

Committee on the Rights of Persons with Disabilities
Contribution to the 2030 Agenda for Sustainable Development in response
to the call for inputs by the High-Level Political Forum on Sustainable Development
(HLPF)

I. Introduction

The President of the Economic and Social Council (ECOSOC) invited the United Nations functional commissions and other intergovernmental bodies and forums such as the United Nations Committee on the Rights of Persons with Disabilities (the Committee) to provide focused input to the 2020 HLPF and ECOSOC on the theme “*Accelerated action and transformative pathways: realizing the decade of action and delivery for sustainable development.*” The Committee hereby provides its input following the proposed outline, namely:

1. Contribution of the Committee to accelerated action and transformative pathways and realizing the decade of action and delivery for achieving the 2030 Agenda within its area of responsibility;

2. Examples of areas that could be addressed and selected recommendations for accelerating progress and moving on transformative pathways for realizing the decade of action, for possible use in drafting the HLPF declaration.

1. Contribution of the Committee to accelerated action and transformative pathways and realizing the decade of action and delivery for achieving the 2030 Agenda within its area of responsibility.

The Convention on the Rights of Persons with Disabilities (the Convention) has been ratified by 182 States and 163 signatories as at March 2020. Since the entry into force of the Convention in 2008, the Committee has been mandated to monitor the implementation of the Convention in States parties and has developed a legal framework on the protection and the fulfilment of the rights of persons with disabilities. Key instruments of the Committee are its Concluding Observations, Views on Communications, and General Comments. In addition, the Committee has issued several Statements on a range of disability-related issues.

The Convention as an international human rights treaty, together with the framework developed by the Committee, provide a legally binding structure for the achievement of the Sustainable Development Goals (SDGs) and their related targets. This is not only the case for those targets that explicitly refer to persons with disabilities, but for all goals and targets of the 2030 Agenda for Sustainable Development (the 2030 Agenda).

Throughout its work, the Committee has contributed to analysing the SDGs within its area of responsibility, highlighting that the Convention provides the framework and roadmap for achieving the 2030 Agenda’s aim of reducing global inequalities. In its General Comment No. 6 (2018) on equality and non-discrimination, the Committee has acknowledged the obligation of States parties to adopt specific measures and policies with the aim to accelerate or achieve equality of all persons with

disabilities.¹ The Committee emphasized that States parties must “identify areas or subgroups of persons with disabilities — including those who face intersectional discrimination — that require specific measures to accelerate or achieve inclusive equality.”² Examples of such acceleration measures include “outreach and support programmes, allocation and/or reallocation of resources, targeted recruitment, hiring and promotion, quota systems, advancement and empowerment measures, as well as respite care and technological aids”³. One of the most frequently adopted policy measures of affirmative action are employment quotas, which have been implemented in more than 100 countries.⁴ The quota systems used in these countries vary “in terms of the level of the percentage obligation, the size of company covered, whether they apply to public and private sector employers, how compliance is monitored and what measures apply in the case of non-compliance”.⁵ The Committee has expressed concern about ineffective implementation of such measures and recommended that States parties enforce the implementation of legislation containing mandatory quotas and provide complementary employment policies and programmes that adhere to the Convention, and in view of target 8.5 of the Sustainable Development Goals.⁶

Some of the reforms necessary to implement the 2030 Agenda require profound transformative measures in laws, policies and practices, in order to adhere to the Convention. The implementation of the Agenda requires profound transformative action on order to achieve a de facto equality for all persons with disabilities. A similar need for radical change is also required in certain provisions enshrined in the Convention. One of the provisions of the Convention that often requires immense efforts, cross-cutting policies, and substantial resources, is the guarantee of independent living and being included in the community of Article 19 of the Convention. Particularly the efforts needed to deinstitutionalise all living arrangements are often highly demanding. In addition, not all reforms are effective and adhere to the Convention, even when a large amount of resources is allocated for their implementation. The Committee has expressed concerns in its Concluding observations regarding stagnation in and absence of determination in the process of deinstitutionalisation, including re-institutionalisation of persons with disabilities and the spending of funds allocated to deinstitutionalisation on measures that are not consistent with the Convention.⁷

The Committee has observed a gap between the goals and the spirit of Article 19 of the Convention on the one hand and the scope of its implementation on the other hand. In particular, it has observed a “lack of deinstitutionalization strategies and plans and continued investments

¹ CRPD/C/GC/6, para. 32

² CRPD/C/GC/6, para. 28.

