



**IDA's Compilation of Disability
Related Extracts of Concluding
Observations of the Human Rights
Committee**

**Human Rights Committee
139 Session
(09 Oct 2023 - 03 Nov 2023)**

Human Rights Committee - 139 Session (09 Oct 2023 - 03 Nov 2023)	
Total number of Concluding Observations	6
Number of countries receiving recommendations on persons with disabilities	3
Percentage of countries receiving recommendations on persons with disabilities	50%
Number of recommendations including explicit references to disability	9

IRAN - CCPR/C/IRN/CO/4

KUWAIT - CCPR/C/KWT/CO/4

REPUBLIC OF KOREA - CCPR/C/KOR/CO/5

TRINIDAD AND TOBAGO - CCPR/C/TTO/CO/5

UNITED STATES OF AMERICA - CCPR/C/USA/CO/5

VENEZUELA - CCPR/C/VEN/CO/5

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

IRAN - CCPR/C/IRN/CO/4

No references to persons with disabilities or disability related issues.

KUWAIT - CCPR/C/KWT/CO/4

No references to persons with disabilities or disability related issues.

REPUBLIC OF KOREA - CCPR/C/KOR/CO/5

Non-discrimination, hate speech and hate crime

11. The Committee remains concerned by the absence of comprehensive anti-discrimination legislation in the State party covering discrimination and hate speech on the basis of grounds including, but not limited to, race, ethnicity, age, nationality, religion, migration status, disability, sexual orientation and gender identity. The Committee is also concerned by continued reports of discrimination and hate speech targeting specific groups, including escapees from the Democratic People's Republic of Korea and Muslim migrants and refugees, and the reported rise in hate speech towards migrants, asylum-seekers and refugees during the coronavirus disease (COVID-19) pandemic, including by politicians and public figures, both offline and online (arts. 2, 19, 20 and 26).

12. The State party should:

(a) Adopt comprehensive anti-discrimination legislation, explicitly addressing all spheres of life and defining and prohibiting direct, indirect and intersectional discrimination on grounds including race, ethnicity, age, nationality, religion, migration status, disability, sexual orientation and gender identity, and ensure access to effective and appropriate remedies for victims of discrimination; ...

Right of peaceful assembly

55. The Committee is concerned that the banning of a significant number of rallies to ensure the smooth flow of traffic, particularly in the vicinity of the President's office, based on articles 11 and 12 of the Assembly and Demonstration Act, is not in conformity with the principles of proportionality and necessity. The Committee is also concerned at reports of heavy-handed policing of protests by disability rights activists in the Seoul subway, including use of excessive force to block and remove protestors, and the application of criminal law to arrest, investigate and fine protest organizers and participants. The Committee is concerned about the proportionality, necessity and chilling effect of such measures, which appear to reflect authorities' low tolerance for disruption (arts. 6, 7, 9 and 21).

56. With reference to the Committee's general comment No. 37 (2020) on the right of peaceful assembly, the State party should foster an enabling environment for the exercise of the right to peaceful assembly and ensure that limitations on that right are in strict compliance with article 21 of the Covenant and the principles of proportionality and necessity. With this in mind, the State party should consider repealing or amending articles 11 and 12 of the Assembly and Demonstration Act. The State party should ensure that all law enforcement officers systematically receive training on the use of force, especially in the context of demonstrations.

TRINIDAD AND TOBAGO - CCPR/C/TTO/CO/5

Non-discrimination

17. The Committee welcomes the information provided by the State party regarding the powers of the Office of the Ombudsman and the Equal Opportunity Commission to receive and investigate complaints of discrimination and the powers of the Equal Opportunity Tribunal to adjudicate on matters referred to it by the Commission in order to determine whether to provide effective judicial and administrative remedies. However, the Committee remains concerned that the existing legal framework does not afford full and effective protection against direct, indirect and intersectional discrimination in the public and private sectors and on all the grounds prohibited under the Covenant. In particular, it is concerned that: (a) section 4 of the Constitution does not explicitly mention sexual orientation and gender identity as prohibited grounds of discrimination, and the Equal Opportunity Act, 2000, does not prohibit discrimination based on sexual orientation, gender identity or HIV status; (b) same-sex relationships between consenting adults are criminalized under articles 13 and 16 of the Sexual Offences Act, notwithstanding the position of the High Court of Trinidad and Tobago, as set out in its decision of 12 April 2018, that the provisions in question are unconstitutional; and (c) the Immigration Act prohibits free movement to and from the State party by persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons. Furthermore, while noting the State party's efforts to address discrimination, the Committee is concerned about the persistent discrimination suffered by persons with disabilities, persons living with HIV or AIDS and lesbian, gay, bisexual, transgender and intersex persons, in particular in the areas of education, health and employment (arts. 2, 3, 17, 20 and 26).

