



**IDA's Compilation of CRPD  
Committee's Concluding  
Observations**

*Articles 1 to 4 CRPD  
(Purpose, definitions,  
principles and general  
obligations)*

October 2022

## Articles 1-4 – General obligations

### **Article 1 - Purpose**

*The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.*

*Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.*

### **Article 2 - Definitions**

*For the purposes of the present Convention:*

*"Communication" includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;*

*"Language" includes spoken and signed languages and other forms of non-spoken languages;*

*"Discrimination on the basis of disability" means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;*

*"Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;*

*"Universal design" means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. "Universal design" shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.*

### **Article 3 - General principles**

*The principles of the present Convention shall be:*

*Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;*

*Non-discrimination;*

*Full and effective participation and inclusion in society;*

*Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;*

*Equality of opportunity;*

*Accessibility;*

*Equality between men and women;*

*Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.*

### **Article 4 - General obligations**

*1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:*

*a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;*

- b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;*
- c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;*
- d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;*
- e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;*
- f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;*
- g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;*
- h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;*
- i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in the present Convention so as to better provide the assistance and services guaranteed by those rights.*

*2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.*

*3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.*

*4. Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.*

*5. The provisions of the present Convention shall extend to all parts of federal States without any limitations or exceptions.*

**Bangladesh  
China  
Indonesia  
Japan  
Lao People's Democratic Republic  
New Zealand  
Republic of Korea  
Singapore  
Hungary  
Jamaica  
Mexico  
Switzerland  
Venezuela  
Djibouti  
France  
Estonia  
Albania  
Australia  
Ecuador  
El Salvador  
Greece  
India  
Iraq  
Kuwait  
Myanmar  
Cuba  
Niger  
Norway  
Rwanda  
Saudi Arabia  
Senegal  
Spain  
Turkey  
Vanuatu  
Algeria  
Bulgaria  
Malta  
Philippines  
Poland  
South Africa  
The Former Yugoslav Republic of Macedonia  
Haiti  
Nepal  
Oman  
Russian Federation  
Seychelles**

Slovenia  
Sudan  
Latvia  
Luxembourg  
Montenegro  
Morocco  
Panama  
United Kingdom of Great Britain and Northern Ireland  
Armenia  
Bosnia and Herzegovina  
Canada  
Cyprus  
Honduras  
Iran (Islamic Republic of)  
Jordan  
Republic of Moldova  
Bolivia  
Colombia  
Ethiopia  
Guatemala  
Italy  
United Arab Emirates  
Uruguay  
Chile  
Lithuania  
Portugal  
Serbia  
Slovakia  
Thailand  
Uganda  
Brazil  
European Union  
Gabon  
Kenya  
Mauritius  
Qatar  
Ukraine  
Croatia  
Czech Republic  
Dominican Republic  
Germany  
Mongolia  
Turkmenistan  
New Zealand  
Denmark  
Republic of Korea  
Belgium

**Ecuador  
Mexico  
Sweden  
Azerbaijan  
Costa Rica  
Australia  
Austria  
El Salvador  
Paraguay  
Argentina  
China  
Hungary  
Peru  
Spain  
Tunisia**

## Bangladesh

7. The Committee is concerned that the Rights and Protection of Persons with Disabilities Act of 2013 does not adequately provide protection for persons with disabilities, particularly women and girls with disabilities, persons with psychosocial and/or intellectual disabilities and persons affected by leprosy and that the concept of disability used in the State party does not fully adhere to the human rights model of disability.

**8. The Committee recommends that the State Party review the Rights and Protection of Persons with Disabilities Act of 2013 to effectively harmonize laws, policies, strategies and action plans with the Convention, including ensuring provisions for women with disabilities.**

9. The Committee notes with concern the absence of mechanisms that are meaningful and effective for consultation and participation to ensure that the views, opinions and concerns of persons with disabilities, including women and children with disabilities, persons with intellectual and/or psychosocial disabilities and persons affected by leprosy, are adequately included at all stages of decision-making processes by public authorities at all levels, including in rural areas.

**10. In line with general comment No. 7 (2018), the Committee recommends that the State party establish formal mechanisms for the effective participation and meaningful consultation of all persons with disabilities, including women and children with disabilities, through their representative organisations, in the implementation and monitoring of the Convention, including the provision of adequate funding for such organisations, which currently is insufficient.**

## China

6. The Committee notes with concern that the disability-related legislation and policies have not yet been fully brought into line with the Convention and the human rights model of disability has not been consistently harmonized across all policy and legislation.

**7. Recalling its General Comment No. 7 (2018) on Article 4.3 and 33.3: Participation of persons with disabilities, including children with disabilities, through their representative organizations in the implementation and monitoring of the Convention, the Committee recommends that the State party adopt a unified concept of disability in all professional and legal areas that is aligned with the purpose and principles of the Convention and covers all persons with disabilities, including women and children with disabilities;**

8. The Committee is concerned about:

(a) The absence of a legal framework concerning the advocacy and work which persons with disabilities through their representative organizations can undertake in relation to the development of legislation and policies to implement the Convention, and in other decision-making processes that affect persons with disabilities;

(b) The reports of reprisals against and continuing pressure on civil society organizations for their advocacy work on the rights of persons with disabilities.

**9. The Committee recalls its General Comment No. 7 (2018) and urges the State party to:**

**(a) Strengthen mechanisms for the effective involvement of persons with disabilities through their representative organizations in public decision-making processes by establishing clear procedures for consultations at all levels of authority and decision-making and with the participation of the full range of organizations of persons with disabilities, including women and children with disabilities, and adopting measures to safeguard their independence from public authorities and participation in the design, reporting and monitoring of legislation and policies aimed at implementing the Convention and the Sustainable Development Goals;**

**(b) Recognize the role of civil society organizations as human rights defenders, prohibit any reprisals against individuals and organizations promoting the rights of persons with disabilities and take measures to protect the civic space.**

10. The Committee is concerned about the lack of independent assessments of the human rights situation of persons with disabilities in China, especially in the Xinjiang Uyghur Autonomous Region and the Tibet Autonomous Region.

**11. The Committee recommends that the State party commit to an independent assessment of the human rights situation of persons with disabilities in China, especially in the Xinjiang Uyghur Autonomous Region and the Tibet Autonomous Region, including by invitation to UN Special Procedures and engagement with the OHCHR.**

#### **Hong-Kong**

63. With reference to its previous concluding observations (CRPD/C/CHN/CO/1), the Committee is concerned about the lack of a harmonized concept of disability in law and policy, and notes with concern that the eligibility standards in the Disability Allowance Scheme continue to rely solely on the medical model, despite revisions being brought to the policy paper in 2019. Furthermore, the Committee regrets Hong Kong SAR, China's use of language that devalues persons with disabilities, such as "mentally handicapped", "mentally disordered", "mentally incapacitated persons" in various laws and policies.

64. The Committee reiterates its recommendations to Hong Kong SAR, China to align the eligibility standards in the Disability Allowance Scheme with the human rights model, and to adopt a unified concept of disability in all professional and legal areas that is aligned with the purpose and principles of the Convention and covers all persons with disabilities. The Committee further recommends that Hong Kong SAR, China ensure that the use of all derogatory language in reference to persons with disabilities is eliminated from all legislation, public documents and public discourse.

#### **Macau**

80. The Committee notes with concern that the medical model of disability is still prevalent in Macao SAR, China, including within its disability assessment system and in relation to the eligibility criteria for accessing necessary services and support measures, operating on the assessment of capacity of a person to live independently and "assume his or her obligations".

81. The Committee urges Macao SAR, China to reorient its disability assessment systems by replacing elements of the medical model of disability with principles of the human rights model of disability and by establishing systems aimed at the assessment of legal and environmental barriers to persons with disabilities and the provision of the necessary support and assistance to promote the independent living of persons with disabilities and their full social inclusion.

#### **Indonesia**

6. The Committee notes with concern:

- (a) The use in laws and policies, of concepts and terminology that devalue and pathologize persons with disabilities and promote inequality and discrimination;
- (b) The lack of an effective coordinating mechanism to ensure the implementation of the Convention and Law No. 8 of 2016 at all levels of government, including the autonomous regions;
- (c) The omission of measures, within the National Action Plan for Persons with Disabilities to address serious violations in, and deinstitutionalisation of social care mental institutions;
- (d) That the State party has not yet ratified the Optional Protocol to the Convention.

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

- (a) Repeal or amend sections in legislation and policies that use devaluing concepts and terms for persons with disabilities, including Law No. 11 of 2009 concerning social welfare and Law No. 11 of 2020 concerning jobs creation (the Omnibus Law), especially on the terminology of "Penyandang Cacat" (People with defects);**
- (b) Create an effective coordinating mechanism to ensure the implementation of the Convention and Law No. 8 of 2016 across national, provincial, city and regency and sub-district levels to ensure the same human rights standards are applied throughout the country;**
- (c) Ensure the human rights issues concerning social care mental institutions are included as a priority area within the National Action Plan for Persons with Disabilities;**
- (d) Ratify the Optional Protocol to the Convention.**



8. The Committee is concerned about the inadequate mechanisms for facilitating the close consultation and active involvement of persons with disabilities in decision-making processes concerning disability-related laws, policies and programmes to implement the Convention;

**9. The Committee recalls 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 recommends that the State party strengthen and implement mechanisms at the national, provincial, city and regency and sub-district levels for the effective involvement of the diversity of persons with disabilities through their representative organizations, in public decision-making processes, including for monitoring and reporting on the implementation of the Sustainable Development Goals.**

## Japan

7. The Committee is concerned about:

(a) Lack of harmonization of disability-related national legislation and policies with the human rights model of disability as contained in the Convention by pertaining a paternalist approach to persons with disabilities;

(b) Perpetuation of medical model of disability across legislation, regulation and practice, including the disability qualification and certification system, which, on the basis of impairment and capacity assessment, promotes the exclusion of persons who require more intensive support, persons with intellectual, psychosocial or sensory disabilities from disability allowances and social inclusion schemes;

(c) Derogatory terminology, such as “mentally incompetent”, “mental derangement”, and “insanity”, as well as discriminatory legal restrictions, such as disqualifying clauses, based on “physical or mental disorder”;

(d) Inaccurate translation of the Convention into Japanese, particularly, of the terms “inclusion”, “inclusive”, “communication”, “accessibility”, “access”, “particular living arrangement”, “personal assistance”, and “habilitation”;

(e) Regional and municipal gaps in providing necessary services and assistance to persons with disabilities in the communities, including mobility support, personal assistance and communication support.

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

(a) **Harmonize all disability-related national legislation and policies with the Convention recognizing all persons with disabilities as subjects of human rights on equal basis with others, including through ensuring close consultation with representative organisations of persons with disabilities, in particular, persons with intellectual and psychosocial disabilities;**

(b) **Review its legislation and regulations to eliminate elements of medical model of disability, including the disability qualification and certification system, to ensure that all persons with disabilities, regardless impairment, receive the required support in the community for having equal opportunities in society and full social inclusion and participation;**

(c) **Abolish derogatory language and legal restrictions, such as disqualifying clauses, based on “physical or mental disorder”, within its national and municipal legislation;**

(d) **Ensure that all terms of the Convention are accurately translated into Japanese;**

(e) **Take necessary legislative and budgetary measures to eliminate the regional and municipal gaps for providing necessary services and assistance to persons with disabilities in the communities, including mobility support, personal assistance and communication support.**

9. The Committee is further concerned about:

(a) Insufficient involvement of persons with disabilities through their representative organizations in consultations concerning legislation and public policies, including those

carried out by the National Consultative Council of Persons with Disabilities, and the municipal and inter-municipal committees on accessibility;

(b) Lack of comprehensive response to the stabbings occurred in 2016 at the Tsukui Yamayuri-en facility, located in Sagamihara, mainly owing to eugenic and ableist mindset in society;

(c) Limited awareness of the rights recognized in the Convention among the judiciary and justice sector professionals, policy- and lawmakers at the national and municipal levels, as well as teachers, medical, health, building design and social workers, and other professionals in connection with persons with disabilities.

**10. Recalling its General Comment No. 7 (2018) on Article 4.3 and 33.3: Participation of persons with disabilities, including children with disabilities, through their representative organizations in the implementation and monitoring of the Convention, the Committee recommends that the State party:**

(a) **Ensure active, meaningful and effective consultations with the diversity of representative organizations of persons with disabilities at national and municipal levels, including through the means of alternative communication, accessibility and reasonable accommodations, in public decision-making processes, paying attention to self-advocates with disabilities and organisations of persons with intellectual disabilities, persons with psychosocial disabilities, autistic persons, women with disabilities, LGBTIQ+ persons with disabilities, persons living in rural areas, and those requiring more intensive support, including in the implementation and monitoring of and reporting on the Sustainable Development Goals;**

(b) **Review the Tsukui Yamayuri-en case aiming at combating eugenic and ableist attitudes and legal liability for promotion of such attitudes in society;**

(c) **With the close involvement of organizations of persons with disabilities, provide systematic capacity-building programmes on the rights of persons with disabilities and the obligations of the State Party under the Convention, for the judiciary and justice sector professionals, policy - and lawmakers, teachers, medical, health and social workers, and all other professionals in connexion with persons with disabilities.**

11. The Committee notes that the State party has not yet ratified the Optional Protocol to the Convention. It also notes with concern the State Party's interpretative declaration related to Article 23 paragraph 4 of the Convention.

**12. The Committee encourages the State party to ratify the Optional Protocol to the Convention, and withdraw its interpretative declaration related to Article 23 paragraph 4 of the Convention.**

## Lao People's Democratic Republic

6. The Committee is concerned that:

(a) Disability-related legislation and policies have not been fully harmonized in line with the Convention, including derogatory terms to refer to persons with intellectual and/or psychosocial disabilities, including "persons who lost their intellect", "persons who lost their mind", "crazy persons", and the confusion between the terms of "disability" and "amputation";

(b) The medical model of disability is still prevalent in the State party, including within its disability assessment system and in relation to the eligibility criteria for accessing necessary services and support measures;

(c) There is a lack of a twin-track approach in legislation and public policies;

(d) Persons with disabilities, through their representative organizations, have limited involvement in consultations concerning legislation and public policies related to them; and that the duties of the National Committee for Persons with Disabilities are not clearly distinguished;

(e) Reports of reprisals against civil society organizations for their advocacy work on the rights of persons with disabilities;

(f) The State party has not yet ratified the Optional Protocol to the Convention.

7. Recalling its General Comment No. 7 (2018) on Article 4.3 and 33.3: Participation of persons with disabilities, including children with disabilities, through their representative organizations in the implementation and monitoring of the Convention, the Committee recommends that the State party:

- (a) Review the existing disability-related legislation and policies and align them with the Convention, including through eliminating derogatory language regarding persons with disabilities;
- (b) Ensure that its disability assessment systems are based on the human rights model of disability aimed at the assessment of legal and environmental barriers to persons with disabilities and the provision of the necessary support and assistance to promote the independent living of persons with disabilities and their social inclusion;
- (c) Adopt a twin-track approach by mainstreaming the rights of persons with disabilities across all national action plans and strategies, and by adopting targeted and monitored measures aimed specifically at supporting and empowering persons with disabilities;
- (d) Implement mechanisms for the effective involvement of persons with disabilities, in particular of persons with intellectual disabilities, through their representative organizations, in public decision-making processes, concerning laws and policies affecting them, and strengthen the National Committee for Persons with Disabilities;
- (e) Recognize the role of civil society organizations as human rights defenders, prohibit any reprisals against individuals and organizations promoting the rights of persons with disabilities and take measures to protect the civic space;
- (f) The Committee encourages the State Party to ratify the Optional Protocol to the Convention.

## New Zealand

5. The Committee is concerned about:

- (a) The lack of recognition, across all government portfolio areas, that disability is a whole of government responsibility, the lack of engagement with organisations of persons with disabilities outside the ministry of disability portfolio, and the lack of appropriate resourcing for organisations of persons with disabilities to build capacity to meaningfully engage in legislative and policy processes.
- (b) The underrepresentation of Māori persons with disabilities in legislative and policy processes to implement the Convention.

6. The Committee recommends that the State party:

- (a) Develop strategies to strengthen commitment across all government portfolio areas to ensure disability is recognised as a crosscutting issue, that meaningful partnerships are developed with organisations of persons with disabilities to ensure close consultation and active involvement in legislative and policy processes to implement the Convention, including co-design, co-production and co-evaluation, and that organisations of persons with disabilities are appropriately resourced to build capacity to participate in partnership across government portfolio areas.
- (b) Develop legislative and policy frameworks that reflect the Treaty of Waitangi, the Convention on the Rights of Persons with Disabilities and the UN Declaration on the Rights of Indigenous Peoples to ensure that Māori persons with disabilities are closely consulted and actively involved in decision-making processes and that their right to self-determination is recognised.

## Republic of Korea

5. The Committee notes with concern that:

- (a) Disability-related legislation and policies, including the revised definitions of disability in the Act on Welfare of Persons with Disabilities, have not yet been fully brought in line with the Convention, and fails to identify the specific needs of some persons with disabilities, in particular deafblind persons and persons with disabilities with HIV/AIDS;

(b) The medical model of disability is still prevalent in the State party, including within the disability classification system, despite the recent revision of the disability grading system and the reduction from 6 to 2 grades, which has a negative impact by preventing the inclusion of persons with disabilities in society and limiting their access to appropriate services and support;

(c) The lack of awareness among policymakers, judges, prosecutors, teachers, and medical, health and other professionals working with persons with disabilities, about the rights recognized in the Convention.

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

**(a) Review the existing national disability-related legislation and policies to align them with the provisions of the Convention, and adopt a concept of disability that covers all persons with disabilities, in particular, persons with psychosocial and/or intellectual disabilities, persons who are deafblind and persons with disabilities with HIV/AIDS and ensure that their characteristics and needs are recognized;**

**(b) Reorient its disability assessment systems by replacing elements of the medical model of disability with principles of the human rights model of disability and by establishing systems aimed at the assessment of legal and environmental barriers to persons with disabilities and the provision of the necessary support and assistance to promote the independent living of persons with disabilities and their full social inclusion;**

**(c) With the close involvement of organizations of persons with disabilities, provide capacity-building programmes for public policymakers, judges, prosecutors, teachers, and medical, health and other professionals working with persons with disabilities, on the rights of persons with disabilities and the obligations of the State party under the Convention;**

7. The Committee notes that the State party has not yet ratified the Optional Protocol to the Convention.

**8. The Committee encourages the State party to ratify the Optional Protocol to the Convention.**

9. The Committee is concerned about the lack of participation of persons with disabilities through their representative organizations, including diverse organizations of persons with disabilities, in decision-making processes concerning disability-related laws, policies and programmes.

**10. The Committee recalls 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 recommends that the State party strengthen and implement mechanisms for the effective involvement of persons with disabilities, through their representative organizations, in public decision-making processes, and ensure that meaningful consultations are held with the whole range of organizations of persons with disabilities, including children with disabilities, persons with intellectual and/or psychosocial disabilities, intersex persons with disabilities, women with disabilities, refugees and migrants with disabilities, autistic persons, lesbian, gay, bisexual, transgender and gender diverse persons with disabilities and persons with disabilities requiring higher levels of support.**

## Singapore

5. The Committee is concerned:

(a) That national legislation and policies do not systematically incorporate the human rights model of disability but largely employ a medical model which engenders systemic discrimination of persons with disabilities on the basis of their impairment;

(b) That the legislation implementing the Convention is confined to intermittent sector-specific legal provisions with scant or no discernible relationship to each other, without any overarching legislation ensuring comprehensive application and some level of coherence in all areas of life;

(c) That national legislation does not contain a formal definition of disability, framed in conformity with art. 1 (2) of the Convention, and that the existing assessment and certification mechanisms are not harmonized across the national disability related legislation;

(d) That persons with disabilities, including persons with intellectual disabilities, persons with psychosocial disabilities, autistic persons and children with disabilities, and their representative organisations, are not closely consult with and actively involved in the development and implementation of all legislation and policies to implement the Convention.

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

**(a) Review all of its existing disability-related legislation and policies, including the Third Enabling Masterplan, remove all vestiges of a medical model of disability from it, and base it throughout on the human rights model of disability;**

**(b) Enact overarching legislation protecting the rights of persons with disabilities, ensuring the comprehensive, coherent application of the principles and rights guaranteed by the Convention in all areas in life;**

**(c) Harmonize the legal definition of disability and the assessment and certification mechanisms across the national legal system, to protect the human rights of all persons with disabilities, including persons with psychosocial disabilities, persons with intellectual disabilities, and autistic persons;**

**(d) Ensure that persons with disabilities, including persons with intellectual disabilities, persons with psychosocial disabilities, autistic persons and children with disabilities, and their representative organisations are closely consulted with and actively involved in the development and implementation of all legislation and policies to implement the Convention.**

7. The Committee notes that:

(a) The State party maintains its reservation to articles 12 (4) and 29 (a)(iii) of the Convention;

(b) The State party has not ratified the Optional Protocol to the Convention.

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

**(a) Withdraw its reservations to articles 12 (4) and 29 (a)(iii) of the Convention;**

**(b) Ratify the Optional Protocol to the Convention.**

## Hungary

6. The Committee notes with concern that:

(a) Disability-related legislation and policies have not yet been fully brought into line with the Convention, that there is an inappropriate translation of the terminology of the Convention into Hungarian and derogatory terms, such as “abnormal mental condition” used in the Criminal Code of 2012 and the Criminal Procedure Code of 2017;

(b) Different concepts of disability in various professional and legal areas result in the lack of recognition of all persons with disabilities, particularly persons with psychosocial disabilities, persons with intellectual disabilities and persons with speech impairments;

(c) The medical model of disability is still prevalent in the State party, including within its disability assessment system and in relation to the eligibility criteria for accessing necessary services and support measures, operating on the assessment of capacity of a person to understand and to live independently and “residual health” thresholds, which adversely affect the social inclusion of persons with disabilities;

(d) There is a lack of awareness of the rights recognized in the Convention among the judiciary and justice sector professionals, policy- and lawmakers, teachers, medical, health and social workers and all other professionals working with persons with disabilities.

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

**(a) Review the existing disability-related legislation and policies and align them with the provisions of the Convention, including through ensuring the appropriate translation of the terminology of the Convention into Hungarian and through eliminating all derogatory language regarding persons with disabilities across its legislation;**

**(b) Adopt a unified concept of disability in all professional and legal areas that is aligned with the purpose and principles of the Convention and covers all persons with disabilities;**



**(c) Reorient its disability assessment systems by replacing elements of the medical model of disability with principles of the human rights model of disability and by establishing systems aimed at the assessment of legal and environmental barriers to persons with disabilities and the provision of the necessary support and assistance to promote the independent living of persons with disabilities and their full social inclusion;**

**(d) With the close involvement of organizations of persons with disabilities, provide capacity-building programmes on the rights of persons with disabilities and on the obligations of the State party, as contained in the Convention, for the judiciary and justice sector professionals, policy- and lawmakers, teachers, medical, health and social workers and all other professionals working with persons with disabilities.**

8. The Committee is concerned about:

(a) The lack of independence and non-substantive nature of the established consultation bodies, including the National Disability Council, the National Coordinating Body for Deinstitutionalization, the Human Rights Working Group and the Intergovernmental Disability Committee, and the lack of effective involvement of organizations of persons with disabilities in public decision-making;

(b) The lack of accessibility to informational material in public decision-making processes, limiting the participation of organizations of persons with disabilities;

(c) Reports of reprisals against and continuing pressure on civil society organizations for their advocacy work on the rights of persons with disabilities.

**9. The Committee recalls its general comment No. 7 (2018) and urges the State party to:**

**(a) Strengthen mechanisms for the effective involvement of persons with disabilities through their representative organizations in public decision-making processes by adopting measures to safeguard their independence from public authorities and with the participation of the full range of organizations of persons with disabilities, including children with disabilities, persons with intellectual disabilities, persons with psychosocial disabilities, intersex persons, women with disabilities, persons with disabilities living in rural areas, autistic persons, Roma and gender diverse persons with disabilities, those requiring high levels of support and refugees and migrant persons with disabilities;**

**(b) Provide organizations of persons with disabilities with accessible information, including information in Easy Read and other accessible formats, and with timetables of the consultation processes concerning any law and policy reforms related to persons with disabilities;**

**(c) Recognize the role of civil society organizations as human rights defenders, prohibit any reprisals against individuals and organizations promoting the rights of persons with disabilities and take measures to protect the civic space.**

## Jamaica

6. The Committee notes with concern:

(a) The use, in laws and policies, of derogatory concepts and terminology concerning persons with disabilities, which emphasize persons' impairments, reflect the medical and paternalistic approaches to disability and reinforce stigma against persons with intellectual or psychosocial disabilities;

(b) The fact that the definition of persons with disabilities in the Disabilities Act, 2014, the Mental Health Act, 1999 and the National Policy for Persons with Disabilities, 2000, focuses on impairment and therefore is not in line with the Convention;

(c) The lack of awareness among policymakers, judges, prosecutors, teachers, and medical, health and other professionals working with persons with disabilities, about the rights recognized in the Convention;

(d) The fact that the State party has not yet ratified the Optional Protocol to the Convention.