³ CRPD/C/GC/6, Ibid.

⁴ International Labour Organization (2019), *Promoting Employment Opportunities for People with Disabilities: Quota Schemes*, Vol. 1, p. III, available at <https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_735531.pdf>, p. III.

⁵ Ibid.

⁶ CRPD/C/NPL/CO/1, para. 39; CRPD/C/ARM/CO/1, paras 47-48.

⁷ CRPD/C/POL/CO/1, para. 32.

in institutional care settings”.⁸ As the Committee has elaborated in its General comment No. 5 (2017) on living independently and being included in the community, “States parties should ensure that public or private funds are not spent on maintaining, renovating, establishing building or creating any form of institution or institutionalization”.⁹ A better redistribution of public resources can positively influence the achievement of the other SDGs included in the 2030 Agenda.

However, many changes necessary to comply with the Convention do not require large resources. One example would be the shift to the human rights model in legislation, which requires States parties to eliminate all elements of the medical and charity models of disability in their laws, including all derogatory terminology, and to align laws and policies across all areas of life with the Convention. In its Concluding observations, the Committee has consistently expressed concern about persisting legislation and policies that are discriminatory against persons with disabilities, especially in the areas of guardianship, institutionalization, psychiatric treatment and segregated community services¹⁰, and about derogatory terminology based on the medical model of disability that persists in States parties’ legislation.¹¹ In addition, in its General comment No. 6 (2018), the Committee stated that States parties have positive obligations to protect persons with disabilities from discrimination, with an obligation to enact specific and comprehensive anti-discrimination legislation, including the provision of appropriate and effective legal remedies and sanctions in relation to intersectional discrimination.¹²

Certain changes required to guarantee equality and accessibility are introduced in legislation but do not translate into practice because of the lack of monitoring and effective remedies of such provisions. In the views adopted by the Committee at its ninth session, States parties should “take appropriate measures to develop, promulgate, and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public (art. 9, para. 2(a), of the Convention), and ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities (art. 9, para. 2(b))”.¹³ The Committee has further stated that accessibility should be viewed as an integral part of the sustainable development agenda.¹⁴

The Committee has stressed the insufficient availability of data and statistics on persons with disabilities in all areas of life, particularly on persons living in closed institutions or psychiatric hospitals, who are often overlooked by research and studies collecting data¹⁵. As stated by the Committee in its General comment No. 6 (2018), data collection and analysis are essential measures to monitor anti-discrimination policies

⁸ [CRPD/C/GC/5](#), para. 15.

⁹ [CRPD/C/GC/5](#), para. 51.

¹⁰ [CRPD/C/IND/CO/1](#), para. 6, 7;

¹¹ [CRPD/C/IRQ/CO/1](#), para. 7; [CRPD/C/ITA/CO/1](#), para. 5.

¹² [CRPD/C/GC/6](#), para. 22.

¹³ [CRPD/C/9/D/1/2010](#), para. 9.4.

¹⁴ [CRPD/C/GC/2](#), para. 4.

¹⁵ [CRPD/C/GC/6](#), para. 71.

and laws. Statistics and data collection about persons with disabilities should be done in partnership with organizations of persons with disabilities and be linked to the formulation and improvement of public policy. Disability-inclusive indicators must be developed in a manner consistent with the Sustainable Development Goals,¹⁶ disaggregated by, inter alia, income, sex, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts.¹⁷

2. Examples of areas that could be addressed and selected recommendations for accelerating progress and moving on transformative pathways for realizing the decade of action, for possible use in drafting the HLPF declaration.

