



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

**CESCR Committee's 73rd session
(13 Feb 2023- 03 March 2023)**

Committee on Economic, Social and Cultural Rights – 73rd Session - 2023

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	19

CAMBODIA - E/C.12/KHM/CO/2

CHINA – E/C.12/CHN/CO/3

LITHUANIA - E/C.12/LTU/CO/3

PANAMA - E/C.12/PAN/CO/3

PORTUGAL - E/C.12/PRT/CO/5

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

CAMBODIA - E/C.12/KHM/CO/2

Right to work

24. The Committee is concerned that, despite a number of initiatives adopted by the State party to promote access to work, young persons, women, persons with disabilities and persons living in rural areas continue to be especially affected by unemployment and the lack of access to decent work. The Committee is also concerned about the large number of persons working in the informal sector without adequate labour and social protection (art. 6).

25. The Committee recommends that the State party carry out, in collaboration with all social actors, an evaluation of the progress achieved through the implementation of its Industrial Development Policy 2015–2025 and other policies aimed at improving access to employment and decent work, with a view to addressing the persistent challenges and root causes of unemployment and underemployment. The Committee recommends that the State party continue giving priority to quality technical and vocational training programmes that are tailored to the needs of both the labour market and the most underprivileged and marginalized persons and groups. It also urges the State party to adopt the measures necessary to ensure that workers in the informal sector are provided with adequate immediate protection under labour law and access to social protection.

Right to education

48. While the Committee notes that access to preschool and primary education has been improved in the State party, it is nevertheless concerned about:

(d) The lack of information on the inclusive education available for children with disabilities;

49. The Committee recommends that the State party:

(d) Develop and implement a comprehensive policy to ensure inclusive education for children with disabilities;

CHINA – E/C.12/CHN/CO/3

Persons with disabilities

39. The Committee is concerned that the disability-related legislation and policies of the State party have not yet been fully brought into line with the Convention on the Rights of Persons with Disabilities and that the human rights model of disability has not been consistently harmonized across all policies and legislation (art. 2 (2)).¹

40. The Committee recommends that the State party adopt a unified concept of disability in all professional and legal areas that covers all persons with disabilities, including women and children with disabilities, as also raised by the Committee on the Rights of Persons with Disabilities.²

LITHUANIA - E/C.12/LTU/CO/3

Poverty and inequality

22. The Committee takes note of the measures taken to address income inequalities faced by those in marginalized situations, and between rural and urban populations, including

¹[CRPD/C/CHN/CO/2-3](#), para. 6.

²[Ibid.](#), para. 7.

the increase in the minimum wage and in the social assistance base payment for persons with disabilities and older persons. It remains concerned, however, by the lack of information regarding the sustainable impact of the current measures in place (arts. 2 and 11).

23. The Committee recommends that the State party:

(b) Take effective measures to guarantee targeted support for groups who are disproportionately affected by poverty, in particular children, single-parent families, older persons, persons with disabilities, migrants and Roma;

Right to work

34. While welcoming the steady decrease in unemployment rates recorded in recent years, as well as the adoption of a new Labour Code, the Committee is concerned by the reports that some groups, in particular Roma, persons with disabilities, women with children, young people, persons 50 years old and above and migrants, continue to face difficulties in accessing work and have been disproportionately affected by the COVID-19 pandemic. The Committee regrets the lack of statistics on the impact of the measures taken to overcome the main challenges encountered (art. 6).

35. Reiterating the recommendations already made in its previous concluding observations,³ the Committee recommends that the State party:

(a) Improve the levels of employment of persons with disabilities, including by establishing incentives and special measures, and integrate workers with disabilities into the mainstream labour market;

(b) Intensify its efforts to support Roma, persons with disabilities, women with children, young people, persons 50 years of age and older and migrants, in gaining access to employment, including by implementing targeted positive measures, facilitating their access to technical and vocational training opportunities and collecting data on their situation;

(d) Continue to take positive measures to assist the groups most affected by unemployment, in particular young people, women with children, and persons with disabilities;

Mental health

56. While welcoming the measures taken to improve mental health services, the Committee is concerned about the persistent stigmatization of poor mental health which prevents individuals from seeking assistance and treatment. The Committee is further concerned by the low budget allocated to mental health compared to total government health spending. The Committee regrets the lack of information on the specific measures taken to prohibit the involuntary hospitalization and non-consensual treatment of, and intrusive medical or surgical procedures for, persons with psychosocial or intellectual disabilities (art. 12).