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

**(a) Repeal all sections in the legislation that use derogatory terms, including articles 37 (2)**

**(c) and 40 (2) (f) of the Constitution, section 8 (2) of the Property (Rights of Spouse) Act, and**

the Mental Health Act, and other provisions, policies and regulations, and ensure that they conform to the human rights model of disability;

(b) Ensure that concepts of “disability” and “persons with disabilities” in the national legislation are in line with the human rights model and the Convention;

(c) Strengthen capacity-building programmes for public policymakers, judges, prosecutors, teachers, and medical, health and other professionals working with persons with disabilities, on the rights of persons with disabilities and the obligations of the State party under the Convention. The State party should involve organizations of persons with disabilities in the design and implementation of training for public officials;

(d) Ratify the Optional Protocol to the Convention without further delay.

8. The Committee is concerned about:

(a) The inadequate mechanisms for facilitating the involvement of persons with disabilities in decision-making processes concerning disability-related laws, policies and programmes, including in processes related to the implementation of the 2030 Agenda for Sustainable Development and its Sustainable Development Goals;

(b) The lack of a system for the collection of data and statistics on persons with disabilities by the Jamaica Council for Persons with Disabilities.

**9. The Committee recalls 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 recommends that the State party:**

(a) Strengthen and implement mechanisms for the effective involvement of persons with disabilities, in particular of persons with intellectual disabilities, through their representative organizations, in public decision-making processes, including for monitoring and reporting on the implementation of the Sustainable Development Goals. The State party should ensure that meaningful consultations are held with the whole range of organizations of persons with disabilities and provide them with a timetable for the consultation processes concerning any reforms to be made to laws and policies affecting persons with disabilities;

(b) Establish a more inclusive data collection mechanism, separate from the registration by the Jamaica Council for Persons with Disabilities, to collect statistics and data on persons with disabilities in the State party.

## Mexico

5. The Committee is concerned about insufficient budgetary allocations to measures implementing the Convention on the federal, state and municipal levels.

**6. The Committee recommends that the State party allocate sufficient resources to implement the Convention effectively at all levels of government.**

7. The Committee is concerned about the absence of a national plan on the implementation of the Convention.

**8. The Committee recommends that the State party issue a comprehensive national plan on the implementation of the Convention on the federal and state levels that includes the mechanisms required to implement it, with a particular focus on indigenous persons with disabilities.**

9. With reference to its previous concluding observations,<sup>1</sup> the Committee is concerned that the legislation on the state level still contains serious gaps in its protection of the rights of persons with disabilities and contains pejorative language with reference to persons with disabilities.

**10. The Committee recommends that the State party harmonize its laws, and particularly the laws of the states, with the Convention in order to protect the rights of all persons with disabilities and eliminate pejorative terminology relating to persons with disabilities.**

11. The Committee is concerned about the prevalence of a welfare and medical model of disability.

**12. The Committee recommends that the State party abandon the welfare and medical model of disability and replace it with the human rights model.**

13. The Committee is concerned about a serious decline in the availability of mechanisms for consultations with persons with disabilities through their representative organizations concerning the design and implementation of laws and policies affecting them.

**14. The Committee recommends that the State party, in line with the Committee's general comment No. 7 (2018), ensure that organizations of persons with disabilities, including of women and girls with disabilities, are consulted and involved in decision-making processes at all levels of government and in all public policy areas relating to them.**

## Switzerland

5. The Committee is concerned that the State party has not ratified the Optional Protocol to the Convention.

**6. The Committee recommends that the State party ratify the Optional Protocol to the Convention.**

7. The Committee is concerned about:

(a) The lack of harmonization of the legislation and policy framework with the Convention, including the human rights model of disability;

(b) The use of language that devalues persons with disabilities, such as "invalidity" and "helplessness", in the legislative and policy framework, including in the Federal Constitution, and the invalidity insurance and disability entitlements systems;

(c) The absence of an overall strategy for implementing the Convention in all areas of life.

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

**(a) Harmonize its legal and policy framework on disability with the Convention at the federal, cantonal and municipal levels, by integrating the human rights model of disability in its laws, regulations and practices, including the invalidity insurance and disability entitlements systems;**

**(b) Eliminate from its legislation and policy framework, at the federal, cantonal and municipal levels, all devaluing language with reference to persons with disabilities, and replace it with terminology that respects the dignity of persons with disabilities;**

**(c) Adopt a comprehensive disability strategy and action plan for implementing all Convention rights at all levels of government, and strengthen coordination and cooperation among entities at the federal, cantonal and municipal levels.**

9. The Committee notes with concern:

(a) The lack of involvement of persons with disabilities through their representative organizations, including diverse organizations of persons with disabilities, in decision-making processes concerning laws, policies and programmes, including in the implementation of the 2030 Agenda for Sustainable Development and efforts to achieve the Sustainable Development Goals;

(b) The lack of financial and other resources available to the diversity of organizations of persons with disabilities to promote the effective participation and inclusion of persons with disabilities in all aspects of society;

(c) The lack of accessibility of information about public policy and decision-making processes, and limited opportunities to participate at all stages of these processes.

**10. Recalling its general comment No. 7 (2018), the Committee recommends that the State party:**

**(a) Strengthen mechanisms at the federal, cantonal and municipal levels to ensure effective support and consultations with diverse organizations of persons with disabilities – including organizations of persons with intellectual disabilities, autistic persons, persons with psychosocial disabilities, women with disabilities, children with disabilities and lesbian, gay, bisexual, transgender and intersex persons with disabilities – in design, reporting and monitoring with respect to legislation and policies aimed at implementing the Convention and achieving the Sustainable Development Goals;**



**(b) Ensure that adequate financial and other necessary resources are available for the diversity of organizations of persons with disabilities, and that such organizations have access to independent and self-managed funding to strengthen their capacity to independently promote the effective participation of persons with disabilities and their inclusion in society;**

**(c) Provide organizations of persons with disabilities with accessible information, including information in Easy Read and sign languages, and ensure an adequate time frame for their participation at all stages of legislative, policy and decision-making processes.**

## Venezuela

5. While the Committee takes note of the State party's intention to amend existing laws in accordance with the Convention, it is concerned by the lack of implementing regulations for the 2007 Act on Persons with Disabilities and the fact that the bill on the protection, care and dignified treatment of persons with disabilities is still under discussion.

**6. The Committee recommends that the State party ensure that any legislative amendments are in conformity with the principles enshrined in the Convention, in line with the human rights-based model of disability and mainstream the rights of persons with disabilities; and that it ensure the active participation of organizations of persons with disabilities at all stages of the related discussions and drafting process, regardless of their political affiliation.**

**7. The Committee, recalling its general comment No. 7 (2018), recommends that the State party promote the effective and independent participation of organizations of persons with disabilities, including organizations for women, children, older persons, indigenous persons and persons of African descent, in decision-making in all processes that concern them.**

## Djibouti

5. The Committee is concerned about:

a) The national legislation, particularly the Civil Code, Criminal Code, Family Code, Labour Code, and Act No. 207/AN/17/7ème L (2018), which are based on the medical approach to disability, do not sufficiently protect social, economic and cultural rights or fundamental civil and political rights, including the rights to liberty and security of the person, and to equal recognition before the law and, reflect a narrow concept of disability that excludes persons with psychosocial or intellectual disabilities;

b) The need to review and harmonize its Act No. 207/AN/17/7ème L (2018) to bring it in conformity with the Convention, particularly articles 7 of on the prevention of disability which is misunderstood as steps to implement the Convention, and articles 10 and 31 on the provision of segregated services for persons with disabilities;

c) The use of derogatory concepts and terminology concerning persons with disabilities in laws and policies, such as "persons with special needs", and the definition of disability based on the medical approach under the Act No. 207/AN/17/7ème L (2018), the Labour Code, and Decree No. 2020-306/PRE, which emphasize persons' impairments;

d) The absence of a comprehensive and long-term action-plan for the implementation of the Convention;

e) The lack of transparent and systematic procedures and information on the consultation with organizations of persons with disabilities, including organizations of persons with intellectual or psychosocial disabilities and organizations of women and girls with disabilities.

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

**a) Review its legislation and policies to bring them in line with the human rights model of disability in accordance with the Convention, particularly the Civil Code, Criminal Code, Family Code, Labour Code, and Act No. 207/AN/17/7ème L (2018);**

**b) Repeal derogatory terminology and concepts that demeans persons with disabilities from its legislation, particularly Act No. 207/AN/17/7ème L (2018), Labour Code, and Decree No. 2020-306/PRE and ensure they recognize the evolving concept of disability as arising from**

**the interaction between persons with impairments and barriers to the full participation of persons with disabilities in society;**

**c) Take measures to ensure the effective implementation of the National Disability Strategy (2020–2024) and adopt a comprehensive and long-term disability national action plan for implementing the rights of persons with disabilities in the Convention across all government sectors and levels in order to address attitudinal and environmental barriers that hinder the participation of persons with disabilities in society;**

**d) Establish formal and transparent mechanisms to ensure the effective and meaningful participation of and consultation with persons with disabilities, through their representative organizations, including their participation in the implementation and monitoring of the Convention, in line with general comment No. 7 (2018) on the participation of persons with disabilities, including persons with intellectual or psychosocial disabilities and women and girls with disabilities, through their representative organizations.**

## France

7. The Committee notes with concern:

a) The interpretative declaration upon ratification to the Convention concerning the interpretation of the term 'consent' in article 15 (1);

b) The absence of measures to review and harmonise disability-related national, regional and municipal legislation and policies with the Convention, and legislation and public policies based on the medical model and paternalistic approaches to disability, including the definition of disability in the Act on Equal Rights and Opportunities, Participation and Citizenship for Persons with Disabilities, of 11 February 2005 that focuses on incapacity of persons with disabilities and their "normalization", the medical treatment of persons with psychosocial disabilities and autistic persons, and the 'model of medico-social care' for persons with disabilities, which sustains systematic institutionalization of persons on the basis of disability;

c) The lack of information on the jurisprudence of French courts on the direct application of the rights guaranteed by the Convention;

d) The absence of a national strategy and public policies for implementing the State party's obligations under the Convention;

e) The lack of awareness on the rights of persons with disabilities of policymakers, government officials, at the national and municipal levels, legal and other professionals, including judges, teachers, medical, health and other professionals working with persons with disabilities.

**8. The Committee recalls the recommendations issued by the Special Rapporteur on the Rights of Persons with Disabilities in her report on the visit to France (A/HRC/40/54/Add.1), and recommends that the State party:**

9. The Committee is concerned about:

a) Provisions in the Law of 2005-102 (article 1) and of the Social Action and Family Code (article L.146-1) conflating associations of service providers and managers with organizations of persons with disabilities, resulting in conflict of interests in service provision and obstacles to effectively shift from 'medico-institutional-care' to independent living in the community;

b) Limited involvement of persons with disabilities through their representative organizations, in consultations concerning legislation and public policies, including those carried out by the National Consultative Council of Persons with Disabilities, and the municipal and inter-municipal committees on accessibility.

**10. The Committee recalls its General comment No. 7 (2018) and recommends that the State party:**

**a) Revise provisions of article 1 of the Law of 2005-102 with a view to strengthen and implement transparent mechanisms to closely consult with and actively involve persons with disabilities, through their representative organizations, in public decision-making processes**

at all levels, including in implementing, monitoring and reporting on the Sustainable Development Goals;

b) Ensure meaningful and effective support and consultations with the diversity of organizations of persons with disabilities as outlined in General comment No. 7, paying attention to, organisations of persons with intellectual disabilities, persons with psychosocial disabilities, autistic persons, women with disabilities, LGBTI persons with disabilities, persons living in rural areas, Roma persons with disabilities and those requiring high levels of support.

## Estonia

7. The Committee notes with concern:

a) That disability-related legislation and policies have not yet been fully brought into line with the Convention, in particular the negative impact of disability-assessment systems preventing inclusion of children with disabilities in society, and their access to appropriate services and required support;

b) The derogatory concepts and terminology concerning persons with disabilities, such as “abnormality”, “helpless person”, “mental disorders” in laws and policies, emphasizing on persons’ impairments, reflecting the medical and paternalistic approaches to disability in the State party, and reinforcing stigma against persons with intellectual or psychosocial disabilities;

c) Disability-related regulations and policies that approach persons with disabilities primarily as social service recipients, in absence of an overall strategy for implementing the Convention, in all areas of life;

d) Information indicating lack of coordination between national and local levels of public administration concerning implementation of disability-specific programmes;

e) The lack of awareness of policymakers, officers and professionals, at the national and municipal levels, including judges, prosecutors, teachers, medical, health and other professionals, working with persons with disabilities, on the rights recognized in the Convention.

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

**a) Review of existing disability-related legislation and policies, including disability-assessment systems, and bring them into line with the human rights model of disability in the Convention. Ensure that policies and programmes mainstream support required by children with disabilities, irrespective of impairment;**

**b) Repeal derogatory terminology and concepts from the Social Benefits for Disabled Persons Act, the Equal Treatment Act, and other provisions or regulations, and ensure they conform to the human rights model of disability;**

**c) Adopt a comprehensive disability strategy and a national action plan for implementing the rights of persons with disabilities in the Convention, across all government sectors and levels, in order to address attitudinal and environmental barriers that hinder participation of persons with disabilities in society;**

**d) Ensure appropriate coordination and cooperation amongst the national and municipal levels, and ensure accessibility and availability of social protection programmes and mainstream community services for persons with disabilities;**

**e) Strengthen capacity-building programmes for public policy-makers, municipal officers and professionals, at the national and municipal levels, judges, prosecutors, teachers, medical, health and other professionals, working with persons with disabilities, on the rights of persons with disabilities and obligations of the State party under the Convention. The State party should involve organisations of persons with disabilities, in the design and implementation of training for public officials.**

9. The Committee notes with concern:

a) The lack of effective involvement of persons with intellectual disabilities, persons with psychosocial disabilities, and persons with autism through their representative organizations,

in decision-making process concerning disability-related laws, policies and programmes, including in processes related to the implementation of the 2030 Agenda for Sustainable Development, and sustainable development goals;

b) The insufficient financial, and other supports particularly for organizations of persons with intellectual disabilities;

c) The lack of accessibility to information about public decision-making process limiting opportunities of participation to grass roots organizations of persons with disabilities.

**10. The Committee recalls 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 recommends that the State party:**

**a) Strengthen and implement mechanisms for effective involvement of persons with disabilities through their representative organizations in public decision-making processes, including in implementing, monitoring and reporting on the Sustainable Development Goals. The State party should ensure meaningful consultations with the diversity of organizations of persons with disabilities, including children with disabilities, persons with intellectual disabilities, persons with psychosocial disabilities, intersex persons with disabilities, women with disabilities, persons living in rural areas, persons with autism, Roma and lesbian, gay, bisexual, transgender persons with disabilities, and those requiring higher levels of support.**

**b) Ensure that adequate financial and other necessary supports are available for organizations of persons with intellectual disabilities. The State party should ensure that organizations of persons with disabilities have access to independent and self-managed funding for strengthening their capacity to independently advocate for their participation in society, and adopt measures to safeguard their independence from public authorities;**

**c) Provide organizations of persons with disabilities with accessible information, including information in Easy Read, and other accessible formats, and timetable of the consultation process concerning any legislative or policy reforms, related to persons with disabilities.**

## Albania

5. The Committee is concerned about:

a) The insufficient efforts to revise existing legislation and to bring it into full compliance with the Convention, in particular with regard to the State party's use and interpretation of the "bio-psycho-social" model in reforming disability assessment systems;

b) The lack of a harmonised concept of disability and the denial of reasonable accommodation in discrimination legislation;

c) The lack of mainstream and disability-specific services provided for persons with disabilities at the local level;

d) The use of derogatory language against persons with disabilities throughout laws, policies and public discourse.

**6. The Committee recommends that the State party adopt the human rights model of disability enshrined in the Convention, to harmonize its legislation and include a human rights model of disability and the denial of reasonable accommodation in discrimination laws, in accordance with the Convention. It also recommends that the State party review existing and draft laws, including the ongoing reform of disability assessments for social protection entitlements established in Law no. 121/2016 on Social Services and in Law no. 15/2019 on Employment Promotion, together with the Council of Ministers' Decision No. 380 (5 June, 2019), in close consultation with organizations of persons with disabilities to ensure persons with disabilities can access mainstream and disability-specific services at the local level. The Committee also recommends that the State party ensure that the use of all derogatory language in reference to persons with disabilities is eliminated from all legislation, public documents and discourse.**

7. The Committee is concerned by:

- a) The lack of legislation, transparent procedures and information, regarding consultations with organizations of persons with disabilities;
- b) The fact that, based on Law 93/2014 “On the inclusion and accessibility of persons with disabilities”, the Prime Minister is exclusively in charge of the nomination as well as of the appointment of the members of the National Disability Council and that the level of representation of members of civil society in the Council is below 50 per cent;
- c) The lack of regular and sustainable financial support for organizations of persons with disabilities, particularly at the local level;
- d) The official Albanian translation of the Convention, which makes an erroneous reference to organizations “for” persons with disabilities, which does not adhere to the Convention.

**8. The Committee recommends that the State party take into account 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:**

- (a) Take all the legal and other necessary measures to adopt formal and transparent mechanisms for the nomination and election of representatives of organizations of persons with disabilities in the National Disability Council, including those representing women and children with disabilities, persons who are deaf or hard of hearing, and persons with psychosocial or intellectual disabilities;**
- (b) Provide sufficient and regular financial resources and administrative support for the Council and ensure more equal representation of representative organizations of persons with disabilities nationwide, to ensure the quality of the experts and an adequate representation of the interests of persons with disabilities, especially women and girls with disabilities;**
- (c) Ensure a correct official translation to ensure equal opportunities to organizations of persons with disabilities.**

9. The Committee is concerned that the State party has not yet ratified the Optional Protocol to the Convention.

**10. The Committee recommends that the State party ratify the Optional Protocol to the Convention without further delay.**

## Australia

5. The Committee is concerned about:

- a) The insufficient harmonization of the domestic legal framework with the Convention;
- b) The lack of progress made to review and withdraw the interpretive declarations on articles 12, 17 and 18 of the Convention;
- c) The serious delays in releasing the third plan for implementing the National Disability Strategy 2010–2020;
- d) The weakness of the mechanisms and the limited funding available under the National Disability Strategy and the National Disability Agreement for the full and effective engagement of persons with disabilities, through their representative organizations, in policy development, implementation and monitoring of actions relating to the Convention;
- e) The disability assessment that individuals must undergo in order to be eligible to receive services through the National Disability Insurance Scheme, which still relies heavily on the medical model of disability and does not provide older persons with disabilities, persons with disabilities from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander persons with disabilities and persons with intellectual or psychosocial disabilities with equal opportunities;
- f) The inaccessibility of the National Disability Insurance Scheme due to complex procedures, limited publically available and accessible information and the lack of services in remote areas;
- g) The unsustainability and inadequacy of resources for continuous, individual and independent advocacy programmes.



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

**a) Fully harmonize domestic legislation with the Convention by carrying out disability rights impact assessments on legislative changes that may affect the rights of persons with disabilities;**

**b) Review and withdraw the interpretative declarations on articles 12, 17 and 18 of the Convention;**

**c) Roll out the third plan for implementing the National Disability Strategy;**

**d) In close consultation with and with the effective participation of diverse organizations of persons with disabilities, ensure that the National Disability Agreement and the next national disability strategy receive adequate resources, an implementation plan with measurable goals and a robust monitoring mechanism, a formal performance reporting framework and evaluation, governance and accountability requirements, including through the implementation of the recommendations made by the Productivity Commission;**

**e) Review disability assessment criteria for support schemes under the National Disability Insurance Scheme and align them with the human rights model of disability, ensuring adequate support for older persons with disabilities, persons with disabilities from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander persons with disabilities and persons with intellectual or psychosocial disabilities;**

**f) Simplify, clarify and make National Disability Insurance Scheme procedures more transparent, including by making information publically available and accessible, and ensure that the Scheme meets the diverse and intersecting requirements of persons with disabilities in all areas;**

**g) Ensure that persons with disabilities are able to access continuous, sustainable and adequately resourced individual and independent advocacy programmes, particularly those not part of the National Disability Insurance Scheme.**

7. The Committee is concerned that there are no permanent or effective mechanisms to ensure the active participation of persons with disabilities, through their representative organizations, in the implementation and monitoring of the Convention.

**8. The Committee recommends that the State party, in line with the Committee's 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, establish formal and permanent mechanisms to ensure the full and effective participation of persons with disabilities, including children with disabilities, through their representative organizations, in the development and implementation of legislation and policies to implement the Convention, ensuring adequate resources and the provision of the necessary support. It recommends that the State party involve Aboriginal and Torres Strait Islander persons with disabilities and their representative organizations in particular in all aspects of the design, implementation, monitoring and evaluation of the Australian Government Plan to Improve Outcomes for Aboriginal and Torres Strait Islander People with Disability.**

## **Ecuador**

7. The Committee observes with concern that the State party's laws, manuals and guidelines have not been harmonized with the human rights model set out in the Convention. It notes, in particular, that the Organic Act on Disabilities retains a conceptual approach that is based on a medical model of disability and that emphasizes the limitation of abilities while disregarding the social dimension of disability. The Committee is also concerned that:

a) The State party's disability classification system is not in accordance with the principles enshrined in the Convention;

b) Recent amendments of the Organic Act on the Ombudsman's Office and the Organic Act on Disabilities do away with the Office of the Ombudsman's authority to impose penalties for failures to observe protection measures for persons with disabilities in the public and private sectors.

8. With regard to the institutional framework for public policies and programmes, the Committee is concerned at:

- a) The dissolution in 2016 of the Technical Secretariat for Disabilities, whose areas of authority, programmes and projects have been officially transferred to other ministries and government bodies without providing them with sufficient budgetary allocations for those purposes or a mechanism for monitoring their implementation;
- b) The fact that the targeted objectives and policies established under the National Agenda for the Equality of Persons with Disabilities focus on the provision of assistance rather than on inclusion.

9. In relation to the State party's obligations under article 4 (3), the Committee is concerned at:

- a) The fact that organizations of women, children, adolescents, older adults, indigenous persons, persons of African descent and Montubio persons with disabilities have not participated on an effective, independent basis in decision-making processes concerning all the matters that affect them. The Committee is also concerned at the failure to promote and disseminate information in accessible formats on disability-related legislation and programmes in the State party, the Committee's concluding observations on the State party's initial report or the Committee's general comments;
- b) Reports of continued obstacles to the effective participation in public life of persons with disabilities and their representative organizations, particularly in decision-making processes concerning matters that affect them and in monitoring the implementation of the Convention, and reports of acts of intimidation, harassment and victimization of defenders of the human rights of persons with disabilities.

**10. The Committee reiterates the recommendations made in paragraphs 9 and 11 of its concluding observations on the State party's initial report (CRPD/C/ECU/CO/1) and recommends that the State party ensure that any amendments of its legislation conform to the principles enshrined in the Convention and are in line with the human rights approach to disability and that, in particular, the rights of persons with disabilities are mainstreamed therein. The Committee also recommends that the State party:**

- a) **Ensure that the criteria used in its disability classification system are in keeping with the Convention and based on the human rights model of disability rather than on the medical model and that they include criteria such as the independence and autonomy of persons within their environment on an equal footing with others;**
- b) **Ensure the enforcement of protection measures granted to persons with disabilities and the establishment of mechanisms for imposing penalties for the non-observance of such protection measures in the public and private sectors.**

**11. The Committee also recommends that the State party:**

- a) **Ensure that the public policies and programmes on disability that have been transferred to different government ministries are fully implemented on the basis of the human rights model of disability and that their implementation is overseen by the National Council for Persons with Disabilities and civil society organizations of persons with disabilities;**
- b) **Make inclusion a pivotal component of public policies on disability and, in particular, of the National Agenda for the Equality of Persons with Disabilities.**

**12. The Committee, bearing in mind the recommendation that it made in paragraph 13 of its concluding observations on the State party's initial report (CRPD/C/ECU/CO/1) and 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) **Promote the effective, independent participation of organizations of women, children, older adults, indigenous persons, persons of African descent and Montubio persons with disabilities in decision-making processes concerning all matters that affect them and promote and widely disseminate the Committee's concluding observations on the State party's initial report and the Committee's general comments in accessible formats;**

**b) Take effective and timely measures to prevent the intimidation, harassment and victimization of human rights defenders, in particular persons with disabilities and their representative organizations, including civil society leaders, journalists, media professionals and defenders of the human rights of persons with disabilities.**

## El Salvador

4. The Committee is concerned that several laws, particularly article 367-A of the Criminal Code, and the new Family Code, do not adhere to the Convention, resulting in the exclusion of and discrimination against persons with disabilities, particularly persons with psychosocial or intellectual disabilities. The Committee is also concerned about:

- a) The lack of progress on enacting the law on the inclusion of persons with disabilities, which would repeal the Equalization of Opportunities for Persons with Disability Act;
- b) The lack of measures adopted to align the criteria for the disability certification mechanism with the Convention;
- c) The pejorative terms used in the Equalization of Opportunities for Persons with Disability Act to refer to persons with disabilities.

