have been declared legally incompetent by a court of law are barred from exercising their right to vote; (b) The lack of appropriate measures for ensuring that institutionalized persons with disabilities have access to the polls and can leave the institutions in question in order to vote. 48. The Committee recommends that the State party: (a) Review the Electoral Code and introduce the necessary amendments to bring it into line with the standards set forth in the Convention, particularly with respect to legal capacity and the exercise of the right to vote on an equal basis; (b) Pursue its efforts to ensure that institutionalized persons with disabilities have access to the polls by, for example, devising and implementing a national plan for ensuring that people are able to exercise their right to participate in political life (CRPD/C/ARG/Q/1/Add.1, para. 249) or other alternative solutions.	1	2	0	C		1		1	1								
CO1 Australia 2013	Autocode - ANY. Participation in ... public life (art. 29)	Participation in political and public life (art. 29) 51. The Committee is concerned that persons with disabilities, in particular those with intellectual or psychosocial disabilities, are automatically excluded from the electoral roll. The Committee is further concerned that persons with disabilities face significant barriers in the voting process. 52. The Committee recommends that the State party enact legislation to restore presumption of the capacity of persons with disabilities to vote and exercise choice, and ensure that all aspects of voting in an election are made accessible to all citizens with disabilities.			2	0	C				1	1							
CO1 Austria 2013	Autocode - ANY. Participation in ... public life (art. 29)	Participation in political and public life (art. 29) 59. However, it appears that many polling booths are not fully accessible to persons with disabilities. The Committee recommends that the State party step up its efforts to ensure that voting is fully accessible to all persons, irrespective of disability, and that voting information is provided in all accessible formats.			1	0	B					1							
CO1 China 2012	Autocode - ANY. Participation in ... public life (art. 29)	Participation in political and public life (art. 29) The Committee is concerned with article 28 of the Election Law, which excludes citizens with intellectual and psychosocial impairments from the voting process. The Committee recommends that the State party revise article 28 of the Election Law to ensure that all persons with disabilities have the right to vote on an equal basis with others. Participation in political and public life (art. 29) The Committee is concerned about the low number of persons with disabilities holding public offices and the inaccessibility of some polling stations for voters with disabilities. The Committee urges, to enhance the active participation of persons with disabilities in politics through affirmative action and ensure the accessibility of all voting stations.			3	0	D		1		1	1	1						
CO1 El Salvador 2013	Autocode - ANY. Participation in ... public life (art. 29)	Participation in political and public life (art. 29) 59. The Committee regrets that the Electoral Code prevents persons with psychosocial or intellectual impairments from exercising their right to run for municipal office. The Committee notes with concern that there are no mechanisms in place to ensure that persons with disabilities can vote in secret and that measures to ensure the accessibility of polling centres are inadequate. 60. The Committee recommends that the State party repeal the provisions limiting the right to vote of persons with disabilities and adopt measures to ensure that such persons can run for public office. The Committee encourages the State party to increase opportunities for the political and social participation of organizations of persons with disabilities.			3	0	D		1			1	1						
CO1 Germany 2015	Autocode - ANY. Participation in ... public life (art. 29)	Participation in political and public life (art. 29) 53. The Committee is concerned about the exclusion of persons with disabilities from the electoral rights stipulated in section 13 (2-3) of the Federal Electoral Act and equivalent Land legislation, as well as about practical barriers preventing persons with disabilities from exercising the right to vote on an equal basis with others. 54. The Committee recommends that the State party repeal all laws and regulations that deprive persons with disabilities of the right to vote, as well as reduce barriers and put in place appropriate support mechanisms.			2	0	C		1			1	1						
CO1 Hungary 2012	Autocode - ANY. Participation in ... public life (art. 29)	Participation in political and public life (art. 29) The Committee is very concerned about the provision in the State party's new Fundamental Law which permits a judge to remove the right to vote from those with "limited mental ability", and that legislation allows for the right to vote of persons with intellectual or psycho-social disabilities to be restricted if the person concerned has been deprived of his or her legal capacity. The Committee recommends that all relevant legislation be reviewed to ensure that all persons with disabilities regardless of their impairment, legal status or place of residence have a right to vote, and that they can participate in political and public life on an equal basis with others.			2	0	C		1			1							
CO1 Mexico 2014	Autocode - ANY. Participation in ... public life (art. 29)	Participation in political and public life (art. 29) 55. The Committee is concerned that persons with intellectual and psychosocial disabilities are denied the right to vote and that voting procedures, facilities and materials are not accessible. 56. The Committee urges the State party to amend the Federal Code of Electoral Institutions and Procedures to give all persons with disabilities the right to vote. It further recommends that the State party ensure the accessibility of voting procedures, facilities and materials in urban and rural areas alike.			2	0	C				1	1							
