



# Convention on the Rights of Persons with Disabilities

Distr.: General  
13 October 2022

Original: English

---

## Committee on the Rights of Persons with Disabilities

### Report of the Committee on the Rights of Persons with Disabilities on its twenty-seventh session (15 August–9 September 2022)

#### I. States parties to the Convention and the Optional Protocol thereto

1. As at 9 September 2022, the date on which the twenty-seventh session closed, there were 185 States parties to the Convention on the Rights of Persons with Disabilities and 100 States parties to the Optional Protocol thereto. The lists of States parties to these instruments are available on the website of the Office of Legal Affairs of the Secretariat.

#### II. Opening of the twenty-seventh session of the Committee

2. The twenty-seventh session opened in a public meeting with welcoming remarks by the Chief, Petitions and Urgent Actions Section, Human Rights Council and Treaty Mechanisms Division, Office of the United Nations High Commissioner for Human Rights (OHCHR). The welcoming remarks are available on the Committee's website.

3. The Chair of the Committee provided an oral report on intersessional activities.

4. The Committee reviewed and adopted the provisional agenda and programme of work for the twenty-seventh session.<sup>1</sup>

#### III. Membership of the Committee

5. The list of members of the Committee as at 9 September 2022, indicating the duration of their terms of office, is available on the Committee's website.

#### IV. Working methods

6. The Committee discussed various issues related to its working methods and decided to continue updating and streamlining its working methods during the intersessional period.

#### V. Activities related to general comments

7. The Committee adopted its general comment No. 8 (2022) on the right of persons with disabilities to work and employment.

---

<sup>1</sup> [CRPD/C/27/1](#).



8. The Committee adopted its guidelines on deinstitutionalization, including in emergencies.<sup>2</sup> The guidelines complement and should be read in conjunction with the Committee's general comment No. 5 (2017) and the Committee's guidelines on the right to liberty and security of persons with disabilities.

## **VI. Activities related to the Optional Protocol**

9. The Committee examined four communications. It found violations of the Convention in two of them: *Bellini et al. v. Italy*,<sup>3</sup> regarding lack of recognition of and social support for family caregivers of persons with disabilities, and *Henley v. Australia*,<sup>4</sup> concerning the failure to provide audio description on free-to-air television. In *J.S. v. United Kingdom of Great Britain and Northern Ireland*,<sup>5</sup> concerning withdrawal of life support from a person with disabilities, the Committee declared the communication inadmissible as it concluded that the same matter had been examined by the European Court of Human Rights. The Committee decided to discontinue its consideration of *K.S. v. Sweden*,<sup>6</sup> concerning deportation to Afghanistan, as the case was to be re-examined at the national level and the author was no longer at risk of being returned to Afghanistan.

10. The Views and decisions adopted by the Committee regarding the communications will be made available on the Committee's website. A summary of the Views and decisions adopted at the present session may be found in annex III to the present report.

11. The Committee considered matters related to inquiry proceedings pursuant to articles 6 and 7 of the Optional Protocol.

## **VII. Future sessions**

12. The twenty-eighth session of the Committee is provisionally scheduled to be held in Geneva from 6 to 24 March 2023 and will be followed by the seventeenth meeting of the pre-sessional working group, from 27 to 31 March 2023. In the context of the coronavirus disease (COVID-19) pandemic, OHCHR will continue to assess whether in-person sessions of treaty bodies may take place. In the event that an in-person session is not possible, the Chair, with the support of the Secretary, will decide on the appropriate course of action.

## **VIII. Accessibility of the Committee's meetings**

13. The twenty-seventh session of the Committee was held in a hybrid format with Committee members and delegations of States parties participating in person in Geneva and remotely online. Stakeholders, including organizations of persons with disabilities, civil society organizations, national human rights institutions and specialized agencies and other United Nations bodies, also participated in person and virtually. International Sign interpretation, national sign language interpretation, Braille versions of documents and remote captioning were available. Public meetings were webcast. No plain language or Easy Read versions of documents were available during the session. Fully accessible conference rooms in the Palais des Nations were not available. The software used for the registration of participants for the meeting was not accessible for blind participants or those with visual impairments. Current protocols for vehicles entering the Palais des Nations still posed barriers for participants with disabilities who required accessible transportation. Reasonable accommodation, including in the organization of travel for Committee members with disabilities, was poorly developed.

---

<sup>2</sup> CRPD/C/5.

<sup>3</sup> CRPD/C/27/D/51/2018.