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

- a) **Review and amend all its laws, particularly the Family Code and the Criminal Code, to eliminate the concept of the “declaration of incapacity” in order to fully recognize and respect all the rights of persons with disabilities;**
- b) **Expedite the adoption of the law on the inclusion of persons with disabilities, ensuring that it contains the human rights model of disability, and repeal the Equalization of Opportunities for Persons with Disability Act;**
- c) **Ensure the elimination of pejorative language used to refer to persons with psychosocial or intellectual disabilities in legislation.**

6. The Committee is concerned at the lack of budgetary allocation for the implementation of plans and programmes at the national and municipal levels for the protection of the rights of persons with disabilities.

**7. The Committee recommends that the State party allocate and earmark sufficient budget for the implementation of plans and programmes for the protection of the rights of persons with disabilities, in both urban and rural areas.**

## Greece

5. The Committee is concerned about the lack of a harmonized human rights-based approach to disability in the legislation of the State party and that the existing legislative framework, including the disability assessment mechanism, still comprises elements associated with the medical model of disability and contains derogatory language in reference to persons with disabilities. It is also concerned about the lack of a coherent and long-term strategy for the effective implementation of the Convention.

**The Committee recommends that the State party, in close consultation with and the active involvement of organizations of persons with disabilities:**

- a) **Harmonize its legal and administrative framework on disability, including the disability assessment mechanism, by fully integrating the human rights model of disability in 6. its laws, regulations and practices across all levels of government and territories, in line with the Convention;**
- b) **Develop a comprehensive, coherent and long-term national strategy and action plan for the implementation of the Convention, with clear timelines, benchmarks and budget allocations;**
- c) **Eliminate from its legislation derogatory language in reference to persons with disabilities.**

## India

6. The Committee is concerned about:



- a) The prevalence of the medical model of disability in legislation, public policies and attitudes concerning persons with disabilities, particularly in the multiple assessments and certification of disability and the requirement for different assessments to access services in the community, and in the misunderstanding of disability, including leprosy, as solely a biological condition requiring prevention and rehabilitation;
- b) Legislation, public policies and practices that discriminate against persons with disabilities, particularly guardianship, institutionalization, psychiatric treatment and segregated community services based on disability, negative perceptions, including that of “normal life” as opposed to the lives of persons with disabilities, and derogatory terminology such as “mentally ill” and divyangjan, the latter of which is still controversial;
- c) The limited coverage of the unique disability identification card, especially in rural areas, and the fact that service providers, such as rail services, do not recognize these cards with a view to facilitating accessible and affordable public services for persons with disabilities.

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

- a) **Adopt national and State strategies to promote understanding about the human rights model of disability among policymakers and in society, and the principles of respect for the inherent dignity and difference of persons with disabilities and acceptance of persons with disabilities as part of human diversity and humanity;**
- b) **Reform the guidelines for assessing and certifying disability to bring them into line with the human rights model of disability, ensuring that organizations of persons with disabilities are involved in the reform, that multiple assessments do not create an undue burden for applicants, and that policies and programmes shift from care, treatment and protection towards the removal of environmental and attitudinal barriers, which prevent equality and inclusion;**
- c) **Complete the review process to bring its legislation, policies and schemes into line with the Convention, including the Rights of Persons with Disabilities Act (2016), the Mental Health Care Act (2017), the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act (1999) and measures governing general services for disability inclusion, and eliminate derogatory terminology and concepts against persons with disabilities from its legislation, policies, government regulations and government websites and from public discourse;**
- d) **Ensure that community services are available for and inclusive of all persons with disabilities without discrimination, especially in rural areas where the unique disability identification card has yet to be implemented.**

8. The Committee is concerned about the absence of comprehensive national and state action plans to implement the Convention and the uneven implementation of legislative measures recognizing the rights of persons with disabilities across all states.

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

- a) **Ensure the prompt review and adoption of an action plan for the implementation of the Convention at the national and state levels, with the meaningful involvement of persons with disabilities through their representative organizations, targeting all persons with disabilities, including those living in rural areas, in public policy efforts and ensuring cross-sectoral human and technical resources and budget allocations;**
- b) **Ensure cooperation with authorities at the state level in order to implement the legislation recognizing the rights of persons with disabilities across all states.**

10. The Committee is concerned that the participation of organizations of persons with disabilities is not prioritized in decision-making processes relating to them, and that their opinions are not reflected in the results of such processes.

**11. The Committee recommends that the State party, guided by the Committee’s 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:**

- a) **Ensure that those organizations of persons with disabilities defined in paragraphs 10 to 13 of general comment No. 7, including of women with disabilities, are consulted and**

involved in decision-making processes at all levels of government and in all public policy areas;

b) Remove barriers to the participation of organizations of persons with disabilities, including guardianship regimes, and provide appropriate resources for their effective participation, accessible and inclusive information and methodologies of consultation;

c) Ensure that the opinions of persons with disabilities are given due weight and are reflected in decisions resulting from consultations, and that accountability criteria are adopted concerning public decision-making.

## Iraq

**6. The Committee recommends that the State party ratify the Optional Protocol to the Convention.**

7. The Committee is concerned that:

a) The medical model of disability and the charity-based approach to disability remain prevalent in the State party's legislation and policies concerning persons with disabilities, including in article 32 of the Constitution, article 1 of Law No. 38 (2013) and articles 1 (5) and 6 of Act No. 22 (2011);

b) The method used by the State party to assess disability is based on a medical approach, in line with article 15 (1) (j) of Law No. 38 (2013);

c) National legislation, including Law No. 38 (2013), has not yet been fully brought into line with the Convention, and derogatory terminology concerning persons with disabilities has not yet been eliminated from all laws and policies, including from paragraph 495 (4) of the Criminal Code (Law No. 111 (1969)).

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

a) Review its legislation, including through the ongoing review of Law No. 38 (2013), and bring it into line with the human rights model of disability enshrined in the Convention;

b) Ensure that the method used in disability assessments fully incorporates a human rights model of disability and that organizations of persons with disabilities are involved in the design of disability assessment methods and in generating the information on which disability assessments are based;

c) Undertake a comprehensive legislative and policy review with a view to adopting and enforcing laws and policies that prohibit discrimination on the basis of disability, and review the use of terms deemed discriminatory under the Convention.

9. The Committee is concerned that:

a) There are gaps in the implementation of Law No. 38 (2013), as implementing decrees and regulations have not been issued for all provisions of the Law;

b) Insufficient funds from the national budget have been allocated for the promotion and protection of the rights of persons with disabilities;

c) Persons with disabilities and their representative organizations are not systematically consulted and actively involved in all decision-making processes affecting them.

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

e) Adopt implementation decrees and regulations to ensure that the national legislation protects and promotes the rights of persons with disabilities and sanctions non-compliance;

f) Substantially increase the human, technical and financial resources allocated for the implementation of the Convention;

g) Strengthen measures to ensure that organizations of persons with disabilities, including organizations of persons with intellectual or psychosocial disabilities and organizations of women and girls with disabilities, are effectively consulted and meaningfully involved in the design, implementation and evaluation of laws, policies, action plans, timelines and budgets and provide such organizations with continuous and transparent funding.

## Kuwait

4. The Committee notes that the State party has not ratified the Optional Protocol to the Convention and other international human rights treaties, including the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**5. The Committee recommends that the State party ratify the Optional Protocol to the Convention and, bearing in mind the indivisibility of all human rights, encourages the State party to consider acceding to other international human rights treaties, including the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

6. The Committee is concerned about the State party's:

- a) Reservations to articles 18 (1) (a) and 23 (2) of the Convention;
- b) Interpretative declaration to article 12 (2) of the Convention specifying that the enjoyment of legal capacity should be subject to Kuwaiti law;
- c) Interpretative declarations to articles 19 (a) and 25 (a) of the Convention.

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

- a) Withdraw its reservations to articles 18 (1) (a) and 23 (2) of the Convention;**
- b) Withdraw its interpretative declaration to article 12 (2) of the Convention and take legal measures to uphold the right to equal recognition before the law, which implies that all persons with disabilities, including those with psychosocial and intellectual disabilities, enjoy legal capacity on an equal basis with others in all aspects of life;**
- c) Withdraw its interpretative declarations to articles 19 (a) and 25 (a) of the Convention.**

8. The Committee is concerned that:

- a) The State party's legislation, including Act No. 8/2010 on the rights of persons with disabilities and Act No. 21/2015 on protection of the rights of the child, the Civil Code, the Code of Civil Procedure and the Penal Code, is based on the medical model of disability and does not recognize persons with disabilities as rights holders;
- b) National laws currently in force, particularly Act No. 8/2010, do not encompass social, economic and cultural rights or fundamental civil and political rights, including the rights to life, liberty and security of the person, to political participation and to equal recognition before the law; do not apply to Bidoon and non-Kuwaitis with disabilities; and reflect a narrow concept of disability that excludes persons with psychosocial or intellectual disabilities and does not take into account the existence of barriers in society;
- c) The State party does not have a national disability strategy that is inclusive of non-Kuwaitis with disabilities;
- d) Court verdicts finding in favour of organizations of persons with disabilities and families of persons with disabilities have not been implemented.

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

- a) Review its policies and legislation, including Act No. 8/2010 and Act No. 21/2015, the Civil Code, the Code of Civil Procedure and the Penal Code, to ensure a full transition to the human rights model of disability, in compliance with the Convention;**
- b) Take the necessary legal measures to ensure that national legislation, particularly Act No. 8/2010, recognizes the evolving concept of disability as arising from the interaction between persons with impairments and barriers to the full participation of persons with disabilities in society and ensure also that national legislation encompasses the rights of all persons with disabilities, including non-Kuwaitis with disabilities;**
- c) Take advantage of the 2020–2025 strategy of the Public Authority for Disability Affairs to develop a national strategy on disability and a time-bound action plan based on the human rights model of disability;**
- d) Ensure full implementation of the court verdicts finding in favour of organizations of persons with disabilities and families of persons with disabilities.**

## Myanmar

5. The Committee is concerned about:

- a) The fact that the Convention has not been sufficiently incorporated into national law;
- b) The fact that the concept of disability in the State party's legislation is incompatible with the Convention as it is based on the medical model of disability;
- c) The derogatory terminology referring to persons with disabilities in legislation, regulations and policy documents, particularly in the "Lunacy" Act, the Code of Criminal Procedure, the Prisoners Act, and the Burma Army Act, such as "criminal lunatic", "lunatics" or "insane";
- d) The lack of concrete and effective measures taken at all policy areas, sectors and levels for implementing the State party's obligations under the Convention.

**6. The Committee recommends that the State party, with the full and effective participation of persons with disabilities through their representative organizations:**

- a) **Ensure the full incorporation of the Convention into its national legal system to harmonize national laws with the human rights model of disability and bring them fully in line with the Convention;**
- b) **Align the concept of disability with the human rights model of disability set out in the Convention, and eliminate the term "suffering" and remove it from the Rights of Persons with Disabilities Law of 2015;**
- c) **Repeal from legislation, regulations and policy documents all derogatory terminology concerning persons with disabilities;**
- d) **Take concrete and effective measures for the full implementation of the Convention across all policy areas, sectors and levels.**

7. The Committee notes with concern the absence of meaningful consultation and effective participation mechanisms to ensure that the views, opinions and concerns of persons with disabilities, including women and children with disabilities, persons with intellectual or psychosocial disabilities, persons affected by leprosy, and persons with disabilities from ethnic or religious minorities, are included in all stages of decision-making processes by public authorities at all levels.

**8. The Committee recommends that the State party establish formal mechanisms to ensure the effective and meaningful participation of and consultation with persons with disabilities, through their representative organizations, including their participation in the implementation of the Convention, in line with 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.**

9. The Committee is concerned that the State party has not yet ratified the Optional Protocol to the Convention.

**10. The Committee recommends that the State party consider ratifying the Optional Protocol to the Convention.**

## Cuba

5. The Committee is concerned that the State party has not ratified the Optional Protocol to the Convention.

6. The Committee recommends that the State party consider initiating the ratification process of the Optional Protocol to the Convention.

7. The Committee is concerned that:

- a) The State party has not yet harmonized its legislation with the Convention;
- b) A comprehensive law on the rights of persons with disabilities is absent;
- c) National legislation and assessment of disability is mostly based on the medical model of disability;
- d) Mainstreaming and explicit references to the rights of persons with disabilities in laws, strategies, policies and programs are insufficient.

**8. The Committee recommends that the State party adheres to the human rights model of disability enshrined in the Convention and:**

- a) Expedite the review of its national legislation, and ensure the full incorporation of the Convention in the domestic legal order, repeal or amend any laws that contradict the Convention, and harmonize policies and practices with the Convention;
- b) Adopt a national law on the protection of the rights of persons with disabilities;
- c) Ensures that any assessment of disability for purposes of service provision is undertaken;
- d) Strengthen efforts to systematically mainstream and explicitly reference the rights of persons with disabilities in laws, strategies, policies and programs.

9. The Committee is concerned that consultations and active involvement of persons with disabilities in all decision-making processes that affect them, including the implementation of the Convention, is limited to those organizations of persons with disabilities that are formally registered in accordance with Law No. 54 (1985) on Associations and that these registered organizations do not have member organizations of persons with psychosocial or intellectual disabilities.

**10. The Committee recalls its general comment No. 7 on article 4.3 and 33.3 of the Convention (2018) and recommends that the State party adopt measures to effectively and systematically consult and actively involve persons with disabilities through their representative organizations in all matters that affect them. It also recommends that the State party create an enabling environment for the establishment and functioning of organizations of persons with disabilities, by adopting a policy framework favourable to their establishment and sustained operation. The Committee also recommends that the State party guarantee the independence and autonomy of organizations of persons with disabilities from the State, the establishment, implementation of and access to adequate funding mechanisms, including public funding and international cooperation, and the provision of support, including technical assistance, for empowerment and capacity-building.**

## Niger

5. The committee is concerned that:

- a) The definition of disability in several legislations and regulations, including regarding prevention and detection of disability, is not in conformity with the Convention, particularly, Act No. 60-36 of 29 July 1960 on the expulsion from school of persons affected by leprosy, article 8 of the electoral code, article 2 of Ordinance No. 93-012, and Articles 42 and 43 of the draft law on Equal Opportunities and the Reintegration of Persons with disabilities (LOSEN);
- b) Terminology referring to persons with disabilities in legislation, regulations and policy documents are derogatory in nature, particularly the phrases such as “deaf and dumb”, “deaf-mute”, “cripple”, “infirm, incapable, foolish” in referring to persons with psychosocial and intellectual disabilities;
- c) There is a lack of effective consultation mechanisms and active participation of representative organisations of persons with disabilities, particularly those representing women and children with disabilities, and persons with psychosocial or intellectual disabilities; and a lack of their inclusion in the Sustainable Development Strategy and Inclusive Growth 2035, the priority action plan PDES 2017-2021 and the national strategy for inclusive finance.

**6. The Committee recommends that the State Party:**

- a) **Revise its legislations and regulations to conform with the human rights model of disability of the Convention, particularly article 8 of the electoral code, articles 42 and 43 of the LOSEN, and Act No. 60-36 of 29 July 1960 on the expulsion from school of persons affected by leprosy;**
- b) **Repeal from its legislations and regulations all derogatory terminology that demean persons with disabilities;**
- c) **Establish mechanisms for the participation and consultation of representative organizations of persons with disabilities, including those representing women, youth and children with disabilities, and persons with psychosocial or intellectual disabilities, including**

in the Sustainable Development Strategy and Inclusive Growth 2035, the priority action plan PDES 2017-2021, and the national strategy for inclusive finance; and design mechanisms and information about consultation processes in accessible formats for persons with psychosocial or intellectual disabilities;

d) Provide adequate and sustainable financial resources and other necessary support to organizations of persons with disabilities.

## Norway

5. The Committee is concerned about:

a) The fact that the Convention has not been incorporated into the national law and the absence of comprehensive strategy and action plan for the implementation of the Convention with timelines or budgets done in consultation with organizations of persons with disabilities;

b) The interpretative declarations made to articles 12, 14 and 25 of the Convention;

c) The fact that the State party has not yet ratified the Optional Protocol to the Convention;

d) The slow progress in replacing the medical model of disability with the human rights model of disability;

e) The differences among municipalities in the services offered to persons with disabilities;

f) The absence of sustainable financial support for organizations of persons with disabilities.

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

a) Incorporate the Convention into the national law, revise legislation in line with the Convention and develop a comprehensive strategy and action plan with transparent and sustainable financial resources for the implementation of the Convention with clear timelines developed in close, meaningful and fully accessible consultations with organizations of persons with disabilities;

b) Consider withdrawing its interpretative declarations to articles 12, 14 and 25 of the Convention;

c) Ratify the Optional Protocol to the Convention;

d) Adopt the human rights model of disability in all the regulations relating to the assessment of disability in accordance with the criteria and principles provided in articles 1 to 3 of the Convention;

e) Take all necessary measures to reduce differences among municipalities in the services offered to persons with disabilities through national regulations, standards and guidelines;

f) Provide sustainable financial support for organizations of persons with disabilities.

## Rwanda

5. The Committee is concerned that the State party has not brought its domestic legislation into line with the Convention, and that its laws still contain pejorative terms and reflect the medical model of disability, in particular Laws No. 01/2007 on the Protection of the Rights of Persons with Disabilities in General, No. 02/2007 on the Protection of Former War Combatants with Disabilities, No. 54/2011 relating to the Rights and the Protection of the Child and No. 27/2001 relating to Rights and Protection of the Child Against Violence. The Committee is also concerned at the slow pace of adoption of a national disability policy, and that the Ministerial Orders of 2009 concerning persons with disabilities remain largely unimplemented.

**6. The Committee recommends that the State party's domestic legislation adhere to the Convention, taking measures to fulfil all its obligations under it and ensuring the human-rights based approach to disability. The Committee also recommends that the State party eliminate pejorative terminology relating to the rights of persons with disabilities. It also recommends that the State party adopt without delay the national disability policy in line with the Convention, including consultation and engagement with organizations of persons with disabilities, and take effective measures with clear timelines for its implementation. The Committee recommends that the State party take effective measures to implement the Ministerial Orders of 2009.**



7. The Committee is concerned about the absence of mechanisms to ensure that the views, opinions and concerns of persons with disabilities, particularly women, children and persons with intellectual or psychosocial disabilities, are included in the formulation of laws and policies, both at the national and local levels.

**8. The Committee recalls 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 recommends that the State party establish accessible formal mechanisms to ensure the effective and meaningful participation and consultation with persons with disabilities, through their representative organizations, particularly women, children and persons with intellectual or psychosocial disabilities, including in the formulation, implementation and monitoring of laws and policies. The Committee also recommends that the State party provide sufficient budgetary resources to such organizations to enable their participation.**

## Saudi Arabia

5. The Committee is concerned at:

- a) The fact that the State party's legislation, including its Basic Law of Governance, its Disability Care Act, its Labour Law and its Charter establishing the Authority for the Welfare of People with Disabilities, are based on a charity-based approach to disability that runs counter to the Convention and does not recognize environmental barriers that hinder the full and effective participation of persons with disabilities in society on an equal basis with others;
- b) The lack of a coherent and comprehensive disability strategy to implement the human rights model of disability established in the Convention;
- c) The lack of systematic consultation of organizations led, directed and governed by persons with disabilities and involvement of persons with disabilities.

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

- a) Take advantage of the formulation of a national human rights strategy (Royal Order No. 13084) to initiate a full transition to a human rights-based model of disability in laws and policies, including in its Basic Law of Governance, its Disability Care Act, its Labour Law and its Charter establishing the Authority for the Welfare of People with Disabilities, with a view to harmonizing them with the general principles and provisions in the Convention;**
- b) Develop a national disability strategy in order to implement the human rights-based model of disability;**
- c) Establish a systematic mechanism to recognize organizations led, directed and governed by persons with disabilities and to effectively and meaningfully consult and actively involve persons with disabilities, including those with psychosocial or intellectual disabilities, through their representative organizations in all matters that affect them, such as the development of all laws, policies and programmes, in line with 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.**

## Senegal

5. The Committee is concerned about:

- a) The lack of measures to review and harmonize all legislation and policies in line with the Convention, particularly the Social Orientation Act 2010-15 and its implementing decrees, and the fact that measures geared towards the "prevention of disabilities" are misunderstood as measures to implement the Convention;
- b) The use of unacceptable terminology in legislation when referring to persons with disabilities, such as "deaf-mute";
- c) Disability assessment criteria not in line with the human rights model of disability enshrined in the Convention for the issuance of the Equality Cards by the different commissions established by decree 2012-1038;

**6. The Committee reminds the State party that the prevention of disability is not a measure of implementation of the Convention and recommends that the State party:**

- a) Revise all laws, policies and plans to harmonize them with the human rights model of disability enshrined in the Convention;**
- b) Eliminate from legislation derogatory language in reference to persons with disabilities;**
- c) Adopt a human right-based approach to disability assessment, and ensure that persons with disabilities, through their representative organizations, are involved in the design of disability assessment criteria for the issuance of Equality Cards.**

## Spain

6. The Committee is concerned at non-compliance with the Convention and the human-rights model of disability of several national, regional and municipal legislations and policies, particularly “The Consolidated Text of the General Act on the Rights of Persons with Disabilities and their Social Inclusion” of 2013 and “The Personal Autonomy Promotion Act” of 2006. It is concerned that this results in the reliance on medical model classifications that categorise people on the basis of diagnosis and excludes the broad scope provided in the Convention that recognises disabilities in relation to impairment and barriers in the social environment, especially in regards to psychosocial disability. The Committee is also concerned about:

- a) The predominance of a paternalistic approach and the lack of human rights-based provisions within mental health systems, as well as of explicit strategies aimed at ensuring their protection from discrimination and ill-treatment;
- b) The lack of progress to implement the previous recommendations of the Committee to abolish legal provisions that reinforce a negative perception of disability by providing for the late termination of pregnancy based on foetal impairment, as well as legislative initiatives aimed at recognizing the legal status of euthanasia on the ground of disability;
- c) The limited progress to ensure equal and full-range involvement and participation of persons with disabilities through their representative organizations in all matters that concern them, including the elaboration of public policies and laws;

Lack of trainings for professionals in the fields of, inter alia, education, health, and the judiciary to raise awareness about the rights of persons with disabilities and standards enshrined in the Convention.

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

- a) Review and amend all laws, policies and practices relating to the provision of services for persons with disabilities at all levels and across all Autonomous Communities, in accordance with the principles enshrined in the Convention and in line with the human rights model of disability;**
- b) Design and implement a policy focusing at ensuring the full respect of the rights of persons with psychosocial disabilities, including by ensuring that human rights-based provisions are applied in mental health systems;**
- c) Abolish any distinction by law to the period within which a pregnancy can be terminated based on a potential foetus impairment, as well as withdraw all euthanasia related provisions on the ground of disability, as these contribute to a climate of stigma against disability that can lead to discrimination;**
- d) Ensure the continuing involvement and meaningful consultations with various organizations of persons with disabilities, including but not limited to women, children, refugees and asylum-seekers, LGBTI+, persons with psychosocial disabilities or with intellectual, hearing or visual impairments, persons living in rural areas and persons in need of high levels of support, in the designing and amending of new and existing laws, policies and programs to ensure their compliance with the Convention, as defined by The Committee’s General Comment No. 7 of 2018;**



**Continue providing trainings to professionals including judges and law enforcement officials, health care professionals, teachers as well as personnel working with persons with disabilities to raise their awareness of the rights under the Convention.**

## Turkey

5. The Committee is concerned about the prevalence, in practice, of the medical, charitable, and paternalistic approaches to disability, exemplified in disability assessments based on medical reports, which reduce persons with disabilities to their impairments and health condition.

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

**a) Revise its legislation and policies at the national and provincial levels to harmonize them with the human rights model of disability, upholding the principles of dignity, individual autonomy, and equality of persons with disabilities in all areas of life;**

**b) Amend current legislation concerning disability assessments, ensuring that persons with disabilities, through their representative organizations, are involved in their design, and that multiple assessments do not create an undue burden for the person involved, reduce the burden on applicants, and promote consistency and transparency with effective safeguards for persons with disabilities.**

7. The Committee is concerned that there is no updated and transparent information and recorded progress in the areas covered by the Strategy and National Plan of Action on Accessibility and the 2011-2013 Strategy and Plan on Care Services.

**8. The Committee recommends that the State party establish an effective mechanism to monitor the progress made in the fields of accessibility and support, involving persons with disabilities through their representative organizations in such monitoring.**

9. The Committee is concerned about the limited information about the progress made to adopt the National Plan of Action and Strategy Paper on the Rights of Persons with Disabilities, and about the sustained and formal mechanisms of consultation and involvement of the diversity of organizations of persons with disabilities throughout the decision-making process since 2017.