CO1 Mongolia 2015	Autocode - ANY. Participation in ... public life (art. 29)	Participation in political and public life (art. 29) 44. While noting that the State party recognizes inadequacies in ensuring the full participation of persons with disabilities in political and public life, the Committee is concerned about reports that the State party's "Great Khural" election law contains no specific references either to persons with disabilities or to assistive or support measures to accommodate persons with visual, hearing or mobility impairments. 45. The Committee recommends that the State party repeal legal provisions that deny or restrict the right to vote based on disability and develop appropriate legal measures to ensure that persons with disabilities can fully participate in elections and public life as citizens, voters and candidates.	1	1	0	B		1			1								
CO1 New Zealand 2014	Autocode - ANY. Participation in ... public life (art. 29)	Participation in political and public life (art. 29) The Committee notes that under the Electoral Act 1992, persons who are blind or vision-impaired may receive the assistance of an official to cast their vote in an election. The Committee recommends that the State party consider the introduction of accessible electronic voting to enable persons with disabilities to cast their votes in a truly secret manner. Participation in cultural life, recreation, leisure and sport (art. 30) The Committee notes that only about 10 per cent of television programmes are captioned and only about one to two hours of television programmes each day are audio-described. The Committee recommends that the State party take further measures to increase the captioning and audio description of television programmes. The Committee is concerned that the State party has not yet ratified the World Intellectual Property Organization Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, which allows access to published material to blind persons, persons with visual impairments or persons who have other difficulties in accessing printed materials. The Committee recommends that the State party take all appropriate steps to speedily ratify the Marrakesh Treaty.			3	0	D		1			1							
CO1 Paraguay 2013	Autocode - ANY. Participation in ... public life (art. 29)	Participation in political and public life (art. 29) 69. The Committee notes with concern the continued application in the State party of Act No. 834 on the Electoral Code, which places restrictions on deaf persons' right to vote. It also regrets the lack of information on the number of persons with disabilities who are not allowed to vote. It also regrets that disabled persons' organizations were not consulted on the adoption of a mechanism for secret voting and universal suffrage for persons with visual impairments, and that there are no measures to promote the right of persons with disabilities to stand as candidates for elected office. 70. The Committee recommends that the State party repeal the provisions restricting the right of persons with disabilities of any kind to vote and that, in consultation with disabled persons' organizations, it adopt measures to guarantee the right of universal, secret suffrage.			4	0	E		1		1	1	1						
CO1 Peru 2012	Autocode - ANY. Participation in ... public life (art. 29)	Participation in political and public life (art. 29) The Committee commends the State party for issuing a resolution in October 2011 that nullified previous policies excluding persons with certain psychosocial and intellectual disabilities from the electoral rolls, as well as for updating the National Identity and Civil Status Registry (RENIO) accordingly. However, the Committee remains concerned at: The fact that persons with disabilities, who have been judicially interdicted, remain ineligible to vote and that the names of those excluded from the national voter registry have not yet been fully restored. The lack of information on measures taken in order to inform the persons with disabilities on the above-mentioned developments and prevent such violations from happening in the future. Numerous cases of persons in institutions who have not been able to exercise their right to vote because they lack identity documents or because of the interdiction to leave the institution, absence of special assistance or the distance from the polling station. The Committee recommends that the State party: Restore voting rights to all people with disabilities who are excluded from the national voter registry, including people with disabilities subject to judicial interdiction; Reach out to vulnerable individuals and protect people with disabilities from such violations in the future, including through relevant training; Guarantee the right to vote of people with disabilities in institutions, by ensuring that they are physically permitted to go to assigned polling stations and have the support required to do so, or to permit alternative options.			3	0	D			1	1	1							
CO1 Rep Korea 2014	Autocode - ANY. Participation in ... public life (art. 29)	Participation in political and public life (art. 29) The Committee is concerned that many polling booths are not fully accessible to persons with disabilities and that voting information is not provided to persons with disabilities in consideration of the various types of disabilities. It is also concerned about the low level of participation of persons with disabilities in political activities and as candidates in elections due to the barriers that they continue to face in that regard. It is also concerned that persons declared incompetent are denied the right to vote and stand for elections. The Committee recommends that the State party step up its efforts to ensure that voting is fully accessible to all persons, irrespective of disability, and that voting information is provided in all accessible formats. It further recommends that the State party take specific measures to promote the participation of persons with disabilities in elected bodies. It also recommends that the State party repeal provisions denying the right to vote and stand for elections and provide the right to vote and stand for elections regardless of type of disability.			3	0	D		1		1	1	1						