1. *Advancing human well-being and building human capacity, including on eradicating poverty, advancing gender equality and reducing other forms of inequality, universal provision of and access to quality basic services, such as health, education, water, energy, sanitation, disaster risk management, information and communication technology, transport, adequate housing and social protection as well as ensuring that no one is left behind, focusing on the poorest and most vulnerable at the global, regional and national levels and meeting SDGs for all nations, peoples and segments of society;*

Goal 1 of the SDGs aims at ending poverty in all its forms anywhere. Targets 1.4 and 1.a aim at guaranteeing, in particular to the poor and vulnerable, equal rights to economic resources as well as, inter alia, access to basic services. Poverty and disability are closely aligned with each other. Persons with disabilities are exposed to a higher risk of poverty than other groups. The majority of persons with disabilities live in low-middle income countries. The proportion of persons with disabilities living under the national or international poverty line is higher, and in some countries double, than that of persons without disabilities.¹⁸ The Committee therefore often recommends that States parties ensure that disability be mainstreamed within general poverty reduction and development strategies, and that they also develop specific measures for persons with disabilities, particularly women, children, and older persons. The Committee also recalls the need for coordination between national and local authorities to ensure that services reach those living in isolated, rural or remote areas. International cooperation could help reach the Goal, not only through budget programs but also through the exchange of training programmes, good practices and experiences.

In addition, the Convention is highly relevant for target 1.3 of the SDGs, which aims at implementing nationally appropriate social protection systems and measures for all, including floors, and envisages substantial coverage of the poor and vulnerable by 2030. In its Concluding observations, the Committee has repeatedly pointed out target 1.3 in relation to article 28 of the Convention, calling on States parties to implement appropriate social protection systems and measures for all, including social protection floors to guard from budgetary reductions in the social protection system.¹⁹

¹⁶ CRPD/C/GC/6, para. 71.

¹⁷ CRPD/C/ITA/CO/1, para. 78.

¹⁸ *Realizing the Sustainable Development Goals by, for and with Persons with Disabilities Ending poverty and hunger for all persons with disabilities (Goals 1 and 2)*, <https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/poverty-hunger-disability-brief2019.pdf>, 2019

¹⁹ CRPD/C/LTU/CO/1, para. 56.

Similarly, the Committee has repeatedly emphasised in its General Comments and Concluding Observations the importance of links between article 28 of the Convention and target 10.2 of the Sustainable Development Goals, to empower and promote the economic inclusion of all persons, irrespective of disability status.²⁰ It has also recommended that States parties mainstream disability in its poverty reduction policies.²¹

Goal 5 of the SDGs aims at achieving gender equality and empowering all women and girls. Targets 5.1, 5.2, and 5.5 require ending all forms of discrimination, eliminate all forms of violence and ensure full and effective participation of all persons. The Convention pursues these very aims in its Articles 5, 6, 7, 12, 15, and 16. In its Concluding observations, the Committee recommends taking a twin track approach, namely, that State parties take action to mainstream disability in gender equality policies and programmes, as well as to mainstream gender equality in disability policies and programmes. These include measures to guarantee women and girls participation in inclusive education, in public life, and decision-making processes, having an accountable public health service that promotes access for women and girls with disabilities to comprehensive health education and health care services, including sexual and reproductive health. There is a need to ensure that women and girls with disabilities, victims of gender-based violence and abuse, have access to complaint mechanisms and remedies; to services and information including hotlines, shelters, victim support services, counselling; and that perpetrators are prosecuted. This requires training of all relevant staff on disability rights.

2. *Reducing inequalities in wealth and income through sustainable and just economies, providing adequate and well-directed financing, an enabling environment for sustainable investments and delivering on commitments to international cooperation, aligned to longer-term sustainability pathways and solving challenges through cooperation and partnerships at all levels;*

One of the factors contributing to a higher risk for persons with disabilities of being exposed to poverty is a high unemployment rate combined with insufficient and ineffective policies aimed at creating an enabling environment for employment for people with disabilities. Across eight geographical regions, the employment rate of persons with disabilities is 36 per cent on average, whereas for persons without disabilities is 60 per cent.²² Even in affluent regions of the world, such as the European Union, only approximately 44% of persons with disabilities are employed, compared to 67% of others.²³ To protect against such inequalities, the Committee has held in its Views that article 27 of the Convention implies an obligation on the part of States parties to create an enabling and conducive environment for employment, including in the private sector.²⁴

²⁰ CRPD/C/GC/6, para. 72; CRPD/C/ZAF/CO/1, para. 47;

²¹ CRPD/C/ITA/CO/1, para. 72;

²² Disability and Development Report: Realizing the Sustainable Goals by, for and with persons with disabilities. United Nations, 2018, p. 152.