**10. The Committee recalls 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 recommends that the State party:**

**a) Ensure transparent and meaningful consultations with representative organizations of persons with disabilities for the adoption of the National Plan of Action and Strategy Paper on the Rights of Persons with Disabilities and its programmes and all legislation-related bills;**

**b) Support persons with intellectual or psychosocial disabilities in setting up their representative organizations and include them in consultations concerning the implementation of the Convention;**

**c) Promote and facilitate the establishment and functioning of organizations of persons with disabilities, guarantee their independence and autonomy from the State, and ensure their access to adequate funding mechanisms, including public funding and international cooperation, and the provision of support for empowerment and capacity-building.**

## Vanuatu

6. The Committee is concerned at:

a) The delay in the repeal and amendment of existing legislation that is not in line with the Convention after the Legislative Review by the Ministry of Justice in 2016;

b) The use of derogatory terminology concerning persons with disabilities in law and practice;

c) The absence of a specific law to enforce policies and action plans with regards to persons with disabilities and the limited implementation of the National Disabilities Inclusive Development Policy (2018-2025);

d) The fact that persons with disabilities and their representative organizations have not been effectively involved in the development of laws and policies as well as decision-making processes on matters affecting them.

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

a) **Repeal or amend all discriminatory legislation, within a clear timeline, adhering to the Convention and ensure that persons with disabilities are consulted and meaningfully engaged in the process;**

b) **Eliminate the use of all derogatory terminology regarding persons with disabilities in laws and practice, including in the media;**

c) **Enact a Disability Bill, without delay, which includes the human rights approach to disability enshrined in the Convention and an assessment mechanism and adopt measures to effectively implement the National Disabilities Inclusive Development Policy (2018-2025);**

d) **Ensure full involvement of persons with disabilities through their representative organizations in legislative and policy development and decision-making in accordance with the Committee's general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities and persons with intellectual and psychosocial disabilities, through their representative organizations, in the implementation and monitoring of the Convention.**

**8. The Committee is concerned that the State party has not yet ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities.**

**9. The Committee recommends that the State party ratify the Optional Protocol without delay.**

## Algeria

4. The Committee notes with concern that the State party has not ratified the Optional Protocol to the Convention.

**5. The Committee recommends that the State party consider initiating the ratifying process of the Optional Protocol to the Convention.**

6. The Committee is concerned that the State party has not yet harmonized its legislation with the Convention, including Law No. 02-09 of May 2002 and Executive Decree No. 14-204 of 15 July 2014, which are mostly based on the medical model of disability. It is also concerned that the multiple levels of assessments of disability for the purpose of benefits and other services still focus on deficiencies of the person.

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

a) **Ensure the full incorporation of the Convention in the domestic legal order, repeal or amend any law that contradicts the Convention and discriminates against persons with disabilities, including Law No. 02-09 of May 2002 and harmonize policies and practices with the Convention;**

b) **Eliminate the multiple levels of assessments of disability and, in consultation with representative organizations of persons with disabilities, develop an assessment policy and procedure, in line with the human rights model of disability enshrined in the Convention.**

8. The Committee is concerned that persons with disabilities through their representative organizations are not consulted and actively involved in all decision-making processes affecting them, including the implementation of the Convention.

**9. The Committee recalls the Committee's General Comment No. 7 on article 4.3 and 33.3 of the Convention (2018) and recommends that the State party adopt measures to effectively and systematically consult and actively involve persons with disabilities through their representative organizations in all matters that affect them. It also recommends that the State party adopt measures to enable the interaction of representative organizations of persons with disabilities with the State party in a safe, collaborative manner.**

## Bulgaria

7. The Committee is concerned that the State party has not ratified the Optional Protocol to the Convention.

**8. The Committee recommends that the State party speed up the ratification process of the Optional Protocol to the Convention, and ensure dissemination of public information concerning this process.**

9. The Committee is concerned that the medical and charity approaches to disability still prevail in the State party's legislation, and that definitions of disability and assessment of persons with disabilities in the State party's legislation are not in line with the Convention.

**10. The Committee recommends that the State party undertake a review of its legislation with the aim to bring it in line with the human rights model of disability. It also recommends that the State party withdraw any derogatory terminology concerning persons with intellectual disabilities and persons with psychosocial disabilities, and in consultation with representative organizations of persons with disabilities, develop an assessment policy and procedure, in line with the human rights model of disability enshrined in the Convention.**

11. The Committee notes with concern that the Integration of Persons with Disabilities Act is not fully in line with the provisions of the Convention, and that the 2018 amendments to it still maintain rules that had been repealed by the Constitutional Court. It is also concerned that the new Persons with Disabilities Act is yet to be adopted.

**12. The Committee recommends that the State party revise the draft bill and withdraw the 2018 amendments to the Integration of Persons with Disabilities Act that contravene the Convention. It also recommends that the State party adopt the new Persons with Disabilities Act ensuring its compliance with the principles and provisions of the Convention, and establish a framework for adoption of sectorial legislation that ensure mainstreaming and inclusion of the rights of persons with disabilities in all areas of life.**

13. The Committee is concerned about the lack of dialogue between the Government and organizations of persons with disabilities, and that organizations of persons with disabilities have received insufficient information about the envisaged reform on aspects, such as the certification of disabilities, the assessment of reduced capacity to work, and the right to retirement.

**14. The Committee recommends that the State party, in line with the Committee's 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:**

**a) Strengthen and implement formal mechanisms for effective and meaningful consultation of persons with disabilities concerning the implementation of the Convention, through their representative organizations, including organizations of women with disabilities, organizations of children with disabilities, and organizations of families of persons with disabilities in their supportive role;**

**b) Provide continuous funding for organizations of persons with disabilities and transparent criteria and mechanisms for consultation, including information in Easy Read, and other accessible formats for all persons with disabilities;**

**c) Provide organizations of persons with disabilities with information and timetable of the consultation process concerning the envisaged reforms aimed at changing the certification of disability, capacity to work and the right to retirement, in line with the human rights model of disability.**

## Malta

5. The Committee is concerned that:

a) The three entities of the State party that certify disability continue to use assessments based on a medical approach and that the different assessment criteria for the eligibility of services continue to focus on the degree of impairment of persons and are different for each entity;

- b) The articles of the Convention are not yet all enforceable under national legislation;
- c) The National Disability Strategy, that implements the National Policy for the Rights of Persons with Disability, has not been promulgated and formally launched yet;
- d) The concept of universal design is not explicitly or comprehensively defined in legislation, mainstreamed into regulations or enforced through monitoring mechanisms;
- e) The representative organizations of persons with disabilities are insufficiently included into the debates and work of government-appointed mandate holders and entities and lack funding to support the implementation and monitoring of the rights of persons with disabilities.

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

- a) **Revise and amend all laws, policies and practices, including provisions of the Equal Opportunities (Persons with Disability) Act (Cap. 413), the Parking Concessions for Persons with Disability Act (Cap. 560), the Persons with Disability (Employment) Act (Cap. 210) and the Social Security Act (Cap. 318), to bring them into line with the principles and rights enshrined in the Convention;**
- b) **Ensure a disability assessment method which fully incorporates the human rights model of disability and takes a human rights based approach by inter alia:**
  - i. **Involving Disabled People's Organisations in the design of disability assessment;**
  - ii. **Engaging persons with disabilities engaged in generating the information on which disability assessments are made;**
  - iii. **Eliminating multiple methods of disability assessment and as a result reduce the burden on applicants;**
  - iv. **Making information on assessment requirements accessible and user-friendly;**
  - v. **Frequently reviewing assessment methods.**
- c) **Adopt the necessary legislative measures, including the UN CRPD Bill, to ensure that the articles of the Convention are judiciable;**
- d) **Accelerate the promulgation and formal launch of the National Disability Strategy, while ensuring the meaningful consultation of persons with disabilities and their representative organizations;**
- e) **Achieve full accessibility through the mainstreaming of the concept of universal design in all relevant national and municipal legislation, policies and regulations, and ensure their implementation through an effective monitoring;**
- f) **Ensure the inclusion of and provide adequate funding for representative organizations of persons with disabilities to effectively monitor the implementation of the Convention.**

## Philippines

6. The Committee is concerned about:

- a) Prevalence of the medical and charity approaches in the State party's legislation and policies concerning persons with disabilities, overemphasizing impairment, medical treatment, and social care, which is in stark contrast with the human rights model of the Convention;
- b) Insufficient human, technical and financial resources allocated for reforming and harmonizing national-level disability laws and institutionalising policy changes to implement the Convention;
- c) Legislation that perpetuates existing stereotypes against persons with disabilities, and inadvertently institutionalize stigmatization and discrimination based on disability;
- d) Absence of a comprehensive policy across all sectors and levels for implementing the State party's obligations under the Convention, including removing all barriers for inclusion of persons with disabilities in society.

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

- a) **Establish a process to conduct review of its legislation and bring it into line with the human rights model of disability in the Convention. The State party should recognise all persons with disabilities as right-holders, and reaffirm their inherent dignity and autonomy;**

- b) Eliminate the multiple levels of assessments of disability and, in consultation with representative organizations of persons with disabilities, develop an assessment policy and procedure, in line with the human rights model of disability enshrined in the Convention;
- c) Ensure appropriate human, technical and financial resources to update its legislative and policy framework;
- d) Carry out a participatory process involving representative organizations of persons with disabilities as well as organizations of the public and private sectors, aimed at identifying environmental and attitudinal barriers hindering full and effective participation of persons with disabilities in Philippine society, and adopting measures to overcome such barriers at all levels;
- e) Adopt a comprehensive national action plan for the implementation of the obligations in the Convention. The State party should establish a timeframe, specific indicators and benchmarks concerning progress of such a policy, and allocate resources for its implementation in rural areas, municipalities, and provinces.

8. The Committee is concerned about the lack of information, coupled with effective and meaningful consultations consult and involve representative organizations of persons with disabilities, particularly living in remote and rural areas, in decision-making processes and public affairs concerning the implementation and monitoring the Convention.

**9. The Committee recommends that the State party, in line with the Committee's 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:**

- a) Adopt measures to promote the establishment of organizations of women with disabilities, organizations of children with disabilities and organisations of persons with intellectual disabilities, and provide them with financial resources to ensure their functioning;
- b) Provide persons with disabilities with accessible information and methodologies concerning consultation procedures, including information on Easy Read for organizations of persons with intellectual disabilities, and age-appropriate mechanisms for improving participation of children with disabilities, through their representative organizations.

## Poland

5. The Committee is concerned at the:

- a) Lack of a comprehensive strategy and action plan for the implementation of the Convention, as well as the lack of mainstreaming of its provisions into national, regional, local and sectoral policies, which still reflects a charity and social protection approach considering persons with disabilities as social care receivers rather than human rights holders;
- b) Variety of disability assessment mechanisms, including separate mechanisms for children until 16 years old, as well as the variety of definitions of disability, which are not consistent with the purpose (art. 1) of the Convention, and are all based on a medical-model disability, using derogatory terminology and vague concepts such as "mental retardation", "incapacity to work", "inability to perform social roles" or "dependent or lacking ability to be autonomous";
- c) Lack of awareness of professionals and civil servants on the rights of persons with disabilities and the State Party's obligations under the Convention;
- d) Selective and limited involvement and meaningful consultations with organizations of persons with disabilities in policy making;
- e) Legal provisions promoting prenatal genetic testing as primary prevention of future impairments of a foetus;
- f) Interpretative declaration made to article 12 as well as reservations made to articles 23(1)(a), 23(1)(b) and 25(a) of the Convention and the fact that the State Party has not yet ratify the Optional Protocol to the Convention.

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



- a) **With the wide participation of organisations of persons with disabilities, develop a strategy and action plan for implementation of obligations under the Convention, ensuring the comprehensive paradigm shift from a charity model to the human-rights model of disability across its national, regional, local and sectoral policies, considering persons with disabilities as human rights holders;**
- b) **Ensure a disability assessment which fully incorporates a human rights model of disability and takes a human rights based approach by inter alia:**
  - i. **Involving Organisations of persons with disabilities in the design of disability assessment mechanisms;**
  - ii. **Engaging persons with disabilities in generating the information on which disability assessments are made;**
  - iii. **Eliminating multiple methods of assessment;**
  - iv. **Making information on assessments requirements accessible and user-friendly.**
- c) **Eliminate all negative terminology across all existing and drafted regulations and replace it with a terminology which fully respects the dignity and autonomy of persons with disabilities;**
- d) **Ensure active and full-scale involvement and meaningful consultations with various organizations of persons with disabilities, including but not limited to women, children, refugees and asylum-seekers, LGBT+ persons, persons with psychosocial and/or intellectual disabilities, with hearing and visual impairments, persons living in rural areas and persons in need of high level of support, in designing of new laws and strategies to ensure that legislation complies with the Convention, as well as in the implementation, monitoring and reporting on the Sustainable Development Goals;**
- e) **Provide trainings to professionals, including judges and law enforcement officials, health care professionals, teachers as well as personnel working with persons with disabilities to raise their awareness of the rights under the Convention;**
- f) **Refrain from including information on primary disability prevention in future report, as primary prevention of impairment is not a measure contributing to the implementation of the Convention;**
- g) **Consider withdrawing its interpretative declaration and its reservations to the Convention and ratify the Optional Protocol to the Convention.**

## South Africa

4. The Committee notes with concern that the concept and assessment procedures of disability in some national laws still reflects the medical model of disability, particularly in the South African education system and specifically in the Guidelines on the “Licensing of Residential and/or Day-care Facilities for Persons with Mental Illness and/or Severe and Profound Intellectual Disabilities”.

**5. The Committee recommends that the State party harmonise and align the concept of disability in all laws and policies to bring them in line with the human rights model of disability in the Convention. In particular it is recommended that persons with disabilities, through their representative organizations, are involved in the design of disability assessment and that multiple assessment is eliminated, which should reduce the burden on applicants, and should promote consistency and transparency in assessment.**

6. The Committee is concerned about the absence of meaningful consultation and effective participation mechanisms to ensure that the views, opinions and concerns of persons with disability, particularly youths, are included in policy formulation, including decision-making processes, by public authorities both at the national and local level.

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

a) **Establish formal mechanisms to ensure effective and meaningful participation and consultation with persons with disabilities, particularly youths, through their representative organisations, including their participation in the implementation of the Convention. The**

**Committee also recommends that the State party provide sufficient budgetary resources to such organizations.**

**b) Provide regular training to all public officials involved in the consultation process on non-discrimination, dignity and respect as well as the right to reasonable accommodation of persons with disabilities focusing on the human rights based approach to disability.**

## **The Former Yugoslav Republic of Macedonia**

5. The Committee is concerned about:

a) The lack of harmonisation of national legislation, policy and programmes with the Convention and the persistence of the medical model of disability;

b) The use of different disability assessments and definitions in the legal framework of the State Party that are not in line with the human rights based model of disability, i.e. in the Law on Prevention of and Protection from Discrimination (LPPD);

c) The absence of clear plans, timelines or budgets to ensure the progressive implementation of the rights of persons with disabilities in consultation with the organizations of persons with disabilities.

**6. The Committee recommends the State party to:**

**a) Review and ensure conformity with and harmonisation of its legislation and policies with the Convention;**

**b) Abolish derogatory terms relating to disability and ensure respect for the dignity of all persons with disability;**

**c) Ensure a disability assessment method which fully incorporates the Human rights based approach to disability and takes the human rights approach by, inter alia:**

**i. Involving disabled persons' organisations in the design of disability assessment;**

**ii. Engaging persons with disability in generating the information on which disability assessments are made;**

**iii. Eliminating multiple disability assessments and as a result reduce the burden on applicants;**

**iv. Making information on assessment requirements user accessible and user friendly;**

**v. Frequently reviewing assessment methods.**

**d) Ensure that organizations of persons with disabilities are meaningfully involved in the design, evaluation of laws, policies, action plans, timelines and budgets and that their views be considered prior to adopting decisions related to them.**

## **Haiti**

4. The Committee notes with concern inconsistencies across the State party in the understanding, adoption and application of the human rights based approach to disability and its evolving concept. It is particularly concerned that:

a) Despite the de facto incorporation of the Convention into national legislation upon ratification by the State party, discriminatory legislation on the basis of disability, adopted before and after the ratification of the Convention, is still applicable;

b) The use of offensive and derogatory terminology when referring to persons with disabilities in law and practice remains common and without any sanctions;

c) "Disability prevention policies", included in Chapter III of the Act on the Inclusion of Persons with Disabilities (2012) are misunderstood as a measure of implementation of the Convention and result in discrimination against persons with disabilities.

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

**a) Initiate a comprehensive cross-cutting review of its legislation and policies to bring them into line with the Convention and ensure that the legal framework protects persons with disabilities against discrimination on the grounds of disability;**

**b) Eliminate the use of offensive and pejorative language when referring to persons with disabilities;**

- c) **Eliminate all policies which aim at legitimizing the prevention of disability as a measure of implementation of the Convention;**
- d) **Engage persons with disabilities through their representative organisations and the national human rights institution in the above processes.**

6. The Committee is concerned that:

- a) The National Council for the Rehabilitation of Persons with Disabilities is no longer operational;
- b) The resource allocation of the Office of the Secretary of State for the Integration of Persons with Disabilities is insufficient to carry out its mandate;
- c) Persons with disabilities, including women and children with disabilities, through their representative organizations are not actively, sufficiently and meaningfully consulted in the development of laws, public policies, plans of action, and training and awareness-raising activities in all sectors.

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

- a) **Re-establish the National Council for the Rehabilitation of Persons with Disabilities with a clear role, mandate and adequate resources;**
- b) **Allocate sufficient human, technical and financial resources to ensure the Office of the Secretary of State for the Integration of Persons with Disabilities can carry out its mandate;**
- c) **Effectively and meaningfully consult with persons with disabilities through their representative organizations in the development of all laws, policies and programmes that include all person with disabilities regardless of age, sex, faith, race, gender identity or sexual orientation, migrant or other status.**

## Nepal

7. The Committee is concerned that the State party tends to adhere to the World Health Organisation (WHO) definition of disability with a focus on conditions arising from inherent personal or medical limitations, thereby overlooking interactions with environmental factors. While the Convention recognizes an evolving concept of disability, the State party appears to be trapped by the concept of 'permanent disability'. The Committee is concerned that the State party still uses a classification of disability that excludes certain groups of persons with disabilities who do not fall in any of these categories such those who are hard of hearing. The Committee is also concerned that persons with disabilities from rural areas and indigenous backgrounds face barriers in accessing disability identity cards.

**8. The Committee recommends that the State party adopt a human rights model of disability that stresses human dignity of persons with disabilities and conditions arising from interactions with various barriers that may hinder their full and effective participation in society on an equal basis with others. In this regard, the State party should ensure that the classification of disability is human rights based and does not exclude certain groups of persons with disabilities. The State party should take appropriate measures to remove all barriers to ensure that persons with disabilities from rural areas and indigenous backgrounds have access to disability identity cards.**

## Oman

5. The Committee notes that the State party has not ratified the Optional Protocol to the Convention, as well as other international human rights treaties.

**6. The Committee recommends that the State party adopts measures towards ratifying the Optional Protocol to the Convention and that it consider ratifying or acceding to other international human rights treaties to which it is not yet a party.**

7. The Committee is concerned that:

- a) National legislation is not fully in line with the human rights based approach to disability in accordance with the Convention and that the medical approach to disability reflects a negative image of persons with disabilities who are presented as individuals unable to fit into the society;



b) Derogatory terminology concerning persons with disabilities has not yet been eliminated from all laws, policies and government discourse;

c) Lack of effective consultations involving persons with disabilities, through their representative organizations, in engaging in human rights advocacy aimed at a better implementation of the Convention.

**8. The Committee recommends that the State party, in consultation with persons with disabilities and their representative organizations, adopt all measures necessary to ensure that its legislation, policies and practices are in full compliance with the general principles and specific provisions of the Convention. In particular, the Committee recommends that the State party:**

a) Undertake a comprehensive legislative and policy review in order to adopt, ensure and enforce the prohibition of discrimination on the basis of disability and the full transition to the human rights model of disability, including with respect to the new Bill for Persons with Disabilities;

b) Ensure that derogatory terminology is eliminated from all laws, policies and government discourse;

c) Establish formal mechanisms for the ongoing and systematic consultation and participation of persons with disabilities, through their representative organisations, with sufficient allocation of budgetary resources to promote the meaningful participation of organisations of persons with disabilities in national affairs and all matters that concern them, including with respect to the elaboration of the new Bill for Persons with Disabilities;

d) Promote and support the effective participation of organisations of women, children and youths with disabilities, including persons with psychosocial and/or intellectual disabilities, and design mechanisms for the provision of information in accessible formats to persons with intellectual disabilities.

9. The Committee is concerned at the lack of information from non-governmental organizations (NGOs) on the State party's efforts and challenges in implementing the Convention. The Committee is also concerned at reports indicating that NGOs operate within restricted boundaries in the State party.

10. The Committee recommends that the State party continue to consult and expand its dialogue with civil society organizations working in the area of human rights protection in particular with respect to persons with disabilities, in connection with the preparation of its next periodic report. The Committee also recommends that the State party adopt concrete measures, including by amending the Civil Associations Act (2000) to create and ensure an enabling environment in which civil society organizations may be established and freely conduct their activities in line with the Convention, in particular representative organizations of persons with disabilities.

## Russian Federation

5. The Committee notes that the State Party has not ratified the Optional Protocol to the Convention.

**6. The Committee recommends that the State Party ratify the Optional Protocol to the Convention in a timely manner.**

7. The Committee notes that official translation of the term "person with disabilities" into Russian as "invalidi" does not reflect the human rights model.

**8. The Committee recommends that the State Party amend the official translation of the Convention and use terms in a way that would fully reflect the human rights model.**

9. The Committee notes that the State party persistently relies on medical care and rehabilitation and that there is still focus on creating specialized services which may lead to segregation. While noting the 2014 Federal Law 419 on the rights of persons with disabilities, the Committee is concerned about insufficient efforts to harmonize legislation on persons with disabilities with the Convention and the lack of mechanisms for the implementation of the existing legislation.

**10. The Committee recommends that the State party, in full and effective cooperation with persons with disabilities and their representative organizations, adopt all necessary measures to ensure full compliance of legislation with the general principles and specific provisions in the Convention and its effective implementation. In particular, the Committee recommends the adoption of measures in matters relating to non-discrimination and to the full transition to a human rights-based approach of disability and that the State party engage in mainstreaming the rights of persons with disabilities and their access to services within existing systems for their inclusion in the community across all regions of the State party.**

11. The Committee notes with concern insufficiently transparent and comprehensive framework for ensuring full and effective consultation with representative organizations of persons with disabilities in adoption, implementation and monitoring of legislation and policies pertaining to the rights of persons with disabilities.

**12. The Committee recommends that the State Party develop transparent and comprehensive framework for ensuring full and effective consultation with representative organizations of persons with disabilities in adoption, implementation and monitoring of legislation and policies pertaining to the rights of persons with disabilities, including through setting up funding framework that would ensure independence of such organisations.**

## Seychelles

6. The Committee is seriously concerned about:

- a) The delays in the review, repeal and amend existing domestic legislation which is not in line with the Convention, including: the Constitution, Chapter III, which still promotes and defends a medical and welfare model of disability; the Civil Code; and the National Council for Disabled Persons Act (1994);
- b) The lack of a specific act or resolution for domestication of the Convention;
- c) Derogatory terminology concerning persons with disabilities in legislation and when referring to persons with disabilities;
- d) The delays in the revision of the National Policy on Disability and in the finalization of the national plan of action on disability.

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

- a) Expedite efforts to review all legislation and policies to harmonize them with the Convention;**
- b) Take the legal measures necessary to explicitly and fully incorporate all provisions of the Convention into its national legislation to ensure their direct application by the courts and administrative decision-making bodies;**
- c) Promote and defend a human rights model to disability and eliminate the use of all derogatory language in laws and when referring to persons with disabilities;**
- d) Expedite the revision of the National Policy on Disability, the finalization of the national plan of action on disability, and allocate sufficient resources for its implementation.**

8. The Committee is concerned that the State party was unable to sufficiently engage with organizations of persons with disabilities in view of the reporting process. It is also concerned that:

- a) Existing legislation, mainly the National Council for Disabled Persons Act (1994) does not provide for the effective participation of representative organizations of persons with disabilities;
- b) The National Council for the Disabled has limited involvement and participation of persons with disabilities and that there is no permanent forum for persons with disabilities to meaningfully engage and participate in legislative and policy formulation and implementation;
- c) Representative organizations of persons with disabilities receive insufficient support to carry out their work.

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

- a) Amend the National Council for Disabled Persons Act (1994) to ensure that persons with disabilities through their representative organizations are included at all levels of legislative and policy formulation;
- b) Strengthen the involvement and effective consultation and participation of persons with disabilities in the National Council for the Disabled and adopt measures to establish an appropriate forum for organizations of persons with disabilities to meaningfully engage and participate in decision-making processes;
- c) Offer appropriate support, including financial support and partnerships, to representative organizations of persons with disabilities to carry out their work.

