



**IDA's Compilation of Disability-
Related Extracts of Concluding
Observations of the Committee on
Economic, Social and Cultural Rights**

**CESCR Committee's 72nd session
(26 Sep 2022- 14 Oct 2022)**

Committee on Economic, Social and Cultural Rights – 72nd session - 2022	
Total number of Concluding Observations	5
Number of countries receiving recommendations on persons with disabilities	5
Percentage of countries receiving recommendations on persons with disabilities	100%
Number of recommendations including explicit references on disability	15

EL SALVADOR - E/C.12/SLV/CO/6

GUETAMALA - E/C.12/GTM/CO/4

LUXEMBOURG - E/C.12/LUX/CO/4

MONGOLIA - E/C.12/MNG/CO/5

ITALY - E/C.12/SRB/CO/3

Official versions of Concluding Observation are available on the website devoted to the session [here](#).

EL SALVADOR - E/C.12/SLV/CO/6

Persons with disabilities

28. The Committee regrets that it has not received detailed statistical information on the results and impact of activities carried out under the regulatory framework that existed prior to the adoption of the Special Act on the Inclusion of Persons with Disabilities, which has been in force since 1 January 2021. Moreover, the Committee remains concerned about the persistence of cultural barriers and prejudices that hinder the enjoyment of economic, social and cultural rights by persons with disabilities (art. 2 (2)).

29. The Committee reiterates its previous recommendation¹ in this regard and urges the State party to:

- (a) Set up a monitoring, follow-up and inspection mechanism with sufficient material, technical and human resources to monitor the implementation of the Special Act on the Inclusion of Persons with Disabilities effectively and impartially;**
- (b) Take all necessary measures to eliminate persistent cultural barriers and prejudices in society with regard to persons with disabilities.**

GUETAMALA - E/C.12/GTM/CO/4

Non-discrimination

18. The Committee is concerned at the persistence of discrimination against Indigenous Peoples and persons of African descent in the enjoyment of their economic, social and cultural rights. It is also concerned that persons with disabilities, as well as lesbian, gay, bisexual, transgender and intersex persons, continue to be subjected to stigmatization and discrimination, thus preventing them from enjoying their economic, social and cultural rights on an equal basis with others. The Committee is further concerned that bill No. 5940 on guaranteeing comprehensive protection for children and adolescents against gender identity disorders, which was submitted to the Congress, will contribute to reinforcing the stigma faced by lesbian, gay, bisexual, transgender and intersex persons (art. 2 (2)).

19. The Committee recommends that the State party:

- (a) Adopt a comprehensive law on non-discrimination that provides sufficient protection against discrimination in keeping with article 2 of the Covenant and that:**
 - (i) explicitly includes all prohibited grounds for discrimination enumerated in that article and in general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights;**
 - (ii) defines direct and indirect discrimination in line with the State party's obligations under the Covenant;**
 - (iii) prohibits discrimination in the public and private spheres alike; and**
 - (iv) establishes effective judicial and administrative mechanisms to guard against discrimination, including the introduction of provisions on reparations in discrimination cases;**

LUXEMBOURG - E/C.12/LUX/CO/4

Data collection

6. The Committee notes the State party's efforts to improve data collection, such as the establishment in 2020 of the Equality Observatory. However, the Committee is concerned

¹ [E/C.12/SLV/CO/3-5](#), para. 9.

about the lack of systematic collection of data disaggregated by prohibited grounds of discrimination, which hinders a full understanding of the degree to which the Covenant rights are realized.

7. The Committee recommends that the State party improve its data-collection system to collect data disaggregated by prohibited grounds of discrimination, including ethnic and national origin, disability, sex, age and socioeconomic status, with a view to tracking progress in the realization of Covenant rights and formulating effective and targeted public policies, particularly for disadvantaged and marginalized individuals and groups. In addition, the Committee requests that the State party include, in its next periodic report, annual comparative statistical data, disaggregated by the above-mentioned and other relevant grounds, to measure the progress made in the realization of the rights enshrined in the Covenant. The Committee also recommends that the State party take into consideration the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights.

Climate change

10. The Committee notes the measures taken by the State party to mitigate and adapt to the effects of climate change, including the Climate Act of 15 December 2020, the Integrated National Energy and Climate Plan 2021–2030, and the Climate Change Adaptation Strategy and Action Plan 2018–2023. However, the Committee is concerned about reports that public and private financial institutions under the State party's jurisdiction continue to hold significant investments in the fossil fuel industry and other carbon-intensive sectors, despite their harmful impact on the climate. The Committee is also concerned about the lack of transparency and the lack of suitable and effective regulation of the financial sector in this regard.

11. The Committee recommends that the State party take the necessary measures to reduce public and private investments in the fossil fuel industry and other carbon-intensive sectors and ensure that those measures are compatible with the need to reduce greenhouse gas emissions, including through effective regulatory and transparency measures. In this regard, the Committee refers the State party to its statement on climate change and the Covenant,² as well as to the joint statement on human rights and climate change issued by the Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities.³

Right to work

22. The Committee notes the sharp decline in the unemployment rate in the State party from 7.5 per cent in July 2020 to 4.4 per cent in August 2022. However, it is concerned that the unemployment rate is much higher among young persons, persons with disabilities, persons with limited education and nationals of countries outside the European Union, including migrants, refugees and asylum-seekers (art. 6).

23. The Committee recommends that the State party continue its efforts to reduce unemployment and to assist young persons, persons with disabilities, persons with

² [E/C.12/2018/1](#).