<sup>4</sup> CRPD/C/27/D/56/2018.

<sup>5</sup> CRPD/C/27/D/85/2021.

<sup>6</sup> CRPD/C/27/D/55/2018.

## **IX. Cooperation with relevant bodies**

### **A. Cooperation with United Nations organs and specialized agencies**

14. At the opening meeting of the session, representatives of the following United Nations agencies, departments and programmes made statements: Standing Committee on Victim Assistance and Socio-Economic Reintegration under the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, International Labour Organization, World Intellectual Property Organization, World Health Organization (WHO) and International Organization for Migration.

### **B. Cooperation with non-governmental organizations and other bodies**

15. At the opening meeting of the session, the Committee was addressed by representatives of the International Disability Alliance, the International Communication Rights Alliance, Fundación Saraki, the judicial branch of the City of Buenos Aires, Asociación Síndrome de Down de la República Argentina, and the Disability and Data Partnership project at York University (Canada).

16. The representatives of the Independent Monitoring Mechanism of New Zealand and the national human rights institutions of Indonesia and the Republic of Korea, participated in the Committee's public review of the initial report of New Zealand, Indonesia and the Republic of Korea, respectively. During the private meetings on country situations, the Committee had the opportunity to gather information and interact with several organizations of persons with disabilities, civil society organizations and independent monitoring frameworks, including national human rights institutions.

17. At the closing meeting of the session, the following organizations and bodies addressed the Committee: International Disability Alliance, Transforming Communities for Inclusion, and Center for the Human Rights of Users and Survivors of Psychiatry.

## **X. Consideration of reports submitted in accordance with article 35 of the Convention**

18. The Committee held eight constructive dialogues, of which seven were held in person and one in a hybrid format. The Committee considered the initial reports of Bangladesh, Indonesia, Japan, Lao People's Democratic Republic and Singapore.<sup>7</sup> The Committee considered the combined second and third periodic reports of the following: China, including Hong Kong, China, and Macao, China; New Zealand; and Republic of Korea.<sup>8</sup> The Committee adopted concluding observations on those reports.<sup>9</sup> A list of States parties whose initial reports are more than five years overdue may be found in annex II to the present report.

<sup>7</sup> CRPD/C/BGD/1, CRPD/C/IDN/1, CRPD/C/JPN/1, CRPD/C/LAO/1, and CRPD/C/SGP/1.

<sup>8</sup> CRPD/C/CHN/2-3, CRPD/C/CHN-HKG/2-3 and CRPD/C/CHN-HKG/2-3/Corr.1, CRPD/C/CHN-MAC/2-3, CRPD/C/NZL/2-3 and CRPD/C/KOR/2-3.

<sup>9</sup> CRPD/C/BGD/CO/1, CRPD/C/CHN/CO/2-3, CRPD/C/IDN/CO/1, CRPD/C/JPN/CO/1, CRPD/C/LAO/CO/1, CRPD/C/NZL/CO/2-3, CRPD/C/KOR/CO/2-3 and CRPD/C/SGP/CO/1.

## **XI. Situation of persons with disabilities in Ukraine and in countries to which they have fled since 24 February 2022, as a result of aggression against Ukraine by the Russian Federation**

19. Since 24 February 2022, the Committee has received information alleging serious violations of the human rights of persons with disabilities in the context of the aggression against Ukraine by the Russian Federation.<sup>10</sup>

20. Under article 36 (1) of the Convention, the Committee may request further information from States parties relevant to the implementation of the Convention, at any time.

21. The Committee requested written information from the following States parties concerned, including those that, according to the United Nations High Commissioner for Refugees, had received large numbers of Ukrainian asylum-seekers: Belarus, Bulgaria, Czechia, Estonia, European Union, Finland, Germany, Hungary, Italy, Latvia, Lithuania, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, Sweden, Türkiye and Ukraine. The following States parties provided written submissions: Belarus, Bulgaria, Finland, Hungary, Italy, Latvia, Lithuania, Republic of Moldova and Ukraine.

22. The Committee held two closed meetings with Ukrainian organizations of persons with disabilities, civil society organizations and United Nations entities, on 15 and 16 August 2022. On 17 August 2022, the Committee held a public dialogue with the following States parties, which had expressed an interest in providing an update on the situation of persons with disabilities affected by the armed conflict: European Union, Latvia, Lithuania, Republic of Moldova, Türkiye and Ukraine.