CO1 Spain 2011	Autocode - ANY. Participation in ... public life (art. 29)	Participation in political and public life (art. 29) 47. The Committee is concerned that the right to vote of persons with intellectual or psychosocial disabilities can be restricted if the person concerned has been deprived of his or her legal capacity, or has been placed in an institution. It is further concerned that the deprivation of this right appears to be the rule and not the exception. It regrets the lack of information on standards of evidence or grounds, and criteria used by judges when depriving persons of their right to vote. It notes with concern the number of persons with disabilities denied their right to vote. 48. The Committee recommends that all relevant legislation be reviewed to ensure that all persons with disabilities, regardless of their impairment, legal status or place of residence, have the right to vote and participate in public life on an equal basis with others. The Committee requests the State party to amend article 3 of Organic Act 5/1985, which allows the denial of the right to vote based on individualized decisions taken by a judge. The amendment should ensure that all persons with disabilities have the right to vote. Furthermore, it is recommended that all persons with disabilities who are elected to a public position are provided with all required support, including personal assistants.			2	1	D		1		1								
CO1 Tunisia 2011	Autocode - ANY. Participation in ... public life (art. 29)	Participation in political and public life (art. 29) 35. The Committee recommends the urgent adoption of legislative measures to ensure that persons with disabilities, including persons who are currently under guardianship or trusteeship, can exercise their right to vote and participate in public life, on an equal basis with others.			1	1	C		1			1							

UNCRPD - Article 29 Participation in political and public life

Note:

Grade	A	B	C	D	E	F	G	H
0	1	2	3	4	5	6	7	

Document name	Code	Segment	Positive comment	Relevant/Involvement/Aspirer/Agency	No. of issues	Themes observed												
						Serious factor	Grave	Other law	Improve law	policy and practice	Enactment from voting	Access/References to polls	Participation in political office	GC No. 7 (2018)				
CO-2-3 Australia 2019	Autocode - ANY: Participation in... public life (art. 29)	Participation in political and public life (art. 29) 53. The Committee is concerned that election laws provide that persons of "unsound mind" are not entitled to have their names on the electoral roll or to vote in elections and may be removed from the electoral roll following someone's objection. It is also concerned that the electoral process is not fully accessible and that it does not guarantee secret voting rights to persons with disabilities. The Committee is further concerned about the lack of information on the representation of women with disabilities, particularly Aboriginal and Torres Strait Islander women with disabilities, in political and public life. 54. The Committee reiterates its previous recommendation on ensuring the right of persons with disabilities to vote in elections on an equal basis with others. (C)UDAW (CAUSACOR, para. 30). It recommends that the State party develop measures, with adequate resources, to ensure the full accessibility of electoral processes and guaranteeing secret voting rights. It also recommends that the State party implement the recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW) (CAUSACOR, para. 30) to ensure representation and accelerate the participation of women with disabilities, particularly Aboriginal and Torres Strait Islander women with disabilities, in political and public life at all levels.			2	0	D	1		1	1							
CO-2-3 Austria 2023	Autocode - ANY: Participation in... public life (art. 29)	Participation in political and public life (art. 29) 65. The Committee notes with concern that: (a) Voting and election procedures (active right to vote) are not fully accessible. (b) Participation in political and public life of children and young persons with disabilities is seriously limited. 66. The Committee recommends that the State party: (a) Ensure that voting and election procedures are fully accessible for persons with disabilities, including by training election officials, party officials and members of civil society organizations, and by providing the respective material in accessible formats such as Easy Read, Simple German, Braille, and others. (b) Foster and support organizations of children with disabilities, in accordance with General Comment No. 7 (2018), to improve their participation in political and public life.			2	0	C				1	1	1					
CO-2-3 China 2022	Autocode - ANY: Participation in... public life (art. 29)	Participation in political and public life (art. 29) 56. The Committee notes with concern the lack of information provided on: (a) The participation of persons with disabilities, including women with disabilities and persons with psychosocial and/or intellectual disabilities, on an equal basis with others, in voting and electoral processes, including through guarantees of fully accessible voting procedures by secret ballot in elections and public referendums without intimidation; (b) The ability of organizations of persons with disabilities operating independently of the China Disabled Persons' Federation to access funds, provide services, consult on relevant laws and policies and contribute to the work of international human rights mechanisms. 57. The Committee recommends that the State party: (a) Amend legal or policy provisions restricting the rights of all persons with disabilities to vote and to stand in elections and hold public office, and promote the participation of persons with disabilities in political life and in public decision-making processes at all levels, including through affirmative action measures; (b) In line with the opinion on the reform of the social organization management system and promotion of the healthy and well-ordered development of social organizations, issued in 2016, provide support for organizations of persons with disabilities to operate independently of the China Disabled Persons' Federation, encouraging their participation in all decision-making processes that affect persons with disabilities.			2	0	C	1			1							
