

## Committee of the Rights of Persons with Disabilities

### Contribution to the 2030 Agenda for Sustainable Development in response to a call for inputs by the High-Level Political Forum on Sustainable Development (HLPF)

#### **1. An assessment of the situation regarding the principle of “ensuring that no one is left behind” at the global, regional and national levels**

The Convention on the Rights of Persons with Disabilities has been ratified by 177 States and 162 signatories as at March 2019. Since the Convention’s entry into force 10 years ago, the Committee on the Rights of Persons with Disabilities has been mandated to monitor the implementation of the Convention to provide a comprehensive and legally binding framework on the protection and fulfillment of the rights of persons with disabilities. The World Health Organization has indicated that persons with disabilities comprise 15 per cent of the world population. The majority of persons with disabilities live in low-middle income countries and face multiple barriers leading to inequalities<sup>1</sup> such as over-representation among people living in poverty; and lower participation in social, economic and public life; and with lower economic, health and education outcomes. Exclusion of persons with disabilities from these major life domains has a significant cost on individuals and households as well as societies. Economic losses related to the exclusion of persons with disabilities from the labor force can range from three to seven per cent of gross domestic product (GDP)<sup>2</sup>. The 2030 Agenda for Sustainable Development strengthens the principle of “leaving no one behind” that has become an international commitment and consensus that no goal is considered met unless it is met for everyone. The 2030 Agenda for Sustainable Development has been adopted by State parties in 2015 as the global development framework. Therefore achievement of all the Sustainable Development Goals (SDG) and their related targets should be in line with and compliant with international human rights law including the Convention on the Rights of Persons with Disabilities to ensure more inclusion, resilience, equity and sustainability for all persons with disabilities.

The adoption of the 2030 Agenda for Sustainable Development has several explicit references to persons with disabilities. It therefore represents an exceptional opportunity for States to design and implement disability-inclusive policies for the next 15 years, as they review their national development plans to align them to the Goals.<sup>3</sup> However, inclusive development cannot be effectively achieved in the absence of a human rights framework. A human rights-based approach, as a conceptual framework, offers practical guidance for the design, implementation, evaluation and monitoring of development policies and programmes based on international human rights standards.<sup>4</sup> Development efforts must uphold and promote human rights principles including respect for human dignity, non-discrimination, participation and accountability. Therefore, a human rights-based approach to development requires that disability-inclusive policies consider the needs of persons with disabilities worldwide.

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<sup>1</sup> WHO and World Bank (2011)

<sup>2</sup> Buckup 2009); Banks (2011)

<sup>3</sup> The report of the Special Rapporteur of the Human Rights Council on the rights of persons with disabilities, Catalina Devandas-Aguilar, on disability-inclusive policies.

<sup>4</sup> See Office of the United Nations High Commissioner for Human Rights, “Frequently asked questions on a human rights-based approach to development cooperation” (2006)

**2. The identification of progress, gaps, areas requiring urgent attention, risks and challenges in achieving the SDGs toward the rights of persons with disabilities; and, or in relation to the theme within the area under the purview of your intergovernmental body**

The Committee provides its following observations on the progress, gaps, areas requiring urgent attention, risks and challenges in achieving the Sustainable Developing Goals that are the focus of the July 2019 High Level Political Forum. Meaningful and effective participation of the organizations of persons with disabilities are one of the urgent areas of attention to support the crosscutting areas of the CRPD principles and to achieve the Sustainable Development Goals.

***Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all in conjunction with Article 24 of the CRPD: Education***

Education for children with disabilities in the majority of low and middle-income countries remains a challenge. The existing gap of children with disabilities not enjoying the right to education on an equal basis with others remains a global reality. Statistically, 93 million children with disabilities are among the most likely to be left behind.<sup>5</sup> In low and middle-income countries, half of the estimated 65 million primary and lower secondary school-aged children with disabilities are out-of-school.<sup>6</sup> This makes up one third of the total out-of-school children.<sup>7</sup> The long-term impact of increasing education of children with disabilities in inclusive settings has the potential for economic, social and health benefits for them and their families, as well as the national GDP.<sup>8</sup>

