



IDA's Compilation of CRPD Committee's Concluding Observations

*Article 10 CRPD
(Right to life)*

October 2022

Article 10 - Right to life

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

Bangladesh
China
Indonesia
Japan
New Zealand
Republic of Korea
Singapore
Hungary
Mexico
Switzerland
Venezuela
France
Australia
El Salvador
India
Kuwait
Rwanda
Saudi Arabia
Senegal
Spain
Turkey
Bulgaria
South Africa
Haiti
Oman
Montenegro
United Kingdom of Great Britain and Northern Ireland
Canada
Cyprus
Honduras
Iran (Islamic Republic of)
Bolivia
Colombia
Ethiopia
Uganda
Gabon
Kenya
Ukraine
Sweden
China
Spain

Please note there are no recommendations on Article 10 CRPD on the Concluding Observations on Lao Democratic People's Republic, Djibouti, Cuba, Niger, Norway, Vanuatu, The Former Yugoslav Republic of Macedonia, Poland, Philippines, Algeria, Malta, Nepal, Russian Federation, Seychelles, Slovenia, Sudan, Latvia, Luxembourg, Morocco, Panama, Armenia, Armenia, Bosnia and Herzegovina, Jordan, Republic of Moldova, Guatemala, Italy, United Arab Emirates, Uruguay, Chile, Lithuania, Portugal, Serbia, Slovakia, Thailand, Brazil, European Union, Mauritius, Qatar, Cook Islands, Croatia, Czech Republic, Dominican Republic, Germany, Mongolia, Turkmenistan, Belgium, Denmark, Ecuador, Mexico, New Zealand, Republic of Korea, Azerbaijan, Costa Rica, Australia, Austria, El Salvador, Paraguay, Argentina, Hungary, Peru and Tunisia.

Bangladesh

21. The Committee is concerned about reported cases of infanticide on the basis of impairment.

22. The Committee recommends that the State party take appropriate legal and policy measures to safeguard and protect children with disabilities from infanticide based on impairment.

China

24. The Committee is concerned about the lack of action taken to prevent the neglect, abandonment and starvation threatening the life of persons with disabilities, particularly children with disabilities, and reported cases of the termination or withdrawal of medical treatment without the consent of the person concerned.

25. The Committee recommends that the State party expeditiously assess and provide remedies for persons with disabilities whose right to life is threatened. It further recommends the training of healthcare professionals on procedures to ensure that the consent of persons is sought as a requirement to terminate or withdraw medical treatment.

Indonesia

20. The Committee notes with concern reports of deaths in social care institutions, the lack of investigations, standards of care and safeguards, monitoring, reporting and accountability frameworks, including sanctions.

21. The Committee recommends that the State Party establish a comprehensive quality and safeguards framework for social care institutions that includes investigations, monitoring, reporting and accountability mechanisms, including sanctions, until deinstitutionalisation is achieved.

Japan

23. The Committee is concerned about the reports on the cases of deaths of persons with disabilities resulted from the:

(a) Lack of safeguards of the right to life of persons with disabilities, including lack of consideration of their will and preferences as regards the non-start and/or continuation of their medical treatment, including in palliative care;

(b) Physical and chemical restrains in the condition of involuntary hospitalisation on the bases of impairment;

(c) It is also concerned by the lack of statistics on the causes and circumstances of and independent investigation on the deaths in psychiatric hospitals.

24. The Committee recommends that the State party, in consultation with organisations of persons with disabilities and independent monitoring mechanisms:

(a) Explicitly recognize the right to life of persons with disabilities and ensure the respective safeguards, including the expression of their will and preferences and the required support for it, as regards their treatment, including in palliative care;

(b) Prevent any form of involuntary hospitalisation and treatment on the bases of impairment of a person and ensure necessary support to persons with disabilities in community-based services;

(c) Conduct thorough and independent investigation on causes and circumstances of the cases of deaths in psychiatric hospitals.