CO-2-3 Ecuador 2019	Autocode - ANY: Participation in... public life (art. 29)	Participation in political and public life (art. 29) 51. The Committee is concerned that the State party fails to take action to ensure that persons with disabilities, especially women, have access to elected office, with the result that there has been no reinforcement or increase in the effective and independent participation of such persons or their representative organizations in all of the country's political processes. It is also concerned about the failure to disseminate information on the physical and communication accessibility measures in place in polling stations. 52. The Committee recommends that the State party take steps to ensure that persons with disabilities have access to elected office in order to increase and reinforce their effective and independent participation through their representative organizations in all of the country's political processes and that it disseminate information on the physical and communication accessibility measures that are in place in polling stations.			2	0	C				1	1						
CO-2-3 El Salvador 2019	Autocode - ANY: Participation in... public life (art. 29)	Participation in political and public life (art. 29) 54. The Committee is concerned about discriminatory provisions in the Electoral Code and under article 1317 of the Civil Code which restrict the political participation of persons with disabilities declared "incapable" by law, especially persons with psychosocial or intellectual disabilities and persons with hearing impairments. The Committee is also concerned that infrastructural and communication barriers continue to exist in voting centres. 55. The Committee recommends that the State party repeal the provisions of the Electoral Code and Civil Code that restrict the rights of persons with psychosocial or intellectual disabilities and those with hearing impairments to participate in political and public life on an equal basis with others, to stand in elections and to hold public office. The Committee also recommends that the State party adopt measures to strengthen the participation of persons with disabilities and their organizations in political and public life. The Committee further recommends that the State party take measures to ensure the accessibility of voting centres for persons with disabilities.			2	0	C	1			1	1						
CO-2-3 Germany 2023	Autocode - ANY: Participation in... public life (art. 29)	Participation in political and public life (art. 29) 65. The Committee is concerned that: (a) The lack of reasonable accommodation, in particular sign language interpretation, in political parties and unions, which hinders the participation of persons who are deaf or hard of hearing; (b) The low participation of women with disabilities in political and public life and the lack of data identifying barriers to their participation; (c) The lack of accessibility in polling stations, in particular in rural areas. 66. The Committee recommends that the State party: (a) Take measures to ensure accessibility and reasonable accommodation, including sign language interpretation, for persons with disabilities in political parties and unions; (b) Allocate the resources necessary to conduct research on barriers that prevent participation and engagement in public life by women with disabilities and promote capacity development programmes, in cooperation with organizations of women with disabilities and their representative organizations; (c) Ensure the accessibility of voting material and polling stations, in particular in rural areas, across the Länder, and in the development of electronic voting systems.			3	0	D				1	1						
CO-2-3 Hungary 2022	Autocode - ANY: Participation in... public life (art. 29)	Participation in political and public life (art. 29) 56. The Committee notes with concern: (a) Article XXII (6) of the Fundamental Law and section 13/A and related provisions of Act XXXVI of 2013 on the electoral procedure, which allow for the restrictions on the right to vote for persons under guardianship through the discriminatory individualized judicial evaluation of a person's ability or capacity to vote; (b) The lack of clarity in section 181 (1) of Act XXXVI of 2013 on the electoral procedure; (c) The lack of accessibility to voting procedures, facilities and materials for all persons with disabilities, particularly for persons with physical, intellectual or psychosocial disabilities, hearing impairments and autistic spectrum disorders; (d) The low level of participation of persons with disabilities, in particular women with disabilities, in the State party's political life, including in high-level decision-making positions. 57. The Committee recommends that the State party: (a) Repeal article XXII (6) of the Fundamental Law and section 13/A and all related provisions of Act XXXVI of 2013 on the electoral procedure, and recognize the right to vote and stand for election of all persons with disabilities without any individualized judicial evaluation of a person's ability or capacity to vote; (b) Amend section 181 (1) of Act XXXVI of 2013 on the electoral procedure through recognizing the right of all persons with disabilities to access assistance to vote provided by a person of their own choice; (c) Ensure that electoral and voting procedures, facilities and election materials provide reasonable accommodation for persons with severe impairments and are appropriate and accessible for all persons with disabilities regardless of impairment; (d) Develop and ensure sustainable policies and measures to promote the election and appointment of persons with disabilities, including women with disabilities, in high-level decision-making positions at the national and local levels, and increase their participation in public service by taking into account indicator 16.7.1 of the Sustainable Development Goals.			3	0	D	1	1	1	1							
