



IDA's Compilation of CRPD Committee's Concluding Observations

Article 23 CRPD

(Respect for home and the family)

October 2022

Article 23 - Respect for home and the family

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:
 - a) The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;
 - b) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;
 - c) Persons with disabilities, including children, retain their fertility on an equal basis with others.
2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.
3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.
4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.
5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

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

Please note there are no recommendations in the Concluding observations on art. 23 on Indonesia, Republic of Korea, South Africa, Philippines, Nepal, Cyprus, Mauritius, Cook Islands Denmark, Ecuador, Australia, Austria, Spain, Tunisia, Indonesia and South Korea.

Bangladesh

45. The Committee is concerned about:

- (a) Religious laws that discriminate against or deny the right to marriage of persons with disabilities, particularly women with disabilities, persons affected by leprosy and persons with intellectual and/or psychosocial disabilities, including laws allowing for divorce on grounds of disability and restrictions on rights and responsibilities of parents with disabilities and their right to adopt children;
- (b) The lack of measures to prevent separation of children from their parents on the basis of disability;
- (c) The absence of information in accessible formats on the sexual and reproductive rights and health of persons with disabilities, particularly women and girls with disabilities, including lack of training for personnel as well as the lack of meaningful consultation and effective participation of persons with disabilities in any initiatives on family education.

46. The Committee recommends that the State party:

- (a) Eliminate religious laws that discriminate against and deny the right to marriage of persons with disabilities, particularly women with disabilities, persons affected by leprosy, persons with intellectual and/or psychosocial disabilities, and enact legislation against arbitrary divorce of women with disabilities, and laws to enable parents with disabilities to adopt children;**
- (b) Adopt and implement effective measures to prevent separation of children from their parents on the basis of disability, and provide all necessary support services, including financial support, counselling, and community-based support and services for children with disabilities, their parents and families as well as for parents with disabilities, to guarantee their enjoyment on an equal basis with others of their rights with respect to family life;**
- (c) Adopt and implement measures to provide comprehensive information and support services to children with disabilities and their families, including programmes and policies to provide persons with disabilities, including those living in rural and remote areas, with family planning education in accessible formats and accessible and age-appropriate information on sexual and reproductive health;**

China

48. The Committee is concerned about:

- (a) The lack of measures to support parents with disabilities to carry out parental responsibilities, to prevent the separation of children from their parents on the basis of the disability of the parents or the child, and to ensure that alternative care is provided by the wider family or an alternative family instead of placement in institutions;
- (b) The lack of in-home and community-based services for families with a member with disability, particularly those with autistic children and children requiring higher levels of support, especially in rural areas.

49. The Committee recalls its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities (2022) and recommends that the State party:

- (a) Implement the provisions of the National Population Development Plan (2016–2030) prioritizing increased support for families of persons with disabilities to strengthen home education support services for children with learning disabilities, provide regularized and professionalized family support as well as the referral services needed for children with disabilities, and reinforce the responsibilities of parents as the primary guardians of children;**
- (b) Ensure the accessibility and availability of in-home and community-based services for families with a member with disability across the territory of the State party;**

(c) Provide specific support services to parents with disabilities, prohibit the separation of children from their parents on the basis of the disability of either the child or one or both of the parents, and ensure that alternative care is only provided within the extended family or an alternative family instead of placement in institutions.

Macao

86. The Committee is concerned about the legal restrictions in the Civil Code depriving persons with disabilities, who have been placed under substitute decision-making, of their rights to marriage and family life.

87. The Committee recommends that Macao SAR, China repeal all legal restrictions on marriage and family life for persons with disabilities on the grounds of their impairment and ensure their rights in relation to marriage, family and parenthood on an equal basis with others.

Japan

49. The Committee notes with concern the:

- (a) Provision of the Civil Code (Article 770), discriminating persons on the grounds of their psychosocial disability as setting it as condition of divorce;
- (b) Separation of children with disabilities from their families and their institutionalization in particular living arrangements on the basis of their disability.

50. The Committee recommends that the State party:

- (a) Repeal discriminatory provisions against persons with disabilities, including Article 770 Paragraph 1 item iv of the Civil Code that sets psychosocial disability as a condition of divorce;**
- (b) Recognise the right of children with disabilities to family life and render appropriate assistance, including early intervention and inclusive support, to parents of children with disabilities, including to parents with disabilities, in the performance of their child-rearing responsibilities to prevent families from being separated on the basis of disability, and, when the immediate family is unable to care for them, undertake every effort to provide them alternative care within the community in a family setting.**

Lao People's Democratic Republic

42. The Committee observes with concern:

- (a) The limited support for the parents and families of children with disabilities and for parents with disabilities to ensure their right to a family life and prevent involuntary family separation on the basis of disability;
- (b) The lack of information on whether the rights of persons with disabilities, including persons with intellectual and/or psychosocial disabilities, to enter into marriage, exercise parental responsibilities and adopt children are ensured on an equal basis with others;
- (c) The fact that many ethnic groups consider the marriage between the perpetrator of a rape and the victim as the only remedy for restoring harmony;

43. The Committee recommends that the State party:

- (a) Support children with disabilities and their families and prevent separation of children from their families on the basis of disability of either the child or one or both of their parents, including for those in rural areas;**
- (b) Ensure that all persons with disabilities, including persons with intellectual and/or psychosocial disabilities, may enter into marriage, exercise parental responsibilities and adopt children on an equal basis with others;**

(c) Adopt measures to eradicate patriarchal attitudes and deep-rooted stereotypes that justify the marriage between the perpetrator of a rape and the victim, especially in rural and remote areas in Northern Lao and within some ethnic groups.

New Zealand

45. The Committee is concerned about:

(a) The lack of response by the State Party to the Committee's 2014 concluding observations to repeal section 8 of the Adoption Act 1955, which allows for children to be removed for adoption from parents with disabilities without their consent;

(b) The lack of suitable family placements for children with disabilities taken into care, including the ability for siblings to be placed together in families;

(c) The lack of comprehensive information, services and supports for children with disabilities and their families resulting in out of home placements, including placements in residential specialist schools;

(d) The lack of specific policies and guidelines concerning parents with disabilities within Oranga Tamariki (Ministry for Children) and a limited human rights understanding of disability resulting in the removal of children, including newborn babies from their parents with disabilities, particularly parents with intellectual disabilities and Māori parents with disabilities.

46. The Committee recalls the Joint Statement of the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities on the rights of children with disabilities (2022), and recommends that the State party:

(a) Repeal section 8 of the Adoption Act 1955 and amend the statute to ensure that parents with disabilities are treated on an equal basis with other parents with respect to adoption;

(b) Implement strategies to increase family placements for children with disabilities and to ensure that siblings can remain together in these placements;

(c) Significantly increase and resource comprehensive information, services and supports for children with disabilities and their families to prevent out of home placements and placements in institutions, including residential specialist schools;

(d) Take immediate action within Oranga Tamariki (Ministry for Children) to implement the recommendations from the 2020 Ombudsman report, "A Matter of Urgency", and increase disability, gender and culturally appropriate expertise, policies and guidelines that adhere to the Convention in order to ensure that newborn babies and children are not removed from parents with disabilities, particularly parents with intellectual disabilities and Māori parents with disabilities, on the basis of impairment.

Singapore

45. The Committee is concerned that the State party does that persons with intellectual and persons with psychosocial disabilities deprived of the right of equal recognition before the law cannot enter into marriage and exercise their family and parental rights and adopt children on an equal basis with others.

46. The Committee recommends that the State party remove all obstacles preventing persons with intellectual disabilities and persons with psychosocial disabilities deprived of their legal capacity from entering into marriage, exercise their family and parental rights and adopt children on an equal basis with others.

Hungary

40. The Committee is concerned about the lack of support for children with disabilities and their families, in particular children who require high levels of support in rural areas, and for parents with disabilities to carry out their parental responsibilities.

41. The Committee recommends that the State party strengthen its efforts by adopting legislative and other measures to ensure support for families of persons with disabilities, including support for parents with disabilities to raise their children in a family setting, including for those in rural areas.