18. The State party should adopt comprehensive legislation prohibiting discrimination, including intersectional, direct and indirect discrimination, in all spheres, in both the public and the private sectors and on all grounds prohibited under the Covenant, including sexual orientation and gender identity. In particular, the State party should:

...

(c) Amend the discriminatory provisions of the Immigration Act with the aim of giving full effect to the principle of equality enshrined in the Constitution and the Covenant and ensuring that it is in line with international standards;

(d) Take effective measures to combat stereotypes about and negative attitudes towards persons on the basis of disability, including HIV status, sexual orientation and gender identity in legislation, public policies and programmes, in both the public and the private spheres;

(e) Ensure that all acts of discrimination and violence, in particular against persons with disabilities or persons living with HIV or AIDS or on the basis of a person's actual or perceived sexual orientation or gender identity, are promptly and effectively investigated, that perpetrators are brought to justice and, if convicted, punished with appropriate sanctions and that victims are provided with redress;

(f) Adopt specific measures to prevent acts of discrimination, including by providing training and awareness-raising programmes for civil servants, law enforcement bodies, the judiciary and public prosecutors.

UNITED STATES OF AMERICA - CCPR/C/USA/CO/5

Violence against women

20. The Committee recognizes the efforts made by the State party to prevent and combat violence against women and girls, including the adoption of the first National Plan to End Gender-Based Violence, released on 25 May 2023, and the most recent reauthorization of the Violence Against Women Act, in 2022. Nonetheless, it is concerned at the persistence of violence against women, including domestic and sexual violence, and the fact that low-income women, women of African descent, Indigenous women, women of Hispanic/Latino origin, immigrant women, women in detention and women with disabilities are among the main victims of such violence. It is also concerned at reports of the prevalence of sexual violence against women and girls in schools and institutions of higher learning and in the State party's armed forces. While acknowledging the adoption of the Strengthening the Opposition to Female Genital Mutilation Act in 2020, the Committee is further concerned at reports indicating that implementation of the law has been slow and that not all states have specific laws against female genital mutilation (arts. 3, 6, 7, 14, 17, 24 and 26).

21. The State party should intensify its efforts to prevent, combat and eradicate all forms of violence against women and girls, including domestic violence and sexual violence, paying special attention to women from minority and marginalized groups, in particular by:

- (a) Encouraging and facilitating the reporting of cases of violence against women and girls, ensuring the safety of women and girls who come forward and protecting them from retaliation, including in the military and in educational settings;**
- (b) Ensuring that cases of violence against women and girls are thoroughly and effectively investigated and that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions;**
- (c) Providing victims with access to effective remedies, including access to civil remedies for military service members, and means of protection and legal, medical, financial and psychological assistance, notably access to accommodation, including shelters, and other support services;**
- (d) Strengthening its efforts to provide law enforcement officials, prosecutors, judges and lawyers with appropriate training to effectively deal with cases of violence against women and girls, including training on combating gender stereotypes and judicial bias against women;**
- (e) Effectively implementing laws, policies and programmes at all levels, including the Violence Against Women Act, Executive Order 14021, the Campus Sexual Violence Elimination Act and the recent legislation that establishes the Offices of Special Trial Counsel within the State party's armed forces;**
- (f) Encouraging states to pass legislation that prohibits and criminalizes all forms of female genital mutilation and to effectively implement the Strengthening the Opposition to Female Genital Mutilation Act.**

Criminalization of homelessness

40. The Committee is concerned about reports of an increase in the number of state and local laws criminalizing homelessness and in the prevalence of violence against persons experiencing homelessness and about the higher risk of premature death that they

experience due to homelessness. It is also concerned about the disproportionate impact of homelessness on persons who are marginalized because of their real or perceived sexual orientation or gender identity, persons with disabilities and members of racial and ethnic minorities, in particular people of African descent, members of Indigenous Peoples and persons of Hispanic/Latino origin (arts. 2, 6, 7, 9, 17 and 26).

41. In line with the Committee's previous recommendations, the State party should:

(a) Abolish laws and policies criminalizing homelessness at all levels and adopt legislative and other measures that protect the human rights of persons experiencing homelessness;

(b) Offer financial and legal incentives to decriminalize homelessness, including by conditioning or withdrawing funding from state and local authorities that criminalize homelessness;

(c) Intensify efforts to find solutions for persons experiencing homelessness, in accordance with human rights standards, including by redirecting funding from criminal justice responses towards adequate housing and shelter programmes;

(d) Review criminal records policies and practices that can lead to homelessness.