CO-2-3 Mexico 2022	Autocode - ANY: Participation in... public life (art. 29)	Participation in political and public life (art. 29) 64. The Committee is concerned that persons with intellectual and psychosocial disabilities are denied the right to vote, despite jurisprudence by the national Supreme Court of Justice, and that voting procedures, facilities and materials are not accessible. The Committee is also concerned about the extent of support provided for persons with disabilities, in particular women with disabilities, participating in politics and public life. 65. The Committee recommends that the State party amend its legislation to guarantee the right to vote to all persons with disabilities. It further recommends that the State party ensure the accessibility of voting procedures, facilities and materials in urban areas. Additionally, it recommends that the necessary support be provided to persons with disabilities, in particular women with disabilities, participating in politics and public life.			3	0	D	1	1	1	1							
CO-2-3 Mongolia 2023	Autocode - ANY: Participation in... public life (art. 29)	Participation in political and public life (art. 29) 57. The Committee is concerned that: (a) The Civil Code and the Election Law are not harmonized with the provisions of the Convention with regard to the participation in political and public life of persons with disabilities. It is also concerned that persons with disabilities, including deaf persons, persons with intellectual disabilities, persons with psychosocial disabilities, deafblind persons and women with disabilities, are underrepresented in political and public life. (b) There is lack of access to polling stations, voting procedures, facilities and materials, as well as to information about elections, including public electoral debates, electoral programmes and online or printed election materials, all of which limit the effective political participation of persons with disabilities. 58. The Committee recommends that the State party: (a) Amend the Civil Code and the Election Law in order to harmonize them with the provisions of the Convention, and introduce specific measures to ensure equality and foster participation of underrepresented groups of persons with disabilities, including deaf persons, persons with intellectual disabilities, persons with psychosocial disabilities, deafblind persons and women with disabilities, including as elected representatives, and to support candidates with disabilities to stand for elections, particularly those standing for minority political parties; (b) Guarantee that electoral and voting procedures, facilities and online or printed election materials are accessible in plain language and Easy Read, thereby facilitating their use by all persons with disabilities.			2	0	C				1							
CO-2-3 New Zealand 2022	Autocode - ANY: Participation in... public life (art. 29)	Participation in political and public life (art. 29) 55. The Committee is concerned about the lack of support for persons with disabilities to form their own sustainable organizations and build their capacity to represent persons with disabilities, and in particular the lack of organizations to represent Māori persons with disabilities, Pasifika persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons with disabilities, children with disabilities and women and girls with disabilities. 56. The Committee recommends that the State party develop strategies and measures, including financial resources to support persons with disabilities to form sustainable representative organizations, including to support the development of organizations of Māori persons with disabilities, Pasifika persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons with disabilities, children with disabilities, and women and girls with disabilities.			1	0	B		1			1						
CO-2-3 Rep Korea 2022	Autocode - ANY: Participation in... public life (art. 29)	Participation in political and public life (art. 29) 59. The Committee notes with concern: (a) The discriminatory provisions of the Act on Medical Treatment and Custody, which exclude persons with disabilities who are undergoing medical treatment or are in detention facilities from the election process; (b) The lack of measures taken to ensure the participation in political and public life of persons with disabilities, including deaf persons, persons with psychosocial disabilities and/or intellectual disabilities, deafblind persons and women with disabilities, who are underrepresented; (c) The lack of accessibility to polling stations, voting procedures, facilities and materials, as well as to information about elections, including public electoral debates, electoral programmes and online or printed election materials, all of which limit the effective political participation of persons with disabilities. 60. The Committee recommends that the State party: (a) Repeal all discriminatory provisions denying the rights of persons with disabilities and ensure their full participation in the electoral process and in political and public life; (b) Introduce specific measures to ensure equality of participation of underrepresented groups of persons with disabilities, including deaf persons, persons with psychosocial disabilities and/or intellectual disabilities, deafblind persons and women with disabilities, including as elected representatives, and to support candidates with disabilities to stand for elections, in particular for minority political parties; (c) Guarantee that electoral and voting procedures, facilities and online or printed election materials are accessible in plain language and Easy Read, thereby facilitating their use by all persons with disabilities.			3	0	D	1	1	1	1							
CO-2-3 Spain 2019	Autocode - ANY: Participation in... public life (art. 29)	Participation in political and public life (art. 29) 54. The Committee is concerned that: (a) Polling stations and voting materials for persons with disabilities in electoral processes are inaccessible; (b) The level of participation and representation of persons with disabilities in national and regional policy making bodies is critically low. 55. The Committee recommends that the State party take all measures necessary to enable the political and public participation of persons with disabilities on an equal basis with others. The Committee also recommends that the State party: (a) Ensure that electoral procedures, facilities and materials are accessible for all persons with disabilities, including in sign language, Braille and Easy Read formats; (b) Promote the participation of persons with disabilities, including women, in political life and public decision-making.			2	0	C				1	1						