Jamaica

46. The Committee is concerned about:

- (a) Legal restrictions under the Civil Code depriving persons with disabilities, who have been placed under substitute decision-making, of their rights to marriage and family life;
- (b) The lack of in-home and community-based services for families with a member with disability, particularly those with autistic children and children requiring higher levels of support, especially in areas outside the capital and in rural areas;
- (c) The risk for children with disabilities of being separated from their parents based on their impairment or socioeconomic status and resulting in their institutionalization.

47. The Committee recommends that the State party:

- (a) Repeal all legal restrictions on marriage and family life for persons with disabilities on the grounds of their impairment and ensure their rights in relation to marriage, family and parenthood on an equal basis with others;**
- (b) Ensure the accessibility and availability of in-home and community-based services for families with a member with disability across the territory of the State Party;**
- (c) Prevent the separation of children with disabilities from their parents based on their impairment or socioeconomic status and ensure all necessary community-based support and services in the performance of their child-rearing responsibilities.**

Mexico

52. The Committee is concerned that the Civil Code restricts the right of some persons with disabilities to marry, and their right to have custody and guardianship of their children on an equal basis with others. It is further concerned about the lack of disaggregated data on persons with disabilities who are victims of domestic violence.

53. The Committee recommends that the State party:

- (a) Amend the Civil Code to ensure that all persons with disabilities have the right to marry and to have custody or guardianship of their children, and can in fact exercise it;**
- (b) Provide support to parents with intellectual disabilities and parents with psychosocial disabilities for the discharge of their responsibilities towards their children;**
- (c) Provide financial, organizational and administrative support to effectively guarantee the right of children with disabilities to live with their families or to family life;**
- (d) Establish family support mechanisms, in keeping with the recommendation made by the Committee on the Rights of the Child, following its consideration of the combined fourth and fifth periodic reports of Mexico;**
- (e) Compile disaggregated data on persons with disabilities, including women and children with disabilities, who are victims of domestic violence.**

Switzerland

45. The Committee notes with concern:

(a) The insufficient support available for children with disabilities and their families to ensure the enjoyment by children with disabilities, on an equal basis with others, of their rights with respect to family life, and to prevent institutionalization;

(b) The lack of measures to support parents with disabilities to carry out parental responsibilities, to prevent the separation of children from their parents on the basis of the disability of the parents or the child, and to ensure that alternative care is provided by the wider family or an alternative family instead of placement in institutions.

46. Recalling its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities (2022), the Committee recommends that the State party:

(a) Ensure the enjoyment by children with disabilities, on an equal basis with others, of their rights with respect to family life, including by providing appropriate support and assistance to children with disabilities and their families to prevent institutionalization;

(b) Provide specific support services to parents with disabilities, prohibit the separation of children from their parents on the basis of the disability of either the child or one or both of the parents, and ensure that alternative care is only provided within the extended family or an alternative family instead of placement in institutions, including group homes.

Venezuela

40. The Committee is concerned that there are statutory restrictions on the rights of persons with psychosocial or intellectual disabilities to start a family, raise their children or adopt.

41. The Committee recommends that the State party review its legislation and explicitly recognize the right of persons with disabilities, including persons with psychosocial or intellectual disabilities, to marry, start a family, assume parental responsibilities and adopt on an equal footing with others.

Djibouti

39. The Committee notes with concern:

(a) The lack of measures to protect the rights of persons with disabilities, particularly women with disabilities and persons with intellectual or psychosocial disabilities placed under guardianship in light of the Civil Code, with respect to family, parenthood, and relationships;

(b) The lack of support to children with disabilities and their families, and parents with disabilities to carry out their parental support.

40. The Committee recommends that the State party:

(a) Repeal discriminatory provisions in the Family Code and Civil Code and recognize the right of persons with disabilities, particularly women with disabilities and persons with intellectual or psychosocial disabilities, to found a family and exercise parental responsibilities on an equal basis with others;

(b) Adopt legislative and policy measures to ensure support for families of persons with disabilities, including support for parents with disabilities to raise their children in a family setting, including for those in rural areas.

France

48. The Committee notes with concern:

(a) That marriage of persons with disabilities under guardianship or with restricted legal capacity are subject to objection by guardians;

(b) That the disability allowances, particularly the Disability Compensation Allowance and the education allowance for children with disabilities remain insufficient, are unevenly applied across the territory of the State party, and do not cover all required expenses;

(c) The negative effects of the calculation of the adult disability allowances hindering the autonomy of women with disabilities, by taking into account the spouse's income or combining allowances of married women with disabilities with those of their partners, and the impact of the reduction of income support for couples of persons with disabilities living together, and parents of children with disabilities;

(d) Information about separation of a child from his or her parents against their will on the basis of a disability of either the child or one or both of the parents;

(e) Lack of early and comprehensive information, services and support to children with disabilities and their families, in particular parents with intellectual or psychosocial disabilities.

49. The Committee recommends that the State party:

(a) Raise awareness about the equality of persons with disabilities concerning marriage and family matters and adopt measures to prevent opposition to marriages of persons with disabilities by third parties, due to stigma;

(b) Identify, in consultation with organizations of persons with disabilities, actual barriers to exercise parental rights, and undertake plans to eliminate stereotypes that undermine the rights of persons with disabilities to establish a family;

(c) Undertake legal reforms to the Disability Compensation Benefit in order to ensure access to allowances by all eligible parents with disabilities, eliminate disparities in its recognition across the territory of the State party, and ensure an increase in the support provided in accordance with actual disability costs;

(d) Reform the regulations of the adult disability allowance in order to separate the income of persons with disabilities from that of their spouses, and take measures to ensure and promote autonomy and independence of women with disabilities who live in couples, and strength measures to support couples composed by persons with disabilities and parents of children with disabilities;

(e) Prohibit the separation of children from their parents on the basis of disability of either the child or one or both of the parents, and ensure that alternative care is only provided within a safe family environment for children with disabilities;

(f) Provide early and comprehensive information and support to children with disabilities and their families, especially autistic parents, parents with intellectual or psychosocial disabilities to exercise their rights with respect to family life.

Estonia

44. The Committee notes with concern:

(a) The provisions in the Registered Partnership Act denying the right of persons with disabilities subject to guardianship to marry, on the assumption that persons with disabilities lack understanding about the legal consequences of marriage or registered partnership contracts, and the provisions in the Family Law Act requiring a guardian's consent for persons with disabilities to exercise parental responsibilities;

(b) The insufficient in-home and inclusive community services for biological and foster families of children with disabilities, in particular families of children with autism, and single-parent families;

(c) The provisions in the Social Welfare Act allowing for the provision of alternative care for children with disabilities, including institutional settings, on the basis of disability.

45. The Committee recommends that the State party:

(a) Remove discriminatory provisions in the Registered Partnership Act and the Family Law Act and recognize the right of persons with disabilities to found a family and exercise parental responsibilities on an equal basis with others;

(b) Provide biological and foster families of children with disabilities and single-parent families of children with disabilities with the support required to exercise their rights with respect to family life;

(c) Set up a legal and policy framework to promote a safe family environment for children with disabilities, in line with the principle of the best interest of the child, prohibit the separation of children from their parents on the basis of disability and ensure that alternative care is only provided within the biological, extended, foster or adoptive family.

Australia

43. The Committee is concerned about:

(a) The fact that parents with disabilities are more likely than other parents to have their child removed from their care, often on the basis of disability, and about the lack of support provided to parents with disabilities in the exercise of parental responsibilities;

(b) The reported discrimination suffered, in particular by women with disabilities and by lesbian, gay, bisexual, transgender, intersex and queer persons with disabilities, in accessing assisted reproductive technologies.

44. The Committee recommends that the State party:

(a) Ensure that no child is separated from his or her parents because of the disability of either the child or one or both of the parents;

(b) Adopt comprehensive and gender- and culturally-specific parenting and family support measures for parents with disabilities;

(c) Ensure that women with disabilities and lesbian, gay, bisexual, transgender, intersex and queer persons with disabilities have equal access to assisted reproductive technologies.

Ecuador

41. The Committee is concerned at the lack of express recognition in the State party's laws of the right of persons with disabilities to marry or of respect for home and the family.

42. The Committee reiterates its recommendation that the State party amend its legislation so that it explicitly recognizes the right of persons with disabilities, including those with intellectual or psychosocial disabilities, to marry, found a family, exercise parental responsibilities and adopt children on an equal footing with others.