New Zealand

17. The Committee is concerned about the negative perceptions and the devaluing of persons with disabilities that were expressed during the passage of the End of Life Choice Act 2019, and the potential negative impact of this on the implementation, monitoring and review of the Act.

18. The Committee recommends that monitoring and review mechanisms for the End of Life Choice Act 2019 provide publicly available information on the impact on persons with disabilities, including the effectiveness of safeguards to counteract negative perceptions held by medical professionals and to prevent coercion in decision-making.

Republic of Korea

21. The Committee is deeply concerned about:

(a) The high rate of suicide and disappearances among autistic persons, persons with psychosocial disabilities, as well as cases of parents with disabilities killing their children before committing suicide;

(b) The deaths of persons with disabilities in institutional settings, particularly during the COVID-19 pandemic.

22. The Committee recommends that the State party:

(a) **Adopt and implement a national suicide and disappearances prevention strategy for persons with disabilities, with specific measures to target autistic persons, persons with psychosocial disabilities and families, and to ensure close consultation and active involvement of persons with disabilities through their representative organizations;**

(b) **Develop measures in consultation with organizations of persons with disabilities and independent monitoring mechanisms, to initiate emergency deinstitutionalization of persons with disabilities to ensure safe and independent living in the community and to protect the right to life in critical health situations.**

Singapore

19. The Committee is gravely concerned about the legality, the imposition and the execution of the death penalty in the State party on persons with intellectual disabilities, persons with psychosocial disabilities, and autistic persons, as well as for crimes not involving intentional killing. It is equally concerned about the execution of a person with intellectual disabilities despite the prior intervention of the Committee's Chair.

20. The Committee urgently recommends the State party abolish the death penalty for persons with psychosocial disabilities, for persons with intellectual disabilities, and for autistic persons, as well as for crimes not involving intentional killing, and immediately halt all impositions and executions of the death penalty in such cases, in accordance with the limits established under international law. It encourages the State party to ratify the International Covenant on Civil and Political Rights and its Second Optional Protocol, aiming at the abolition of the death penalty.

Hungary

20. The Committee notes with concern the lack of investigation and prosecutions concerning the deaths of persons with disabilities, including of children with disabilities, in residential institutions.

21. The Committee recommends that the State party expeditiously start investigations into the deaths of persons with disabilities in institutions, recognize such deaths as "extraordinary events", which may be due to the abuse endured in institutions, and prosecute and punish perpetrators. It also recommends that the State party provide remedies and redress to the families of victims in cases of deaths of persons with disabilities and expedite deinstitutionalization for all persons with disabilities who remain in institutions.

Mexico

29. The Committee is concerned about multiple reports indicating a high risk of death of children and adults with disabilities in institutions, resulting from various forms of restraints and improper medical treatment in psychiatric hospitals, and from insufficient professional assistance and support.

30. The Committee recommends that the State party:

- (a) In close consultation with, and including the active involvement of, persons with disabilities through their representative organizations, conduct a thorough inquiry into all deaths of children and adult persons with disabilities in all institutions since the Committee's previous concluding observations;**
- (b) Provide protection to the victims of these crimes and bring perpetrators to justice.**

Switzerland

21. The Committee notes with concern that the guidelines issued by the Swiss Academy of Medical Sciences on decisions regarding resuscitation do not sufficiently protect the right to life of persons with disabilities.

22. The Committee recommends that the State party develop human rights-based decision-making guidelines, in consultation with organizations of persons with disabilities, to ensure that decisions regarding resuscitation do not discriminate on the basis of disability.

Venezuela

18. The Committee is concerned about the rates of social violence, including a homicide rate of 23.1 per cent, and reports of crackdowns during demonstrations resulting in death or disability.