10. The Committee is concerned that the State party has not yet ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

**11. The Committee recommends that the State party ratify the Optional Protocol without further delay.**

## Slovenia

4. The Committee is concerned about:

- a) The lack of harmonisation of national legislation, policies, and programmes with the provisions of the Convention, and the persistence of a paternalistic approach related to persons with disabilities underpinned by the medical and charity models of disability;
- b) The variety of disability definitions not in compliance with the human rights model of disability, in particular definitions that are derogatory and, point out the 'unfitness' of persons to participate in regular education, independent life and work, on the basis of their impairment;
- c) Inappropriate translation of the Convention into Slovenian language;
- d) The lack of consultations with organisations of persons with disabilities aimed at ensuring their meaningful involvement in the design and implementation of disability-related legislation and programmes; as well as about the reported undermined autonomy, impartiality and financial sustainability of the Foundation for the Financing of Disability and Humanitarian Organizations;
- e) The lack of awareness, among decision-makers of the executive and legislative branches as well as among professional and administrative staff, about the obligations of the State party under the Convention, in all areas of life.

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

- a) Conduct a review of its national legislation, policies and programmes and bring them into line with the provisions of the Convention; including the various definitions of disability in legislation and align it with the human rights model of disability;
- b) Review the current official translation of the Convention to Slovenian with a view to ensure the accuracy in all accessible formats;
- c) Ensure the timely, thorough and full consultations with representative organisations of persons with disabilities in all stages of decision-making processes, particularly when designing, implementing and monitoring disability-related legislation, programmes and measures, pursuant to the rights enshrined in the Convention. The State party should ensure the impartiality, as well as autonomy and sustainable funding of the Foundation for the Financing of Disability and Humanitarian Organizations for the promotion and implementation of the rights of persons with disabilities, in line with the Convention;
- d) Provide duty-bearers at regional and national levels, including members of the National Assembly and government, judges and court staff, health care professionals, social workers, staff responsible for the provision of mobility aids and other administrative and professional staff with training on the rights of persons with disabilities and the State party's obligations under the Convention. The State party should develop such training, in close cooperation and collaboration with the representative organisations of persons with disabilities.

## Sudan

5. The Committee is concerned about:

- a) The definition of disability in national legislation, in particular in the National Persons with Disabilities Act of 2017, not including psychosocial disability;
- b) The insufficient harmonization of domestic laws with the Convention;
- c) The limited effective involvement of organizations of persons with disabilities in decision-making processes affecting them;
- d) The absence of clear plans, timelines or budgets to ensure the progressive implementation of the rights of persons with disabilities.

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

- a) Review the National Persons with Disabilities Act of 2017 to include psychosocial disability in the definition of disability;**
- b) Establish a calendar for the harmonization of legislation with the Convention;**
- c) Ensure that representative organizations of person with disabilities are meaningfully involved in the design, implementation and evaluation of laws, policies and action plans and their views be considered prior to adopting decisions related to them;**
- d) Develop, in consultation with organizations of persons with disabilities, plans, timelines and budgets to ensure the implementation of the Convention in the State party.**

## Latvia

6. The Committee is concerned that:

- a) There is a deficient-oriented approach to disability assessment, which is based on the medical model and which focuses on incapacity to work;
- b) Children with an intellectual or hearing disability whose impairment is not deemed severe enough by the Medical Disability Commission may not be entitled to receive official disability status and the consequent financial and other State support;
- c) The National Council on Disability Affairs lacks decision-making authority to implement policies on the rights of persons with disabilities and fails to ensure the meaningful participation of its representative organizations;
- d) The concepts of reasonable accommodation and universal design are not explicitly or comprehensively defined in legislation, mainstreamed into municipal regulations or enforced through monitoring mechanisms;
- e) The representative organizations of persons with disabilities are insufficiently funded to support the implementation of the rights of persons with disabilities.

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

- a) Ensure that disability determination is based on a human rights model of disability, includes an assessment of the needs, will and preferences of the individuals concerned, with particular attention being paid to children with an intellectual and hearing disability, and focuses on the elimination of barriers and the promotion of the full and effective participation of persons with disabilities in society;**
- b) Enhance the decision-making capacity of the National Council on Disability Affairs to design, coordinate and evaluate disability-related policies across all sectors and levels of the public administration at the national and local levels, through meaningful cooperation with representative organizations of persons with disabilities;**
- c) Assess the effectiveness of the action plan on the implementation of the Convention (2015-2017) after its expiration and establish a new action plan with clear benchmarks and indicators, in close consultation with representative organizations of persons with disabilities;**
- d) Mainstream the full concepts of reasonable accommodation and universal design in all relevant national and municipal legislation, policies and regulations, and ensure their effective implementation through monitoring;**
- e) Provide adequate funding for activities, projects and programmes that are designed and implemented by representative organizations of persons with disabilities for the enhancement of their rights.**

## Luxembourg

6. The Committee is concerned that disability continues to be defined in laws, policies and practices using a medical approach. It is also concerned that the different assessment criteria for the eligibility of services continue to focus on the degree of impairment of persons and result in exclusion, particularly of persons with psychosocial or intellectual disabilities. It is further concerned that the national plan of action to implement the Convention comes to an end in 2017 despite the lack of implementation of some of its foreseen measures.

**7. The Committee recommends that the State party revise and amend all laws, policies and practices relating to the provision of services in accordance with the principles enshrined in the Convention, and that it establish criteria, for both social protection measures and access to services, in line with the human rights model of disability. It also recommends that the State party expedite the implementation of the national plan of action.**

8. The Committee is concerned about the lack of a permanent coordinating mechanism equipped with sufficient human and financial resources to ensure coherence in the implementation of the Convention. It is also concerned about the lack of systematic consultations with persons with disabilities through their representative organizations, in the development of policies and decisions that affect them directly.

**9. The Committee recommends that the State party take measures to increase cooperation and coherence on matters related to disability, that it establish a systematic mechanism to effectively and meaningfully consult with persons with disabilities through their representative organizations in the development of all laws, policies and programmes, and that it ensure that a broad range of persons with disabilities, through their representative organizations, participate meaningfully in an inclusive and accessible manner in public decision-making processes that affect them.**

## Montenegro

6. The Committee is concerned that progress in bringing national legislation into full compliance with the Convention and replacing the current medical model of disability with a human rights-based approach has been largely insufficient. The Committee is also concerned that there are no clear and identifiable budget lines within the public budgets for the implementation of laws, policies and programmes for the implementation of the rights of persons with disabilities, particularly for the implementation of the Strategy for the Integration of Persons with Disabilities.

**7. The Committee recommends that the State party adopt a human rights-based approach to disability in all its laws, policies and measures. It also recommends that the State party educate and raise the awareness of its policymakers, professionals and the public in general on the rights of persons with disabilities enshrined in the Convention and its Optional Protocol. It further recommends that the State party:**

**a) Continue its efforts to regularly review existing and draft legislation in regular and fully accessible consultation with persons with disabilities and their representative organizations and ensure that disability rights impact assessments form an integral part of the legislative process;**

**b) Allocate identifiable, sufficient, coherent and continuous budget resources to the development and implementation of laws, policies and strategies that are relevant for the implementation of the Convention, including the Strategy for the Integration of Persons with Disabilities.**

8. The Committee is concerned about the lack of regular and sustainable financial support for organizations of persons with disabilities, particularly at the local level. It is also concerned about the lack of a transparent and efficiently structured mechanism for regular consultation of persons with disabilities and their representative organizations.

**9. The Committee recommends that the State party provide adequate and sustainable financial resources to organizations of persons with disabilities. It also recommends that the State party ensure effective participation of and consultation with organizations of**



persons with disabilities, including those representing women with disabilities, children with disabilities, persons with hearing impairments and the deaf, and persons with psychosocial and/or intellectual disabilities at the national and local levels through transparent frameworks in relation to law and policymaking.

## Morocco

6. The Committee notes with concern that the concept of disability in various national laws, adopted before the ratification of the Convention, is contrary to the human rights model of the Convention. It also notes the prevalence of the medical approach, focusing mainly on the prevention of impairments and on health treatment or attention that is not in line with the recognition of persons with disabilities as human-rights holders.

**7. The Committee recommends that the State party harmonize and update the definitions of disability in the various laws and policies and bring them into line with the human rights model of disability set out in the Convention.**

8. The Committee is concerned that Framework Law 97-13 on the promotion and protection of the rights of persons with disabilities does not specify the time frame for its entry into force and protects only persons with disabilities who hold a valid "disability card". It is also concerned that the law fails to include measures to protect persons with psychosocial and/or intellectual disabilities and persons with disabilities belonging to minority, ethnic and linguistic groups and those who are refugees and asylum seekers.

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

**a) Revise Framework Law 97-13 to bring it into line with the Convention and adopt specific measures to protect all persons with disabilities, including persons with psychosocial and/or intellectual disabilities and persons with disabilities belonging to national, ethnic, religious and/or linguistic minorities, such as Amazigh, black people, migrants, refugees and asylum seekers, and specify the time frame for its entry into force;**

**b) Include all persons with disabilities in the process of developing its public policies and plans of action in the area of disability aimed at implementing its obligations under article 4 (1) (c) and eliminate any distinction between persons with disabilities who are holders of disability cards and those who are not.**

10. The Committee is concerned about the absence of effective participation and consultation mechanisms aimed at ensuring that opinions, concerns and proposals of organizations of persons with disabilities are adequately included in the process of enacting legislation and in processes of decision-making by public authorities at the national and local levels.

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

**a) Establish mechanisms to ensure effective and meaningful participation and consultation of persons with disabilities, through their representative organizations and on a regular basis, and that sufficient budgetary resources be provided to promote their meaningful participation;**

**b) Promote and support the participation of organizations of women, children and young people with disabilities and persons with intellectual and/or psychosocial disabilities, and design mechanisms for and information about consultation processes in accessible formats for persons with intellectual disabilities.**

## Panama

6. The Committee notes with concern that the medical model of disability continues to be applied in the State party and that legislation and public policies and programmes have not been aligned with the human rights model of disability established in the Convention.

**7. The Committee recommends that the State party adopt a plan to amend, repeal, reform and/or adopt laws and policies with a view to recognizing persons with disabilities as fully-fledged rights holders, in keeping with the Convention.**



8. The Committee notes that the criteria for classifying disabilities are not standardized or in line with the principles of the Convention, in that they are based on the impairment in question and do not take into account the barriers that persons with disabilities face.

**9. The Committee recommends that the State party review its criteria for the classification and certification of disabilities and ensure that they reflect a human-rights-based approach.**

10. The Committee is concerned that consultation with persons with disabilities is not a mandatory step prior to the adoption of policies and programmes that affect them.

**11. The Committee recommends that the State party implement the coordination mechanism provided for in Act No. 15 of 2016 and ensure ongoing consultation, through the appropriate organizations, with persons with disabilities, including children with disabilities, in rural and urban areas and in indigenous regions concerning the adoption of laws and policies and other issues of relevance to them.**

12. The Committee is concerned at the limited economic, material and human resources available for the implementation of the National Strategic Plan.

**13. The Committee recommends that the State party ensure the provision of sufficient economic, material and human resources for the implementation of the National Strategic Plan.**

## United Kingdom of Great Britain and Northern Ireland

6. The Committee welcomes the information about the support of the Government of the State party to the Crown Dependencies and Overseas Territories for the extension of the Convention. However, it observes with concern:

a) The insufficient incorporation and uneven implementation of the Convention across all policy areas and levels within all regions, devolved governments and territories under its jurisdiction and/or control;

b) The lack of consistency across the State party in the understanding of, adapting to and applying the human rights model of disability and its evolving concept of disability;

c) The absence of a comprehensive and cross-cutting review of the State party's legislation and policies, including within the devolved governments, in order to harmonize legal content and practice with the Convention;

d) The existing laws, regulations and practices that discriminate against persons with disabilities;

e) The lack of information on policies, programmes and measures that will be put in place by the State party to protect persons with disabilities from being negatively affected when article 50 of the Treaty on European Union is triggered.

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

**a) Incorporate the Convention into its legislation, recognizing access to domestic remedies for breaches of the Convention, and adopt an appropriate and comprehensive response to the obligations enshrined in the Convention in its policies and programmes across the State party, including all devolved governments;**

**b) Strengthen its efforts to extend the Convention and support its implementation in the Overseas Territories;**

**c) Adopt legally binding instruments to implement the concept of disability, in line with article 1 of the Convention, and ensure that new and existing legislation incorporates the human rights model of disability across all policy areas and all levels and regions of all devolved governments and jurisdictions and/or territories under its control;**

**d) Undertake a comprehensive cross-cutting review of its legislation and policies to bring them into line with article 1 of the Convention, and ensure that the legal framework protects persons with disabilities against discrimination on the grounds of disability. The State party should involve organizations of persons with disabilities and national human rights institutions in this process;**

**e) Expedite the process to develop a measurable strategic framework and plan of action, with sufficient financial resources, aimed at abolishing laws, regulations, customs and**

practices that constitute discrimination against persons with disabilities and ensuring the equal protection of persons with disabilities;

**f) Prevent any negative consequences for persons with disabilities resulting from the decision to trigger article 50 of the Treaty on European Union, in close consultation with organizations of persons with disabilities.**

8. The Committee is concerned at the lack of State party-led initiatives aimed at assessing and sufficiently addressing the inclusion of and living conditions for persons with disabilities, particularly in Northern Ireland and the territories under its jurisdiction and/or control.

**9. The Committee recommends that the State party collect information and adopt a strategic and measurable plan of action for improving the living conditions of all persons with disabilities, including in close cooperation with the authorities in Northern Ireland and the territories under its jurisdiction and/or control.**

10. The Committee is concerned about:

a) The challenges facing organizations of persons with disabilities, including organizations representing women, children and intersex persons with disabilities, in accessing support and being consulted and actively involved in the implementation of the Convention;

b) The lack of sufficient mechanisms to ensure the effective participation of all organizations of persons with disabilities in decision-making processes concerning policies and legislation in all areas of the Convention, such as the strategy entitled "Fulfilling Potential: making it happen".

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

**a) Allocate financial resources to support organizations representing persons with disabilities, including women and children with disabilities, and develop mechanisms to ensure the inclusive, strategic and active involvement of organizations of persons with disabilities, including women, children and intersex persons, in the planning and implementation of all legislation and measures that affect the lives of persons with disabilities;**

**b) Establish mechanisms to secure the full participation of organizations of persons with disabilities in the design and implementation of strategic policies aimed at implementing the Convention across the State party, through objective, measurable, financed and monitored strategic action plans.**

## Armenia

5. The Committee is concerned about:

a) The insufficient and selective consultation of representative organizations of persons with disabilities, including the lack of appropriate support and reasonable accommodation, when drafting disability-related legislation, policies, strategies and action plans;

b) The use of the concepts of prevention and treatment of disability in the revised Constitution (art. 48) and in the newly adopted comprehensive plan for 2017-2021 on social inclusion of persons with disabilities;

c) The fact that the draft law on the protection of the rights of persons with disabilities and their social inclusion is not in line with the Convention, including the concept of disability, and provides for the prevention and treatment of disability and for legal incapacity;

d) The fact that the State party has not yet ratified the Optional Protocol to the Convention;

e) The medically based determination of disability, which relies on impairments without considering social barriers and individual requirements for social participation;

f) The lack of awareness of public servants working with persons with disabilities regarding the rights of those persons;

g) The lack of concrete, effective and transparent measures taken by the National Commission for Persons with Disabilities to implement the Convention.

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

**a) Take the measures necessary to ensure the full and equal involvement of persons with disabilities, through their representative organizations, in the process of decision-making**

for and drafting of all disability-related legislation, policies, strategies and action plans. The State party should also provide appropriate support and reasonable accommodation to ensure the participation of representatives of all persons with disabilities, including women, children, refugees and asylum seekers, lesbian, gay, bisexual and transgender persons, persons with psychosocial and intellectual disabilities, persons with hearing and visual impairments, persons living with HIV/AIDS, persons living in rural areas and persons in need of a high level of support, in consultation processes;

b) Review its legislation and plans referring to the prevention and treatment of disability and align them with the human rights-based model of disability;

c) Review the draft law on the protection of the rights of persons with disabilities and their social inclusion to ensure that it is in line with the Convention and the Committee's general comments;

d) Ratify the Optional Protocol to the Convention;

e) Adopt a human rights-based concept of disability and ensure that disability determination focuses on the barriers to the social participation of persons with disabilities and refers to individual requirements, will and preferences;

f) Provide regular training for public servants working with persons with disabilities, including teachers, law enforcement officers, judges, lawyers and medical staff, on the rights of persons with disabilities;

g) Enhance the capacity of the National Commission for Persons with Disabilities to ensure intersectoral coordination and implementation of disability-related actions in public policies.

## Bosnia and Herzegovina

6. The Committee is concerned about the lack of transparent procedures and legislation regarding the consultations with organizations of persons with disabilities. It is also concerned about the lack of structured financial support and capacity-building for these organizations, particularly at the local level.

**7. The Committee recommends that the State party adopt formal and transparent mechanisms for regular consultations with organizations of persons with disabilities, including those representing women and children with disabilities, persons who are deaf or hard of hearing, and persons with psychosocial and/or intellectual disabilities, in all entities and cantons. The Committee also recommends that the State party provide sufficient and regular financial resources to such organizations.**

8. The Committee is concerned that there is no human rights-based concept of disability across the entities and cantons of the State party that is in line with the Convention. It is also concerned at the lack of efforts to revise the existing legislation and to bring it into full compliance with the Convention, bearing in mind the provisions of article 4 (5) of the Convention.

**9. The Committee recommends that the State party adopt a harmonized human rights-based concept of disability in accordance with the Convention. It also recommends that the State party review its existing and draft laws in regular consultation with organizations of persons with disabilities.**

## Canada

7. The Committee is concerned about the State party's reservation, which it continues to uphold, to article 12 of the Convention, preserving substitute decision-making practices. The reservation contradicts the object and purpose of the Convention as enshrined in article 1 and prevents the State party from fully implementing and addressing all human rights of persons with disabilities in compliance with the human rights model of disability.

**8. The Committee recommends that the State party withdraw its declaration and reservation to article 12 (4) of the Convention and carry out a process to bring into line with the Convention federal, provincial and territorial legislation that allows for the deprivation of legal capacity of persons with disabilities. The Committee encourages the State party, in**

**doing so, to consider the criteria set out in the Committee's general comment No. 1 (2014) on equal recognition before the law.**

9. The Committee notes with concern:

- a) That the provisions of the Convention have yet to be appropriately incorporated into legislation and policies across sectors and levels of government;
- b) The uneven application of the Convention and the Committee's jurisprudence by the judiciary and law enforcement officials, including the police;
- c) The lack of legislation and public policies to protect the rights of persons with disabilities who identify as lesbian, gay, bisexual, transgender or intersex.

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

- a) **Take leadership in convening provinces and territories in order to ensure a pan-Canadian approach to implementation and enact a comprehensive national action plan for implementing the Convention in collaboration with provincial and territorial governments and in consultation with persons with disabilities through their representative organizations. The State party should ensure that such an action plan includes benchmarks and a time frame for its implementation;**
- b) **Set up a mechanism aimed at ensuring that legislation at the provincial and territorial levels that is to be updated further includes specific measures to implement the obligations of the State party under the Convention;**
- c) **Strengthen the human, financial and technical resources of the Office for Disability Issues at the federal level and ensure appropriate formal and permanent mechanisms for coordination with provincial and territorial governments;**
- d) **Raise awareness among and develop capacity-building programmes for the judiciary and law enforcement officials about the Convention as a legally enforceable human rights instrument, the human rights model of disability and its principles, and the jurisprudence of the Committee, including its general comments and its Views on individual communications adopted, and inquiry procedures undertaken, under the Optional Protocol.**

11. The Committee takes note of the consultations undertaken with Canadians, including Canadians with disabilities and their organizations, to inform the development of planned federal accessibility, as well as the promotion of organizations of persons with disabilities and their advocacy work at the national and international levels. However, the Committee is concerned about the absence of formal, recorded consultations on comprehensive plans for the implementation of the Convention, and about the absence of information on mechanisms to foster the leadership and participation of organizations of persons with intellectual disabilities and children with disabilities in consultations.

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

- a) **Establish formal and permanent mechanisms for consulting with organizations of persons with disabilities in an effective and result-oriented manner at all levels of administration relating to the comprehensive implementation of the Convention;**
- b) **Take measures, including specific budget allocations, to strengthen the advocacy roles of organizations of persons with disabilities, including organizations of women with disabilities, children with disabilities, persons with psychosocial and/or intellectual disabilities and persons with neurodegenerative conditions, including Alzheimer's, dementia and multiple sclerosis.**

## Cyprus

5. The Committee notes with concern that the State party's national legislation has not fully incorporated a human rights-based approach to disability in line with the Convention, in particular its articles 1 and 3.

**6. The Committee urges the State party to adopt and implement a human rights- based approach to disability and to review all laws and policies accordingly in collaboration with representative organizations of persons with disabilities in line with article 4 (3) of the Convention.**

7. While noting the existence of a law regulating the obligation of public services to consult with the Confederation of the Disabled People Organization, the Committee remains concerned about the insufficient financial and other resources provided to and inadequate collaboration with representative organizations of persons with disabilities regarding all disability-related issues. The Committee is also concerned by the absence of a representative organization of persons with intellectual disabilities. Furthermore, the Committee is concerned that contributions by representative organizations of persons with disabilities into national decision-making processes are not acknowledged appropriately.

**8. The Committee recommends that the State party urgently, effectively and substantially increase the support to, collaboration with and impact of all representative organizations of persons with disabilities in capacity-building and in cross-sectoral development, implementation and monitoring of policies, laws and programmes. It also recommends that the State party provide support for the creation of a representative organization of persons with intellectual disabilities.**

9. The Committee is concerned about the very weak implementation of the National Disability Action Plan (2013-2015).

**10. The Committee recommends that the State party, in collaboration with representative organizations of persons with disabilities, adopt a new National Disability Action Plan and allocate adequate funding to its implementation.**

## Honduras

5. El Comité observa con preocupación que se mantengan en la legislación, las políticas y los programas públicos, disposiciones sobre los derechos de las personas con discapacidad y terminología peyorativa, que no están armonizadas con el modelo de discapacidad basado en los derechos humanos establecido en la Convención. Asimismo, le preocupa al Comité que el proyecto de ley de reformas a la Ley de Equidad y Desarrollo Integral para las Personas con Discapacidad contiene disposiciones de carácter muy general, y que actualmente dicho proyecto de ley se encuentra en dictamen de la Comisión de Equidad de Género del Congreso Nacional.

**6. El Comité recomienda al Estado parte que adopte un plan para la revisión, derogación, reforma y/o adopción de legislación y políticas, con el objeto de reconocer a las personas con discapacidad como sujetos plenos de derechos humanos en armonía con la Convención y de eliminar toda terminología peyorativa. Asimismo, recomienda la aprobación definitiva de la actualización de la Ley de Equidad y Desarrollo Integral para las Personas con Discapacidad, tomando en cuenta las observaciones presentadas por la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos en Honduras en febrero de 2017.**

7. Preocupa al Comité el rango de la Dirección General de Desarrollo para las Personas con Discapacidad, que es tan solo un programa de la Subsecretaría de Estado de Desarrollo e Inclusión Social, más ahora que se fusionó con la Dirección General del Adulto Mayor, que ejecuta el programa Honduras para Todos.

**8. El Comité recomienda que el Estado parte vele por que la Dirección General de Desarrollo para las Personas con Discapacidad sea una entidad nacional permanente, y le asigne recursos humanos y financieros suficientes y específicos para llevar a cabo su mandato.**

9. El Comité observa con preocupación que ni la definición de discapacidad ni los criterios para calificarla no están estandarizados ni en armonía con los principios de la Convención.

**10. El Comité recomienda al Estado parte que armonice la definición de discapacidad con la Convención y los criterios para su certificación, con el fin de crear un sistema de certificación de la capacidad que refleje un modelo basado en los derechos humanos de las personas con discapacidad.**

11. Al Comité le preocupa que las consultas a personas con discapacidad no sean vinculantes en la adopción de políticas y programas que les afectan y que no se garantiza la participación en el Consejo Consultivo creado mediante Decreto Legislativo núm. 160- 2005.



**12. El Comité recomienda al Estado parte que adopte un mecanismo vinculante de consultas permanentes a personas con discapacidad a través de sus organizaciones, incluyendo a niños y niñas con discapacidad, en la adopción de legislación, políticas y otros asuntos de su pertinencia y que se garanticen las sesiones del Consejo Consultivo.**

### **Iran (Islamic Republic of)**

6. The Committee notes with concern the general reservation made by the State party upon its accession to the Convention, and the lack of awareness among public authorities and society about the Convention. It is also concerned about the absence of information on whether and when the State party will ratify the Optional Protocol to the Convention.