El Salvador

44. The Committee is concerned:

(a) That laws, particularly articles 171, 292 and 301 of the Family Code and articles 1317 and 1318 of the Civil Code, continue to restrict rights and declare persons with disabilities incapable of marrying, forming a family and being parents on an equal basis with others;

(b) About the lack of information on the rights of persons with disabilities to retain parental responsibility, as well as on rights to adoption on an equal basis with others.

45. The Committee recommends that the State party review and repeal any legislation or policy, particularly the Family Code and the Civil Code, that restricts the rights of persons with disabilities to marriage, to form a family and to be a parent, including adoption on an equal basis with others.

India

48. The Committee is concerned about religious personal laws restricting the right to marriage of persons with disabilities, including women with disabilities and persons affected by leprosy, those at the state level allowing for divorce on grounds of disability and restricting parental responsibilities of persons with disabilities and their right to adopt children. It is also

concerned at the lack of measures to prevent the separation of children from their parents on the basis of disability.

49. The Committee recommends that the State party:

- (a) Repeal from personal laws on marriage and divorce all restrictions relating to the marriage and family of persons with disabilities, including persons with intellectual or psychosocial disabilities and those requiring higher levels of support;**
- (b) Repeal provisions from the Adoption Regulations (2017) under which persons with disabilities may be declared ineligible for the adoption of children based on assessments of physical, mental, emotional or life-threatening medical conditions, and ensure human rights-based monitoring of adoption procedures by the Central Adoption Resource Authority;**
- (c) Adopt policy measures, in accordance with article 23 (3) and (4) of the Convention, to support children with disabilities and their families and prevent separation of children from their families on the basis of disability of either the child or one or both of their parents.**

Iraq

41. The Committee is concerned about restrictions to the rights of persons with disabilities related to marriage, family and parenthood, such as those set out in article 7 of Law No. 188 (1959).

42. The Committee recommends that the State party:

- (a) Amend or repeal legislation that prevents persons with disabilities from exercising their right to marriage and parenthood on an equal basis with others;**
- (b) Adopt measures to support parents with disabilities to raise their children at home and to eliminate social stigma against persons with disabilities regarding marriage and parenthood.**

Kuwait

44. The Committee is concerned about:

- (a) (a) Legislation that restricts marriage on the basis of disability and requires a prenuptial medical examination;**
- (b) (b) The lack of information on the measures taken to prevent the abandonment, neglect and institutionalization of children with disabilities.**

45. The Committee recommends that the State party:

- (a) (a) Repeal legislation restricting marriage on the basis of disability and requiring a prenuptial medical examination, ensure that all women and men with disabilities are able to enjoy their rights to marriage, a family, adoption and parenthood on an equal basis with others and with their free consent;**
- (b) (b) Ensure support to parents with disabilities and to families of children with disabilities, including Bidoon families, families of Kuwaiti women married to non-Kuwaiti nationals and non-Kuwaiti families, and ensure access to inclusive community-based services and alternative care in family settings for all children with disabilities, regardless of their origins.**

Myanmar

43. The Committee is concerned about:

- (a) The fact that sexual and reproductive health and rights of women with intellectual or psychosocial disabilities is subject to the consent of their parents or guardians, under article 27 (f) of the Rights of Persons with Disabilities Law;**
- (b) The limited support for the parents and families of children with disabilities and for parents with disabilities to ensure their right to a family life and prevent involuntary family separation on the basis of disability.**

44. The Committee recommends that the State party:

- (a) Repeal the legislation that allows for non-consensual intervention regarding the sexual and reproductive rights of women with disabilities, and take all legal and policy measures necessary to ensure that all persons with disabilities, including those with intellectual or psychosocial disabilities, may enter into marriage, exercise parental responsibilities and adopt children, on the basis of free and full consent, on an equal basis with others;**
- (b) Abolish the practice of involuntary family separation on the basis of disability and provide the necessary support, including financial support, counselling, and community-based support and services for children with disabilities, their parents and families as well as for parents with disabilities, to guarantee their enjoyment on an equal basis with others of their rights with respect to family life.**

Cuba

39. The Committee is concerned that:

- (a) Article 4 of the Family Code (1975) still contains provisions that deny persons with intellectual disabilities or with psychosocial disabilities the right to marry and to found a family on the basis of free and full consent of the intending spouses;**
- (b) There is a lack of necessary support for persons with disabilities to exercise their reproductive rights on an equal basis with others;**
- (c) Article 138 of the Family Code (1975) provides for guardianship of 'incapacitated persons'.**

40. The Committee recommends that the State party:

- (a) Repeal legal provisions that prohibit persons with intellectual disabilities or psychosocial disabilities to marry;**
- (b) Adopt the necessary support measures, including personal assistance, with a view to enabling persons with disabilities, especially women with disabilities, to exercise their right to maternity or paternity free from prejudice and on an equal basis with others, and ensure the availability of community-based support for parents with disabilities and families with children with disabilities to guarantee enjoyment of the right to family on an equal basis with others;**
- (c) Repeal or amend article 138 of the Family Code.**

Niger

37. The Committee is concerned about the lack of measures to ensure the right to marry and have a family for persons with disabilities, including those placed under guardianship; the lack of information in accessible formats on the right to marry and on sexual and reproductive health; and the lack of support services to protect the parental rights and responsibilities of persons with disabilities.

38. The Committee recommends that the State party:

- (a) Adopt legislative measures to prohibit discrimination against persons with disabilities in marriage and family matters, especially persons with disabilities placed under guardianship, women, and persons with psychosocial or intellectual disabilities;**
- (b) Ensure that information is provided in accessible formats to persons with disabilities on the right to marry and have a family, including information on sexual and reproductive health;**
- (c) Protect the parental rights and responsibilities of persons with disabilities and ensure that parents of children with disabilities are provided with adequate information, awareness, support and training to allow them to raise their children in the family setting.**

Norway

35. The Committee is concerned that:

- (a) The State party does not provide adequate support for parents with disabilities to bring up their children and exercise their parental responsibilities;
- (b) One of the factors contributing to children being separated from parents and placed in care homes or taken by child welfare services, is their own or their parents' disability.

36. The Committee recommends that the State party:

- (a) Ensure that accessible and inclusive community support and safeguard mechanisms are available for parents with disabilities to exercise parental responsibilities;**
- (b) Take measures to ensure explicitly in the law the prohibition of the removal of children from their parents on the basis of their parents' or their own disability.**

Rwanda

41. The Committee is concerned about:

- (a) Cases where children have been taken away from their parents on the ground of disability, inter alia owing to poverty;
- (b) The lack of awareness, especially in the justice system and the child protection system, about the rights of persons with disabilities, especially persons with psychosocial disabilities.

42. The Committee recommends that the State party:

- (a) Provide adequate and appropriate information, services and support to families that have members with disabilities, including in the form of social protection to families living in poverty headed by persons with disabilities and those with children with disabilities, ensuring that children can enjoy their right to be raised within families and at home;**
- (b) Increase awareness in the general community, in the justice system and agencies involved in child protection about the rights of persons with disabilities, in particular the right to respect for home and the family, especially for persons with psychosocial disabilities.**

Saudi Arabia

41. The Committee is concerned at:

- (a) The absence of a legally prescribed minimum age of marriage, and at the consequently high proportion of girls with disabilities who marry before the age of 18 years;
- (b) The lack of information on whether the rights and responsibilities of persons with disabilities, including those with intellectual or psychosocial disabilities, to enter into marriage, exercise guardianship, wardship, trusteeship and adopt children are ensured on an equal basis with others;
- (c) The obligation imposed on couples aiming to marry to undergo prenuptial medical examinations, which restricts the right of all persons with disabilities to marry on an equal basis with others due to impairment;
- (d) The practice of collective marriages for persons with disabilities.