CO-2-3 Tunisia 2023	Autocode - ANY: Participation in... public life (art. 29)	Participation in political and public life (art. 29) 51. The Committee is concerned that the incentive given under the electoral law adopted by the Assembly of the Representatives of the People, which requires the reimbursement of campaign expenses by the Independent High Authority for Elections for the presence of a person with disabilities in the first 10 candidates on the electoral lists in municipal elections, and which has produced very good result in terms of inclusion, does not apply to the election to Parliament, where representation of persons with disabilities is not guaranteed. It is also concerned that the political conflict experienced since July 2022 has been a threat to the participation of persons with disabilities in political participation. It is further concerned that the elections of 17 December 2022 reflect retrogression in the gains made in previous elections with regard to the implementation of accessibility provisions. 52. The Committee recommends that the State party: (a) Extend the incentives to include persons with disabilities, which are currently limited to municipal elections, to all elections, in particular parliamentary elections; (b) Refrain from losing previous gains in the area of accessibility, and rather build on them to progress towards the full accessibility of voting procedures, facilities and materials, ensuring accessibility provisions at polling stations and access to political information; (c) Facilitate and ensure the participation of persons with disabilities, through their representative organizations, at all levels of decision-making, planning, implementing and monitoring with regard to elections and their inclusion in other forms of public affairs.			2	0	C	1			1	1						

UNCRPD - Article 30 Participation in cultural life, recreation, leisure and sport

Note: Sometimes sport and culture in separate sentence as sep issues - so where in same sentence = 2 issues.

Grade	A	B	C	D	E	F	G	H
Score	0	1	2	3	4	5	6	7

Document name	Code	Segment	Positive comment	Reference/ finding	No of issues	Serious factor	Group	Conclude law	Improve law	Policy and practice	Involvement	Themes observed						
												Access addition	sport inclusion	culture inclusion	Blind/Visual Impaired	Intersectional	children	women
CO 1 Ecuador 2014	Autocode - ANY: Participation in cultural life... (art. 30)	46. The Committee is concerned that facilities for sports and cultural development at the national level may not have undergone the necessary adaptation for access and use by persons with disabilities. The Committee is also concerned that school and sports centres do not promote inclusive sports programmes for persons with disabilities, especially for the very young. The Committee further expresses its concern that theatres, cinemas and other recreational and cultural facilities do not have the necessary infrastructure and qualified staff for the inclusion of persons with disabilities. 47. The Committee recommends that the State party launch a national plan for accessible sport and update its cultural and recreational policy so that its main facilities are accessible to persons with disabilities. The Committee also recommends that the plans and instruments used for overseeing theatres, cinemas and other recreational facilities take account of their accessibility to persons with disabilities, and that sanctions be imposed when such facilities do not have conditions suited to all users. 48. The Committee is concerned that the State party has not yet ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which would enable persons who are blind, visually impaired or otherwise print disabled to have access to published works. 49. The Committee encourages the State party to take all the necessary steps to ratify and implement the Marrakesh Treaty as soon as possible.			3	1	E	1	1			1	1	1	1	1		
CO 1 El Salvador 2013	Autocode - ANY: Participation in cultural life... (art. 30)	61. The Committee is concerned at the lack of measures regarding access to and participation in cultural activities, such as the theatre and museums, and at the meagre progress in private-sector promotion of participation in cultural life by persons with disabilities, including children and adolescents. 62. The Committee recommends that the State party continue to devise policies and measures to ensure participation in cultural life, recreational activities, relaxation and sports by persons with disabilities, including the conclusion of public-private agreements with civil society organizations and businesses to establish accessible recreational and cultural spaces.			1	1	C			1			1			1		
CO 1 Germany 2015	Autocode - ANY: Participation in cultural life... (art. 30)	65. The Committee is concerned that the State party has not yet acceded to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. 66. The Committee encourages the State party to adopt all appropriate measures, including ratifying and implementing the Marrakesh Treaty, as soon as possible in order to facilitate access to published material for blind persons, persons with visual impairments and persons with other difficulties in gaining access to published works.			1	0	B	1							1			
CO 1 Mexico 2014	Autocode - ANY: Participation in cultural life... (art. 30)	57. The Committee notes that the State party has yet to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. 58. The Committee encourages the State party to take all necessary steps to ratify and implement the Marrakesh Treaty as soon as possible.			1	0	B	1							1			
CO 1 Rep Korea 2014	Autocode - ANY: Participation in cultural life... (art. 30)	The Committee is concerned that the State party has not ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which allows access to published material to blind persons, persons with visual impairments or persons with other difficulties in having access to printed materials. The Committee encourages the State party to adopt all appropriate measures to ratify and implement the Marrakesh Treaty as soon as possible.			1	0	B	1							1			

UNCRPD - Article 30 Participation in cultural life, recreation, leisure and sport

Note: Sometimes sport and culture in separate sentence as sep issues - so where in same sentence = 2 issues.