The right to education for persons with disabilities is explicitly mentioned in the Convention on the Rights of the Child (Art 23.3), the Universal Declaration of Human Rights (art 26.1) and the International Covenant on Economic, Social and Cultural Rights (Article 13.1). Article 24 of the Convention on the Rights of Persons with Disabilities requires States Parties to ensure an “*inclusive education system at all levels and lifelong learning*”, for the realization of the rights of persons with disabilities to education “*without discrimination and on the basis of equal opportunity*”. Persons with disabilities must not be excluded from the general education system on the basis of disability (2.a), they should have access to “*an inclusive free primary and secondary school*” (2.b), and receive appropriate accommodation (2.c) and support they need within the general education system (2.d). Article 24 insists in the development aspect of the right to education: *States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community* (3). An important measure to take is to ensure that teachers are trained with regard to the requirements of persons with disabilities in terms of communication, educational techniques and materials (4). Reasonable accommodation must be provided by States to persons with disabilities to ensure they have access to *general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others* (5). Article 24 is also interrelated with article 7 on children with disabilities, article 9 on

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<sup>5</sup> UN News. (2019, March 4). *93 million children with disabilities 'among the most likely to be left behind': UN rights chief*. Retrieved from <https://news.un.org/en/story/2019/03/1034011>.

<sup>6</sup> UNESCO Institute for Statistics. *Out-of-school children*. Retrieved from: <http://uis.unesco.org/en/glossary-term/out-school-children>

<sup>7</sup> Saebones, A., Bieler, R., Baboo, N., Banham, L., Singal, N., Howgego, C., McClain-Nhlapo, C., Riis-Hansen, T., and Dansie, G. (2015, June 15). *Towards a Disability Inclusive Education: Background paper for the Oslo Summit on Education for Development*. Retrieved from:

[https://www.usaid.gov/sites/default/files/documents/1865/Oslo\\_Ed\\_Summit\\_DisabilityInclusive\\_Ed.pdf](https://www.usaid.gov/sites/default/files/documents/1865/Oslo_Ed_Summit_DisabilityInclusive_Ed.pdf)

<sup>8</sup> Banks, L. M., and Polack, S. (2015) *The Economic Costs of Exclusion and Gains of Inclusion of People with Disabilities: Evidence from Low and Middle Income Countries*. Retrieved from: <http://disabilitycentre.lshtm.ac.uk/new-report-economic-costs-exclusion-gains-inclusion-people-disabilities/>

accessibility and article 8 “*fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities*”.

The Committee encourages States Parties to take into account Article 24 and related articles of the CRPD when implementing Goals 4: access to a quality education. It requires ensuring access to quality education to everyone including persons with disabilities. However, the implementation of Goal 4 of the SDGs in compliance with article 24 of the CRPD still needs to take into account strengthening inclusive educational settings both in rural and urban areas progressively.

***Goal 8 Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all in conjunction with Article 27 of the CRPD: Work and employment***

Across 91 countries and territories in eight geographical regions, the employment to population ratio (EPR) for persons with disabilities aged 15 years and older is 36% on average, whereas the EPR for persons without disabilities is 60%.<sup>9</sup> The situation is even worse for women with disabilities, with evidence from six regions showing lower EPR for women with disabilities than men with disabilities in all six regions.<sup>10</sup> There is also a gap among persons with multiple, psychosocial or intellectual disabilities or persons with high support needs. Data from twelve countries shows an average employment rate of 37% for persons with multiple impairments, compared to 47% with a single impairment.<sup>11</sup> Similarly, data from nine countries shows average EPR of 18% for persons with psychosocial disabilities, compared to 52% for persons without psychosocial disabilities.<sup>12</sup>

Under article 27 of the Convention, States parties are required to take measures to ensure the realization of the right to work and employment of persons with disabilities on an equal basis with others. “This includes the right to the opportunity to gain a living by work freely chosen or accepted in a labor market and work environment that is open, inclusive and accessible to persons with disabilities”. States must take appropriate steps, including legislation, to combat discrimination, ensure reasonable accommodation, ensure that persons with disabilities are able to exercise their labor and trade union right, etc. (1). States are also required to “ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labor” (2). Article 27 is closely linked to other articles of the Convention to ensure the full realization of its provisions in particular article 8 requires to combat stereotypes, prejudices and harmful practices relating to persons with disabilities in accessing work and employment. In addition, States parties shall respond appropriately to eliminate obstacles and barriers to accessibility in the workplace. In relation to article 20 (personal mobility), appropriate assistive devices contribute significantly to independent mobility in the workplace. It is critical to ensure that these interrelated articles guide the implementation of Goal 8. The Committee’s General Comment No 5 explicitly

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<sup>9</sup> United Nations. (2015, September 25). *Transforming our world: the 2030 Agenda for Sustainable Development*. Retrieved from: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E).