42. The Committee recommends that the State party, in line with its General comment No. 3 (2016) on women and girls with disabilities:

- (a) Define and enforce a legal minimum age of marriage of 18 years for both women and men, including persons with disabilities (CEDAW/C/SAU/CO/3-4, para. 64 (c));**
- (b) Take all necessary legal and policy measures to ensure that all persons with disabilities, including those with intellectual or psychosocial disabilities, may enter into marriage, exercise guardianship, wardship, trusteeship and adopt children on an equal basis with others;**
- (c) Repeal the Marriage Contract Licensing Regulations imposing the obligation to undergo prenuptial medical examinations to enter into marriage so as to allow persons with disabilities to freely choose their partner, irrespective of impairment;**

(d) Introduce the necessary safeguards to ensure that all marriages, including collective marriages, respect the right of persons with disabilities, including those with intellectual or psychosocial disabilities, to freely choose their partner

Senegal

39. The Committee is concerned about:

- (a) The reported insufficiency of support to families with members with disabilities and its inavailability to all such families;
- (b) The absence of education and information in accessible formats for persons with disabilities on sexual and reproductive health and rights and family planning and the right to marry for persons with disabilities, including persons with psychosocial or intellectual disabilities.

40. The Committee recommends that the State party:

- (a) Take measures to ensure support to families with persons with disabilities, including parents with disabilities, to raise their children at home; and**
- (b) Take measures to provide access to information, in accesible formats, to persons with disabilities on the right to marry and sexual and reproductive health and rights, including family planning.**

Spain

43. The Committee is concerned about the:

- (a) Lack of adequate policies and related services to support families of children with disabilities;
- (b) Persistence of biases and stereotypes by staff of the justice and social service administrations on the parenthood capacity of parents with disabilities.

44. The Committee recommends to:

- (a) Develop adequate policies and provide the support necessary for children with disabilities to remain in the family, including through the promotion of foster family-related services;**
- (b) Provide support for parents with disabilities to retain full parental responsibility of their children and promote a positive image of their capacities and rights to parenthood and family life.**

Turkey

46. The Committee is concerned about provisions in the Civil Code restricting the rights of persons with intellectual or psychosocial disabilities to marry and found a family by requiring health reports certifying absence of 'medical impediments'. It is also concerned about stigmatization of persons with disabilities preventing their parenthood roles, and the limited access to support for parents of children with disabilities, which is limited only to parents of children with high support requirements.

47. The Committee recommends that the State party:

- (a) Repeal provisions in the Civil Code that deny the right of persons with disabilities to marry, and ensure they can exercise their rights relating to marriage, family, parenthood and relationships on an equal basis with others;**
- (b) Adopt measures to support parents and families with disabilities to raise their children at home and to eliminate social stigma against persons with disabilities regarding parenthood, including through an adequate provision of allowances and support.**

Vanuatu

38. The Committee is concerned about discriminatory legislation on family and marriage, including sections 1 and 2 of the Matrimonial Causes Act (1986) that prohibit marriage on grounds of disability including psychosocial or intellectual disabilities, and the insufficient support services provided for children with disabilities and their families, especially in rural areas.

39. The Committee recommends that the State party:

(a) Repeal or amend legislation on family and marriage that discriminates against persons with disabilities, including sections 1 and 2 of the Matrimonial Causes Act (1986);

(b) Provide adequate support for parents and families of children with disabilities, including counselling services, to ensure that children with disabilities are not separated from their family on the grounds of disability and that children are not separated from their parents with disabilities.

Algeria

38. The Committee is concerned with the lack of financial and counseling support as well as the absence of community-based support to parents and families of children with disabilities and for parents with disabilities.

39. The Committee recommends that the State party provide the necessary financial and counseling support and ensure the availability of community-based support for parents with disabilities and families with children with disabilities to guarantee enjoyment of the right to family on an equal basis with others.

Bulgaria

45. The Committee notes with concern that the network of primary support services for children with disabilities and their families is not sufficiently and evenly developed across the State party.

46. The Committee recommends that the State party increase human, technical and financial resources at the national and local level for providing primary support services for children with disabilities. It also recommends that the State party involve organizations of persons with disabilities, in particular organizations of children with disabilities concerning the implementation of support services.

47. The Committee notes with concern that the Family Code restricts the right of persons with disabilities under full guardianship to marry.

48. The Committee recommends that the State party amend its Family Code and withdraw any restriction of the right to marry for persons with disabilities of marriageable age.

Malta

33. The Committee is concerned about the existence of discriminatory laws relating to the right to marry and found a family, in particular the Marriage Act (Cap. 255), which contradict the Equal Opportunities (Persons with Disability) Act (Cap. 413).

34. The Committee recommends that the State party amend or repeal all legislations, which do not respect and protect persons with disabilities from enjoying to right to marry and found a family, in particular The Marriage Act (Cap. 255).

Poland

38. The Committee is concerned about the reservation by the State Party to article 23(1)(a) of the Convention; it is further concerned by the:

- (a) Practice to take children away from their parents with disabilities arguing that the family is incapable of providing care for them;
- (b) Prohibition to marry for persons deprived of their legal capacity, as well as for persons with psychosocial and/or intellectual disabilities or with cerebral palsy, considering disability as an aggravating factor for a marriage and children; also the prohibition for deaf persons to obtain custody of children through adoption.

39. The Committee recommends that the State party withdraw its reservation to Article 23(1)(a) and (b) of the Convention and abolish all legal provisions preventing persons with disabilities to marry and to found a family. The Committee also recommends to develop inclusive support systems to assist families with children with disabilities as well as parents with disabilities, in supporting their parenthood.

The Former Yugoslav Republic of Macedonia

40. The Committee is concerned about the legal provisions in the Law on Family that discriminate against persons with psychosocial disabilities and/or persons with intellectual disabilities to marry and form a family. The Committee is further concerned about the provisions in the aforementioned Law that requires a person with intellectual disabilities and/or a person with psychosocial disabilities to be certified as 'knowledgeable and understanding'.

41. The Committee recommends that the State party:

- (a) **Review the Law on Family to ensure that persons with disabilities can exercise their rights relating to marriage, family, parenthood and relationships on an equal basis with others and on the basis of their free and informed consent;**
- (b) **Adopt measures to promote adequate legal protection and training of judicial and social workers to ensure that persons with disabilities are not discriminated against during legal and administrative proceedings concerning their sexual and reproductive rights, right to create a family and legal custody of their children.**

Haiti

40. The Committee is concerned about:

- (a) Discriminatory legislation, including article 8 of the Act on the Inclusion of Persons with Disabilities (2012), which provides for the exceptional removal of the custody of a child from a person with a disability and the civil Code, which restricts persons declared "interdicted" to enter into acts of civil life, including marriage;
- (b) The insufficient support services to strengthen the capacity of parents and families of children with disabilities, particularly single mothers of children with disabilities;
- (c) The reinforcement of the medical model to disability resulting from the legal requirement of a prenuptial certificate from couples prior to marriage to prevent impairments;
- (d) The absence of education and information programmes for persons with disabilities, particularly women and girls, on sexual and reproductive health and rights and family planning in accessible formats.

41. The Committee urges the State party to:

- (a) **Take all measures necessary to repeal or amend legislation that discriminates against persons with disabilities, including article 8 of the Act on the Inclusion of Persons with Disabilities (2012) and the Civil Code;**
- (b) **Allocate sufficient resources to support parents and families of children with disabilities - especially single mothers - and parents with disabilities;**
- (c) **Consider modifying the focus of premarital medical examinations to sexually transmitted diseases;**

(d) Ensure equal access to sexual and reproductive health-care services, as set out in target 3.7 of the Sustainable Development Goals, and provide information and education on sexual and reproductive health and rights and family planning for persons with disabilities in accessible formats, including Easy Read.

Oman

41. The Committee is concerned about:

- (a) The absence of measures to ensure the right of persons with disabilities, including those placed under guardianship, and in particular women and persons with psychosocial disabilities, to freely marry and have a family;
- (b) The lack of provision of information in accessible formats for persons with disabilities on the right to marry and information on sexual and reproductive rights;
- (c) The lack of support services to protect the parental rights of persons with disabilities.

42. The Committee recommends that the State party:

- (a) Adopt legislative measures in order to abolish all legislation and practices that discriminate against women with disabilities in marriage and family matters, especially those persons with disabilities placed under guardianship, and in particular women and persons with psychosocial disabilities, to marry and have children;**
- (b) Take measures to ensure that information is provided in accessible formats to persons with disabilities on the right to marry and have a family, including information on reproductive health and rights;**
- (c) Adopt measures to protect the parental rights of persons with disabilities and further adopt measures to ensure that parents of children with disabilities are provided with adequate support and training to allow them to raise their children in the family home.**

Russian Federation

46. The Committee is concerned about the Government's decision of 2013 and the Family Code of the Russian Federation, which do not allow a person with certain types of intellectual and/or psychosocial disability to marry and adopt a child irrespective of the possible best interest of the child concerned.