Where children or women noted as additionally disadvantaged, each is counted as a seriousness factor

Grade	A	B	C	D	E	F	G	H
Score	0	1	2	3	4	5	6	7

Document name	Code	Segment	Positive comment	Relevant finding	Serious factor	Childen	Women	Themes observed							
								Improve law	Policy and practice	Involvement	Access/adaptation	Sport inclusion	Culture/recreation	Blind/Visual Impaired	Intellectual
CO-2-3 Austria 2022	Autocode- ANY: Participation in cultural life... (art. 30)	Participation in cultural life, recreation, leisure and sport (art. 30) 67. The Committee is concerned about the lack of inclusivity and accessibility of mainstream cultural, recreational, tourism and sporting venues and activities for persons with disabilities, including women with disabilities and children with disabilities. 68. The Committee recommends that the State party render mainstream cultural, recreational, tourism and sporting venues and activities accessible and inclusive for persons with disabilities, including women with disabilities and children with disabilities, by, inter alia, training the respective personnel, adjusting the infrastructure, providing information in accessible formats, and providing an adequate budget.		2	2				1	1	1		1	1	
CO-2-3 Australia 2018	Autocode- ANY: Participation in cultural life... (art. 30)	Participation in cultural life, recreation, leisure and sport (art. 30) 50. The Committee is concerned about the lack of specific measures put in place to effectively implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled and the insufficient measures taken to promote the participation of persons with disabilities, particularly children with disabilities, in cultural life, recreation, leisure and sport on an equal basis with others. 51. The Committee recommends that the State party take all appropriate measures to ensure the effective implementation of the Marrakesh Treaty through close consultation with representative organizations of persons with disabilities. It also recommends that the State party increase its efforts to ensure that persons with disabilities, including children with disabilities, enjoy their right to participate in cultural life, recreation, leisure and sport on an equal basis with others.		3	1				1	1	1		1		
CO-2-3 Ecuador 2019	Autocode- ANY: Participation in cultural life... (art. 30)	Participation in cultural life, recreation, leisure and sport (art. 30) 53. The Committee is concerned at a lack of accessibility for persons with disabilities in all sport, recreational and cultural facilities and at the lack of participation by children with disabilities in sports and cultural events. It is also concerned at the insufficient nature of the steps taken to implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. 54. The Committee recommends that the State party guarantee physical and communication access for persons with disabilities at sports, cultural and recreational facilities by putting in place the necessary accessibility measures in both urban and rural areas, that it provide more training for the public employees working in such facilities, and that sign language guides and information in accessible formats, such as Braille and other modes and means of communication, be used to foster the participation of children with disabilities in sport and cultural events. It also recommends that the State party take targeted action to implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.		3	1				1	1	1		1		
CO-2-3 El Salvador 2019	Autocode- ANY: Participation in cultural life... (art. 30)	Participation in cultural life, recreation, leisure and sport (art. 30) 56. The Committee is concerned that accessible tourist viewing points, as well as the development of accessibility for sporting events in general, have focused on physical accessibility. 57. The Committee recommends that the State party take measures to ensure that all tourist viewing points and sports events open to the public use accessible communication modes, means and formats and that persons with disabilities, particularly children with disabilities, have full access to sports, cultural and other leisure centres, in both urban and rural areas. It also recommends that the State party collect disaggregated data on the number of persons with disabilities who participate in mainstream sports and recreation programmes, particularly those living in rural and remote areas.		1	0				1				1		
CO-2-3 Germany 2023	Autocode- ANY: Participation in cultural life... (art. 30)	Participation in cultural life, recreation, leisure and sport (art. 30) 67. The Committee is concerned about: (a) The lack of accessibility of public libraries, museums and touristic areas and monuments; (b) Barriers that persons with disabilities encounter to benefiting from the personal assistance services necessary to exercise the right to sport and entertainment; (c) The absence of policies and programmes to promote the cultural and linguistic identity of deaf persons; (d) The lack of inclusivity and accessibility in some facilities of creative arts; (e) The lack of measures to promote cultural diversity in society, in particular with respect to the contribution of the refugees with disabilities to diversity. 68. The Committee recommends that the State party: (a) Strengthen mechanisms to ensure that sporting, recreational, cultural and tourism venues are accessible for persons with disabilities; (b) Ensure that persons with disabilities have access to personal assistance at no cost to practise sport and attend cultural and social activities; (c) Promote the cultural and linguistic identity of deaf persons, with the participation of their representative organizations, in educational curricula, media and social events; (d) In close consultation with and with the active involvement of persons with disabilities and their representative organizations, promote inclusion in and the accessibility of all creative arts studies; (e) Promote cultural diversity in society and the contribution of refugees with disabilities to diversity.		3	1				1	1	1		1		1