<sup>10</sup> United Nations Department of Economic and Social Affairs. (2018). *The UN Flagship Report on Disability and Development 2018.*, p. 194. Retrieved from: <https://www.un.org/disabilities/documents/2019/UN-flagshipreport-disability.pdf>

<sup>11</sup> United Nations Department of Economic and Social Affairs. (2018). *The UN Flagship Report on Disability and Development 2018.*, p. 189. Retrieved from: <https://www.un.org/disabilities/documents/2019/UN-flagshipreport-disability.pdf>

<sup>12</sup> United Nations Department of Economic and Social Affairs. (2018). *The UN Flagship Report on Disability and Development 2018.*, p. 251. Retrieved from: <https://www.un.org/disabilities/documents/2019/UN-flagshipreport-disability.pdf>

mentions the importance of reasonable accommodation and individualized support services, including personal assistance, as a precondition for the effective enjoyment of the right to work and employment.<sup>13</sup> Furthermore, persons with disabilities should have an equal right to access work and employment if disability-specific support services are provided by States. To achieve de facto equality in terms of the Convention, States parties must ensure that there is no discrimination on the grounds of disability in connection to work and employment.<sup>14</sup> The adoption of all policies regarding the right of persons with disabilities to work and employment should be taken in consultation with and with the involvement of representative organizations of persons with disabilities.<sup>15</sup> Policies should seek to guarantee access to employment; promote work in open, inclusive, non-discriminatory, accessible and competitive employment markets and environments; ensure equal opportunities and gender equality; and provide for reasonable accommodation and support for all persons with disabilities. These aspects should be adopted in national and local policies seeking to provide equal access to decent employment, ensuring reasonable accommodation and accessibility in the work places. The safeguard will be the fundamental principles to support the achievement of Goal 8 of Sustainable Development Goals worldwide.

***Goal 10 Reduced inequalities within and among countries and for persons with disabilities in conjunction with inter-related Articles of the CRPD***

The 2030 Agenda for Sustainable Development states that more than 80 percent of persons with disabilities live in poverty. Persons with disabilities experience higher rates of poverty and deprivation and lower levels of income than the general population and there is a strong link between having a disability and being poor.<sup>16</sup> For instance, in the European Union, only approximately 47% of persons with disabilities are employed compared to 72% of others.<sup>17</sup> This evidence shows that the discrimination and stigma, prejudice, preconceived notions, superstition, lack of knowledge, lack of awareness, unequal opportunities and institutional, physical, communication, legal and attitudinal barriers that persons with disabilities encounter worldwide leave them among those most left behind.

The Committee has expressed concern in its Concluding Observations regarding the complexity of factors influencing inequality of persons with disabilities globally. Such factors include the lack of comprehensive anti-discrimination legislation protecting all persons with disabilities<sup>18</sup> against discrimination on the basis of disability; lack of an express prohibition of disability-based discrimination;<sup>19</sup> lack of provisions in legislation which define the denial of reasonable accommodation as a form of discrimination<sup>20</sup> and the fact that the definition is not applicable to all areas of legislation;<sup>21</sup> inappropriate proceedings and insufficient remedies to deal with cases

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<sup>13</sup> General Comment No 5, Article 19: Right to independent living, para. 91 (Adopted 31 August 2017), (CRPD/C/GC/5)

<sup>14</sup> See the International Labour Organization Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

<sup>15</sup> General Comment No. 7, Article 4.3 and 33.3: Participation with persons with disabilities in the implementation and monitoring of the Convention (Adopted 21 September 2018), (CRPD/C/GC/7)

<sup>16</sup> Banks, L. M., and Polack, S. (2015) *The Economic Costs of Exclusion and Gains of Inclusion of People with Disabilities: Evidence from Low and Middle Income Countries*. Retrieved from: <http://disabilitycentre.lsham.ac.uk/new-report-economic-costs-exclusion-gains-inclusion-people-disabilities/>

<sup>17</sup> Grammenos, S. (2013). *European comparative data on Europe 2020 & people with disabilities*. Retrieved from: <https://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1569&context=gladnetcollect>

<sup>18</sup> [CRPD/C/AUS/CO/1](#), para. 14; [CRPD/C/DNK/CO/1](#), para. 14.