47. The Committee urges the State party to review the current legislation and available safeguards as well as provide incentives for ensuring the right of all persons with disability to marry and to have a family on an equal basis with others.

Seychelles

37. The Committee is concerned about:

- (a) The lack of support and services for families with members with disabilities, including children, especially single female-headed families, increasing their risk of poverty and social exclusion;
- (b) Barriers to marry and to raise children for persons with psychosocial and/or intellectual disabilities when assessing their capacities for the exercising of their rights.

38. The Committee recommends that the State party:

- (a) Adopt and develop support measures for families, including single female-headed families, that have a member with a disability to ensure their decent standard of living and social inclusion;**
- (b) Repeal all discriminatory provisions and practices preventing the right to marry and parental responsibilities for persons with psychosocial and/or intellectual disabilities and ensure support for them for exercising their responsibilities.**

Slovenia

37. The Committee is concerned about:

- (a) The lack of support and services for families with members with disabilities, including children, especially single female-headed families, increasing their risk of poverty and social exclusion;
- (b) Barriers to marry and to raise children for persons with psychosocial and/or intellectual disabilities when assessing their capacities for the exercising of their rights.

38. The Committee recommends that the State party:

- (a) Adopt and develop support measures for families, including single female-headed families, that have a member with a disability to ensure their decent standard of living and social inclusion;**
- (b) Repeal all discriminatory provisions and practices preventing the right to marry and parental responsibilities for persons with psychosocial and/or intellectual disabilities and ensure support for them for exercising their responsibilities.**

Sudan

45. The Committee is concerned about provisions in the Personal Status Act of 1991 which limit the rights of persons with disabilities to forming families and exercising parental rights, by stipulating legal capacity as a pre-requisite or to do so through their guardian.

46. The Committee recommends that the State party:

- (a) Review the Personal Status Act of 1991 to ensure that persons with disabilities can exercise their rights relating to marriage, family, parenthood and relationships on an equal basis with others and on the basis of their free and informed consent;**
- (b) Adopt measures to support parents with disabilities to exercise their parental rights at home and to eliminate social stigma against persons with disabilities regarding marriage and parenthood.**

Latvia

38. The Committee is concerned about:

- (a) Persons with disabilities living in institutions who are married and are forced to live separately either in the same institution or in a different one if either of the spouses is transferred;
- (b) (b) The disability of a parent being used by courts as justification to discontinue or remove custody rights;
- (c) The lack of support services for parents with intellectual disabilities, including appropriate services for mothers, depriving them of their parental rights.

39. The Committee recommends that the State party ensure the right to marriage, family and parenthood for all persons with disabilities, including persons with intellectual disabilities, providing them with inclusive support services and an adequate standard of living.

Luxembourg

40. The Committee is concerned about discriminatory laws and policies that restrict the rights of persons with disabilities relating to marriage, the family, parenthood and relationships.

41. The Committee recommends that the State party take the measures necessary, including the repeal of legislation, to eliminate discrimination against persons with disabilities, in all matters relating to marriage, family, parenthood and relationships.

Montenegro

42. The Committee notes with grave concern that:

- (a) Montenegrin legislation restricts the right of persons with disabilities under guardianship to marry and restricts their parental rights;
- (b) Parents with disabilities, particularly women, lack sufficient measures of support from the State in their exercise of parental responsibility for their children and, when raising their children alone, may risk having them taken away from them.

43. The Committee recommends that the State party speedily harmonize its legislation with the Convention and ensure that persons with disabilities can exercise their right to marry, their parental rights and their right to adopt on an equal basis with others, and that support services are provided in the community for parents with disabilities. In this regard, it also recommends that the State party take all necessary measures, including legislative measures, to ensure that women with disabilities under no circumstances lose custody of and/or contact with their children based on their disability or on the fact that they are raising their children on their own, and provide these mothers with community support if needed.

Morocco

44. The Committee is concerned about:

- (a) The absence of support services available to families of children with disabilities and the absence of education and information on sexual and reproductive health and family planning for persons with disabilities;
- (b) Restrictions in the Family Code placed on persons with psychosocial and/or intellectual disabilities, in particular the requirement to obtain prior judicial authorization before marriage.

45. The Committee recommends that the State party:

- (a) Take measures to ensure support for families of persons with disabilities, including parents with disabilities, to raise their children at home;
- (b) Take measures to provide persons with disabilities with access to information, in appropriate formats, on sexual and reproductive health and family planning and amend the Family Code to ensure the enjoyment of the right to marriage by persons with psychosocial and/or intellectual disabilities.

Panama

46. The Committee is concerned that the Civil Code still contains provisions that prevent persons with disabilities from exercising the right to marry and to find a family on the basis of free and full consent of the intending spouses, and that there is a lack of necessary support for persons with disabilities to exercise their reproductive rights on an equal basis with others.

47. The Committee recommends that the State party eliminate barriers to marriage for persons with disabilities and that it adopt the necessary support measures, including personal assistance, with a view to enabling persons with disabilities, especially women, to exercise their right to maternity or paternity free from prejudice and on an equal basis with others. In addition, it should introduce a review mechanism to restore custody of children to women with disabilities whose children were removed on grounds of disability. The Committee urges the State party to take measures to provide appropriate support to families that include persons with disabilities.

United Kingdom of Great Britain and Northern Ireland

48. The Committee is concerned that parents with disabilities do not receive appropriate services and support, resulting in children being removed from the family environment and

placed in foster care, group homes or institutions. It is also concerned at the insufficient funding for parents of deaf children to learn sign language.

49. The Committee recommends that the State party:

(a) Ensure appropriate support for parents with disabilities to effectively fulfil their role as parents and ensure that disability is not used as a reason to place their children in care or remove them from the family home;

(b) Ensure that local authorities have the legal duty to allocate and provide funds for parents wishing to learn sign language.

Armenia

39. The Committee is concerned about provisions in the Family Code that prevent persons with specific forms of impairments from adopting children and exercising parental rights and that prevent persons who have been deprived of their legal capacity from marrying. It is also concerned about the lack of services for families that have members with disabilities.

40. The Committee recommends that the State party take the measures necessary, including the repeal of legislation, to eliminate discrimination against persons with disabilities in all matters relating to marriage, family and parental rights. It also recommends that the State party develop the inclusive support measures necessary in this regard, including access to personal assistance and mainstream services, to ensure adequate support for families that have a member with a disability.

Bosnia and Herzegovina

40. The Committee is concerned that women with disabilities, especially those with psychosocial and/or intellectual disabilities, can be separated from their children on the grounds of their disability.

41. The Committee recommends that the State party provide sufficient resources to support families with children with disabilities so that the family can remain together. This means providing sufficient support to allow children with disabilities to remain in the family, including through the promotion of foster family-related services, and support for parents with disabilities to retain full parental responsibility of their children.

Canada

41. The Committee is concerned that parents with disabilities do not receive adequate and appropriate services and support from provincial and territorial child welfare agencies, resulting in children being removed from the home. It is also concerned that parents of children with disabilities do not receive adequate support to maintain their children in their home, which at times forces them to place their child in foster care, group homes or institutions.

42. The Committee recommends that the State party work with the provinces and territories to ensure that parents with disabilities have access to the support and services they require to fulfil effectively their role as parents and that disability is not used as a reason to place their children in care or remove their child from the home. The Committee further recommends that the State party consider the provision of timely support necessary to maintain the optimal family environment for children with disabilities.

Honduras

49. Al Comité le preocupa que aún existen normas vigentes en el Código Civil que impiden el matrimonio a personas con discapacidad intelectual y/o psicosocial y niegan el derecho al

matrimonio y a formar una familia sobre la base de la voluntad de las parejas. También preocupa al Comité la ausencia de apoyos necesarios para que las personas con discapacidad puedan ejercer su derecho a fundar una familia en igualdad de condiciones con las demás.

50. El Comité recomienda al Estado parte que derogue las disposiciones que limitan el matrimonio a personas con discapacidad intelectual y/o psicosocial y que adopte las medidas de apoyo necesarias para que las personas con discapacidad, especialmente las mujeres, puedan ejercer sus derechos a la maternidad o paternidad libre de prejuicios y en igualdad de condiciones con las demás.