57. Reiterating the recommendations made in its previous concluding observations,⁴ the Committee recommends that the State party:

(a) Increase its efforts to identify and address effectively the root causes of the prevalence of, as well as the increase in, mental health issues;

³ [E/C.12/LTU/CO/2](#), paras. 11–12.

⁴ [E/C.12/LTU/CO/2](#), para. 20.

- (b)Ensure the transition from the placement of persons requiring mental health-care services in psychiatric institutions to a comprehensive, integrated, interdisciplinary system of community-based mental health services;**
- (c)Take measures to remove remaining forms of discrimination and stigmatization;**
- (d)Ensure that overall levels of funding dedicated to mental health-care services are sufficient to meet the needs of the population.**

Right to education

58.Despite the recent reforms carried out by the State party, the Committee is concerned that a significant gap continues to exist in the educational achievements between students from rural and urban areas. The Committee is concerned about the reports that the low educational attainment and high dropout rates of Roma children and their placement in special schools continue to persist. The Committee regrets the lack of statistical data on school enrolment, dropout and irregular attendance rates in primary, secondary and tertiary education and on educational achievement and results, disaggregated by age, sex, ethnic origin, national origin, disability and socioeconomic status (arts. 2, 13 and 14).

60.The Committee recommends that the State party:

- (a)Take targeted measures to improve school enrolment and completion rates among Roma children, children with disabilities and students living in rural areas;**

PANAMA - E/C.12/PAN/CO/3

Data collection

14.While it notes the State party's efforts in the area of data collection, the Committee is concerned that evident institutional weaknesses at all levels hamper the systematic, standardized collection of reliable disaggregated statistical data needed to monitor the gradual realization of Covenant rights (art. 2 (1) and (2)).

15.The Committee recommends that the State party:

- (b)Systematically collect data in the areas of economic, social and cultural rights, disaggregated by grounds of discrimination, including sex, gender, disability, ethnic origin, region and any other social status;**

Non-discrimination

16.The Committee is concerned that the sectoral legal framework on discrimination adopted by the State party does not provide full protection against discrimination within the meaning of the Covenant. The Committee is also concerned about the lack of practical measures to combat de facto discrimination in the effective enjoyment of economic, social and cultural rights experienced by disadvantaged and marginalized persons and groups (art. 2 (2)).

17.The Committee recommends that the State party:

- (c)Effectively prevent and combat de facto discrimination against women, Indigenous Peoples, persons of African descent, migrants, refugees, asylum-seekers, persons with disabilities and persons living with HIV/AIDS, in particular through awareness-raising campaigns and affirmative action;**

Equality between men and women

20. While it notes the legal framework adopted by the State party to achieve gender equality, including Act No. 4 of 1999 and the Public Policy for Equal Opportunities for Women, the Committee is concerned about the persistent gender pay gap. It is also concerned about the underrepresentation of women, especially women with disabilities, young women, indigenous women, women of African descent, and women migrants, refugees and asylum-seekers, in leadership and decision-making positions in the public and private sectors. In this connection, the Committee shares the concern expressed by the Committee on the Elimination of Discrimination against Women (art. 3).⁵

21. The Committee recommends that the State party:

- (a) Take the measures necessary to establish the Ministry of Women's Affairs and ensure that sufficient budgetary, technical and human resources are allocated to the effective implementation and monitoring of the legal and policy framework on gender equality and the empowerment of women;**
- (b) Intensify efforts to close the gender pay gap;**
- (c) Take specific measures to promote the representation of women at all levels of decision-making and in leadership positions in the private and public sectors;**
- (d) Take into account the Committee's general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights;**
- (e) Take into consideration, in this connection, the recommendations of the Committee on the Elimination of Discrimination against Women.⁶**

Unemployment and the informal economy

24. The Committee notes the gradual reduction in unemployment over the last ten years but regrets that insufficient measures have been taken to address job loss triggered by the coronavirus disease (COVID-19) pandemic, as seen in the significant rise in unemployment and the increase of informal employment to above 40 per cent. In addition, the Committee is concerned about the barriers to access to the labour market encountered by migrants, refugees and asylum-seekers (art. 6).