<sup>19</sup> [CRPD/C/AZE/CO/1](#), para. 12; [CRPD/C/CRI/CO/1](#), para. 11; [CRPD/C/MEX/CO/1](#), para. 9.

<sup>20</sup> [CRPD/C/PRY/CO/1](#), para. 13; [CRPD/C/SLV/CO/1](#), para. 13; [CRPD/C/MEX/CO/1](#), para. 9; [CRPD/C/ECU/CO/1](#), para. 14.

<sup>21</sup> [CRPD/C/SWE/CO/1](#), para. 9.

of discrimination,<sup>22</sup> including cases of multiple discrimination, and intersectional discrimination;<sup>23</sup> lack of affirmative action measures to promote the de facto equality of persons with disabilities;<sup>24</sup> and the persistence of discrimination by association.<sup>25</sup> These factors marginalize, and increase inequality of, persons with disabilities. In addition, lack of measurable data disaggregated by disability contributes to an inaccurate picture of what persons with disabilities encounter in terms of reducing inequality for the implementation of the 2030 Agenda for Sustainable Development, as truly sustainable and not only temporary.

To achieve a world in which no one is left behind, SDG 10, and all the interlinked SDGs, must be carried out in line with the UN Convention on the Rights of Persons with Disabilities. The Convention promotes, protects and ensures the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities across a human's lifespan and their associates.<sup>26</sup> Equality and non-discrimination are at the core of all human rights treaties. The CRPD has taken into account the experiences offered by the other international human rights treaties, and as such its equality and non-discrimination principles represent the evolution of the United Nations and its tradition and approach.<sup>27</sup>

### **Goal 13 Take urgent action to combat climate change and its impacts in conjunction with article 11 of the CRPD**

Climate change is real and has a noticeable impact on the world, and in particular the world's poorest people including persons with disabilities. It can, unless immediate action is taken, push more than 100 million people back into poverty by 2030.<sup>28</sup> Projections indicate that by 2050, climate change will have displaced at least 200 million people.<sup>29</sup> Based on this data, it is inferred that persons with disabilities and their families are among the groups most affected by climate change and related poverty.

State parties should address the specific requirements of persons with disabilities affected by disasters in accordance with their obligations under Article 11 of the CRPD. The article calls for international humanitarian law to be read through a human rights-based approach to disability<sup>30</sup> and requires State parties to: "...ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters." Related articles relevant for inclusive disaster risk reduction and humanitarian action are: *Article 2* which recognizes the importance of universal design, *Article 4(3)* which requires close consultation with and active involvement of persons with disabilities through their representative organizations in the development and implementation of legislation, policies and other decision-making processes concerning issues relating to persons with disabilities, *Article 5* (Equality and non-discrimination), *Article 9*

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<sup>22</sup> [CRPD/C/SLV/CO/1](#), para. 13; [CRPD/C/KOR/CO/1](#), para. 11; [CRPD/C/ECU/CO/1](#), para. 14; [CRPD/C/DNK/CO/1](#), paras. 14 and 16.

<sup>23</sup> [CRPD/C/AUT/CO/1](#), para. 12; [CRPD/C/SWE/CO/1](#), para. 9; [CRPD/C/CRI/CO/1](#), para. 11.

<sup>24</sup> [CRPD/C/SLV/CO/1](#), para. 14.

<sup>25</sup> [CRPD/C/BEL/CO/1](#), para. 11.

<sup>26</sup> United Nations. (2006). *Convention on the Rights of Persons with Disabilities*. Retrieved from: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.

<sup>27</sup> Committee on the Rights of Persons with Disabilities. (2018). *Convention on the Rights of Persons with Disabilities: General Comment No. 6 (2018) on equality and non-discrimination*. Retrieved from: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/6](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/6).

<sup>28</sup> World Bank Group. (2018). *Climate Change Solutions for the Poorest Countries*. Retrieved from: <https://ida.worldbank.org/content/climate-change-solutions-poorest-countries>.

<sup>29</sup> Relief Web. (2017, August 21). *Climate Migrants Might Reach One Billion by 2050*. Retrieved from: <https://reliefweb.int/report/world/climate-migrants-might-reach-one-billion-2050>

<sup>30</sup> A/HRC/31/30, para. 4

(Accessibility), *Article 10* (Liberty of movement and nationality), and *Article 32* (International cooperation).