23. Under article 11 of the Convention, states Parties are required to take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures 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.

24. Under the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), States are required to ensure the protection and safety of “protected persons”, including those with disabilities, without any adverse distinction. Discrimination in the treatment of civilians and persons *hors de combat* is prohibited on any grounds other than medical. Under article 27 of the Fourth Geneva Convention, protected persons must at all times be humanely treated and must be protected especially against all acts of violence or threats thereof, and are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. Under articles 31 to 34, protected persons must not be subjected to coercion, torture or collective punishment and they must not be taken hostage.

### **Positive measures**

25. The Committee welcomes several measures taken by the States parties concerned to protect the rights of persons with disabilities in the context of the armed conflict:

(a) Ukraine reported having taken measures to include persons with disabilities, in particular children with disabilities residing in institutions, in evacuation plans; and measures to systematically register internally displaced persons with disabilities and ensure an adequate standard of living for them, including by safeguarding their access to social protection schemes, for the duration of the conflict;

(b) The Directorate-General for European Civil Protection and Humanitarian Aid Operations, of the European Union, briefed the Committee on the measures taken to mainstream disability into humanitarian relief strategies and programmes funded by the European Union in Ukraine and in member States of the European Union; to facilitate the

<sup>10</sup> See General Assembly resolution ES-11/1 of 2 March 2022 and Human Rights Council resolution 49/1 of 4 March 2022.

medical evacuation of critically ill or wounded Ukrainian citizens to member States of the European Union through the Union Civil Protection Mechanism; and to facilitate access for persons with disabilities to assistive devices and equipment;

(c) The Directorate-General for Migration and Home Affairs, of the European Union, shared information on the measures taken to mainstream disability into the common European asylum system, particularly into Council Directive 2001/55/EC of 20 July 2001 (the Temporary Protection Directive), Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 (the Asylum Procedures Directive), Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 (the Reception Conditions Directive) and Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 (the Qualification Directive);

(d) Other States parties concerned reported on the measures taken to ensure the protection and safety of Ukrainian persons with disabilities who have sought international protection on their territories, including measures to ensure housing and an adequate standard of living on an equal basis with the citizens of the host country;<sup>11</sup> measures to ensure accessible and culturally adequate health and rehabilitation services, including psychological services;<sup>12</sup> measures to ensure the provision or maintenance and repair of assistive devices and equipment;<sup>13</sup> measures to ensure that persons with disabilities are able to live independently and participate fully in all aspects of life in the host country, including education and employment;<sup>14</sup> and measures to mitigate the risk of exploitation of displaced persons with disabilities, particularly of unaccompanied children with disabilities.<sup>15</sup>

#### **Failure to cooperate with the Committee**

26. The Russian Federation did not provide information on the situation of persons with disabilities in the territories of Ukraine under its control, and contested the competence of the Committee to address the situation.

#### **Committee's jurisprudence on article 11 of the Convention**

27. In keeping with the jurisprudence of the Committee, States parties are required, *inter alia*:

(a) To adopt or reform national emergency response strategies, including evacuation plans, to make them inclusive of and accessible to all persons with disabilities in their design and implementation;<sup>16</sup>

(b) To ensure that all emergency-related information is made available in formats accessible to all persons with disabilities, regardless of type of impairment, including to deaf persons through sign language,<sup>17</sup> and to persons with intellectual disabilities and persons with psychosocial disabilities through Easy Read and plain language;

(c) To ensure that the principle of non-discrimination is respected in all situations of risk and humanitarian emergency, particularly regarding equal access to basic necessities, such as water, sanitation, health care, food and shelter;<sup>18</sup>

(d) To ensure the participation of organizations of persons with disabilities in emergency response strategies and to take due account of to their input and recommendations, including in setting priorities for evacuation and aid distribution;<sup>19</sup>

<sup>11</sup> Belarus, European Union, Finland, Latvia, Lithuania, Republic of Moldova and Türkiye.

<sup>12</sup> Belarus, Bulgaria, European Union, Finland, Hungary, Latvia, Lithuania, Republic of Moldova and Türkiye.

<sup>13</sup> European Union, Latvia, Lithuania and Republic of Moldova.

<sup>14</sup> Bulgaria, European Union, Hungary and Latvia.

<sup>15</sup> Latvia, Lithuania and Republic of Moldova.

<sup>16</sup> [A/72/55](#), para. 32.

<sup>17</sup> [A/76/55](#), para. 21.

<sup>18</sup> [A/74/55](#), para. 74.