³ [HRI/2019/1](#).

limited education and nationals of countries outside the European Union, including migrants, refugees and asylum-seekers, in gaining access to employment. The Committee also recommends that the State party ensure that programmes promoting the labour market inclusion of the most disadvantaged and marginalized groups do not perpetuate the concentration of those groups in low-skilled jobs. The Committee further recommends that the State party take into account its general comment No. 18 (2005) on the right to work and its 2017 statement on the duties of States towards refugees and migrants under the Covenant.⁴

Right to education

38. The Committee notes the measures taken by the State party to reduce inequalities in education. However, the Committee is seriously concerned about:

(c) Reports that the lack of statistics makes it difficult to establish how inclusive education for pupils with disabilities is progressing, and whether, despite the efforts made, some pupils with disabilities are still attending special schools;

(d) Enhance its efforts to ensure inclusive education for children with disabilities and strengthen data collection in this area;

MONGOLIA - E/C.12/MNG/CO/5

Non-discrimination

16. While noting the information provided by the State party that its Constitution contains anti-discrimination provisions, the Committee is concerned about reports that discrimination continues to occur in practice, including against asylum-seekers, refugees and stateless persons. The Committee regrets the absence of a comprehensive anti-discrimination law that covers all grounds of discrimination, including against all marginalized and disadvantaged individuals and groups (art. 2 (2)).

17. With reference to its predisability andations,⁵ the Committee recommends that the State party take steps to adopt a comprehensive anti-discrimination law guaranteeing protection against all forms of direct and indirect discrimination, including on the grounds of disability, and recognize in its legislation the denial of reasonable accommodation as a form of discrimination, in order to ensure equal access to all economic, social and cultural rights. The Committee also recommends that the State party accede to the Convention relating to the Status of Refugees (1951), the Protocol relating to the Status of Refugees (1967), the Convention relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961).

Right to work

22. While noting the State party's efforts to reduce unemployment, the Committee regrets the lack of statistics on the impact of the measures taken and is concerned about reports of continuing high unemployment rates among youth, herders and persons with disabilities (art. 6).

23. The Committee recommends that the State party:

(a) Continue its efforts to reduce unemployment and underemployment and ensure that its policies tackle their root causes, in particular among youth, herders and persons with

⁴ [E/C.12/2017/1](#).

⁵ [E/C.12/MNG/CO/4](#), para. 12.

disabilities, including by taking targeted positive measures and facilitating their access to technical and vocational training opportunities;

(c)Ensure that it collects disaggregated data on employment, underemployment and unemployment, and provide updated statistics in its next periodic report, disaggregated by sex, age, geographical area, disability, ethnic origin, and residence or documentation status.

Rights to water and to sanitation

34.The Committee notes the steps taken by the State party to improve access to safe water and sanitation but remains concerned about the disparity between rural and urban areas in access to safe drinking water and sanitation, including in schools. While also noting a range of initiatives taken to reduce water pollution, the Committee is concerned that such pollution continues to be a serious problem, in particular in connection with mining activities, and that it is linked to above-average rates of babies born with disabilities in some areas. The Committee also regrets the insufficient amount of clear information available to the public about drinking water quality (arts. 11–12).

35.The Committee urges the State party to take further measures and provide sufficient financial resources to ensure access to safe drinking water and sanitation for everyone in the State party, including in rural areas and in all schools. The Committee also urges the State party to take further measures to address the impact of water and soil pollution, in particular pollution resulting from mining activities. The Committee further recommends that the State party ensure the availability to the public of clear information about drinking water quality and raise awareness among the public on where to find such information.

Right to education

44.The Committee notes the various steps taken by the State party to promote inclusive education. It is nonetheless concerned about reports that barriers to the inclusion of some children with disabilities in mainstream schools remain, including with respect to financial resources. The Committee is also concerned about reports that education in some rural areas is of a lower quality than in urban areas (arts. 13–14).

45.The Committee recommends that the State party intensify its efforts to achieve universal access to quality education at all levels, including by:

(a)Taking further measures to effectively implement inclusive education, including by ensuring that standards and procedures for inclusive education are developed and effectively applied;

ITALY - E/C.12/SRB/CO/3

Persons with disabilities

29. The Committee shares the concerns of the Committee on the Rights of Persons with Disabilities that national legislation lacks a definition of reasonable accommodation and does not include an explicit recognition that the denial of reasonable accommodation constitutes disability-based discrimination, and that social protection programmes do not meet the requirements of persons with disabilities (art. 2 (2)).

30. The Committee recommends that the State party enact legislation that explicitly recognize the denial of reasonable accommodation as disability-based discrimination across all areas of life, including within public and private sectors, as also recommended

by the Committee on the Rights of Persons with Disabilities. The Committee also recommends that the State party ensure that social protection programmes meet the requirements of the diverse range of persons with disabilities on an equal basis with others, as required by the Committee on the Rights of Persons with Disabilities.

Unemployment

35. The Committee is particularly concerned that the youth unemployment rate for women has recently increased and remains stagnant compared to the last periodic report. The Committee remains concerned that the unemployment rate remains high in the State party for the youth, persons with disabilities, in the southern regions and on the islands (art. 6).

36. Recalling its recommendations, the Committee recommends that the State party increase its efforts to address unemployment, for example by implementing targeted public sector employment schemes paying particular attention to the youth and in particular to young women, persons with disabilities, and by expanding localized employment programmes in the Southern provinces and on the islands.