CO-2-3 Hungary 2022	Autocode- ANY: Participation in cultural life... (art. 30)	Participation in cultural life, recreation, leisure and sport (art. 30) 58. The Committee is concerned about the remaining barriers to access to recreational, leisure and sporting venues and activities for persons with disabilities, particularly persons with intellectual disabilities and children with disabilities. 59. The Committee recommends that the State party ensure access to general recreational, leisure and sporting venues and activities for persons with disabilities, with a particular emphasis on persons with intellectual disabilities and children with disabilities, on an equal basis with others, and provide them with the necessary assistance and support to achieve this objective.		2	1				1	1			1		
CO-2-3 Mongolia 2023	Autocode- ANY: Participation in cultural life... (art. 30)	Participation in cultural life, recreation, leisure and sport (art. 30) 58. The Committee is concerned about a lack of measures to ensure that persons with disabilities enjoy access to cultural materials, television programmes, films, theatre and other cultural activities, in accessible formats, and access to places for cultural performances or services, such as theatres, museums, cinemas and libraries, tourism services and sport services. 60. The Committee recommends that the State party: (a) Develop measures to ensure that persons with disabilities enjoy access to cultural materials, television programmes, films, theatre and other cultural activities, in accessible formats, and access to places for cultural performances or services, such as theatres, museums, cinemas and libraries, tourism services and sport services; (b) Adopt appropriate measures to ensure the effective implementation of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled through close consultation and the active involvement of persons with disabilities through their representative organizations; (c) Increase its efforts to ensure that persons with disabilities, particularly children with disabilities, enjoy their right to participate in cultural life, recreation, leisure and sport on an equal basis with others.		3	0				1	1	1		1		
CO-2-3 Rep Korea 2022	Autocode- ANY: Participation in cultural life... (art. 30)	Participation in cultural life, recreation, leisure and sport (art. 30) 61. The Committee is concerned about the lack of specific measures put in place to effectively implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled and the insufficient measures taken to promote the participation of persons with disabilities, in particular children with disabilities, in cultural life, recreation, leisure and sport on an equal basis with others. 62. The Committee recommends that the State party adopt appropriate measures to ensure the effective implementation of the Marrakesh Treaty through close consultation with representative organizations of persons with disabilities. It also recommends that the State party increase its efforts to ensure that persons with disabilities, in particular children with disabilities, enjoy their right to participate in cultural life, recreation, leisure and sport on an equal basis with others.		1	0				1				1		
CO-2-3 Spain 2019	Autocode- ANY: Participation in cultural life... (art. 30)	Participation in cultural life, recreation, leisure and sport (art. 30) 56. The Committee is concerned that the State party has not yet ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. 57. The Committee encourages the State party to adopt as soon as possible all measures necessary to ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.		1	0			1					1		
CO-2-3 Tunisia 2022	Autocode- ANY: Participation in cultural life... (art. 30)	Participation in cultural life, recreation, leisure and sport (art. 30) 53. The Committee is concerned that the implementation of part 8 of Policy Law No. 38 (2005) on free access to public, cultural, sports and entertainment spaces has not been effective, and it is little known among persons with disabilities and their representative organizations. It is also concerned that the Ministry of Culture does not meaningfully involve persons with disabilities, through their representative organizations, in its awareness-raising programmes on the importance of organizing cultural activities for persons with disabilities. It is particularly concerned that they are involved neither in the design, planning, implementation and follow-up with regard to the organized programmes, nor in the assessment of accessibility to monuments, theatres and other recreational and leisure places. Indeed, many persons with disabilities are not even aware of such programmes. 54. The Committee recommends that the State party: (a) Ensure the effective implementation and raise awareness of part 8 of Policy Law No. 38 (2005) on free access to public, cultural, sports and entertainment spaces, to ensure free access by all persons with disabilities to such places and to facilitate such access; (b) Adopt measures to ensure that information on cultural activities, cultural materials and content is accessible to persons with disabilities, including through the use of information and communications technologies; (c) Take measures to ensure close consultation with and the active participation of persons with disabilities, through their representative organizations, in its awareness-raising programmes on the importance of organizing cultural activities for persons with disabilities and, in particular, ensure that they are involved in the design, planning, implementation and follow-up with regard to the organized programmes; (d) Carry out regular assessments of accessibility to monuments, theatres and other recreational and leisure places with the active participation of and in close consultation with persons with disabilities, through their representative organizations; (e) Support artistic, cultural and sports productions developed by persons with disabilities and disseminate them to the public.		2	0				1	1	1		1	1	