19. The Committee recommends that the State party:

- (a) Conduct formal investigations into the causes of the homicide rate and, in particular, into how many persons with disabilities are included in this rate;**
- (b) Investigate how many persons with disabilities have been assaulted or imprisoned during the demonstrations, how many people have been left with a disability during these events and what measures have been taken to compensate them.**

France

21. The Committee observes with concern:

- (a) The high suicide rate among autistic persons and persons with psychosocial disabilities;**
- (b) The deaths of persons with disabilities in institutional settings, particularly during the COVID-19 pandemic.**

22. The Committee recommends that the State party:

- (a) Strengthen measures to implement a national suicide prevention strategy for persons with disabilities, with specific measures to target autistic persons and persons with psychosocial disabilities and to ensure close consultation and active involvement of people with disability through their representative organisations;**
- (b) Develop measures in consultation with organisations of persons with disabilities and independent monitoring mechanisms, to initiate emergency deinstitutionalization of persons with disabilities to ensure safe and independent living in the community and to protect the right to life in critical health situations.**

Australia

19. The Committee is concerned about:

- (a) The significantly lower life expectancy of persons with disabilities, particularly persons with intellectual disabilities and persons with disabilities within Aboriginal and Torres Strait Islander communities, than that of the general population;**
- (b) A significant number of persons with disabilities expressing suicidal ideation, particularly within Aboriginal and Torres Strait Islander communities, due to, inter alia, lack of support, poverty and isolation;**
- (c) The high rate of premature and unexpected but avoidable deaths among persons with disabilities in care settings.**

20. The Committee recommends that the State party:

- (a) Address the low life expectancy of persons with disabilities, especially persons with intellectual disabilities and persons with disabilities within Aboriginal and Torres Strait Islander communities;
- (b) Ensure that its national mental health and suicide prevention plans include targeted measures for persons with disabilities, particularly children with disabilities, and develop, in consultation with Aboriginal and Torres Strait Islander persons with disabilities, culturally appropriate measures to prevent, identify and address the high rate of suicide among those populations;
- (c) Ensure a comprehensive approach to suicide prevention among persons with disabilities in the training of all professionals working with and for persons with disabilities, including health, social, education and community workers.

El Salvador

20. The Committee is deeply concerned at the killings of persons with disabilities, often perpetrated by criminal gangs, at the alarming rise in femicides, which also affect women and girls with disabilities, and at the low rate of prosecution and conviction of the perpetrators.

21. The Committee recommends that the State party immediately adopt measures to effectively address killings of persons with disabilities perpetrated by criminal gangs, and in particular femicides of women and girls with disabilities, and ensure that the perpetrators are prosecuted and convicted.

India

22. The Committee is concerned about the deaths of children with disabilities in institutions, and information about “mercy killings” of intersex children with disabilities. It is also concerned about information about alleged extrajudicial executions of persons with intellectual or psychosocial disabilities in conflict areas.

23. The Committee recommends that the State party adopt measures to ensure respect for the right to life of all persons with disabilities, enforce investigations aimed at identifying the cause of death of children with disabilities in institutions and sanction the perpetrators. It also recommends that the State party protect intersex children from attacks against their lives and any related harmful practices, and adopt measures to prevent the execution of persons with disabilities in relation to violence and armed conflict.

Kuwait

20. The Committee is concerned about the legality and practice of the death penalty and about the execution of persons with disabilities in the State party in disregard of the limits recognized under international law.

21. The Committee urges the State party to abolish the death penalty and immediately halt all executions of persons with psychosocial or intellectual disabilities, in accordance with the limits established under international law. It also recommends that the State party ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

Rwanda

19. The Committee is concerned that, whereas no specific killing in the State party itself has been reported, the right to life of persons with albinism in the State party and in the East African region, in general is under threat due to myths and false beliefs and practices.

20. The Committee recommends that the State party take all appropriate measures to protect persons with albinism against threats of abduction and killings, and conduct awareness-raising efforts, including a public information campaign on the rights of persons with albinism in consultation with organizations of persons with disabilities, including persons with albinism and their organizations.

Saudi Arabia

17. The Committee is concerned at the legality of capital punishment in the State party. It is moreover concerned at the application of this sentence to persons with psychosocial or intellectual disabilities.

18. The Committee recommends that the State party abolish the death penalty for persons with psychosocial or intellectual disabilities and suspend all current death sentences, in order to comply with its obligation under Article 10 of the Convention.