The Committee's *General Comments No. 2* on accessibility, *No. 5* on living independently and being included in the community and *No. 6* on equality and non-discrimination particularly delved on article 11. The Committee stressed that the principle of non-discrimination must be ensured in all situations of risk and humanitarian emergency,<sup>31</sup> in particular regarding equal access to basic necessities such as water, sanitation, food and shelter.<sup>32</sup> Since September 2015, the Committee has systematically recommended that States parties implement the **Sendai Framework for Disaster Risk Reduction 2015-2030**.<sup>33</sup> States measures should be also in line with **Goal 11 of the Global Agenda for Sustainable Development** and the **Charter on Inclusion of Persons with Disabilities in Humanitarian Action**, launched during the 2016 World Humanitarian Summit. The Charter is a useful tool for humanitarian stakeholders to support greater understanding of how inclusive humanitarian action can be achieved in line with the CRPD.

### ***Goal 16 Peaceful societies, justice and strong institutions and its impacts in conjunction with inter related articles of the CRPD***

The 2030 Agenda for Sustainable Development, and Goal 16 especially, commits to human rights, justice, accountability and transparency that lay the foundation to build an environment in which people are able to live freely, securely and prosperously.<sup>34</sup> This is inherently important for all people, but even more so for those most left behind and marginalized, particularly persons with disabilities. For persons with disabilities, Goal 16 must be considered in line with the CRPD in which human rights is a fundamental principle throughout and reaffirms “the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination”.

The right of persons with disabilities to have access to justice (art. 13) implies that persons with disabilities have the right to participate on an equal basis with others in the justice system as a whole. This participation takes many forms and includes persons with disabilities assuming the roles of, for example, claimants, victims, defendants, judges, jurors and lawyers, as part of the democratic system that contributes to good governance.<sup>35</sup> Close consultation with persons with disabilities through their representative organizations is key in all processes to enact and/or amend laws, regulations, policies and programmes addressing the participation of such persons in the justice system. The participation of the organization of persons with disabilities is strongly stipulated in article 4.3 and 33 of the CRPD to ensure strong institutions based on diversity and transparency.

### ***Goal 17 Partnerships for the Goals in conjunction with articles 32 of the CRPD***

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<sup>31</sup> General Comment No. 6, paragraph 43.

<sup>32</sup> General Comment No. 6, paragraph 44.

<sup>33</sup> Note also the future United Nations Inter-Agency Standing Committee (IASC) *Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action*. In November 2016, the IASC established a time-bound (from January 2017-December 2018) Task Team to develop UN system-wide guidelines on inclusion of persons with disabilities in humanitarian action, in line with the Convention on the Rights of Persons with Disabilities.

<sup>35</sup> *Beasley v. Australia* (CRPD/C/15/D/11/2013), para. 8.9; and *Lockrey v. Australia* (CRPD/C/15/D/13/2013), para. 8.9.

The collection and analysis of disaggregated data and statistics by States parties is essential for the effective implementation and monitoring of the various articles of the Convention.<sup>36</sup> Data collection should use surveys and “other forms of analysis,”<sup>37</sup> and be broad and cover statistics, narratives and indicators.<sup>38</sup> Data should be disaggregated systematically on the basis of disability and of intersectional categories,<sup>39</sup> including age, sex and other relevant elements.<sup>40</sup> The Committee has included race, ethnicity, religion, migratory status, geographic location, socio-economic status, employment status, and income, place of residence, indigenous communities and sexual orientation. Differentiation should be made according to “impairment, gender, sex, gender identity, ethnicity, religion, age or other layers of identity”.<sup>41</sup> Representative organizations of persons with disabilities should be involved in the design, collection and analysis<sup>42</sup> and dissemination of data.<sup>43</sup> States parties should use the set of questions and tools developed by the Washington Group on Disability Statistics for the collection of comparable disability statistics.<sup>44</sup>

*According to article 32 on international cooperation:* All international cooperation efforts, including the 2030 Agenda for Sustainable Development, must be inclusive of and accessible to persons with disabilities and be guided by the Convention. States parties must develop monitoring frameworks with human rights indicators, and specific benchmarks and targets for each indicator, consistent with Goal 10 of the Sustainable Development Goals. All international cooperation must aim to advance non-discrimination legislation and policies that seek full inclusion in line with the Convention and the 2030 Agenda for Sustainable Development and other related international human rights frameworks. When deciding upon and implementing international cooperation, the close partnership, cooperation and involvement of persons with disabilities, through their representative organizations, is essential to adopt development policies in accordance with the Convention.