Iran (Islamic Republic of)

44. The Committee is concerned about restrictions in the exercise of the rights of persons with disabilities related to marriage, family, and parenthood, particularly in relation to persons deprived of their legal capacity. It is further concerned about restrictions to adoption by persons with disabilities and the lack of measures to prevent removal of children born to parents with disabilities.

45. The Committee recommends that the State party:^[SEP]

(a) Repeal laws that prevent persons with disabilities from exercising their right to marriage and parenthood;

(b) Provide access to reproductive and family planning education for all persons with disabilities; and

(c) Ensure that persons with disabilities can exercise their parental rights and adopt children.

Jordan

43. The Committee notes with concern that article 12 of the Personal Status Law (No. 36 of 2010) require that persons with intellectual and psychosocial disabilities obtain judicial authorization in order to marry.

44. The Committee recommends that the State party repeal article 12 of the Personal Status Law to ensure that persons with disabilities can exercise their right to marry on an equal basis with others and found a family on the basis of their full and free consent.

Republic of Moldova

42. The Committee is concerned about discriminatory laws and policies that restrict the rights of persons with disabilities relating to marriage, the family and parenthood, and that:

(a) The lack of services for families that have members with disabilities, particularly persons with autistic spectrum disorders, places an undue burden on families, especially single female-headed families, increasing their risk of poverty and social exclusion;

(b) Prejudice against persons with disabilities persists, particularly against women with psychosocial and/or intellectual disabilities, in matters relating to family and parenthood;

(c) There are reports that child protection authorities request that mothers with disabilities be deprived of their legal capacity and separated from their children.

43. The Committee recommends that the State party take the measures, including the repeal of legislation, necessary to eliminate discrimination against persons with disabilities, particularly women with psychosocial and/or intellectual disabilities, in all matters relating to marriage, family and parenthood. It also recommends that the State party:

(a) Develop the inclusive support measures necessary in this regard, including personal assistance and respite care services, for families that have a member with a disability, to ensure an adequate standard of living and social participation;

(b) Take measures to ensure that parents with disabilities have the means necessary to exercise their rights, including the right to motherhood.

Bolivia

53. The Committee is concerned that persons under legal interdiction cannot exercise their right to marry or start a family.

54. The Committee urges the State party to repeal any legal provision that restricts the right of persons with disabilities to marry freely and on the basis of the consent of the couple, and their access to information enabling them to exercise their sexual and reproductive rights.

Colombia

52. The Committee expresses its concern that persons with disabilities whose legal capacity is restricted owing to a declaration of judicial interdiction cannot marry or form a family without judicial authorization.

53. The Committee urges the State party to repeal any restrictions that limit or prevent persons with disabilities from marrying and forming a family on the basis of the prior consent of the couple. It further recommends that the State party take steps to explicitly prohibit by law the placement of children outside their families on the basis of disability and to ensure that community support mechanisms are available to parents with disabilities.

Ethiopia

49. The Committee is concerned that legislation of the State party entails discrimination on the basis of disability regarding the rights of the family, namely, articles 34, 51 and 220 of the Family Code. The Committee notes with concern the inadequate availability of community-based support for families with children with disabilities and also for parents with disabilities.

50. The Committee recommends that the State party repeal the provisions of the Family Code that entail discrimination on the basis of disability, such as articles 34, 51 and 220 and other legislation based on negative stereotypes of persons with disabilities regarding family life. It also recommends that the State party ensure the availability of community-based support for parents with disabilities and families with children with disabilities to guarantee enjoyment of the right to family on an equal basis with others.

Guatemala

57. The Committee notes that the Civil Code restricts the right to marry and the parental rights of some persons with disabilities. It further notes that children with disabilities living in poverty are at greater risk of abandonment and institutionalization.

58. The Committee recommends that the State party:

(a) Review and harmonize the Civil Code to guarantee the right to marry and the parental rights of all persons with disabilities;

(b) Set up programmes to provide appropriate assistance to mothers with disabilities in the performance of their child-rearing responsibilities;

(c) Establish support mechanisms for families of children with disabilities to prevent abandonment;

(d) Replace measures to institutionalize all abandoned children with disabilities with measures to promote their adoption or placement in foster care and ensure that foster families receive the requisite support for their care.

Italy

51. The Committee is concerned at the lack of specific measures to support families of children with disabilities or adults with high levels of support, including financial support.

52. The Committee recommends that the State party allocate specific financial, social and other resources across all regions to ensure all families with members with disabilities, including those members with high support needs, can gain access to all the support they require, beyond the list of tax exemptions listed by the State party (see CRPD/C/ITA/Q/1/Add.1, para. 52), to ensure the right to home and family and to inclusion and participation in their local communities, and to eliminate resorting to institutionalization.

53. The Committee is deeply concerned that administrative barriers, including inaccessible procedures, still exist to parents with disabilities to adopt children with or without disabilities.

54. The Committee recommends that the State party review current laws, policies and practices relating to adoption, and provide support to parents with disabilities to retain full parental responsibility for their children.

United Arab Emirates

41. The Committee is concerned that:

(a) The national legislation restricts marriage on the basis of disability and requires a prenuptial medical examination for persons with disabilities to receive a financial assistance grant;

(b) Discriminatory laws and policies prevent persons with disabilities, in particular women, from enjoying their rights on an equal basis with others in all matters relating to marriage, the family, parenthood and relationships;

(c) The State party has not adopted any measures to ensure adequate support to families of children with disabilities or adults who require a high degree of support.

42. The Committee recommends that the State party:

(a) Repeal legislation restricting marriage on the basis of disability and requiring a prenuptial medical examination for persons with disabilities;

(b) Repeal the discriminatory provisions in family and other law to ensure that all women and men with disabilities are able to enjoy, on an equal basis with others, their rights in matters related to marriage, family, parenthood and relationships;

(c) Ensure support to parents with disabilities and to families of children with disabilities, including adults who require a high degree of support.

Uruguay

49. Al Comité le preocupa que aún existen normas vigentes en el Código Civil que impiden el matrimonio a personas con discapacidad psicosocial e intelectual y niegan el derecho al matrimonio y a formar una familia sobre la base de las preferencias de las personas con discapacidad de contraer matrimonio y a formar una familia. También preocupa al Comité la ausencia de apoyos necesarios para que las personas con discapacidad puedan ejercer sus derechos reproductivos en igualdad de condiciones con las demás.

50. El Comité recomienda al Estado parte que derogue las disposiciones que limitan el matrimonio a personas con discapacidad psicosocial e intelectual y que adopte las medidas de apoyo necesarias para apoyar a las familias que tienen niños con discapacidad y para que las personas con discapacidad, especialmente las mujeres, puedan ejercer su maternidad o paternidad sin discriminación y en igualdad de condiciones con las demás.

Chile

47. Preocupa al Comité:

- (a) La vigencia de normas en el Código Civil que impiden el matrimonio a personas con discapacidad intelectual o psicosocial, y a personas sordas y sordociegas;
- (b) La discriminación y las prácticas de negar el derecho al matrimonio y a formar una familia sobre la base de la voluntad de las parejas;
- (c) La ausencia de apoyos necesarios para que las personas con discapacidad puedan ejercer sus derechos reproductivos en igualdad de condiciones con las demás, como se evidencia en el caso de Valeria Riveros.

48. El Comité recomienda que el Estado parte:

- (a) Derogue las disposiciones discriminatorias que limitan el matrimonio a las personas con discapacidad;**
- (b) Adopte las medidas de apoyo necesarias, que incluyan la asistencia personal, con el propósito de que las personas con discapacidad, especialmente las mujeres, puedan ejercer sus derechos libres de prejuicios y en igualdad de condiciones con las demás;**
- (c) Instaure un mecanismo de revisión para el restablecimiento de la custodia de los hijos a las mujeres con discapacidad a quienes se les ha privado por motivo de la discapacidad.**

Lithuania

43. The Committee is deeply concerned that persons with disabilities, especially those deprived of their legal capacity, can be denied the right to marry, found a family and adopt and raise children.

44. The Committee calls upon the State party to repeal provisions restricting these rights and to provide adequate support services to ensure that families with parents with disabilities and/or children with disabilities have the right to a family and a home.