Senegal

17. The Committee is concerned about the absence of measures to prevent crimes against persons with disabilities, particularly persons with albinism, protect victims and prosecute perpetrators.

18. The Committee recommends that the State Party take necessary measures to prevent criminal behaviour, sometimes resulting in death towards persons with disabilities, particularly persons with albinism, and provide protection to victims of such crimes and bring perpetrators to justice.

Spain

18. The Committee is concerned about:

- (a) Reported cases of violence against women with psychosocial disabilities perpetrated by their intimate partners, which in some cases resulted in their death;
- (b) Reported deaths of persons with psychosocial disabilities as a result of involuntary restraint and improper medical treatment in psychiatric hospitals;
- (c) Reported cases of deaths of persons with disabilities resulting from insufficient professional assistance and support.

19. The Committee recommends that the State party take all appropriate measures to address gender-based violence against women with psychosocial disabilities and to prevent, investigate and provide redress for violations of their human rights, and prosecute those responsible. It also recommends that the State party ensure that services and facilities for persons experiencing violence in the public or private sphere, are accessible to persons with disabilities, including shelters, victim support services, reporting and complaint mechanisms, include a gender and a child rights perspective and are confidential. Finally, it recommends that State party ensure that members of the law-enforcement officials, judiciary, health and social services receive mandatory and regular training on the prevention and detection of violence and abuse of persons with disabilities.

Turkey

21. The Committee is concerned about the lack of information and monitoring on the situation of persons with disabilities in institutions, particularly women, and the reported deaths of persons with disabilities.

22. The Committee recommends that the State party establish an effective and transparent mechanism to investigate situations of neglect and destitution of persons with disabilities, particularly women, and deaths of persons with disabilities in institutional settings, and release periodic public records on this matter.

Bulgaria

25. The Committee is concerned about information of reported cases of neglect, overmedication, and refusal of access to health care affecting persons with intellectual and persons with psychosocial disabilities, which have allegedly caused the death of persons with disabilities.

26. The Committee recommends that the State party takes effective measures to prosecute and convict perpetrators and ensure the respect of the right to life of children and persons with disabilities, in particularly those still institutionalized.

South Africa

18. The Committee is concerned about extreme forms of violence against persons with disabilities, especially persons with albinism and children with psychosocial and/or intellectual disabilities, including kidnappings, killings and attacks for witchcraft practices, and the absence of measures to prevent these crimes, protect victims and to prosecute and convict perpetrators.

19. The Committee strongly recommends that the State party:

- (a) Take all necessary measures to prevent the killings of persons with disabilities, particularly persons with albinism, and ensure their protection and that perpetrators are brought to justice and are given sanctions commensurate with the gravity of these crimes;**
- (b) Ensure full implementation of the Ekurhuleni Declaration on the Rights of Persons with Albinism adopted in 2013 and ensure effective investigations of violations of the rights of persons with albinism.**

Haiti

18. The Committee is deeply concerned of the heightened risks to the right to life of persons with disabilities, particularly women, due to violence and crime against them, exacerbated by superstitions and negative beliefs of disability. The Committee regrets reports of three women with a hearing impairment who were savagely murdered in 2016 on the grounds that they were evil spirits. It further regrets that, to date, the perpetrators have not been prosecuted and sentenced.

19. The Committee urges the State party to take all legal and other measures necessary to ensure that persons with disabilities can enjoy their right to life on an equal basis with others. It recommends that the State party ensure that all personnel in the administration of justice system are equipped with the resources to prosecute and punish crimes that infringe on the right to life of persons with disabilities.

Oman

21. The Committee notes with concern reports on the cultural practices of “compassionate” and “honour killing”, especially with regards to children with disabilities who may be killed by their mothers.

22. The Committee strongly recommends that the State party adopt appropriate measures to eliminate the practices of “compassionate” and “honour killing” especially where it affects children with disabilities, including by taking measures to address the stigmatization of and prejudice against such children aimed at reaffirming the value and dignity of children with disabilities within the family and the society at large.