²³ Disability and Development Report: Realizing the Sustainable Goals by, for and with persons with disabilities. United Nations, 2018, p. 153, Figure II.

²⁴ CRPD/C/D/2/2010, para. 6.2;

3. *Enhancing national implementation by proactively mainstreaming the 2030 Agenda into national planning instruments, policies, strategies and financial frameworks, while respecting national processes and ensuring ownership;*

In its Concluding observations, the Committee frequently emphasizes the Sustainable Development, in particular targets 1.3,²⁵ 3.7 and 3.8,²⁶ 4.5 and 4.a²⁷ 5.1, 5.2 and 5.5,²⁸ 10.2 and 10.3.²⁹ The Committee has recommended that States parties mainstream the rights of persons with disabilities when implementing and monitoring the 2030 Agenda at the national level.³⁰

4. *Strengthening effective, accountable and transparent institutions and ensuring more responsive, inclusive, participatory and representative decision-making processes for more integrated solutions, and addressing interlinkages, synergies and trade-offs between the Goals and targets;*

Article 4.3 of the Convention requires that States parties “shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations” [...] “in the development and implementation of legislation and policies to implement the [...] Convention, and in other decision-making processes concerning issues relating to persons with disabilities”. In addition, Article 33.3 holds that “civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process”. These guarantees aim at creating inclusive processes, ensuring full participation by persons with disabilities. In its General Comment No. 7 (2018) on Article 4.3 and 33.3 of the Convention, the Committee has emphasised the importance of ensuring the participation of persons with disabilities, through their representative organizations, in decision-making processes, including in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern persons with disabilities.³¹

Strengthening effective, accountable and transparent institutions requires States to render them accessible to persons with disabilities. Article 9 of the Convention lays down the respective requirements. Measures to guarantee accessibility must not be confined to removal of physical barriers, but encompass a broad array of additional efforts such as, *inter alia*, access to information and communication. Technologies like locating systems, cell phones or voice programs for computers, Braille displays and screen readers have helped the inclusion of persons who are deaf or blind. Access to such goods and services is essential to guarantee non-discrimination and equal enjoyment of all human rights. States should also consider removing import duties, taxes and subsidies on assistive devices and technologies, and supporting local businesses that build and design assistive devices through grants, loans and tax credits. Mass production of such devices can lower costs through economies of scale and international cooperation could make them extensively accessible. At the same time, the Committee recalls that there are other supports that can be provided within the community and that may be combined together with technological innovations such as job coaches, sign language interpreters, live readers, service animals, and many others using with local resources. The

²⁵ CRPD/C/LTU/CO/1, para. 56.

²⁶ CRPD/C/GRC/CO/1, para. 37.

²⁷ CRPD/C/GRC/CO/1, para. 35.

²⁸ CRPD/C/GRC/CO/1, para. 10.

²⁹ CRPD/C/ITA/CO/1, para. 72.

³⁰ CRPD/C/GC/7, para. 32.

³¹ CRPD/C/GC/7, para. 9.

Committee also highlights the good example of community-based rehabilitation.

The need for transparent institutions and responsive decision-making processes does not solely pertain to organizations of the state, but also extends to private entities who provide services to the public. They, too, must meet appropriate accessibility standards and take into account the principles of universal design. The Committee has recommended that States parties incorporate accessibility standards into public procurement processes. In addition, the Committee recommends that accessibility issues be incorporated into the curricula of technology institutes, universities and research centres. Such education and innovation institutions must develop new, easy and efficient technology and innovative tools, especially keeping in mind persons with disabilities in remote and rural areas.