Portugal

42. The Committee notes that the Civil Code in the State party restricts the right of certain persons with disabilities to marry, to hold custody of their sons and daughters, and to adopt. It also noted that austerity measures have resulted in cutbacks, among other things, in social services and financial support for families, with particularly negative consequences for women "carers" of persons with disabilities.

43. The Committee recommends that the State party review and harmonise its Civil Code to safeguard the rights of all persons with disabilities to marry, to hold custody of their sons and daughters, and to adopt. It further recommends that States Party adopts appropriate steps to ensure that its financial and social austerity policies and measures promote financial support for families with a member with disabilities, providing particular protection and support to women personal assistants of persons with disabilities.

Serbia

45. The Committee is deeply concerned that women with disabilities, especially those with psychosocial and intellectual disabilities, are separated from their children on grounds of their disability

46. The Committee urges the State party to review the procedures by which women with disabilities are declared unfit mothers on the basis of disability and fully restore their rights to have a home and found a family, ensuring that they have the support necessary to make these rights effective.

Slovakia

65. The Committee is deeply concerned that section 12 of the Family Act restricts the right to marriage of persons with intellectual and psychosocial disabilities. The Committee is also concerned about the lack of provision of support to children with disabilities to remain in the family and of means to avoid their placement in institutions, and the lack of measures to support parents with disabilities.

66. The Committee recommends that the State party repeal section 12 of the Family Act; provide adequate support for children with disabilities to reside in the family; and provide support to parents with disabilities to retain full parental responsibility for their children.

Thailand

43. The Committee is concerned that family law (Commercial and Civil Code, book V) prevents some persons with disabilities from marrying and founding a family. It is also concerned that parents of children with disabilities encounter obstacles to gaining access to specific support for exercising their parental responsibilities and preventing abandonment.

44. The Committee recommends that the State party repeal section 1449 and related provisions of the family law that discriminate against certain persons with disabilities with respect to their right to marry and found a family, and that it increase the availability of early and comprehensive information, services and support to children with disabilities and their families.

Uganda

46. The Committee is concerned about the legislation that infringes the right to marry of persons with disabilities, such as the Divorce Act (1904) and the Hindu Marriage and Divorce Act 1961. It is further concerned about the absence of information on sexual and reproductive health and family planning for persons with disabilities due to lack of accessible formats, means and modes of information, negative attitudes, myths and stereotypes against them.

47. The Committee recommends that the State party:

- (a) Repeal discriminatory provisions of the marriage and divorce acts and guarantee persons with intellectual and/or psychosocial disabilities, regardless of their legal capacity status, the right to marry and to adopt on an equal basis with others;**
- (b) Enact legislation which prohibits the separation of children from their parents on the basis of the disability of either the child or one or both of the parents;**
- (c) Ensure support to families with persons with disabilities for raising their children at home;**
- (d) Ensure access to information, in appropriate formats, to persons with disabilities on sexual and reproductive health and family planning.**

Brazil

40. The Committee is concerned that persons with disabilities are separated from their children on the basis of impairment.

41. The Committee recommends the State party to take legal action to explicitly prohibit the removal of children on the basis of their parents' impairment, including where the parent is subject to interdiction.

42. The Committee is concerned at the lack of disaggregated data on the number of families of children with disabilities who have access to community-based supports, such as the Specialized Social Assistance Reference Centers (Centro de Referência Especializado da Assistência Social – CREAS).

43. The Committee recommends the State party to collect and report disaggregated data on the availability of community-based supports for families of children with disabilities, and the number of families who access those services.

European Union

56. The Committee is concerned that austerity measures have resulted in cuts in social services and support to families and community-based services, among others, which restrict the right of persons with disabilities to family life and the right of children with disabilities to live in family settings.

57. The Committee recommends that the European Union take measures to ensure that its economic and social policy and its recommendations promote support to families with persons with disabilities and ensure the right of children with disabilities to live in their communities.

58. The Committee is concerned that the long awaited maternity leave directive has been withdrawn, and is further concerned that equal rights for women, for mothers, for fathers, and for children and adults with disabilities are not adequately addressed in European Union work and life-balance policy.

59. The Committee recommends that the European Union ensure that people with disabilities and families of persons with disabilities be included in the newly announced roadmap "New start to address the challenges of work-life balance faced by working families".

Gabon

50. The Committee is concerned that Article 204 of the Civil Code restricts persons with psychosocial disabilities ("aliénés interdits") from marrying on an equal basis with others. In addition, the Committee is concerned about: a) Inadequate support measures for parents with disabilities to exercise their parental rights; and b) The fact that parents of children with disabilities are not able to access specific support for health, education and training.

51. The Committee recommends that the State party immediately repeal Article 204 and related provisions of the Civil Code restricting marriage on an equal basis with others. Furthermore, the Committee recommends that the State party a) Provide support to parents with disabilities to exercise their full parental rights, and b) Allocate adequate resources to strengthen services for children with disabilities, to support their families and for training of professionals in the field.

Kenya

41. The Committee is concerned about the absence of measures to return children with disabilities currently in orphanages to a family setting. It is also concerned about the measures of the Marriage Act (2014) that prevent persons with intellectual and psychosocial disabilities to get marriage.

42. The Committee recommends that the State party:

(a) Take steps to increase information and support to families of children with disabilities to ensure they can be raised within the family home, and expand the scope of the transfer fund for children with "severe" disabilities to benefit all children with disabilities and that it establishes a monitoring mechanisms on the effective disbursement of the resources through the country; and

(b) Review the Marriage Act 2014 in order to repeal provisions that discriminate against persons with psychosocial and/or intellectual disabilities on their right to marriage.

Qatar

41. The Committee is concerned about discriminatory laws and policies which restrict the rights of persons with disabilities, in particularly women, in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others.

42. The Committee recommends that the State party repeal discriminatory provisions of family and other laws to ensure equal rights of all women and men with disabilities in matters related to marriage, family, parenthood and relationships.

Ukraine

42. The Committee is concerned about the reports of pressure on families imposed by public officials and professionals to place their children with disabilities in institutions and deny the right of persons with disabilities to a family life.

43. The Committee recommends that the State party take measures to provide necessary support to families with children with disabilities in order to guarantee the right of children with disabilities to grow up in a family environment and right to have a family life.

Croatia

33. The Committee is concerned that parental rights of persons with disabilities have not been recognized.

34. The Committee recommends the State party to take legal and practical action to ensure that persons with disabilities can exercise their parental rights and adopt children on an equal basis with others. It recommends that the State party provide accessible information on the sexual and reproductive rights to all persons with disabilities and to provide access to adoption services and to community-based support services for parents with disabilities.

Czech Republic

44. The Committee is concerned that provisions of the new Civil Code and the Act on Social and Legal Protection of Children (Act No. 359/1999 Coll., on Social and Legal Protection of Children, as amended.) explicitly allow for restriction of legal capacity in family matters, especially the right to marriage, parental responsibility, and adoption.

45. The Committee recommends that these provisions of the Civil Code and the Act on Social and Legal Protection of Children are repealed to ensure that persons with disabilities exercise their right to marry, parental rights and right to adopt on an equal basis with other sand that support services are provided to parents with disabilities in the community.

Dominican Republic

42. Al Comité le preocupa la ausencia en el Estado parte de políticas para la protección de padres y madres con discapacidad referidas a la custodia de sus hijos e hijas; también le preocupan las prácticas discriminatorias contra personas con discapacidad, especialmente mujeres que desean mantener su fertilidad.

43. El Comité recomienda al Estado parte adoptar medidas para proteger a padres y madres con discapacidad para mantener la custodia de sus hijos e hijas; también le recomienda proteger los derechos sexuales y reproductivos de las personas con discapacidad, en igualdad de condiciones con las demás personas para que puedan mantener su fertilidad y fomentar la toma de conciencia de profesionales de la salud en esta materia.

Germany

43. The Committee is concerned that the State party does not provide adequate support to parents with disabilities to bring up their children, exercise their parental rights and to facilitate the adoption of children with disabilities.

44. The Committee recommends that the State party: a) Take measures to ensure explicitly in the law the prohibition of removal of children from their parents on the basis of their parents' disability; b) Ensure accessible and inclusive community support and safeguard mechanisms are available for parents with disabilities to exercise parental rights; c) Provide increased opportunities for the adoption of children with disabilities.