Montenegro

20. The Committee is concerned about reported cases of death through suffocation in psychiatric hospitals and the fact that no specific prevention measures with safeguards have been taken since those reported deaths occurred. It notes with concern that hospitals lack specific protocols on how to proceed following allegations of abuse and that it is not mandatory to conduct an autopsy following the death of persons placed in institutions.

21. The Committee recommends that the State party:

- (a) Establish anonymous and accessible complaint mechanisms in all hospitals, particularly psychiatric hospitals and departments, and in institutions, and develop an obligatory protocol that all hospitals and institutions are required to follow upon any abuse allegations;**
- (b) Make autopsy mandatory in cases of death in hospitals and institutions;**

(c) Introduce specific safeguards to avoid accidents such as suffocation in all hospital and institution settings.

United Kingdom of Great Britain and Northern Ireland

26. The Committee notes with concern that the substituted decision-making applied in matters of termination or withdrawal of life-sustaining treatment and care is inconsistent with the right to life of persons with disabilities as equal and contributing members of society.

27. The Committee recommends that the State party adopt a plan of action aimed at eliminating perceptions towards persons with disabilities as not having “a good and decent life” and recognizing persons with disabilities as equal to others and part of the diversity of humankind. It also recommends that the State party ensure access to life-sustaining treatment and/or care.

Canada

23. The Committee is concerned about the adoption of legislation that provides for medical assistance in dying, including on the grounds of disability. It is also concerned about the absence of regulations for monitoring medical assistance in dying, the absence of data to assess compliance with the procedural safeguards regarding such assistance, and the lack of sufficient support to facilitate civil society engagement with and monitoring of this practice.

24. The Committee recommends that the State party:

(a) Ensure persons who seek an assisted death have access to alternative courses of action and to a dignified life made possible with appropriate palliative care, disability support, home care and other social measures that support human flourishing;

(b) Establish regulations pursuant to the law requiring collection and reporting of detailed information about each request and intervention for medical assistance in dying;

(c) Develop a national data standard and an effective and independent mechanism to ensure that compliance with the law and regulations is strictly enforced and that no person with disability is subjected to external pressure.

Cyprus

29. The Committee is concerned about the lack of preventative measures and disaggregated data on, inter alia, the causes and numbers of deaths of persons with disabilities residing in psychiatric facilities, institutions, group homes or other places of living.

30. The Committee urges the State party to adapt, monitor and enforce all possible measures to identify causes of death, including suicide, and take all prevention measures necessary to address the situations of risk of death among persons with disabilities.

Honduras

23. Al Comité le preocupa que las personas con discapacidad vean amenazada su vida por motivos de extorsión por las maras o bandas criminales.

24. El Comité recomienda al Estado parte que proteja especialmente la vida de las personas con discapacidad de extorsiones y amenazas.

Iran (Islamic Republic of)

22. The Committee is concerned that persons with disabilities, particularly persons with psychosocial and/or intellectual disabilities may be at risk of facing a greater risk of death penalty due to lack of procedural accommodations, in criminal proceedings.

23. The Committee recommends that the State party take measures to replace death penalty as form of punishment and ensure that persons with disabilities are not subject to arbitrary deprivation of life.

Bolivia

23. The Committee is concerned at reports of cases of killing of newborn children with disabilities in the State party's most remote communities; these cases are motivated by persistent prejudices.

24. The Committee urges the State party to strengthen measures to protect children with disabilities and guarantee their right to life. It recommends that it adopt awareness-raising and educational measures for families of children with disabilities and their communities. It also recommends that the State party provide the necessary assistance to the families of children with disabilities to ensure that they have general information, services and support in their family life and in attaining an adequate and dignified standard of living.

Colombia

24. The Committee is concerned about reports that persons with disabilities were extrajudicially executed and later falsely reported as guerrillas in 10 cases of "false-positives".