### **3. Valuable successful experiences and lessons learned on empowering and ensuring inclusiveness and equality for persons with disabilities**

Besides being an obligation for States parties, the implementation of the Convention on the Rights of Persons with Disabilities should be a fundamental principle and value in strengthening the successful achievement of the Sustainable Development Goals. Therefore, the Committee of the Rights of Persons with Disabilities emphasizes creating good practices and lessons learned at the global, regional and national levels. One good practice has been developed at the ASEAN level, the so-called “Enabling ASEAN Master Plan 2025.” This regional human rights and development framework aims to transform the CRPD principles into the structure, process and outcomes of achieving of the Sustainable Development Goals into the regional policy and program action plans in ASEAN countries. The other related successful experience is the development of the ASEAN master plan 2025 involving the organizations of persons with disabilities in the ASEAN level directly through the representatives of the organizations of persons with disabilities collectively in the ASEAN Disability Forum. Increasing full and effective participation of the organization of persons with disabilities to ensure inclusiveness

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<sup>36</sup> Ibid, para. 39; CRPD/C/GC/3, para. 62; CRPD/C/GC/4, para. 4(d).

<sup>37</sup> CRPD/C/GC/5, para. 68.

<sup>38</sup> Ibid, para. 71.

<sup>39</sup> Ibid.

<sup>40</sup> CRPD/C/3, para. 33 (e).

<sup>41</sup> CRPD/C/GC/6, para. 34.

<sup>42</sup> CRPD/C/GC/5, para. 71.

<sup>43</sup> CRPD/C/3, para. 33(c).

<sup>44</sup> CRPD/C/JOR/CO/1, para. 60 and CRPD/C/GBR/CO/1, para. 65.

and accessibility is the main goal of the achievement human rights and development framework at all levels in the Agenda 2030 for Sustainable Development Goals.

The other important lesson learned to enhance effectiveness of linking the Convention into development framework is developing human rights based indicators. Currently, the Office of the High Commissioner for Human Rights (OHCHR) is working in partnership with the European Union on the Bridging the Gap I project, which aims to develop tools to facilitate SDGs implementation guided by the CRPD. The goal of this project is to contribute to the socio-economic inclusion, equality, and non-discrimination of persons with disabilities through more inclusive and accountable institutions and policies. One of the tools focusses on developing human rights based indicators on the CRPD. This will take each CRPD article and provide measurable indicators for their monitoring and implementation. Guidelines for policymakers are another tool that are being developed which focus on the implementation of the SDGs goal by goal guided by the CRPD. The human rights based indicators and policy guidelines are slated to be released in the second half of 2019 for public use by all stakeholders.

These tools are being developed in close consultation with the CRPD Committee, other treaty bodies and human rights experts, various UN agencies, and civil society including organizations of persons with disabilities. The tools are firmly based on the standards of the CRPD and CRPD Committee jurisprudence. They can serve as key guidance for States in their reviews with the CRPD Committee as well as in the context of the Voluntary National Reviews as an essential check to ensure that implementation of the SDGs is inclusive of persons with disabilities. Human rights indicators and policy guidelines drafts related to Goals 4, 8, 10, 13, 16 and 17 are available for use to feed into the upcoming HLPF and to strengthen the coherence and mutually reinforcing nature of the CRPD and SDGs to better live up to the promise to leave no one behind.

#### **4. Emerging issues likely to affect inclusiveness and equality at various levels**

The Committee acknowledges emerging issues such as climate change and the impact of armed conflicts and emergencies on persons with disabilities. These issues have a serious impact on the enjoyment rights of persons with disabilities under the Convention and its Optional Protocols. It will pose significant challenges to achieving disability inclusive development at local, national and global level.