Mongolia

35. The Committee notes that the State party does not ensure the rights and responsibilities of all persons with disabilities, with regard to guardianship, wardship and trusteeship of their sons and daughters, including access to adoption. It also notes that it does not render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

36. The Committee urges the State party to review and repeal all existing laws that prevent people with disabilities from exercising their parental rights, including the right to adoption, and to render appropriate assistance to people with disabilities in the performance of their child-rearing responsibilities.

Turkmenistan

41. The Committee is concerned that some persons with disabilities are not allowed to enter marriage based on the State party's concept of legal capacity. It also notes that the State party does not provide adequate assistance to persons with disabilities in performing their child-rearing responsibilities.

42. The Committee recommends that the State party review and repeal all existing legislation that prevents persons with disabilities from marrying or adopting children on the basis of disability of a person alone and adopt a new legislative framework and financial incentives that includes additional measures to enhance their parenting skills.

New Zealand

45. The Committee is concerned that sections 141, 142, and 144 (2) of the Children, Young Persons and Their Families Act 1989 appear not to give children with disabilities the same protections as other children when they are placed in out-of-home care. The Committee notes the passage of the Vulnerable Children Act 2014.

46. The Committee recommends that these two statutes be re-examined to ensure that children with disabilities have the same safeguards as other children when they are placed in out-of-home care.

47. The Committee is concerned that section 8 (1) (b) of the Adoption Act 1955 subjects disabled birth parents to differential treatment based on their disability. This provision enables consent to an adoption order to be dispensed with if the court is satisfied that the parent or guardian is unfit, by reason of any physical or mental incapacity, to be entrusted with the care and control of the child.

48. The Committee recommends that section 8 of the Adoption Act 1955 be repealed and that the statute be amended to ensure that parents with disabilities are treated on an equal basis with other parents with respect to adoption.

Republic of Korea

43. The Committee is concerned that support services provided to families of children with disabilities is limited to low-income families that include persons with severe disabilities. Due to short supply, even such services are insufficient. The Committee is furthermore concerned that the Government provides more subsidies and benefits to families adopting children with disabilities than to their families of origin, which encourages the abandonment of children with disabilities by their own families, in particular by single mothers who face compounded stigmatization, and denies the child's right to family.

44. The Committee recommends that the State party provide the legal basis for, and implement, comprehensive policies to enable parents, including single mothers, of children with disabilities to receive support to raise their child within the family and to ensure the child's rights to family and to participation in the community on an equal basis with other children.

Belgium

34. The Committee is concerned about the lack of support for parents of children with disabilities, particularly mothers, who often leave their jobs to care for their children. It is also concerned that the minimum requirements for protecting the private life of persons with disabilities living in institutions are not guaranteed. Similarly, it regrets that persons with disabilities do not have access to age-appropriate information and education on reproduction and family planning matters.

35. The Committee strongly recommends the establishment of a support mechanism for families of children with disabilities with a view to preventing their abandonment or institutionalization. The Committee recommends that the State party take adequate measures to ensure that service providers respect and protect the right of persons with disabilities to a private and family life. It also recommends that access to age-appropriate information and education on reproduction and family planning should be made available to all persons with disabilities.

Mexico

45. The Committee notes that the Civil Code restricts the right of some persons with disabilities to marry and their right to custody and guardianship of their children. It further notes that children with disabilities living in poverty are at greater risk of abandonment and placement in institutions.

46. The Committee urges the State party to:

(a) Review and harmonize the Civil Code to ensure that all persons with disabilities have the right to marry and to have custody or guardianship of their children;

(b) Set up programmes to provide sufficient support to mothers with psychosocial disabilities so that they may discharge their responsibilities towards their children;

(c) Establish family support mechanisms in keeping with the recommendation made by the Committee on the Rights of the Child following the consideration of the third periodic report (CRC/C/MEX/CO/3, para. 55); and

(d) Opt for the placement of all abandoned children with disabilities in foster care instead of in institutions and ensure that foster families receive the requisite support for their care.

Sweden

45. The Committee is concerned that social services can, upon requirement by a country of origin, deny the international adoption of a child to families where one partner has a disability; it is also concerned about families with disabilities being subjected to additional

investigations, carried out by local authorities and social services in the framework of the national adoption system, to assess their parenting ability.

46. The Committee recommends that the State party ensure the prohibition of discrimination on the basis of disability in adoption procedures.

Azerbaijan

36. The Committee is concerned about the existing laws that prevent persons with specific forms of disability to adopt children and have a family.

37. The Committee urges the State party to repeal all existing legislation that prevents persons with disabilities from adopting children and provide a new legislative framework that includes support for parenting.

38. The Committee also expresses its concern about the legislation in force in the State party which allows parents of a new born boy or girl to place them under the custody of the State solely on the basis of their disability, without taking into account the best interests of the child. The Committee is further concerned that legislation in the State only allows for the adoption of children who are under five years old, which limits their rights under article 23.

39. The Committee recommends that the State party prohibit the placement of new born boys and girls with disabilities under the custody of the State by their fathers and mothers solely based on their disability. It further recommends that such a prohibition should be complemented with the strengthening of support measures so that mothers and fathers can take care of their children with disabilities, and that in those cases in which the possibility of placement is considered as a measure of protection, the best interests of the child should be duly respected. Furthermore, the Committee urges the State party to widen the age limit for adoption purposes.

Costa Rica

43. El Comité expresa su preocupación porque mujeres con discapacidad, especialmente con discapacidad psicosocial e intelectual, sean separadas de sus hijos por motivo de su discapacidad;

44. El Comité exhorta al Estado Parte revisar los procedimientos en que se declare a mujeres con discapacidad como madres no aptas, y restituya plenamente el derecho a tener un hogar y conformar una familia, asegurando que cuenten con los apoyos necesarios para hacer tales derechos efectivos.

El Salvador

47. The Committee is concerned about the rules depriving persons with intellectual, psychosocial or hearing impairments of their legal capacity and about other barriers preventing them from entering into marriage and exercising their rights regarding family, maternity and personal relationships.

48. The Committee urges the State party to put in place adequate measures to make it easier for persons with disabilities to exercise their family and maternity rights.

Paraguay

55. The Committee is concerned at the State party's expansion of its schemes for homes for children with disabilities, undermining their right to live in a family.

56. The Committee urges the State party to adopt measures to encourage foster families and to provide financial support to low-income families with children with disabilities to enable the children to live with their families and be active members of the community. The Committee also urges the State party to guarantee equality of treatment for children with

disabilities in the Family Placement Programme for Children and Adolescents requiring Protection and Support, and to revise the draft rules on subsidies to foster families and residential care institutions and bring them into line with the provisions of article 23 of the Convention.

Argentina

35. The Committee notes with concern that the right to form a family is denied to some persons with disabilities, especially those declared “insane” or “lacking legal capacity”, in accordance with article 309 of the State party’s Civil Code.

36. The Committee urges the State party to amend the Civil Code to bring it into line with article 12 and article 23, paragraph 1 (b), of the Convention and to make support services to assist with the demands of parenthood available to persons with disabilities who require them.

China

33. The Committee is deeply concerned that both the state party’s laws as well as its society accept the practice of forced sterilization and forced abortion on women with disabilities without free and informed consent

34. The Committee calls upon the State party to revise its laws and policies in order to prohibit compulsory sterilization and forced abortion on women with disabilities.

Hungary

36. The Committee notes with concern that persons with disabilities still face various financial, physical and attitudinal barriers to founding a family and that scarcity of the support services for independent living, as elaborated in the above paragraphs 34 and 35, presents a de facto barrier to the full and effective enjoyment of the rights laid out in article 23 of the Convention.

37. The Committee calls upon the State party to take appropriate measures to enable men and women with disabilities who are of marriageable age to marry and found a family, as well as to provide adequate support services to men and women, boys and girls with disabilities to enable them to live with their families, with a view to prevent and reduce the risk of placement in an institution.

38. The Committee calls upon the State party to take appropriate and urgent measures to protect persons with disabilities from forced sterilisation.

Peru

34. The Committee is deeply concerned that, according to the technical Norm for Family Planning 536/2005 - MINSA from 26 July 2005, persons with “mental incompetence” can be sterilized without their free and informed consent, as a method of contraception.

35. The Committee urges the State party to abolish administrative directives on forced sterilization of persons with disabilities.