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

- a) Withdraw its reservation to the Convention;**
- b) Disseminate the Convention and the Committee's general comments among the Government, ministries, members of the Islamic Consultative Assembly, the judiciary, law enforcement officers, religious and community leaders, so as to create awareness of persons with disabilities' dignity and rights;**
- c) Carry out dialogue with religious and community leaders about the compatibility between Islamic laws with the Convention; and**
- d) Take measures aimed at signing and ratifying the Optional Protocol to the Convention.**

8. The Committee notes with concern that:

- a) The State party understands disability as a health condition or 'disorder' which is 'continuous' or 'considerable' (See CRPD/C/IRN/1 para.13), and prioritizes the prevention of impairment, medical treatment, and rehabilitation of persons with disabilities;
- b) The legislation and policy measures entail 'charity', 'care' and 'welfare' towards persons with disabilities rather than recognising them as rights-holders; and
- c) The legislation contains derogatory language such as the terms 'mentally ill', 'insane' and/or 'retarded'.

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

- a) Bring its legislation, particularly the Comprehensive Legislation on the Protection of the Rights of Persons with Disabilities (2004) into line with the Convention, based on the human rights model of disability and repeal derogatory terminology against persons with disabilities, including in the New Criminal Code;**
- b) Ensure that the State Welfare Organization (SWO) recognises the evolving concept of disability, as a result of the interaction between any type of impairment and barriers that impede full participation of persons with disabilities in society;**
- c) Withdraw article 90 of the Sixth Development Plan of Iran that provides for compulsory premarital genetic examination and consultation to prevent the birth of children with disabilities; and**
- d) Reaffirm the right of all persons with disabilities to found a family, to marry, and to exercise their sexual and reproductive rights.**

10. The Committee notes with concern the lack of mechanisms to consult with organizations of persons with disabilities in decision-making processes concerning the implementation of the Convention. It is also concerned about the lack of information about support to the work and advocacy of these organizations.

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

- a) Ensure meaningful consultation with and participation of representative organizations of persons with disabilities in an independent manner, including organizations of women and children with disabilities, in the development and implementation of the Convention and ensuring that they can access financial resources to advocate for human rights; and**
- b) Ensure that representative organizations of persons with disabilities engage freely with international mechanisms regarding the rights of persons with disabilities, including in the periodic examination of State party reports by the Committee on the Rights of Persons with**



## Disabilities and the implementation and monitoring of the 2030 Development Agenda and Sustainable Development Goals.

### Jordan

5. The Committee notes that the State party has not ratified the Optional Protocol to the Convention.

**6. The Committee recommends that the State party ratify the Optional Protocol to the Convention in a timely manner.**

7. The Committee is concerned that, contrary to the Convention, national legislation contains provisions that are discriminatory to persons with disabilities, including articles 127 and 128 of the Civil Code (Law No. 43 of 1976), article 467 of the Criminal Code (Law No. 16 of 1960), articles 12, 206, 211 and 212 of the Personal Status Law (No. 36 of 2010) and articles 2, 4 and 12 of the Nationality Law (No. 6 of 1954). The Committee is also concerned that the draft law on the rights of persons with disabilities does not contain clear criteria for meaningful participation of organizations representing persons with disabilities in the Higher Council for Persons with Disabilities.

**8. The Committee recommends that the State party, in a timely manner:**

**a) Ensure that the provisions of the draft law on the rights of persons with disabilities are harmonized with the Convention, that legal sanctions for non-compliance are provided for and that increased and meaningful participation of organizations representing persons with disabilities is guaranteed in accordance with article 4 (3) of the Convention, prior to adopting it;**

**b) Repeal all legislative provisions that are discriminatory on the grounds of disability, including articles 127 and 128 of the Civil Code (Law No. 43 of 1976), article 467 of the Criminal Code (Law No. 16 of 1960), articles 12, 206, 211 and 212 of the Personal Status Law (No. 36 of 2010) and articles 2, 4 and 12 of the Nationality Law (No. 6 of 1954); and ensure the consistent application of the concept of persons with disabilities in line with articles 1 and 3 of the Convention as well as make explicit reference to the barriers faced by persons with disabilities;**

**c) Revise the title and purpose of the card that is issued exclusively to persons with disabilities and ensure that its use is compliant with the Convention.**

9. The Committee notes with concern that a new national strategy for persons with disabilities has not yet been adopted to replace the previous strategy that expired in 2015.

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

**a) Adopt a new national strategy for persons with disabilities and a related action plan and ensure that the financial, technical and human resources necessary for its implementation are allocated to it;**

**b) Clarify the mechanisms that are responsible for its implementation and monitoring and ensure the full participation of organizations representing persons with disabilities.**

### Republic of Moldova

6. The Committee is concerned that a medical approach to disability still persists and is widespread in the State party, as reflected in its legal framework and the medical assessment of disability, including in the determination of the working capacity of persons with disabilities. The Committee is also concerned that:

a) Disability policies and strategies and their implementation fall mainly within the remit of the Ministry of Labour, Social Protection and Family and lack operative mechanisms to facilitate coordination among different government sectors and consultation with organizations of persons with disabilities;

b) The concepts of reasonable accommodation and universal design are not implemented, partly due to a lack of secondary legislation and monitoring mechanisms;

c) The State party has not yet ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

**7. The Committee recommends that the State party intensify its efforts to move towards a human rights-based approach to disability and to ensure that disability determination focuses on the barriers to the social participation of persons with disabilities and refers to individual requirements, will and preferences. It also recommends that the State party:**

**a) Ensure effective government mechanisms for intersectoral coordination of disability-related actions in public policies and strategies, both as stand-alone and cross-cutting responsibilities of the State party and for systematic and meaningful consultations with different types of organizations of persons with disabilities throughout its territory;**

**b) Provide training on the concepts of reasonable accommodation and universal design to public servants and adopt the legislative, administrative and other measures necessary to ensure their implementation across all sectors;**

**c) Ratify the Optional Protocol to the Convention.**

8. The Committee is concerned about the human rights situation of Roma persons with disabilities, including children with disabilities, who are living in extreme poverty and are vulnerable to marginalization as a result of intersecting forms of discrimination. It is also concerned that the insufficient allocation of resources to protect and promote the rights of Roma persons with disabilities places them at a high risk of human trafficking.

**9. The Committee recommends that the State party include a disability perspective in the implementation of the Roma plan of action 2016-2020 and its funding. It also recommends that the State party develop and implement programmes addressing poverty and the exclusion of Roma persons with disabilities, particularly focusing on children, to address their human rights situation and eliminate intersecting forms of discrimination.**

## Bolivia

5. The Committee is concerned that the Constitution does not recognize persons with disabilities as full holders of all human rights, but rather considers them as in need of protection.

**6. The Committee recommends that the State party review its entire legislation, including the Constitution, with a view to adopting laws that recognize persons with disabilities as full holders of all human rights.**

7. The Committee is concerned that the criteria used in certifying disability continue to reflect the medical model and take no account of the barriers facing persons with disabilities or of the human rights-based model. It is also concerned that the procedure for obtaining a certificate of disability is complicated and expensive for the majority of persons with disabilities, especially those living in rural areas and indigenous communities, with the result that disability is vastly underreported.

**8. The Committee recommends that the State party amend the criteria for certification of disability to reflect the social, human rights-based model of disability, and that it make the procedure accessible, simple and free of charge for all persons with disabilities.**

9. The Committee notes with concern the lack of consultation with organizations that represent persons with disabilities, including organizations of women and girls with disabilities and those that represent the interests of children. The Committee is further concerned that there is no established mechanism for such consultations when adopting legislation and policies or taking other decisions relevant to persons with disabilities. It is also concerned that the nine seats for civil society on the National Committee for Persons with Disabilities have not been filled.

**10. The Committee recommends that the State party adopt mechanisms for open, broad-based and democratic consultation with representative organizations of persons with disabilities, including those representing women and girls with disabilities and those representing the interests of children with disabilities, in connection with the adoption of policies and formulation of laws and when taking other decisions relevant to them. It also urges the State party to finish setting up the National Committee for Persons with Disabilities, so as to encourage the broad, democratic participation of independent**

**organizations of persons with disabilities and other civil society organizations, and to consult organizations of persons with disabilities in accordance with Act No. 223.**

## Colombia

4. The Committee is concerned that the State party still has not ratified the Optional Protocol to the Convention.

**5. The Committee encourages the State party to ratify the Optional Protocol to the Convention.**

6. The Committee is concerned that the legislation and case law on the institutionalization of persons on the basis of disability, forced sterilization and procedures that restrict legal capacity have not been brought into line with the Convention.

**7. The Committee recommends that the State party adopt a plan for the review and amendment of all legislation that includes the immediate repeal of provisions that restrict the full recognition of the legal capacity of persons with disabilities, including Acts Nos. 1306 (2009) and 1412 (2010), as well as the Civil Code, the Criminal Code and procedural laws.**

8. The Committee is concerned that derogatory terminology continues to be used in laws, case law, regulations and official documents to refer to persons with disabilities, particularly those with psychosocial or intellectual disabilities.

**9. The Committee recommends that the State party remove all derogatory language that undermines the rights and dignity of persons with disabilities.**

10. The Committee is concerned about the lack of processes for the extensive and accessible consultation of organizations of persons with disabilities in adopting policies and other matters affecting them, and about the fact that their views are not reflected in the decisions adopted. It is concerned that the National Disability System does not provide the necessary resources to promote the effective participation of organizations of persons with disabilities and that the accreditation procedures for such participation are complicated and expensive, especially in rural and remote areas. It is also concerned that not all the seats designated for civil society representatives on the National Council for Persons with Disabilities have been filled.

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

**a) Establish and strengthen mechanisms for extensive and democratic consultation of organizations of persons with disabilities, including those that represent women and children and older persons with disabilities, and indigenous and Afro-Colombian persons with disabilities, when adopting policies and other matters that concern them, take into account the results of such consultations and reflect them in the decisions adopted;**

**b) Make accreditation procedures accessible, simple and quick for representatives of organizations of persons with disabilities at all levels of the National Disability System;**

**c) Facilitate the appointment of representatives of organizations of persons with disabilities to the National Council for Persons with Disabilities.**

12. The Committee is concerned that the single register for locating and classifying persons with disabilities uses criteria based on the medical model of disability for the purposes of calculating pension and social assistance benefits. It is also concerned that to date only 2.59 per cent of the total population has been registered.

**13. The Committee recommends that the State party review the criteria used for the single register for locating and classifying persons with disabilities and that it bring them into line with the human rights model of disability. It also recommends that the State party redouble its efforts to expand the register of persons with disabilities, especially in rural areas and the most remote locations. The Committee also recommends that it take steps to ensure data reliability and to update the data on a regular basis.**

## Ethiopia

5. The Committee is concerned that legislation and policies continue to employ derogatory terms to refer to persons with disabilities such as “insane”, “infirm” and “deaf-mute”.

**6. The Committee recommends that the State party eliminate the use of all derogatory language to refer to persons with disabilities and ensure that all existing and new laws and regulations, and definitions used therein, comply with the human rights-based model of disability in accordance with the Convention.**

7. The Committee is further concerned that persons with disabilities and their representative organizations are not systematically consulted in the development of all policies and laws, training and awareness-raising across all sectors, and that restrictions to foreign donor funding of disability rights hinder the liberty of association of persons with disabilities.

**8. The Committee recommends that the State party ensure systematic and meaningful consultation with organizations of persons with disabilities in the development of all policies and laws, training and awareness-raising across all sectors, including in the implementation of the National Action Plan for Persons with Disabilities 2012-2021, and that the State party ensure the independence of association of persons with disabilities and their representative organizations.**

## Guatemala

7. The Committee is concerned by the fact that the State party has not yet ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

**8. The Committee encourages the State party to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.**

9. The Committee is concerned that the State party has not established a procedure for certifying degree of disability and that assessments are made on the basis of a medical and charity-based approach.

**10. The Committee recommends that the State party define the criteria for assessing the degree of a person’s disability in accordance with the human rights principles enshrined in the Convention and establish appropriate regulation in its legislation and policies. It also recommends that the State party ensure that all persons with disabilities are able to obtain a disability certificate free of charge, so as to facilitate the assessment process in rural and remote areas.**

11. The Committee notes that the State party has not yet conducted a cross-cutting review of its legislation with a view to bringing it into line with the Convention and that laws, regulations, customs and practices that constitute serious discrimination against persons with disabilities continue to be implemented.

**12. The Committee recommends that the State party conduct a comprehensive, cross-cutting review of its legislation and policies in order to align them with the Convention. In addition, the Committee recommends that the State party expedite the process of approval of Framework Bill No. 5125 on disability, which provides a response in line with the Convention.**

13. The Committee notes with concern that persons with disabilities, especially women, children and indigenous peoples, are subject to serious forms of discrimination. The Committee is also concerned by the fact that the National Disability Policy is not being effectively implemented by all of the ministries and public institutions concerned. It is also concerned by the lack of consultation with organizations of persons with disabilities to ensure the allocation of the necessary resources and the introduction of an implementation schedule and monitoring and evaluation mechanisms.

**14. The Committee recommends that the State party ensure the effective implementation of its National Disability Policy by all ministries and public institutions concerned, allocate the necessary resources and establish an implementation schedule and a monitoring**

mechanism, in consultation with organizations of persons with disabilities. The Committee also recommends that the State party mainstream disability and allocate the necessary resources to the National Development Plan, K'atun nuestra Guatemala 2032, ensuring that persons with disabilities participate in the urban and rural development councils that are responsible for monitoring its implementation. In addition, the Committee recommends that a national policy be drawn up on the elimination of all forms of discrimination against persons with disabilities, in accordance with the Convention.

## Italy

5. The Committee is concerned that there are multiple definitions of disability across sectors and regions leading to disparity in access to support and services. Furthermore, disability continues to be defined through a medical perspective, and the revised concept of disability, as proposed by the National Observatory on the Status of Persons with Disabilities, is not aligned to the Convention and lacks binding legislation at both the national and regional levels.

**6. The Committee recommends that the State party adopt a concept of disability in line with the Convention and ensure legislation is enacted that incorporates the new concept in a homogeneous manner across all levels and regions of government and territories.**

7. The Committee is concerned about the lack of consultation with persons with disabilities through their representative organizations and by the fact that the National Observatory on the Status of Persons with Disabilities is not a permanent consultative body. It is also concerned by the failure to prioritize the input of organizations of persons with disabilities by treating all stakeholder views equally and thereby limiting the input of persons with disabilities, including women and children with disabilities, in direct decision-making processes.

**8. The Committee recommends that the State party establish a permanent consultative body that effectively and meaningfully consults with persons with disabilities through their representative organizations in the development of all laws, policies and programmes, and that it ensure that a broad range of persons with disabilities that reflect the diversity of people's backgrounds, including age, sex, faith, race, sexual orientation, migrant status and impairment groups, meaningfully participate in an inclusive and accessible manner in direct decision-making processes that affect the lives of persons with disabilities at all levels and within all sectors of the State party.**

## United Arab Emirates

5. The Committee notes that the State party has not ratified the Optional Protocol to the Convention. It also notes that the State party has not ratified other international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

**6. The Committee recommends that the State party ratify the Optional Protocol to the Convention as soon as possible and that it consider ratifying the international human rights treaties to which it is not yet a party, in particular the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.**

7. The Committee is concerned that:

a) Legislation on persons with disabilities dates from before the ratification of the Convention, has not been harmonized with the latter and does not reflect the human rights model of disability;



- b) The definition of disability in Federal Act No. 29 of 2006 as amended by Federal Act No. 14 of 2009 is not in accordance with the criteria and principles set out in articles 1 to 3 of the Convention;
- c) Derogatory terminology concerning persons with disabilities has not yet been eliminated from all laws, policies and government discourse;
- d) Insufficient measures have been taken to ensure implementation of the Convention at the local level throughout the State party;
- e) There is a heavy focus on creating specialized solutions that lead to the segregation of persons with disabilities.

**8. The Committee recommends that the State party, in consultation with persons with disabilities and their representative organizations, adopt all measures necessary to ensure that its legislation, policies and practices are in full compliance with the general principles and specific provisions of the Convention. In particular, the Committee recommends that the State party:**

- a) Undertake a comprehensive legislative and policy review in order to adopt, ensure and enforce the prohibition of discrimination on the basis of disability and the full transition to a human rights-based model of disability;
- b) Ensure that the definition of disability in the national legislation is in full conformity with the criteria and principles set out in articles 1 to 3 of the Convention;
- c) Ensure that derogatory terminology is eliminated from all laws, policies and government discourse;
- d) Engage in mainstreaming the rights of persons with disabilities and their access to services for their full inclusion in the community.

9. The Committee notes with concern:

- a) That it did not receive any alternative reports from civil society in the United Arab Emirates, including from organizations of persons with disabilities;
- b) The lack of consultations involving persons with disabilities and the difficulties faced by independent organizations of persons with disabilities and their families in engaging in human rights advocacy aimed at a better implementation of the Convention;
- c) That foundations and other civil society organizations providing services to persons with disabilities do not fully comply with the principles of the Convention in terms of service provision.

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

- a) Adopt the measures necessary – including a review of existing laws and their current requirements, the provision of financial and other support, and the establishment of a formal mechanism recognized by law – to ensure that independent organizations of persons with disabilities can register as self-governing associations and can contribute effectively to the implementation of the Convention through law-making and policymaking and through systematic participation and consultation;
- b) Ensure that all foundations and civil society organizations engaged in service provision, including organizations of persons with disabilities, comply with the principles and provisions of the Convention by developing guidelines and standards for service provision in close consultation with representative organizations of persons with disabilities;
- c) Ensure that organizations of persons with disabilities have the freedom to engage independently with United Nations human rights mechanisms.

## Uruguay

5. El Comité observa con preocupación que se mantengan en la legislación, las políticas y los programas públicos, disposiciones sobre los derechos de las personas con discapacidad y terminología peyorativa que no están armonizadas con el modelo de discapacidad basado en los derechos humanos establecido en la Convención.

**6. El Comité recomienda al Estado parte que adopte un plan para la revisión, derogación, reforma y/o adopción de legislación y políticas, incluyendo la Constitución Política del**



**Estado parte, con el objeto de reconocer a las personas con discapacidad como sujetos plenos de derechos humanos en armonía con la Convención.**

7. Preocupa al Comité el rango del Programa Nacional de Discapacidad (Pronadis), siendo tan sólo un programa dentro del mandato del Ministerio de Desarrollo Social.

**8. El Comité recomienda al Estado parte que vele porque el Pronadis sea una entidad nacional permanente con los recursos humanos y financieros suficientes y específicos para llevar a cabo su mandato.**

9. El Comité observa con preocupación que no existe un adecuado entendimiento de los conceptos cubiertos por artículos 1 y 2 ni de los principios de la Convención y que existan criterios no estandarizados ni en armonía con los mismos para certificar la discapacidad.

**10. El Comité recomienda al Estado parte que adopte medidas para revisar la definición legal de discapacidad con el objetivo de armonizarla con los principios y artículos de la Convención y, subsecuentemente, para establecer un sistema de certificación única de la discapacidad que refleje un modelo basado en los derechos humanos de las personas con discapacidad.**

11. Al Comité le preocupa que no haya suficientes consultas con personas con discapacidad, a través de sus organizaciones, a la hora de la adopción de políticas y programas que les afectan.

**12. El Comité recomienda al Estado parte que adopte un mecanismo de consultas permanentes a personas con discapacidad a través de sus organizaciones, incluyendo a niños y niñas con discapacidad, en la adopción de legislación, políticas y otros asuntos de su relevancia.**

## Chile

5. Al Comité le preocupa la ausencia de una estrategia para la armonización legislativa relativa a personas con discapacidad, así como la persistencia del modelo médico y el uso de terminología peyorativa tales como “invalidez”, “incapaces” y “dementes” en normas vigentes incluido el Código Civil y la Ley núm. 20422 de 2010.

**6. El Comité recomienda al Estado parte que adopte un plan para armonizar plenamente toda su legislación y políticas, incluyendo la Constitución Política de la República y el Código Civil para hacerlo compatible con la Convención y promover el modelo de derechos humanos de la discapacidad.**

7. El Comité observa que los criterios para calificar y certificar la deficiencia no están estandarizados ni en armonía con los principios de la Convención en tanto se basan en la deficiencia sin tomar en cuenta las barreras que enfrentan las personas con discapacidad.

**8. El Comité recomienda al Estado parte que revise los criterios para la calificación y certificación de la discapacidad y asegurar que reflejen un modelo basado en los derechos humanos de las personas con discapacidad.**

9. Al Comité le preocupa que las consultas a personas con discapacidad no sean vinculantes en la adopción de políticas y programas que les afectan.

**10. El Comité recomienda al Estado parte que adopte un mecanismo vinculante de consulta permanente a personas con discapacidad a través de sus organizaciones, incluyendo a las mujeres, a las niñas y los niños con discapacidad, en la adopción de legislación, políticas y otros asuntos de su relevancia.**

## Lithuania

5. The Committee is concerned that the definition and understanding of disability in State party laws and regulations focuses on the individual impairment, thereby neglecting the social and relational dimension of disability, including, in particular, the barriers faced by persons with disabilities.

**6. The Committee recommends that the State party amend the legal definition of disability in accordance with the criteria and principles provided in articles 1 to 3 of the Convention and that it effectively apply the amended legal definition in all laws and regulations.**

7. The Committee is concerned by the frequent use of derogatory language, such as “deaf-mute” and “disorder”, when referring to persons with disabilities in legislation and data collection efforts, which perpetuate negative perceptions about persons with disabilities.

**8. The Committee recommends that the State party review and harmonize its legislation concerning the definition of persons with disabilities and in the collection of data related to such persons in such a way as to eliminate the use of all derogatory language to refer to persons with disabilities. The Committee also recommends that the State party ensure that all existing and new laws and regulations, and the definitions used therein, comply with the human rights-based model of disability, in accordance with the Convention.**

9. The Committee is concerned that between 2009 and 2014 there was a decrease in resources allocated for the support of persons with disabilities.

**10. The Committee recommends that the State party regularly evaluate the national budget and its use of the European Union structural and investment funds to ensure that the maximum available resources are being used for the realization of the rights of persons with disabilities in accordance with article 4 (2) of the Convention. The Committee calls on the State party to provide, in its next periodic report, updated information on public spending demonstrating how social protection for persons with disabilities has been increasingly prioritized.**

11. The Committee notes with concern that organizations of persons with disabilities are not included in all decision-making processes relating to matters affecting them, in a timely manner and with sufficient support, in accordance with the provisions of article 4 (3) of the Convention.

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

**a) Develop, adopt and implement a strategy aimed at achieving the full inclusion of organizations of persons with disabilities in all political decision-making processes relating to matters affecting persons with disabilities, from the early stages and across all sectors, including in relation to the implementation and monitoring of the Sustainable Development Goals;**

**b) Provide sufficient financial support to build the capacity and enable the autonomous participation of those organizations in all decision-making processes.**

## Portugal

7. The Committee is concerned by the use of medical assessment of disability and that there are no legally-binding criteria for the eligibility of persons with disabilities in relation to access to various social protection programmes, and instead the National Table of Incapacities caused by Work Accidents and Occupational Diseases is used by analogy.

**8. The Committee recommends that the State party review the assessment criteria to determine the degree of disability of the individual to bring them into line with the Convention, and adopts suitable regulations in its legislation and policies. The Committee also recommends that the State party ensures that all persons with disabilities are able to secure their disability certificate, and that access to social protection programmes and aid is available to all persons with disabilities.**

9. The Committee notes that the State party has still not carried out a comprehensive cross-cutting review of its legislation in order to harmonise it with the Convention, and that laws, regulations, customs and practises which discriminate against persons with disabilities continue to exist.

**10. The Committee recommends that the State party perform a comprehensive cross-cutting review of its legislation and policies, in order to harmonise it with article 1 of the Convention to ensure protection against all kinds of discrimination on grounds of disability and that State Party involve in this process organizations which represent persons with disabilities and human rights independent institutions.**

11. The Committee notes that the State party is working on a new disability strategy which will remain in place until 2020. Nevertheless, it is concerned by the failure to implement the I

National Strategy on Disability 2011-2013, which was not assigned adequate budget resources for implementation and did not include the participation of organisations of persons with disabilities in its design, monitoring or assessment.

**12. The Committee recommends that the State party adopt a new strategy on the implementation of the Convention, with the involvement of organisations of persons with disabilities in the design, monitoring and assessment stages, a budget allocation, timeframes for implementation and a dedicated monitoring mechanism. The Committee also recommends that the European Union Structural Funds allocated to the State party until 2020 be used to develop policies which contribute to the implementation of the Convention in the State party.**

## Serbia

5. The Committee is concerned that some legislative provisions and bylaws are discriminatory and contravene the provisions of the Convention.

**6. The Committee recommends that the State party review its legislation, including assessment of disability and support schemes, and harmonize it with the Convention, including the human rights model of disability.**

7. The Committee is concerned about the insufficient training of professionals and staff working with persons with disabilities in the rights recognised in the Convention.

**8. The Committee recommends the State party promote, in consultation with organisations of persons with disabilities (DPOs), the training of professionals and staff working with persons with disabilities in the rights recognized in the Convention so as to better provide the assistance and services guaranteed by those rights.**

## Slovakia

5. The Committee is concerned about the lack of a strategy to promote the rights of persons with disabilities among the Roma people.