- Adverse effects of climate change
- Climate change significantly affects the life of persons with disabilities. The five-year average global temperature from 2013 to 2017 was the highest on record, with concentrations of greenhouse gases continuing to increase, ongoing sea level rises and significant weather events becoming more severe, unpredictable and frequent.<sup>45</sup> Climate change is having the greatest impact on the world's poorest people. It also has the power to push more than 100 million people back into poverty by 2030.<sup>46</sup> Furthermore, projections indicate that by 2050, climate change will have displaced at least 200 million people.<sup>47</sup> Article 11 of the CRPD and the Committee's general comments No. 2 (2014), No. 5 (2017), and No. 6 (2018) urge the States to realize the principle of non-discrimination and

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<sup>45</sup> United Nations Statistics Division. (2018). *The Sustainable Development Goals Report 2018*. Retrieved from: <https://unstats.un.org/sdgs/report/2018/overview/>

<sup>46</sup> World Bank Group. (2018). *Climate Change Solutions for the Poorest Countries*. Retrieved from: <https://ida.worldbank.org/content/climate-change-solutions-poorest-countries>

<sup>47</sup> Relief Web. (2017, August 21). *Climate Migrants Might Reach One Billion by 2050*. Retrieved from: <https://reliefweb.int/report/world/climate-migrants-might-reach-one-billion-2050>



accessibility must be ensured in all situations of risk and humanitarian emergency,<sup>48</sup> particularly regarding equal access to basic necessities, such as water, sanitation, food and shelter.<sup>49</sup> Disasters risk reduction and its management shall provide accessible support services in particular in post – disaster reconstruction efforts for all persons with disabilities.

- Impact of armed conflicts and emergency situations on persons with disabilities  
Armed conflicts and emergencies increase the number of barriers faced by persons with disabilities on a larger scale. In crisis situations, persons with disabilities require the same assistance common to all those affected, in addition to specific requirements related to disability. Conflicts and natural disasters heighten the risks faced by persons with disabilities as they seek out assistance, support and protection. They affect access to, and the collapse of, essential services.<sup>50</sup> Where services exist, inaccessible communication strategies often exclude persons with disabilities from identifying and utilizing them. Scant data, poor identification, registration, and lack of provision of reasonable accommodation compound the exclusion of persons with disabilities in crisis needs-assessments.<sup>51</sup> Multiple and intersecting forms of discrimination exacerbate the situation of persons with disabilities in situations of risk and humanitarian emergencies. For example, children with disabilities face higher risk of abuse and neglect,<sup>52</sup> while women with disabilities are at increased risk of sexual violence during humanitarian crises.<sup>53</sup>

## **5. Areas where political guidance by the High-level Political Forum is required**

- Promoting the repeal of all discriminatory laws against persons with disabilities  
The Committee encourages all States parties to adopt the necessary legal and other measures to comply with the CRPD to ensure the rights of persons with disabilities, focusing particularly on legislation regarding the prohibition of involuntary treatment and placement, rights to liberty and privacy, legal capacity, and to repeal all discriminatory laws and regulations to eliminate inequalities and policy barriers at the global, regional and national levels. It could also promote the development and implementation of inclusive, equitable and sustainable development frameworks grounded in the provisions and principles of the Convention and its Optional Protocol.
- Promoting gender and disability, in particular to the elimination of gender based violence on the basis of disability  
The Committee encourages all States parties to take specific legislative and judicial measures regarding gender-based violence against women and girls with disabilities at national, regional and global levels.

## **6. Policy recommendations on ways to accelerate progress in empowering people, ensuring inclusiveness and equality, and achieving the Sustainable Development Goals**

The Committee notes that a rights based approach in a development framework and its processes are fundamental for inclusive, equitable and sustainable development that contribute

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<sup>48</sup> CRPD/C/GC/6, para. 43.

<sup>49</sup> Ibid, para. 44.

<sup>50</sup> Handicap International. (2015, July). *Disability in humanitarian contexts: Views from affected people and field organisations*. Retrieved from: <http://www.un.org/disabilities/documents/WHS/Disability-in-humanitarian-contexts-HI.pdf>

<sup>51</sup> United Nations Office for Disaster Risk Reduction. *Sendai Framework for Disaster Risk Reduction 2015-2030*. Retrieved from: <https://www.unisdr.org/we/coordinate/sendai-framework>

<sup>52</sup> UNICEF. (2013, May). *The State of the World's Children 2013: Children with Disabilities*. Retrieved from: [https://www.unicef.org/sowc2013/files/SWCR2013\\_ENG\\_Lo\\_res\\_24\\_Apr\\_2013.pdf](https://www.unicef.org/sowc2013/files/SWCR2013_ENG_Lo_res_24_Apr_2013.pdf)