<sup>19</sup> [A/70/55](#), para. 31.

(e) To mainstream disability into migration and refugee policies and into all humanitarian aid channels and provide disability-awareness training for all civil defence staff, rescue and emergency personnel and all potential actors involved in humanitarian emergencies;<sup>20</sup>

(f) To ensure and prioritize the safety of all children with disabilities in conflict-affected areas, in particular those still living in residential care institutions;<sup>21</sup>

(g) To systematically register internally displaced persons with disabilities and monitor their situation to ensure that they have an adequate standard of living.<sup>22</sup>

### Concerns and recommendations

28. Following consultation with States parties and other stakeholders, including organizations of persons with disabilities, civil society organizations and United Nations entities, the Committee lists concerns and issues preliminary recommendations that relate to the following:

(a) Persons with disabilities living in the territory and under the jurisdiction of Ukraine;

(b) Persons with disabilities living in the territory of Ukraine occupied by the Russian Federation;

(c) Persons with disabilities who have been forcibly transferred to the Russian Federation;

(d) Persons with disabilities who are in countries to which they have fled seeking international protection.

29. These recommendations are addressed to all States parties concerned, namely the following: Ukraine; the Russian Federation, with regard to persons with disabilities living in Ukrainian territory under its occupation; and the above-mentioned States parties to which persons with disabilities have fled seeking international protection. Some recommendations refer only to Ukraine, or only to the Russian Federation regarding persons with disabilities living in Ukrainian territory under its occupation.

30. The Committee is deeply concerned about the disproportionate risk of death or injury to which persons with disabilities are exposed as a result of indiscriminate attacks against civilian population, due to non-inclusive and inaccessible emergency preparedness and response protocols.

**31. The Committee urges the States parties concerned to reform emergency response plans and protocols, in consultation with organizations of persons with disabilities, to make them inclusive of and accessible to persons with disabilities in their design and implementation.**

32. The Committee notes with concern the lack of involvement and lack of meaningful participation of persons with disabilities in emergency preparedness and response planning, including in setting priorities for evacuation strategies and aid distribution.

**33. The Committee recommends that all concerned States parties and humanitarian actors ensure the active participation of and coordination and meaningful consultation with persons with disabilities, through their representative organizations, including organizations of women and children with disabilities, in emergency preparedness and response planning.**

34. The Committee is concerned about the lack of accessibility of information and alert mechanisms in evacuation procedures, particularly for the following:

<sup>20</sup> A/76/55, para. 21.

<sup>21</sup> CRPD/C/UKR/CO/1, para. 14.

<sup>22</sup> Ibid., para. 25, and CRPD/C/KEN/CO/1, para. 22 (c).

- (a) Persons with intellectual disabilities and persons with psychosocial disabilities residing in institutions;
- (b) Persons with hearing and visual impairments;
- (c) Persons with limited mobility, including those who are able travel lying down only;
- (d) Men with disabilities and male caregivers for close relatives with disabilities who wish to leave Ukraine and seek international protection in another country.

35. **The Committee urges all the States parties concerned to ensure that all emergency-related information is made available in formats accessible to all persons with disabilities, regardless of type of impairment, in accordance with the Committee's general comment No. 2 (2014).**

36. The Committee regrets that Ukraine has not sufficiently implemented the Committee's previous recommendations,<sup>23</sup> and is deeply concerned about:

- (a) The widespread institutionalization of persons with disabilities, in particular persons with intellectual disabilities and persons with psychosocial disabilities, in residential care institutions in Ukraine;
- (b) The State regulations that prevent the provision of alternative care within the community in a family setting to children with disabilities who are evacuated from residential care institutions located in areas of armed hostilities, resulting in the re-institutionalization of children with disabilities in institutional settings in Ukraine and in refugee-hosting countries;
- (c) The failure by both parties to the conflict to prioritize efficiently the evacuation of the institutions located in conflict areas.