25. The Committee recommends that the State party:

- (a) Assess the impact of the contract suspension system set up in response to the COVID-19 pandemic on the enjoyment of Covenant rights by groups who traditionally experience greater levels of unemployment, in particular persons with disabilities, young people, women, Indigenous Peoples, persons of African descent, migrants, refugees and asylum-seekers;**

Violence against women

34. The Committee is concerned about the high rates of gender-based violence, including sexual, domestic, emotional, economic and psychological violence, which impedes the effective enjoyment of economic, social and cultural rights by women, girls, women with disabilities and lesbian, bisexual, intersex and transgender persons; about the xenophobia faced by women migrants, refugees and asylum-seekers in particular; and about the ineffectiveness of the measures taken to protect all victims. In this regard, the Committee shares the concern expressed by the Committee on the Elimination of Discrimination against Women (art. 10).⁷

⁵ [CEDAW/C/PAN/CO/8](#), paras. 15 and 19.

⁶ *Ibid.*, paras. 16 and 20.

⁷ [CEDAW/C/PAN/CO/8](#), para. 21.

35. The Committee recommends that the State party:

(a) Conduct thorough investigations into all cases of gender-based violence, hate crimes and xenophobia, and prosecute and punish all perpetrators;

(b) Run public awareness campaigns and provide training to law enforcement personnel and judges regarding the seriousness and criminal nature of all forms of gender-based violence, hate crimes and xenophobia;

(c) Take into consideration, in this connection, the recommendations of the Committee on the Elimination of Discrimination against Women.⁸

Poverty and inequality

36. The Committee regrets not having received updated information on poverty and inequality levels in the State party. It notes with concern the persistent poverty and extreme poverty in rural and remote areas, especially among women-headed households, Indigenous Peoples, persons of African descent and persons with disabilities (art. 11).

37. The Committee recommends that the State party redouble its efforts, including under the Beehive Plan (Plan Colmena) and other conditional cash transfer programmes, to combat inequality and poverty, particularly extreme poverty, by setting clear, measurable goals, effectively identifying the population living below the poverty line and giving due regard to regional disparities and the actual needs of the population, especially the most disadvantaged and marginalized groups. In this respect, the Committee draws the attention of the State party to its statement on poverty and the Covenant.⁹

Sexual and reproductive health

48. The Committee notes with concern that unsafe abortions continue to be performed in the State party as a consequence of the criminalization of abortion and that women face barriers in accessing safe abortions, including in cases authorized by law. In addition, the Committee is concerned about the high rates of teenage pregnancy and of sexually transmitted diseases and HIV/AIDS among adolescents and young people. It is further concerned about reports that women with disabilities and indigenous women continue to be subjected to forced sterilization despite the adoption of Act No. 7 of 2013 regulating the sterilization of women. In this connection, the Committee shares the concern expressed by the Committee on the Elimination of Discrimination against Women (art. 12).¹⁰

49. The Committee recommends that the State party:

(d) End the practice of forcibly sterilizing women with disabilities and Indigenous women;

PORTUGAL - E/C.12/PRT/CO/5

Right to work

18. The Committee welcomes the signing of the Medium-term Agreement on Improving Income, Wages and Competitiveness by the Government of Portugal and its social partners, and the decrease in the overall unemployment rate in recent years. The Committee is concerned, however, by the high unemployment rate among young people. It is also concerned by the lack of country-wide data on the impact of programmes established to improve the access of the Roma community to the labour market. The

⁸ Ibid., para. 22.

⁹ [E/C.12/2001/10](#).