Solitary confinement

44. While taking note that Executive Order 14074 states that "restrictive housing" in federal detention facilities is to be used rarely, applied fairly and subject to reasonable constraints, the Committee is concerned at reports of the extensive use of solitary confinement in the State party, including prolonged and even indefinite solitary confinement, and of its use with respect to juveniles and persons with intellectual or psychosocial disabilities or health needs (arts. 7, 9 and 10).

45. In line with the Committee's previous recommendations, the State party should bring all legislation and practice relating to solitary confinement, at the federal, state, local and territorial levels, into line with the Covenant and international standards as reflected in the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). It should prohibit the use of solitary confinement for juveniles and persons with intellectual or psychosocial disabilities in prison.

Rights of the child

62. The Committee is concerned at reports of the high number of children who are separated from their families and placed in child welfare facilities in the State party. It is also concerned at the overrepresentation of children belonging to racial and ethnic minorities, in particular children of African descent and Indigenous children, in the child welfare system. The Committee is further concerned at reports of high levels of police presence in schools and of harsh disciplinary practices in the school system, including school-related arrests, suspensions and referrals to law enforcement, which result in children's early entry to the criminal justice system (the "school-to-prison pipeline"), with children with disabilities and children from racial and ethnic minorities disproportionately affected. It is concerned about the fact that marriage under the age of 18 is legally permitted in 41 states of the State party (arts. 2, 23, 24 and 26).

63. In line with the recommendations made by the Committee on the Elimination of Racial Discrimination, the State party should adopt measures to reduce the harmful impact of child welfare interventions, increase due process protections for parents and

review the factors that can trigger child welfare interventions, in particular poverty-related circumstances and lack of financial resources, including by amending or repealing the Child Abuse Prevention and Treatment Act, the Adoption and Safe Families Act and the Adoption Assistance and Child Welfare Act. It should take active steps with a view to ending the permanent placement of police officers in schools and law enforcement involvement in student discipline and to preventing and eliminating discriminatory bias in the administration of student discipline. It should adopt measures at all levels in order to prohibit marriage under the age of 18.

Voting rights

64. While noting the actions taken by the State party to guarantee equal access to voting, including Executive Order 14019, "Promoting Access to Voting", of 7 March 2021, the Committee is concerned at the increase in the number of legislative initiatives and practices at the state level that limit the exercise of the right to vote, including partisan gerrymandering, restrictions on voting by mail and on ballot collection and burdensome voter identification requirements. It is also concerned about the disproportionate impact of those measures on low-income voters, persons with disabilities and members of racial and ethnic minorities and about reports of the increasing frequency of harassment and attacks against election officials. The Committee remains concerned at the persistence of state-level felon disenfranchisement laws and at the lengthy and cumbersome voting restoration procedures. In addition, it is concerned at massive and disproportionate campaign expenditure on election-related advertisements and other communications ("outside spending"), which is managed separately from candidates' campaigns and does not require disclosure of its sources, reportedly giving excessive influence over elections to anonymous groups and individuals (arts. 2, 25 and 26).

65. In line with the Committee's previous recommendations, the State party should:

(a) Take all measures necessary to ensure that all persons entitled to vote are able to exercise that right, including by eliminating excessive burdens on voters that could result in de facto disenfranchisement and ensuring that polling stations are accessible, in particular in states with weak election infrastructure and for persons with restricted accessibility;

(b) Fully restore the Voting Rights Act, increase funding and other resources for the enforcement by federal agencies of federal voting rights legislation and enact additional legislation to reinforce the voting rights of its population, such as the pending John R. Lewis Voting Rights Advancement Act and Freedom to Vote Act;

(c) Ensure that electoral district lines are drawn by non-partisan commissions that are subject to checks and balances and that they do not have the purpose or the effect of denying or abridging the right to vote on the basis of racially discriminatory grounds;

(d) Conduct thorough and effective investigations of cases of harassment and attacks against election officials and ensure that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions;

(e) Redouble its efforts to ensure that all states reinstate voting rights to felons who have served their sentences in full or have been released on parole; provide inmates with information about their voting restoration options; remove lengthy and cumbersome voting restoration procedures; and review the automatic denial of the right of imprisoned felons to vote;

(f) Ensure that rules governing campaign funding guarantee an equal right to take part in the conduct of public affairs and ensure the free choice of voters, including by enacting additional legislation on campaign expenditure, such as the Democracy is Strengthened by Casting Light on Spending in Elections (DISCLOSE) Act.

[VENEZUELA - CCPR/C/VEN/CO/5](#)

No references to persons with disabilities or disability related issues