37. **The Committee calls upon Ukraine, and upon the Russian Federation regarding Ukrainian territory under its occupation, to do the following:**

- (a) **Expedite the deinstitutionalization of all persons with disabilities who remain in residential care institutions for persons with disabilities in the territory of Ukraine, and ensure independent monitoring of this process, with the close involvement of organizations of persons with disabilities;**
- (b) **With the aim of ensuring the enjoyment by children with disabilities of their rights to family life, repeal State regulations that prevent the provision of community-based support to children with disabilities who are evacuated from residential care institutions, and provide them with alternative care within the community in a family setting; introduce support measures for women caregivers of children and family members with disabilities to decrease their unpaid care work and provide opportunities for their professional and personal self-realization; and invest in a wide range of services, including in-home services, personal assistance, early intervention and rehabilitation, in Ukraine and in refugee-hosting countries;**
- (c) **Ensure that all persons with disabilities living in residential care institutions for persons with disabilities are accounted for and prioritize their evacuation from institutions located in places of armed hostilities;**
- (d) **Open a dialogue with other Governments to arrange integrated assistance for people with disabilities who can be relocated outside Ukraine, including addressing the risks of human trafficking and methods to combat it;**
- (e) **Recalling their obligations under international humanitarian law, refrain from taking up military positions in residential areas or near civilian objects, and from involving persons with disabilities in military operations.**

38. The Committee notes with concern that Ukraine has not prioritized the evacuation of persons with disabilities from areas of armed hostilities to safe areas in the country or abroad.

<sup>23</sup> CRPD/C/UKR/CO/1, paras. 14 and 37.



39. **The Committee recommends that the State party reform evacuation protocols to ensure that adequate support is available and accessible for all persons with disabilities, on an equal basis with others. Evacuation protocols should include the prioritization of persons with disabilities during emergency evacuation, and safeguards to ensure that persons with disabilities are able to take their assistive devices and equipment with them during evacuation or, if not possible, to have them replaced.**

40. The Committee notes with concern the persistent lack of community-based services and social housing for persons with disabilities living in Ukraine, particularly for persons with intellectual disabilities, persons with psychosocial disabilities and autistic persons, which has been exacerbated as a result of the aggression against Ukraine by the Russian Federation, and has a negative impact on the right of persons with disabilities to live independently and be included in the community.

41. **The Committee urges the State parties concerned to ensure that all persons with disabilities have access to protection and to gender-responsive community-based support services, including in-home, residential and other support services.**

42. The Committee is concerned about the lack of accessible community services, including programme assistance, adequate shelter, communication and means of transportation, which disproportionately affects internally displaced persons with disabilities, and further exposes them to poverty, social exclusion and institutionalization.

43. **Recalling the Guiding Principles on Internal Displacement,<sup>24</sup> the Committee calls upon the States parties concerned to ensure that internally displaced persons with disabilities are provided with accessible community services, including accessible shelter.**

44. The Committee is gravely concerned about:

(a) Reports that persons with disabilities living in residential care institutions for persons with disabilities in territories under the control of the Russian Federation were denied evacuation and access to basic services, which, according to initial reports, resulted in the death of at least 12 persons with disabilities;<sup>25</sup>

(b) Reports of persons with disabilities being kept in inhumane conditions, by the Russian Federation, during armed hostilities;<sup>26</sup>

(c) Reports of persons with disabilities being held incommunicado or forcibly transferred to the Russian Federation or to Ukrainian territory under the control of the Russian Federation.

45. **Recalling the obligations of States parties under international humanitarian law, the Committee urges the Russian Federation to:**

(a) **Ensure that all persons with disabilities living in territories under its occupation have access to safe, voluntary evacuation to the area of their choice, are protected from violence, abuse and ill-treatment, and have full access to basic services, including water and sanitation, social support, education, health care, transport and information;**

(b) **Ensure that representatives and staff of international human rights and humanitarian institutions, including United Nations specialized agencies, have timely, unrestricted and safe access to persons with disabilities who are held in the territory of the Russian Federation or areas occupied by the Russian Federation, and share with relevant stakeholders a comprehensive list of such transferred persons and their whereabouts.**

46. The Committee is concerned that the armed conflict has further exposed women and children with disabilities to neglect, domestic violence, conflict-related sexual violence,

<sup>24</sup> E/CN.4/1998/53/Add.2, annex.

<sup>25</sup> OHCHR, *Situation of Human Rights in Ukraine in the Context of the Armed Attack by the Russian Federation: 24 February to 15 May 2022* (Geneva, 2022), para. 69.