**6. The Committee recommends that the State party develop a policy, action plan and indicators to implement the rights of persons with disabilities among the Roma people.**

7. The Committee is concerned that progress on the national programme for the development of the living conditions of persons with disabilities towards the implementation of the Convention is unclear and too slow.

**8. The Committee recommends that the State party develop goals, targets, indicators and a timeline for the above-mentioned programme, and ensure stakeholder involvement in its expected outcomes.**

9. The Committee is concerned at the absence of frameworks for meaningful participation of persons with disabilities through their representative organizations with respect to the development and implementation of legislation and policies concerning persons with disabilities.

**10. The Committee recommends that the State party ensure the full participation of persons with disabilities through their representative organizations in the development and implementation of disability-relevant legislation and policies, paying particular attention to women, girls, boys and the Roma population with disabilities.**

11. The Committee is concerned that the medical approach to disability is still used in assessments and provisions addressing persons with disabilities, and is also concerned about the lack of understanding of the rights of persons with disabilities among professionals.

**12. The Committee recommends that the State party adopt a human rights-based definition of disability in the regulations relating to the assessment of disability. The Committee also recommends that the State party provide policymakers and professionals with training and raise awareness among them on the rights of persons with disabilities, in line with the Convention.**

## Thailand

5. The Committee is concerned that the State party has not ratified the Optional Protocol to the Convention.

**6. The Committee encourages the State party to ratify the Optional Protocol to the Convention.**

7. The Committee is concerned about the fact that the new draft Constitution of Thailand ad referendum appears to weaken the overall legal protection of persons with disabilities when compared to the 2007 Constitution and omits specific references to persons with disabilities.

**8. The Committee recommends that the State party strengthen the legal protection of persons with disabilities in its new draft Constitution.**

9. The Committee is concerned that national laws are not fully harmonized with the Convention, particularly with respect to the concept of disability in section 4 of the Persons with Disabilities Empowerment Act and the criteria for access to services and funds that rely heavily on a medical assessment.

**10. The Committee recommends that the State party take the steps necessary to revise national legislation and policies in accordance with the human rights model of disability, in close consultation with representative organizations of persons with disabilities.**

11. The Committee is concerned with the overall limited empowerment of representative organizations of persons with disabilities by the State party, and the obstacles encountered by civil society organizations in obtaining certification and grants for setting up disability service centres as provided for in legislation.

**12. The Committee recommends that the State party adopt the measures necessary to ensure the active participation of representative organizations of persons with disabilities and facilitate their empowerment as service providers.**

## Uganda

4. The Committee is concerned about the varying definitions of disability throughout its legislation, that legislation and policies are not in line with the Convention, and the delay in the enactment of the Persons with Disabilities Bill, 2014, as well as of several bills that would advance the rights of persons with disabilities enshrined in the Convention. It also notes with concern that derogatory language against persons with disabilities persists in legislation and policies of the State party, such as the terms "unsound mind" and "lunacy".

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

**a) Harmonize definitions of disability in various laws and policies and systematically review all legislation and bring it into line with the Convention;**

**b) Adopt measures to amend and/or repeal legislation with derogatory terminology against persons with disabilities.**

6. The Committee is concerned about the absence of specific mechanisms to ensure a high-level consultation with organizations of persons with disabilities that goes beyond the National Council for Disability. It is also concerned that civil society does not fully participate in processes to enact legislation, and in the discussion and adoption of public policies both at the national and district level, including the involvement of women with disabilities, young people, children with disabilities and persons with psychosocial and/or intellectual disabilities.

**7. The Committee recommends that the State party establish high-level formal mechanisms to conduct consultations with organizations representing persons with disabilities, systematically and on a regular basis, with allocation of budgetary resources, and promote the meaningful participation of organizations of persons with disabilities, including organizations of women with disabilities, young people, children with disabilities and persons with psychosocial and/or intellectual disabilities.**

## Brazil

6. The Committee is concerned at the lack of a coherent and comprehensive disability strategy to implement the human rights model of disability established in the Convention and harmonize the State party's legislation, policies and programmes.

**7. The Committee recommends the State party to develop a disability strategy to implement the human rights model of disability. The Committee further recommends that, in consultation with organizations of persons with disabilities, the State party initiates a systematic review of existing legislation, policies and programmes and where necessary brings them into line with the Convention. This should include a review of any legislation, policies or programmes upon which the rights of persons with disabilities are restricted or denied on the basis of impairment, or where services or benefits to persons with disabilities lead to their segregation or exclusion.**

8. The Committee is concerned that the Statute of Persons with Disabilities (Lei Brasileira de Inclusão da Pessoa com Deficiência) does not meet all of the State party's obligations under the Convention.

**9. The Committee urges the State party to take immediate steps to bring the Statute of Persons with Disabilities (Lei Brasileira de Inclusão da Pessoa com Deficiência) into full alignment with the Convention before it enters into force, in consultation with organizations of persons with disabilities.**

10. The Committee is concerned at the lack of mechanisms in place for the participation of persons with disabilities, through their representative organizations, in decision-making processes relating to the implementation of the Convention.

**11. The Committee recommends the adoption of a consultative mechanism for systematic consultations with persons with disabilities, through their representative organizations, on policies, programmes and legislation relating to the implementation of the Convention. The Committee also recommends the State party to promptly implement the results of all national conferences on the rights of persons with disabilities, including the proposals from the "III National Conference on the Rights of Persons with Disabilities" (CRPD/C/BRA/Q/1/Add.1 para. 11).**

## European Union

6. The Committee is concerned that the European Union has not ratified the Optional Protocol to the Convention.

**7. The Committee calls upon the European Union to ratify the Optional Protocol to the Convention.**

8. The Committee is concerned that the European Union failed to conduct a cross-cutting, comprehensive review of its legislation aimed at its harmonization with the Convention, and that a strategy on the implementation of the Convention across all its institutions is missing.

**9. The Committee recommends the European Union to conduct a cross-cutting, comprehensive review of its legislation in order to ensure full harmonization with the provisions of the Convention and to actively involve representative organisations of persons with disabilities and independent human rights institutions in this process. It further recommends adopting a strategy on the implementation of the Convention with an allocated budget, timeframe, as well as a monitoring mechanism.**

10. The Committee is concerned that the European Disability Strategy 2010-2020 has not had its mid-term assessment due in 2015, and there are no clear benchmarks and guidelines on how these Concluding Observations will be incorporated into the implementation of the second term 2016-2020.

**11. The Committee recommends that the European Union implement the mid-term assessment of the European Disability Strategy 2010-2020, and establish clear guidelines on the inclusion of these concluding observations with clear benchmarks and indicators, in close consultation with persons with disabilities and their representative organizations.**

12. The Committee is concerned that the impact assessment guidelines only include one issue relating to the compliance with the Convention.

**13. The Committee recommends that the impact assessment guidelines be reviewed and modified in order to include a more comprehensive list of issues to better assess compliance with the Convention.**

14. The Committee is concerned at the lack of cross-cutting, overarching framework for the consultation between different authorities in the European Union, and persons with disabilities, including women, girls and boys with disabilities, through their representative organisations.

**15. The Committee recommends the European Union to take necessary measures to set up Structured Dialogue with an independent budget line and sufficient funding for coordination between European Union institutions, agencies and bodies, and for meaningful consultation with and participation of persons with disabilities, including women, girls and boys with disabilities, through their representative organisations.**

16. The Committee is concerned that the Declaration of Competence has not been updated and does not comprehensively refer to legislation applicable to or affecting persons with disabilities.

**17. The Committee recommends that the European Union regularly update the Declaration of Competence and its list of instruments to include recently adopted instruments and those instruments that have no specific reference to disability but that are relevant to persons with disabilities.**

## Gabon

6. The Committee is concerned that the State party has no legal definition of 'reasonable accommodation' and 'universal design'.

**7. The Committee recommends that the State party amend national legislation to include definitions of 'reasonable accommodation' and 'universal design' in line with the Convention and to provide guidance and training to both the public and private sectors on these concepts and how they can be applied in practice.**

8. The Committee is concerned about the lack of consultation and active involvement of persons with disabilities within the State party.

**9. The Committee recommends that the State party establish permanent mechanisms at the national and local level for participation and consultation with organisations of persons with disabilities in relation to law and policy making, by creating the 'National Committee for the Insertion of Persons with Disabilities' and the 'monitoring and assessment commission on social development' and guaranteeing the participation of organisations of persons with disabilities in its membership. The Committee also recommends that the State party support organizations of persons with disabilities with the sufficient, independent and continuous financial resources so as to provide the State party with information on the needs and views of persons with disabilities to be taken into account in future planning processes.**

10. The Committee is concerned that: a) national legislation is not fully harmonised with the Convention and the Convention is not enforceable in domestic courts; b) the State party has not adopted a human rights model of disability in legislation and policies; and c) the State party uses stigmatising terminology to refer to persons with disabilities, notably intellectual and psychosocial disabilities.

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

**a) domesticate its national legislation in line with the Convention, including provisions to enforce the Convention in domestic courts,**

**b) adopt a human rights model of disability in legislation and policy, and**

**c) eliminate stigmatizing terminology.**



## Kenya

5. The Committee is concerned about measures to ensure the effective implementation of the Convention and, the delay in the process to amend the Persons with Disabilities Act 2003. It also observes with concern that derogatory terminology against persons with disabilities persists in the Constitution and in other pieces of legislation such as the Local Government Act, the Election Act, the Mental Health Act, and the Marriage Act.

**6. The Committee calls upon the State party to:**

- a) Complete as a matter of priority and within a specific timeframe the process to review the Persons with Disabilities Act 2003 and bring it into line with the provisions of the Convention and the human rights-based approach to disability;**
- b) Ensure adequate processes in the Parliament to enact various bills regarding the rights of persons with disabilities pending approval;**
- c) Adopt measures to amend and/or repeal legislation with derogatory terminology against persons with disabilities; and**
- d) Raise awareness among members of Parliament with regard to the Convention and convey their involvement in implementing the Committee's concluding observations.**

7. The Committee observes with concern the absence of specific legal and policy frameworks for implementing the Convention at county and municipal levels. It is also concerned about the lack of mechanisms to ensure permanent and formal consultation with organizations of persons with disabilities in processes to enact legislation, and in the discussion and adoption of public policies both at the national level and in the county level.

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

- a) Adopt measures to ensure that county governments and all local authorities allocate budgetary resources and establish action plans to implement the Convention with targets and indicators to monitor their results; and**
- b) Establish formal mechanisms and protocols, at the national, county and municipal levels and conduct consultation with organizations representing persons with disabilities, in line with the State party obligations in article 4.3 of the Convention, including the required financial resources; and promote the meaningful participation of organizations of persons with disabilities in both rural and urban areas.**

## Mauritius

5. The Committee is concerned that the definitions contained in the Equal Opportunities Act and the Training and Employment of Disabled Persons Act still reflect the medical approach of disability and are therefore incompatible with the concept of disability in the Convention. The Committee is also concerned about the use of derogatory language against persons with disabilities throughout laws, policies and discourse. The Committee is further concerned that achievements obtained through the implementation of the 2007 Action Plan on Disability are unclear and that persons with disabilities have not been consulted in the development of the draft Disability Bill and the Strategy Paper and Action Plan on Disability 2015-2020.

**6. The Committee recommends that the State party amend the Equal Opportunities Act and the Training and Employment of Disabled Persons Act to reflect the human rights model of disability and that it eliminate the use of derogatory language throughout its laws, policies and discourse. The Committee also urges the State party to fully associate and regularly, transparently and meaningfully consult with organization of persons with disabilities in the design, implementation and monitoring of laws, policies and action plans, which have an impact on them, especially the draft Disability Bill and the Disability Strategy and Action Plan (DSAP 2015-2020) and to ensure that the DSAP contain clear goals, benchmarks and indicators and that necessary resources are provided for its effective implementation.**

7. The Committee notes the commitment by State Party to withdraw its reservations to articles 9 (para.2), 11 and 24 (para. 2) to the Convention (A/HRC/25/8 para. 129.10, 129.11 and 129.12), but is concerned that this process has yet to be engaged. The Committee also

regrets that the State party conditions the ratification of the Optional Protocol to the Convention to the withdrawal of these reservations.

**8. The Committee recommends that the State party withdraw all its reservations to the Convention and ratify the Optional Protocol to the Convention without further delay.**

## Qatar

5. The Committee notes that the State party has not ratified the Optional Protocol to the Convention. It also notes that the State party has not ratified other treaties of the international system of promotion and protection of human rights, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

**6. The Committee recommends that the State party ratify the Optional Protocol to the Convention as soon as possible and that it consider ratifying the international human rights treaties to which it is not yet a party, in particular the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

7. The Committee is concerned that legislation on persons with disabilities was adopted prior to ratification on the Convention and does not reflect the human rights model of disability and that there is a heavy focus on creating specialized solutions which lead to segregation. It is also concerned that subsequent efforts to harmonize legislation on persons with disabilities with the Convention have not advanced to fruition.

**8. The Committee recommends that the State party, in consultation with persons with disabilities and their representative organizations, adopt all necessary measures to ensure full compliance of legislation with the general principles and specific provisions in the Convention. In particular, the Committee recommends the adoption of measures in matters relating to non-discrimination and to the full transition to a human rights-based model of disability and that the State party engage in mainstreaming the rights of persons with disabilities and their access to services within existing systems for their inclusion in the community.**

9. The Committee is concerned by the lack of consultation of persons with disabilities and of difficulties for the independent organization of persons with disabilities and their families to engage in human rights advocacy for better implementation of the Convention. It is also concerned about the lack of diversity in the range of organizations with disabilities independent to the State party. The Committee is further concerned by the lack of participation by organizations of persons with disabilities throughout the process of its consideration of the implementation of the Convention and that it did not receive any alternative reports from Qatari civil society, including organizations of persons with disabilities.

**10. The Committee recommends that the State party adopt the necessary measures, including a review of existing laws and their current requirements; the provision of financial and other support; and the establishment of a formal mechanism recognized in the law to ensure that organizations of persons with disabilities can register as associations, participate and be consulted and are enabled to contribute effectively to the implementation of the Convention in relation to law and policy making. Further, the Committee recommends that the State party ensure that all foundations and civil society organizations, including organizations of persons with disabilities, comply with the principles and the provisions of the Convention, through the development of guidelines and standards for service provision. It also recommends that the State party ensure that organizations of persons with disabilities have the freedom to engage with the United Nations' human rights mechanisms.**

## Ukraine

5. The Committee notes the State party's query in relation to the terminology to refer to persons with disabilities and is of the opinion that the use of terminology in Ukrainian that refers to persons with disabilities as "invalids" or "persons with limited abilities" is not consistent with the Convention.

**6. The Committee calls upon the State party to remove the reference to "invalids" or "persons with limited abilities" from all its legislative and policy documents, including the Ukrainian translation of the Convention and use terminology that is in compliance with the Convention in consultation with the representative organizations of persons with disabilities.**

7. The Committee notes with concern that the medical model of approach to disability is still predominant especially in policies addressing the persons with disabilities due to lack of professional training for and understanding of the rights of persons with disabilities among public officials and professionals.

**8. The Committee strongly recommends the State party to adopt human rights based approach to disability in all its laws, policies and decisions. It also urges the State party to educate and raise awareness of its policy makers, professionals and public in general on the rights of persons with disabilities based on the Convention and its Optional protocol.**

## Cook Islands

The Committee is concerned that the definitions in the Disability Act 2008 and the Cook Islands Welfare Act 1989 (including amendments) are incompatible with the concept of disability in the Convention.

**5. The Committee recommends the State party amend the Disability Act 2008 and Cook Islands Welfare Act 1989 to reflect the concept of disability in the Convention and eliminate the use of derogatory language throughout its laws, policies and discourse.**

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

**a) Establish a legally recognised formal mechanism with funding to ensure the effective participation of persons with disabilities and their representative organizations in the process of drafting, development and implementation of laws and policies concerning all persons with disabilities, especially persons with psychosocial or intellectual disabilities, children with disabilities, women with disabilities, and older persons with disabilities;**

**b) Ensure persons with disabilities and their representative organisations are invited to international meetings and engagements that involve decision-making on issues of disability.**

## Croatia

5. The Committee is concerned that the State party has not yet comprehensively reviewed domestic legislation with a view to implementing the human rights model of disability. It notes that there seems to be a lack of understanding of the meaning of reasonable accommodation and universal design in areas such as education, health, employment, built environment. The Committee is concerned that due to the lack of a broad service providers' network, organisation of persons with disabilities (DPOs) have been forced to assume this role at the expense of their advocacy role.

**6. The Committee recommends that the State party initiates a comprehensive review of existing legislation and where necessary brings legislation in alignment with the Convention. It recommends that the concepts of reasonable accommodation and universal design are regulated beyond the context of the anti-discrimination act in areas such as education, health, transportation and building. It is recommended that the State party provide funding to enable DPOs to fulfil their role under article 4(3) of the Convention.**

## Czech Republic

5. The Committee notes that State party has not ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

**6. The Committee calls upon the State party to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities, as indicated at the outcome of the second round of the Universal Periodic Review (A/HRC/22/3/Add.1, para.6) and in line with the new National Plan on Promoting Equal Opportunities for Persons with Disabilities 2015-2020.**

7. The Committee notes that various definitions of disability and persons with disabilities in State party's legislation (in the Act on Employment and the School Act among others) are based on the medical model of approach to disability and are not in line with the provisions of the Convention on the Rights of Persons with Disabilities.

**8. The Committee calls upon the State party to amend the definitions of disability and persons with disabilities in its legislation and to make explicit reference to the barriers faced by persons with disabilities in the above-mentioned definitions, in order to harmonize them with the definitions in the Convention.**

## Dominican Republic

4. The Committee is concerned that no regulations have yet been passed to implement Act No. 5-13 and that there is no systematic strategy to harmonize national legislation with the Convention, including the removal of derogatory language such as "disabled", "imbecility" and "mental derangement" from the Labour Code and the Civil Code. It is also concerned at the absence of action lines inclusive of persons with disabilities in the 2010– 2030 National Development Strategy.

**5. The Committee recommends that the State party immediately set in motion a plan to review its legislation, with a view to removing terminology and provisions that are contrary to the Convention and prioritizing the harmonization of laws relating to the human rights of persons with disabilities. It also recommends the inclusion of action lines inclusive of persons with disabilities in its 2010–2030 National Development Strategy.**

6. The Committee is concerned that there are no mechanisms for consulting with organizations of persons with disabilities when taking decisions in implementation of the Convention and in all matters affecting these persons.

**7. The Committee recommends that the State party establish mechanisms for permanent consultation with organizations of persons with disabilities, as legally recognized procedures for the adoption of measures in implementation of this Convention and in all matters affecting them, in particular including them in the decision-making structures of the National Council on Disability (CONADIS).**

## Germany

5. The Committee is concerned that the application of the State party's obligations under the Convention in all parts of its territory have led to the uneven development of disability action plans at the Länder level, namely in their content, orientation, and in the consistent adoption of a human rights-based approach aligned to the Convention.

**6. The Committee emphasises the State party's obligations under article 4 paragraph 5 and recommends that the State party ensure that Federal, Länder and local authorities are aware of the rights set out in the Convention and of their duty to effectively ensure their implementation.**

7. The Committee is concerned that domestic law does not demonstrate a sufficient understanding of the concepts provided in articles 1 and 2 of the Convention, especially its translation into existing legal provisions using a human rights approach.

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

**a) That both the federal government and the Länder revise the legal definition of disability in laws and policies with a view to harmonising it with the general principles and provisions in**

the Convention, particularly in matters relating to non-discrimination and full transition to a human rights-based model;

**b) That federal and all local governments establish overarching human rights-based action plans with a clear concept of disability, setting adequate measures to promote, protect, and fulfil rights, and with targets and indicators to monitor the implementation of the Convention.**

9. The Committee is concerned that persons with disabilities are not guaranteed meaningful and effective participation in decision-making related to their lives and that accessible communication is insufficient. It is also concerned about the lack of clarity about the roles and responsibilities regarding the implementation of the Convention.

**10. The Committee recommends that the State party develop frameworks for the inclusive, comprehensive and transparent participation of organisations representing persons with disabilities (DPOs), including those experiencing intersectional discrimination regarding the adoption of legislation, policies and programmes for the implementation and monitoring of the Convention. It also recommends that the State party provide resources to facilitate the participation of DPOs, especially smaller self-advocacy organisations.**

11. The Committee is concerned that both existing and new legal provisions, at the federal and the Länder level, are not always in line with the Convention. It is also concerned that the significance and scope of the rights of persons with disabilities are not sufficiently recognised in legislative processes and that, in practice, legal remedies and recognition of the Convention before the courts are not ensured.

**12. The Committee recommends that the State party guarantee that:**

**a) All relevant existing domestic laws are examined by an independent body of experts and harmonised with the Convention accordingly;**

**b) All future laws and policies are aligned to the Convention;**

**c) Existing and future legislation incorporate measures to guarantee that the rights of persons with disabilities under the Convention are invocable before the courts with concrete effective remedies.**

## Mongolia

6. The Committee is concerned that while the State party adheres to the World Health Organisation (WHO) concept of disability with a focus on conditions arising from inherent personal or medical impairment, it overlooks interactions with environmental factors. While the Convention recognizes an evolving concept of disability, the State party appears to be trapped by the concept of a 'permanent disability'.

7. The Committee is concerned that the State party's legislation and policies on persons with disabilities are not harmonised and do not adequately reflect the inter-dependent aspects of each article with other articles.

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

**(a) Harmonize its national legislation and policies to ensure full compliance with the Convention and the inter-dependent aspects of its provisions, and adopt the human rights model of disability that stress human dignity of persons with disabilities and conditions arising from interactions with various barriers that may hinder their full and effective participation in society on an equal basis with others.;**

**(b) Develop a strategy for implementation with clear structures for policy co-ordination, benchmarks, timelines and appropriate funding: and, ?**

## Turkmenistan

9. The Committee is concerned that the definition of disability in the Social Protection Code does not fully comply with the Convention and that the State party follows a medical approach in the disability determination. The Committee is also concerned that the State party has not clarified how the definition of disability is binding upon enterprises, institutions and organisations, especially in the field of employment. The Committee is further concerned



about the lack of sufficient information on the legal safeguards and remedies available in case of violation of the rights of persons with disabilities.

**10. The Committee recommends that the State party review and harmonize its legislation with the Convention, including by adopting a social and human rights model of disability. The State party should also ensure the involvement of experts from social, labour and education fields within the assessment panels on disability determination. The State party should further provide clear legal safeguards and remedies, as well as related procedures, in case of violation of the rights of persons with disabilities.**

11. The Committee is concerned at the lack of information in the replies to the List of Issues regarding the legal grounds applicable when refusing to register a voluntary association in the framework of the Voluntary Association Act of 2014. It is also concerned at the lack of measures taken to ensure that organization of persons with disabilities are systematically involved in the implementation of the Convention.

**12. The Committee recommends that the State party take effective steps to ensure that the legislation relevant to voluntary associations is available in accessible formats to persons with disabilities, and that it includes appropriate legal safeguards. The Committee recommends that the State party ensure that international organisations, agencies and experts facilitate and support the creation, capacity-building and effective participation of organizations of persons with disabilities, including by establishing regular and better-documented mechanisms for convening consultations with them.**

## New Zealand

5. The Committee notes that the State party has begun the domestic treaty examination process with a view to acceding to the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

**6. The Committee recommends that the State party ratify the Optional Protocol as soon as is practicable.**

7. The Committee is concerned that, when using the Google search engine on Google's New Zealand website ([www.google.co.nz](http://www.google.co.nz)), and on other English-language Google websites, disturbing phrases occur when some phrases relating to autistic persons are typed into the search box. Since the conclusion of the constructive dialogue with New Zealand, Google has removed some, but not all, of the offending phrases. The Committee is further concerned that persons with autism are subject to this type of "hate speech", which is not generated by humans but rather is the result of an automated search engine process.

**8. The Committee recommends that the State Party bring this matter to the attention of Google, which has a registered office in New Zealand, to discuss what can be done to prevent or eliminate this type of "hate speech".**

## Denmark

8. The Committee is concerned that the National Disability Action Plan of 2013 does not cover broadly all of the rights and substantive areas under the Convention, and that it remains relatively general.

**9. The Committee recommends that the State party review the National Disability Action Plan to ensure the coverage of all rights and substantive areas under the Convention, and that it establish, in this regard, concrete objectives, measurable targets, adequate budget, and indicators, to evaluate progress in the implementation of the Government's disability policy.**

10. The Committee is concerned about the absence of disability policy action plans in the Faroe Islands and Greenland, and in particular about the lack of support for organizations of persons with disabilities in Greenland to enable them to engage with the Government in implementation of the Convention.

**11. The Committee recommends that the Governments of the Faroe Islands and of Greenland adopt dedicated disability policy action plans to effectively implement the Convention. It also recommends that the Government of Greenland support the work of**



**organizations of persons with disabilities to ensure their effective participation in consultations on and implementation of the Convention.**

12. The Committee is concerned that the Convention is not explicitly incorporated into the laws of Denmark, the Faroe Islands and Greenland. It is also concerned at the insufficient information about the application of the Convention by the State party's courts and authorities. The Committee notes with concern that officials of State, regional and municipal authorities are not sufficiently aware of their obligation to promote the implementation of the Convention.