<sup>53</sup> United Nations. (2016) *Convention on the Rights of Persons with Disabilities: General Comment No. 3 (2016)*. Retrieved from: <https://www.refworld.org/docid/57c977344.html>

to the realization of protection and fulfillment the rights of persons with disabilities. It encourages States to adopt a rights based approach in the formulation, planning, implementation and monitoring of development policies, programmes and projects related to disability inclusive development. In particular, the Committee encourages:

- States parties to transition from a medical model to a human rights model of disability.<sup>54</sup> The failure to understand and implement the human rights model of disability is the major cause of exclusion of persons with disabilities and failure to implement the leaving no one behind principle in the development framework. States parties should adopt the human rights model of disability, introduce or implement legislation based on the human rights model of disability, and organize trainings based on the human rights model of disability.<sup>55</sup>
- States parties to promote, protect and fulfill the human rights of women and girls with disabilities using a human rights-based approach.<sup>56</sup> This entails promoting the participation of women with disabilities in public decision-making.<sup>57</sup> The importance of meaningful and effective participation also strengthen in the General Comment number 7 (2018) on the participation of persons with disabilities, through their representative organizations, in the implementation and monitoring of the Convention. The active and informed participation of everyone in decisions that affect their lives and rights is consistent with the human rights-based approach in public decision-making processes,<sup>58</sup> and ensures good governance and social accountability.<sup>59</sup>
- States parties to define eligibility criteria and procedures for accessing support services in a non-discriminatory way, applying a human rights based approach.<sup>60</sup> States parties must take measures to the maximum of their available resources to progressively achieve the full realization of economic, social and cultural rights. Initial reports should mention which rights States parties undertake to progressively implement and those that they commit to implement immediately. States parties should refrain from letting economic and financial instability affect the full enjoyment of the rights of persons with disabilities.<sup>61</sup>
- States parties to have a specific and continuing obligation to move effectively and expeditiously towards the full realization of the rights in question, in line with the overall objective of the Convention based on the principle of progressive realization.<sup>62</sup> Progressive realization does not prejudice obligations that are immediately applicable, such as Article 12<sup>63</sup> and to the States parties' duty to provide reasonable accommodation.<sup>64</sup> Accessibility should also to be the key of progressive implementation of the Convention (General Comment number 2) in achieving the Agenda 2030 in particular SDGs 4 (quality education), 8 (decent work and economic growth), 10

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<sup>54</sup> A/66/55, Annex IX, para. 3.

<sup>55</sup> CRPD/C/GC/4.

<sup>56</sup> CRPD/C/GC/3, para. 7.

<sup>57</sup> Ibid, para. 23.

<sup>58</sup> Office of the United Nations High Commissioner for Human Rights, Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies, para. 64.

<sup>59</sup> A/HRC/31/62, para. 13.

<sup>60</sup> CRPD/C/GC/5, paras. 61 and 71; CRPD/C/GC/6, para 59.

<sup>61</sup> See A/66/55, Annex IX, para. 6.

<sup>62</sup> CRPD/C/GC/4, para. 40.

<sup>63</sup> CRPD/C/GC/1, para. 30.

<sup>64</sup> See CRPD/C/ESP/CO/1, para. 44; CRPD/C/GC/4, para. 31; CRPD/C/GC/5, para. 46.

(reduced inequalities), 13 (climate action), and 16 (peace, justice and strong institutions).

- States parties to mainstream the rights of persons with disabilities in implementation and monitoring of the agenda at all levels,<sup>65</sup> and ensure that disability-inclusive indicators be developed and used in a manner consistent with the 2030 Agenda.<sup>66</sup> The Committee refers to the 2030 Agenda and specific goals and targets in its concluding observations, namely under articles 6, 7, 9, 13, 16, 17, 23, 24, 25, 27, 28, 30 and 31.
- States parties to provide data collection to ensuring data disaggregated by disability is key to ensure accountability and monitoring both the Convention of the Rights of Persons with Disabilities and the achievement of the Agenda 2030 for Sustainable Development in the next 15 years. State parties should ensure that data collection must have real progress implementation as understood by implementation in relation to goal 17.) .

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<sup>65</sup> See CRPD/C/PAN/CO/1, para. 63.

<sup>66</sup> CRPD/C/GC/6, para. 71.