¹⁰ Ibid., para. 37.

Committee is further concerned by the low level of integration of persons with disabilities into the labour market and the persistence of obstacles preventing asylum-seekers and refugees from gaining access to the official labour market when they are unable to produce original documentation regarding their academic qualifications (arts. 2, 3, 6 and 13).

19. The Committee recommends that the State party:

(a) Assess the effectiveness of measures taken to increase employment opportunities in general and for specific individuals and groups, notably women, persons with disabilities, youth, Roma, people of African descent, refugees and asylum-seekers. In doing so, the State party should work in partnership with the groups concerned to increase their participation in the labour market and create incentives for companies to employ them;

Right to Social Security

22. The Committee notes the efforts of the State party to integrate unpaid informal caregivers into the social security system, the adjustments to address the disproportionate impact of the COVID-19 pandemic on women and marginalized groups, the creation of additional social benefits and efforts not to differentiate between citizens and non-citizens in the allocation of social benefits. The Committee is however concerned by the persistently low level of social benefits, which do not enable some groups to access an adequate standard of living and regrets that insufficient information has been provided on targeted tax and other monetary measures taken to support and sustain social security, in particular for marginalized groups (arts. 2, 9 and 11).

23. Recalling its previous concluding observations,¹¹ the Committee recommends that the State party:

(b) Continue its efforts to ensure increased integration of workers into the formal economy and to ensure that persons in need of social assistance, in particular those at risk of poverty and persons with disabilities, receive social security benefits that are sufficient to guarantee an adequate standard of living.

Right to an adequate standard of living

26. While acknowledging the efforts made by the State party to eradicate poverty and social exclusion, including through social transfers, the Committee remains concerned by the high rates of persons at risk of poverty. Furthermore, despite efforts to provide adequate housing, the Committee is concerned by persistent housing shortages, including the shortage of social housing, affordable housing and emergency shelters, and the lack of disaggregated data on the actual access to adequate housing for marginalized groups including single mothers, persons with disabilities, people of African descent, Roma, youth and persons in situations of homelessness. The Committee is also concerned that the dismantling of social housing and relocation of persons of African descent and their families to the periphery of cities may place them farther away from the sources of their livelihood (art. 2, 3 and 10).

27. The Committee recommends that the State party continue its efforts to ensure an adequate standard of living for its population, including by:

(a) Continuing to provide investments, in consultation with municipalities and on the basis of geographical priorities, that are proportional in size to the scale of the housing shortage;

¹¹[E/C.12/PRT/CO/4](#), para. 15.

(b) Giving due priority to persons at risk of homelessness and, to that end, devising a strategy, in extensive genuine consultation with those affected, for addressing homelessness and, above all, for helping people to find sustainable housing solutions that will enable them to exercise other Covenant rights;

(c) Continuing to provide social support, including subsidies to help young people and working women with childcare responsibilities access the housing market, in particular in urban areas.

Right to education

34. While noting the efforts made to improve digital literacy to raise levels of employability and mobility, the Committee remains concerned by the relatively high levels of illiteracy and digital illiteracy among older persons and is concerned that this may affect the enjoyment of their economic, social and cultural rights. The Committee is also concerned that school dropout and failure rates remain higher among children with disabilities, children of African descent and Roma. The Committee is further concerned that the diversion of students of African descent towards vocational education may create formal and informal barriers to higher education, as highlighted by the Working Group of Experts on People of African Descent¹² (arts. 2, 3 and 13).

35. The Committee recommends that the State party:

(a) Take the necessary measures to improve the digital literacy of older persons;

(b) Increase awareness-raising efforts among the general population on the added value of ethnic and linguistic diversity;

(c) Improve the collection of data on the most marginalized children, disaggregated by sex and other grounds;

(d) Provide alternative economic support to families of children in disadvantaged situations to avoid economic shortfalls that lead families to take children out of school;

(e) Increase coverage of social scholarships for higher education, including as an alternative to vocational training, for youth interested in pursuing such education.

¹²[A/HRC/51/54/Add.2](#), para. 56.