**13. The Committee recommends that the State party ensure incorporation of the Convention so that it is applicable as law of Denmark, the Faroe Islands and Greenland. The Committee also recommends that the State party take measures to facilitate direct application of the Convention by the courts and the authorities, and undertake training programmes to facilitate the active application and implementation of the Convention by the officials of State, regional and municipal authorities in all parts of the Kingdom of Denmark, including by providing guidance to the municipalities on the implementation of the respective acts on social services in observance of the Convention's provisions.**

## Republic of Korea

6. The Committee is concerned that the Welfare of Disabled Persons Act refers to the medical model of disability.

**7. The Committee recommends that the State party review the Welfare of Disabled Persons Act and harmonize it with the human rights-based approach to disability as espoused in the Convention.**

8. The Committee is concerned that the new disability determination and rating system under the Welfare of Disabled Persons Act relies only on medical assessments in providing services and fails to take into account the various needs of persons with disabilities and to encompass all persons with disabilities, including those with psychosocial disabilities. The Committee is also concerned that, as a result, this system limits the eligibility of persons with disabilities for welfare services and personal assistance, based on their ratings.

**9. The Committee recommends that the State party review the current disability determination and rating system under the Welfare of Disabled Persons Act to ensure that the assessment reflects the characteristics, circumstances and needs of persons with disabilities, and that welfare services and personal assistance be extended to all persons with disabilities, including those with psychosocial disabilities, in accordance with their requirements.**

**10. The Committee encourages the State party to ratify the Optional Protocol to the Convention.**

## Belgium

5. The Committee is concerned that the State party has not brought its domestic legislation into line with the Convention, and notes that there are no specific regulations with provisions that apply to persons with disabilities. The Committee also notes the absence of a national plan or strategy focusing exclusively on persons with disabilities. Moreover, little attention is paid to the participation of persons with disabilities, particularly persons with intellectual disabilities, in policymaking processes.

**6. The Committee recommends that the State party proceed to bring its domestic legislation into line with all its obligations under the Convention, adopt and implement a plan for persons with disabilities, and ensure the full participation of persons with disabilities and disabled persons' organizations in these processes.**

7. The Committee is concerned that the implementation of regulations often reflects a medical model of disability.

**8. The Committee urges the State party to adopt a human rights-based approach to disability in line with the Convention, in consultation with disabled persons' organizations.**

9. The Committee notes that persons with disabilities are represented by the National Higher Council for Persons with Disabilities at the federal level. However, it regrets the absence of advisory councils in the Flemish Region and in the French- and German-speaking Communities.

**10. The Committee urges the State party to establish, and allocate adequate resources to, advisory councils in all regions. These advisory councils should be closely involved in the development, implementation and monitoring of legislation and policies.**

## Ecuador

8. The Committee is concerned that, although the Organic Act on Disabilities was published after the State party's ratification of the Convention, it retains a definition and understanding of disability that are based on a medical approach. This definition of persons with disabilities emphasizes their limited abilities and neglects the social and relational dimension of disability.

**9. The Committee recommends that a comprehensive review of the Organic Act on Disabilities be carried out with a view to harmonizing it with the general principles and specific provisions in the Convention, particularly in matters relating to nondiscrimination and full transition to a human rights-based model.**

10. The Committee expresses its concern that the State party's legislative framework has not been the subject of a comprehensive review, with the aim of bringing laws on education, transport, urban development, prevention of violence, health, family relationships, work, culture and sport into line with the rights contained in the Convention.

**11. The Committee recommends that the State party establish a multilateral commission, comprising independent organizations of persons with disabilities and the different government departments, to carry out a systematic review of the legislative framework relating to education, transport, urban development, prevention of violence, health, family relationships, work, culture and sport in order to bring it into line with the Convention.**

12. The Committee notes with concern the fact that organizations of persons with disabilities, including organizations representing women and children with disabilities, did not participate, through submission of independent contributions, in the Committee's consideration of the State party's initial report. It also notes with concern the absence of mechanisms in the State party for the independent participation of organizations of persons with disabilities outside the governmental structure.

**13. The Committee calls on the State party to adopt measures promoting the effective participation of organizations representing women with disabilities, children with disabilities, persons from indigenous nations and peoples, and Afro-Ecuadorian and Montubio people in decision-making processes in matters relating to disability. It urges the State party to guarantee the independence and autonomy of organizations of persons with disabilities in their participation in, and contributions to, the adoption of legislation, policies and programmes for the implementation and monitoring of the Convention.**

## Mexico

5. The Committee is concerned that the civil legislation of some federal entities still contains pejorative language in reference to persons with disabilities.

**6. The Committee recommends that the State party redouble its efforts to harmonize its laws with the Convention, so that all the federal states eliminate pejorative terminology relating to the rights of persons with disabilities.**

7. The Committee is concerned that disabled persons' organizations have only limited involvement in the implementation and monitoring of the Convention.

**8. The Committee recommends that the State party establish regular mechanisms for convening consultations with disabled persons' organizations, thereby ensuring that their opinions are properly taken into consideration.**

## Sweden

5. The Committee is concerned that the system of indicators established by the State party to monitor the implementation of the Convention is based only on those areas that strictly relate to the disability policy and does not cover broadly all of the rights areas under the Convention, and that there is a lack of indicators. It is further concerned that this reporting system is voluntary based at the municipal level, even though the State Party had not made a reservation in this respect when ratifying the Convention.

**6. The Committee recommends that the State party review the indicators system to ensure its coverage of all areas of the Convention, and design measures to encourage municipalities to monitor its implementation.**

7. The Committee is concerned that the Convention has not been integrated into Swedish law and is therefore left to the interpretation of authorities and courts. The Convention articles cannot serve as guidelines in court rulings, as they are not explicitly included in the texts of the national law. There is a serious gap between the policies followed by the State party and those followed by the municipalities with respect to the implementation of the Convention. That concern also has been raised in the official communications between the State party and the Committee with regard to individual communication No. 3/2011, H.M. v Sweden.

**8. The Committee urges the State party to ensure that the Convention is properly incorporated into Swedish legislation in order for it to be applicable as Swedish law.**

## Azerbaijan

8. The Committee notes that the State party has a draft law on the Rights of Persons with Disabilities, which reportedly seeks to incorporate the provisions of the Convention. However, the Committee is concerned that the State party's legislation and policies still refer to the medical model of disability. The Committee is also concerned that the State party's harmonization efforts only deal with this specific draft law and not the whole of the state's legislative legal order. The Committee is further concerned that there is a need for legislative harmonization and the revision of the nomenclature which the State party uses to refer to persons with disabilities in order to prevent derogatory language.

**9. The Committee recommends that the State party should review and harmonise its legislation, as well as ensure that the new draft law on the Rights of Persons with Disabilities strictly comply with the provisions of the Convention by adopting the human rights based model to disability. In the conduct of the review and harmonisation of legislation, the State party should ensure the full participation of persons with disabilities and disabled peoples' organisations. The State party should further revise its legislation and policies with a view to removing all disparaging and degrading references to persons with disabilities.**

10. The Committee is concerned that despite the use of sign language in the State party, it is still not officially recognised.

**11. The State party should take effective steps to recognise sign language as one of the official languages of the State party.**

## Costa Rica

5. The Committee is concerned that the State party continues to use inappropriate and pejorative terminology when referring to persons with disabilities in various pieces of legislation, employing terms such as "inválidos" (invalids), "incapaces" (incapacitated), "minusválidos" (handicapped), "insanos" (insane) and "enfermos desvalidos" (infirm persons who are destitute or helpless). It notes with concern that the disability assessment criteria used for purposes of medical or social assistance are limited to the medical model of disability.

**6. The Committee calls on the State party to eliminate the use of pejorative terms when referring to persons with disabilities. In addition, it urges the State party to ensure that the disability assessment criteria used by the various services are standardized, in line with the Convention.**

7. The Committee is concerned that the State party has not systematically harmonized its legislation since ratifying the Convention, that the only reference to the rights of persons with disabilities is to be found in Act No. 7600 on Equal Opportunities for Persons with Disabilities, which dates from 1996, and that the Act does not include the general principles and obligations contained in the Convention.

**8. The Committee recommends that the State party systematically revise its domestic law, including the Constitution, in order to bring it into line with the general principles and obligations contained in the Convention. The revision should cover civil, family, criminal, labour and education law.**

9. The Committee expresses its concern that the State party has not established permanent mechanisms for consulting organizations of persons with disabilities, in accordance with article 4, paragraph 3, of the Convention, when adopting plans, policies and legislation to give effect to the Convention.

**10. The Committee recommends that the State party establish permanent consultation mechanisms with organizations of persons with disabilities, in accordance with article 4, paragraph 3, of the Convention, respecting their autonomy and taking into account the diversity of persons with disabilities, including children and women with disabilities, and the country's indigenous population.**

## Australia

8. The Committee is concerned that despite the adoption of the National Disability Strategy, the State party has not to the full extent enacted legislation that corresponds to the contents of the Convention. It is further concerned about the existence of interpretative declarations to articles 12, 17 and 18 of the Convention.

**9. The Committee recommends the State party to incorporate all rights under the Convention into domestic law and to review the interpretative declarations on art.12, 17 and 18 in order to withdraw them.**

10. The Committee regrets that there is a lack of mechanism for consultation and engagement between Government and persons with disabilities and their organisations in all matters of Convention policy development and legislative reform.

**11. The Committee recommends that the State party, in partnership with persons with disabilities through their representative organisations, including children with disabilities, establish engagement mechanisms for ensuring meaningful participation in the development and implementation of legislation and policies to implement the Convention.**

12. The Committee is concerned that not all the organisations of persons with disabilities, including those of people with psychosocial disabilities and Aboriginal and Torres Strait Islander people, are provided with adequate resources for their operations.

**13. The Committee recommends the State party to take initiatives to increase the resources available for independent organisations of persons with disabilities, including organisations representing children with disabilities.**

## Austria

6. The Committee is concerned that the German translation of the Convention does not accurately represent the meaning of the Convention and may cause decisions incompatible with the Convention. For example, the word "integration" is used instead of the word "inclusion". The translation of "independent living" does not accurately reflect the meaning of this term and may in fact lead to people being denied the chance to live in the community. During the constructive dialogue the Austrian delegation intimated the possibility of revisiting the German translation of the Convention.

**7. The Committee recommends that the State party revise the German translation of the Convention in line with the Convention. The Committee further recommends that the State party ensures that persons with disabilities and disabled persons organisations be involved in the process of revision.**

8. The Committee noted that there are differing concepts of disability across the State Party's laws and policies. The Committee is concerned that the State Party misunderstands the difference between defining disability and identifying groups of persons who can benefit from different kinds of services. The Committee is concerned that some of these definitions constitute a medical model of disability.

**9. The Committee recommends that the relevant laws be amended to include the concept of disability in accordance with the Convention.**

10. The Committee notes that Austria has a federal system of government and is concerned that this has led to an undue fragmentation of policy, especially as the Länder (regions) are the providers of social services. This fragmentation can be seen in the development of the National Disability Action Plan, in the development of which the Länder's participation was intermittent and uneven. Fragmentation is also apparent in the different definitions of disability, different accessibility standards, and different protections against discrimination across the various Länder. The Committee notes that article 4(5) of the Convention makes it clear that the administrative difficulties of a federal structure do not allow a state to avoid its obligations under the Convention.

**11. The Committee recommends that the State party ensure that federal and regional governments consider an overarching legislative framework and policy on disability in Austria in conformity with the Convention. It is recommended that this policy should include frameworks for real and genuine participation by persons with disabilities through their representative organisations with respect to the development and implementation of legislation and policies concerning persons with disabilities in accordance with article 4 paragraph 3 of the Convention.**

## El Salvador

5. The Committee is concerned about the general reservation made by the State party upon ratifying the Convention, according to which implementation of the Convention is contingent on its compatibility with the Constitution.

**6. The Committee urges the State party to expedite the process of withdrawing its general reservation to the Convention. It also recommends that the State party should incorporate a definition of disability in accordance with the criteria and principles in articles 1 to 3 of the Convention.**

7. The Committee is concerned about the absence of a national strategy, also covering rural areas, for the implementation of the rights-based disability model set out in the Convention. The Committee is also concerned that the State party's legal framework on disability is not fully in line with the Convention and that, among other facts:

(a) The Equal Opportunities for Persons with Disabilities Act has not been aligned with the provisions of the Convention and does not provide for all the human rights elements covered in the Convention;

(b) The State party has not conducted a thorough review of its legal framework in order to identify the areas that still need to be harmonized, especially in the Civil Code, the Code of Civil Procedure, the Criminal Code, the Employment Act and the Special Act on a Violence-Free Life for Women.

**8. The Committee recommends that the State party conduct a full review of its legal framework to align it with the Convention.**

9. The Committee notes with concern the absence of provisions recognizing discrimination on the grounds of disability and the fact that the Equal Opportunities for Persons with Disabilities Act focuses on a social welfare approach rather than the human rights model set out in the Convention.

**10. The Committee recommends that the State party recognize discrimination on the grounds of disability in its legislation and ensure that the review of the Equal Opportunities for Persons with Disabilities Act brings it into compliance with the human rights approach of the Convention.**



11. The Committee is concerned that the organizations of persons with disabilities are not consulted in the design of laws and policies and that the law includes demeaning terminology regarding persons with psychosocial, intellectual or motor impairments.

**12. The Committee recommends that the State party adopt new legislation specifically defining the obligations contained in the Convention and that the process include the broad participation of organizations of persons with disabilities. The Committee recommends that the State party revise its legislation with a view to removing any discriminatory terminology against persons with disabilities.**

## Paraguay

7. The Committee is concerned at the State party's use of derogatory terminology and definitions of persons with disabilities in various pieces of legislation and data-gathering instruments, including in the initial report and the replies to the list of issues. The use of such terms is a reminder of the prevalence of the charity and medical models of disability.

**8. The Committee recommends that the State party modify the terminology it uses to refer to persons with disabilities and bring its legislation into line with the content of the Convention, in accordance with its obligations. It also recommends that the State party promote human rights-based plans and programmes on disability in line with the fundamental principles of the Convention.**

9. The Committee is concerned that the State party has not established mechanisms for consultation with disabled persons' organizations, when adopting legislation and policies on persons with disabilities or in decision-making forums such as the National Commission on the Rights of Persons with Disabilities (CONADIS).

**10. The Committee recommends that the State party establish a mechanism for ongoing consultation with disabled persons' organizations, in accordance with article 4, paragraph 3, of the Convention, taking into account the range of disabilities represented, in accordance with article 1 of the Convention, and including children with disabilities, women with disabilities and Paraguay's indigenous population.**

11. The Committee notes that one of the strategic objectives of the National Human Rights Plan concerns persons with disabilities. Yet the actions outlined are of a general nature and do not contain specific measures to promote the rights of persons with disabilities.

**12. The Committee urges the State party to include persons with disabilities as a cross-cutting component of the National Human Rights Plan and to ensure that its strategies and actions are directed towards guaranteeing the full enjoyment of Convention rights in conditions of equality and eliminating all forms of discrimination against persons with disabilities.**

## Argentina

5. The Committee notes with concern that, despite the steps taken to align the domestic legal system with the Convention, the former continues to exhibit major inconsistencies with the principles and requirements of the Convention, especially as regards equal recognition of persons with disabilities before the law. It also notes with concern that, because not all of the State party's provincial legislation is aligned with the Convention, disparities arise in the approach taken at the local level to the rights of persons with disabilities and to the effective exercise of those rights.

**6. The Committee urges the State party to take the necessary steps to bring all its federal, provincial and local legislation into line with the Convention and to ensure the effective participation of organizations representing persons with disabilities in this process in accordance with article 4, paragraph 3, of the Convention.**

7. The Committee is concerned at the absence of a coherent, overall strategy for the implementation of the human rights model established in the Convention that provides for affirmative action measures to achieve de facto and de jure equality for persons with



disabilities and for giving full effect, at all levels, to the principles and requirements set out in the Convention.

**8. The Committee urges the State party to pursue a broad and comprehensive strategy to realize all the rights set out in the Convention, taking due account of the human rights model of disability. The Committee also recommends that the State party take effective steps to ensure that persons with disabilities – including children and women with disabilities – are actively involved in planning, implementing, monitoring and evaluating this strategy.**

9. The Committee acknowledges the progress represented by the introduction of the Single Disability Certificate. However, it notes with concern that the certificate has not yet been rolled out nationwide and that there are disparities in the criteria used for its issuance. The Committee is also concerned that some provinces are not yet in compliance with Act No. 24.901 on basic services for persons with disabilities.

**10. The Committee urges the State party to take steps to guarantee the effective implementation of the Single Disability Certificate throughout the country and to standardize the criteria used by the National Rehabilitation Service and the provincial evaluation boards for its issuance. It also urges the State party to ensure that all provinces are in compliance with Act. No. 24.901.**

## China

9. The Committee takes note of the prevalence of the medical model of disability in both the definition of disability as well as the enduring terminology and language of the discourse on the status of persons with disabilities. Therefore, the Committee is concerned about the lack of a coherent and comprehensive disability strategy to implement the human rights model of disability that the CRPD establishes to achieve the de facto equality of persons with disabilities and implement the rights enshrined in the CRPD at all levels. The committee is concerned that DPOs outside of the China Disabled Persons' Federation are not included in the implementation of this CRPD.

**10. The Committee urges the introduction of a comprehensive and inclusive national plan of action, which includes full participation of all representatives of persons with disabilities in China, to introduce the human rights model of disability into Chinese disability policy**

### Hong-Kong

53. The Committee regrets the out-dated eligibility standard in the Disability Allowance Scheme and lack of unity in the various definitions of disability that have been adopted in different pieces of legislation and by Government bureaux and departments.

**54. The Committee encourages Hong Kong, China, to revise the inappropriate eligibility standard and to adopt definition of persons with disabilities that adequately reflects article 1 and the human rights model of the CRPD.**

## Hungary

10. The Committee notes with concern that definitions of disability and persons with disabilities in the State party's legislation focus on the impairments of an individual rather than on the barriers he/she faces. The Committee expresses its concern that such definitions fail to encompass all persons with disabilities, including those with psychosocial disabilities.

11. The Committee notes with appreciation that Act XXVI of 1998 on the Rights and Equal Opportunities of Persons with Disabilities was drafted to promote the rights of persons with disabilities in the State party. The Committee expresses, however, concern over that the Act has not been reviewed since the adoption by the State party of the Convention, with a view to aligning it with the provisions of the Convention.

**12. The Committee recommends the State party to use the upcoming review of Act XXVI of 1998 on the Rights and Equal Opportunities of Persons with Disabilities to: ensure that it is in full compliance with the Convention and reflects the human rights-based approach to disability as embodied in the Convention; and to incorporate an inclusive definition of disability and persons with disabilities that is firmly rooted in the human rights based**

**approach to disability and encompasses all persons with disabilities, including those with psychosocial disabilities.**

13. The Committee regrets the insufficient participation of persons with disabilities and their representative organizations in the review and design of disability-related legislation and policies, as well as in other policy and decision-making processes, in line with their obligation under 4(3) in the CRPD. The Committee furthermore regrets the fact that representative organisations of persons with disabilities from Hungary did not participate in the constructive dialogue with the Committee.

**14. The Committee recommends that the State party take effective measures to consult with and actively involve persons with disabilities, including children and women with disabilities, through their representative organisations, in the planning, executing, and monitoring of public decision-making processes at all levels and in particular in the matters affecting them, giving them reasonable and realistic timelines in providing their views, and providing them with adequate funding in order to enable them to fulfil their role under article 4, paragraph 3, of the CRPD.**

## Peru

6. The Committee is concerned at the absence of a coherent and comprehensive strategy to implement the social model that the Convention establishes, including affirmative actions, to achieve the de facto equality of persons with disabilities and the full realization of the rights enshrined in the Convention, at all levels, including in rural areas. The Committee is further concerned that the State party's legislative framework for disability is not yet in full conformity with the Convention, inter alia:

(a) Law 27050 on Persons with Disability provides a definition of disability based on a medical, rather than a social perspective and does not include references to the core principles contained in articles 2 and 3 of the Convention;

(b) Absence of reference to denial of reasonable accommodation and discrimination by association as forms of disability-based discrimination;

(c) Existence of discriminatory requirements to acquire Peruvian nationality that prohibits persons with intellectual and psychosocial disabilities to do so.

**7. The Committee recommends that State party bring forward a far reaching strategy to implement all the rights enshrined in the Convention and speed up the review of its legislative framework to bring it in full conformity with all provisions of the Convention, including its core principles, and in particular:**

**(a) Amend Law 27050 to include a comprehensive definition of a person with disability;**

**(b) Define denial of reasonable accommodation and discrimination by association as forms of disability-based discrimination;**

**(c) Amend the Act for Foreigners in order to eliminate the requirements that discriminate against persons with intellectual or psychosocial disabilities.**

8. While recognizing positive developments, such as the creation of a Permanent Multi-Sectoral Commission and the establishment of the CONADIS (National Council for the Integration of Persons with Disability), the Committee regrets the lack of meaningful participation of persons with disabilities, in particular the involvement of children and women with disabilities, and their representative organizations in the design of the legislation, as well as in other policy and decision-making processes.

**9. The Committee recommends that the State party take specific measures to ensure active participation of persons with disabilities, including children and women with disabilities, in planning, executing, and monitoring of public decision-making processes at all levels and in particular in the matters affecting them.**

10. While taking note with appreciation of the adoption of a number of provisions, such as the public budget acts which authorize local and regional governments to allocate 0.5 per cent of their budgets to the improvement or provision of accessibility features, the Committee is

concerned at the lack of information regarding compliance of municipalities with those regulatory provisions.

**11. The Committee urges the State party to implement the provisions of the Convention in all its territory and to regularly assess compliance and impact of policies and programmes aimed at further equalizing opportunities for persons with disabilities, including at regional and local levels.**

## Spain

11. The Committee takes note of the adoption of Act 26/2011, which introduces the concept of persons with disabilities as defined in the Convention and expands the protection of such persons. However, it is concerned that not all persons with disabilities are covered by the law.

**12. The Committee urges the State party to ensure that all persons with disabilities enjoy protection against discrimination and have access to equal opportunities irrespective of their level of disability.**

13. The Committee welcomes Act 49/2007 of 26 December 2007, which establishes the Permanent Specialized Office to deal with offences and sanctions in the areas of equal opportunities, non-discrimination and universal accessibility by persons with disabilities. However, it is concerned by the slow development and lack of promotion of this arbitration system at the regional government level, by the lack of information on the number of sanctions submitted and resolved, and by the failure of the State party to report on actions undertaken to implement this law. The Committee is concerned about the overall effectiveness of the system.

**14. The Committee recommends that the State party raise awareness among persons with disabilities about the system of arbitration, increase the level of free legal aid, and ensure the regulation of offences and sanctions at the regional government level.**

15. The Committee regrets the lack of information on the meaningful participation of persons with disabilities and their representative organizations at the regional level in designing and evaluating the implementation of legislation, policy and decision-making processes, and on the participation of children with disabilities at all levels.

**16. The Committee recommends that the State party take specific measures to ensure the active participation of persons with disabilities in public decision-making processes at the regional level, and to include children with disabilities at all levels.**

17. The Committee takes note of Act 2/2010 of 3 March 2010 on sexual and reproductive health, which decriminalizes voluntary termination of pregnancy, allows pregnancy to be terminated up to 14 weeks and includes two specific cases in which the time limits for abortion are extended if the foetus has a disability: until 22 weeks of gestation, provided there is "a risk of serious anomalies in the foetus", and beyond week 22 when, inter alia, "an extremely serious and incurable illness is detected in the foetus". The Committee also notes the explanations provided by the State party for maintaining this distinction.

**18. The committee recommends that the State party abolish the distinction made in Act 2/2010 in the period allowed under law within which a pregnancy can be terminated based solely on disability.**

## Tunisia

8. The Committee notes Order No. 3086 of 29 November 2005, defining disability and setting forth the proof required to obtain a disability card, and the State party's endeavour to shift from a medical approach to a social approach. However, it is concerned at the risk of exclusion of persons who should be protected by the Convention, in particular persons with psychosocial disabilities ("mental illness") or intellectual disabilities, or others who are unable to obtain a disability card, either due to disability or by association with a disability.

**9. The Committee invites the State party to review and reformulate the definition of disability based on the Convention.**

10. In accordance with article 4, paragraph 3, of the Convention, the Committee recommends that the State party encourage and support the creation, capacity-building and effective

participation of representative organizations or groups of persons with disabilities, and parents of persons with disabilities at the local and national levels in the conception, design, reform and implementation of policies and programmes. In particular, the Committee urges the State party to ensure that persons with disabilities are consulted and actively involved, including as members of the Constitutional Council, in the drafting of the new Constitution.

**11. The Committee recommends that the State party take steps to further facilitate the full participation of women, men, girls and boys with disabilities and their families in society.**