25. The Committee recommends that the State party increase efforts to investigate the execution of persons with disabilities in "false-positive" cases during the armed conflict and establish criminal responsibility, and that it adopt measures to restore the dignity of victims and grant reparations to their families.

Ethiopia

21. The Committee is deeply concerned that protection of the right to life of persons with disabilities, especially persons with albinism and children with psychosocial and/or intellectual disabilities, is not effective either in law or in practice.

22. The Committee recommends that the State party take measures, including effective investigations and strengthening sanctions, to ensure an effective protection of the right to life of persons with disabilities, especially persons with albinism and children with psychosocial and/or intellectual disabilities.

Uganda

18. The Committee is concerned about the violations of the right to life of persons with disabilities in some communities where myths abound that disability is a "curse" leading to harmful consequences to persons with disabilities.

19. The Committee recommends that the State party raise public awareness on the right to life of persons with disabilities and take legal action against perpetrators.

Gabon

24. The Committee is concerned about the practice of ritual crimes in the State party, including against persons with disabilities.

25. The Committee recommends that the State party adopt all appropriate legal, administrative and educational measures, including awareness-raising programs, to absolutely eradicate all instances of ritual crimes.

Kenya

19. The Committee is concerned by different forms of violence against persons with albinism in particular girls, including kidnaps, killings and attacks for the purpose of witchcraft practices, and the absence of measures to protect victims and to prosecute and convict perpetrators.

20. The Committee calls upon the State party to:

(a) Promptly investigate all cases of violence against persons with albinism ensuring that they are appropriately prosecuted and punished;

(b) Create shelters and redress services for victims of attacks including healthcare, counseling and free legal aid; and

(c) Redouble efforts to raise awareness about the dignity and rights of persons with albinism and ensure the involvement of organizations of persons with albinism in any campaigns aimed at eliminating stigmatization and myths that underpin violence against persons with albinism.

Ukraine

20. The Committee is concerned about the reports that children with disabilities from institutions are at high risk to be targeted for trafficking of organs by organized crime groups.

21. The Committee urges the State party to implement immediate protection measures for children with disabilities who remain institutionalized and take measures to eliminate any risks of organ trafficking involving children with disabilities. The Committee also recommends to carry out systematic monitoring of institutions for children with disabilities.

Sweden

29. The Committee expresses its deep concern about the increasingly high rate of suicide among persons with disabilities, including boys and girls, in the State party.

30. The Committee urges the State party to adopt all necessary measures to prevent, identify and address situations of risk of suicide in persons with disabilities, including boys and girls.

China

19. The Committee expresses its utmost concern about the abduction of persons with intellectual disabilities, most of them children, and the staging of “mining accidents” in Hebei, Fujian, Liaoning and Sichuan, resulting in the victim’s death in order to claim compensation from the mine owners.

20. The Committee strongly urges the state party to continue investigating these incidents and prosecute all those responsible, and impose appropriate sanctions. It also asks the state party to implement comprehensive measures to prevent further abductions of boys with intellectual disabilities and provide remedies to the victims.

Hong-Kong

63. The Committee is concerned about the heightened suicide risk among persons with intellectual or psycho-social disabilities (35 % of the overall suicide rate in Hong Kong SAR).

64. The Committee calls upon Hong Kong, China, to provide the necessary mental treatment based on free and informed consent of the person and counselling to these persons. The Committee recommends a regular assessment of their suicide risk.

Spain

29. The Committee welcomes the fact that Act 26/2011 amends regulations to contain provisions to reflect the right to accessibility when granting informed consent to medical treatment. It however regrets that guardians representing persons with disabilities deemed “legally incapacitated” may validly consent to termination or withdrawal of medical treatment, nutrition or other life support for those persons. The Committee wishes to remind the State party that the right to life is absolute, and that substitute decision-making in regard to the termination or withdrawal of life-sustaining treatment is inconsistent with this right.

30. The Committee requests the State party to ensure that the informed consent of all persons with disabilities is secured on all matters relating to medical treatment, especially the withdrawal of treatment, nutrition or other life support.