5. *Implementing policies, investment and innovation to reduce disaster risk and build the resilience of countries, economies, communities and individuals to economic, social and environmental shocks and disasters;*

Article 11 of the Convention mandates all States parties to take “all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk”. The Committee has expressed concern about the lack of comprehensive strategies and action plans that ensure the inclusion and accessibility of disaster risk reduction measures for persons with disabilities.³² The Committee has also noted the perils encountered by refugees and migrants with disabilities and the insufficient measures taken by States parties to identify asylum seekers with disabilities.³³ It has recommended that States parties adopt effective asylum and refugee processes and develop comprehensive strategies and protocols for general emergency risk situations³⁴ and has urged States parties to engage in close consultations with representative organizations of persons with disabilities when developing plans for the evacuation of persons with disabilities in emergency situations.³⁵

In situations of disaster, it is imperative to establish a targeted, sustainable humanitarian emergency framework to ensure the protection of the right of persons with disabilities on an equal basis with others, and specifically in the context of the public health emergency resulting from the pandemic COVID-19. In particular, persons with disabilities need to be provided with accessible information concerning the scope of and prevention of the virus, continuous access to support and mainstream community services needs to be ensured - including in-home care and personal assistance - and equal access to healthcare - including life-saving measures - needs to be provided. In addition, disability pensions and social benefits have to be guaranteed at all times.

6. *Investing in data and statistics for the SDGs and strengthening statistical capacities to address gaps in data on the Sustainable Development Goals in order to allow countries to provide high-quality, timely, reliable, disaggregated data and statistics and to fully integrate the Sustainable Development Goals in monitoring and reporting systems;*

Article 31 of the Convention mandates States parties “to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the [...] Convention”. This provision recalls that discrimination of persons with

³² CRPD/C/TUR/CO/1, para. 23.

³³ CRPD/C/ITA/CO/1, para. 25; CRPD/C/GRC/CO/1, para. 15.

³⁴ CRPD/C/GRC/CO/1, para. 16; CRPD/C/TUR/CO/1, para. 24;

³⁵ CRPD/C/ALB/CO/1, para. 22.

disabilities is often a consequence of an ill-informed political process. 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.³⁶ Data collection should use surveys and “other forms of analysis,”³⁷ and be broad and cover statistics, narratives and indicators.³⁸ Data should be disaggregated systematically on the basis of disability and of intersectional categories,³⁹ including age, sex and other relevant elements.⁴⁰ The Committee has included race, ethnicity, religion, migratory status, geographic location, socio-economic status, employment status, income, place of residence, indigenous communities and sexual orientation as relevant categories. Differentiation should be made according to “impairment, gender, sex, gender identity, ethnicity, religion, age or other layers of identity”.⁴¹ Representative organizations of persons with disabilities should be involved in the design, collection and analysis⁴² and dissemination of data.⁴³ 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.⁴⁴

7. *Identifying emerging issues likely to affect the implementation of the 2030 Agenda, and areas where political guidance by the HLPF is required for achieving the SDGs and targets.*

The Committee reiterates that States parties cannot achieve the Agenda 2030 if they continue to discriminate against persons with disabilities by depriving them of health care services on the basis of actual or perceived impairment and by continuing investment in psychiatric hospitals, practices of forced institutionalization, physical and chemical restraints, isolation, involuntary treatment, forced sterilizations and abortions in women and girls with psychosocial or intellectual disabilities. States should take resolute measures to improve the quality of care in the community and to design and implement a national program of deinstitutionalization with community support. States should also take effective measures to ensure that situations of violations of rights in any institutions are independently and properly investigated, perpetrators are held to account and remedies are provided to the victims. This also entails efficient mechanisms for reporting these acts with accessible formats.

In addition, voluntary review reports for countries reporting on their efforts to achieve the Sustainable Development Goals should disclose specifically the progress of actions for persons with disabilities.

³⁶ CRPD/C/GC/3, para. 62; CRPD/C/GC/4, para. 4(d).

³⁷ CRPD/C/GC/5, para. 68.

³⁸ Ibid, para. 71.

³⁹ Ibid.

⁴⁰ CRPD/C/3, para. 33 (e).

⁴¹ CRPD/C/GC/6, para. 34.

⁴² CRPD/C/GC/5, para. 71.

⁴³ CRPD/C/3, para. 33(c).

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