<sup>26</sup> Ibid., para. 37.



trafficking and sexual exploitation, while also weakening law enforcement and fracturing support and safety mechanisms.<sup>27</sup> Furthermore, the Committee notes with concern that, although women and children with disabilities now have increased protection needs, they face additional challenges in gaining access to humanitarian support.<sup>28</sup>

47. **The Committee urges all the States parties concerned to:**

(a) **Develop comprehensive strategies to identify and mitigate risks of exploitation, violence and abuse against persons with disabilities, in particular against forcibly displaced women and children with disabilities;**

(b) **Ensure adequate protection for women and children with disabilities and facilitate timely access to mainstream and specialized services, including age- and gender-appropriate medical, legal, psychological, social and educational services.**

48. The Committee notes with concern that while the number of people affected by conflict-related trauma and injuries is increasing as a result of the armed hostilities, the health system in Ukraine is severely disrupted following continued attacks on hospitals and other medical facilities,<sup>29</sup> and there is limited or no access to health and rehabilitation services, including mental health and psychological support.

49. **Recalling the Basic Principles for the Protection of Civilian Populations in Armed Conflicts,<sup>30</sup> and the obligations of States parties under international humanitarian law, the Committee urges the Russian Federation to immediately cease attacks against civilians and civilian infrastructure, including hospitals, clinics, rehabilitation centres, maternity units, ambulances and health-care workers. Furthermore, the Committee recommends that all the States parties concerned ensure that health and rehabilitation services are accessible and culturally adequate for forcibly displaced persons with disabilities, and that access to health and rehabilitation services is granted to them on an equal basis with the others.**

50. The Committee notes with concern that, even though disaggregated data on persons with disabilities are essential to the design of inclusive policies on humanitarian response, neither States parties nor humanitarian actors are systematically identifying and reporting against disability-specific indicators. The lack of data is particularly acute in Ukrainian territory under the occupation of the Russian Federation.

51. **The Committee recommends that all the States parties concerned:**

(a) **Ensure that all persons with disabilities are accounted for, collect and share data disaggregated by sex, age and disability, and prioritize transparency and the sharing of non-identifiable data collected with the relevant stakeholders;**

(b) **Ensure that all sectors integrate the collection of data disaggregated by sex, age and disability into their interventions, and seek the input of all population groups affected by the conflict, including women and children with disabilities;**

(c) **Require the use of gender and disability markers in the allocation of funds for humanitarian interventions.**

52. The Committee is concerned about the insufficient harmonization of international humanitarian aid programmes, including those of the European Union, with the purpose and provisions of the Convention, and about the lack of involvement of Ukrainian organizations of persons with disabilities in consultations on and the development and implementation of international cooperation programmes, including those aimed at providing humanitarian aid. The Committee is further concerned about reports of residential care institutions that are struggling to cover the costs of living and medical care for residents and are relying on donor support to ensure access to basic needs, including to heating in the upcoming winter months.

<sup>27</sup> See United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and CARE International, *Rapid Gender Analysis of Ukraine* (Kyiv and Geneva, 2022).

<sup>28</sup> Ibid.

<sup>29</sup> See WHO, "Emergency in Ukraine: external situation report #19", 11 August 2022.

<sup>30</sup> General Assembly resolution 2675 (XXV) of 9 December 1970.

53. The Committee encourages all the States parties concerned to ensure that international cooperation is inclusive of and accessible to all persons with disabilities and that, in all cases, it is respectful of the standards set out in the Convention. It also reminds all the States parties concerned of the obligation, when using international cooperation funds, including those of the European Union, to ensure the participation of persons with disabilities and their representative organizations in decision-making processes. Lastly, the Committee urges all the States parties concerned to ensure that international funds are not invested in rebuilding, expanding or renovating residential care institutions for persons with disabilities, and are instead directed towards developing provisions for independent living that are aimed at renovating and creating accessible community-support services and facilities, in-home services and personalized support, including affordable housing in the community on an equal basis with others.

54. The Committee notes with concern the lack of accessible built environments in Ukraine, including emergency shelters, public services and public transport, in particular in rural areas and small towns, and that this situation has been exacerbated since 24 February 2022.

55. **The Committee recommends that Ukraine ensure accessibility through universal design in all post-war reconstruction and rebuilding plans and strategies, particularly during planning and reconstruction of infrastructure and public facilities.**

56. The Committee will remain seized of the matter.

57. The Committee reiterates its call upon the Russian Federation, made in its statement of 14 April 2022,<sup>31</sup> to immediately end the hostilities and observe and respect the principles of international human rights and international humanitarian law.

## **XII. Other decisions**

58. The Committee adopted the present report on its twenty-seventh session.

59. The full list of the decisions adopted by the Committee is available in annex I to the present report.

---

<sup>31</sup> See [www.ohchr.org/en/statements/2022/04/ukraine-27-million-people-disabilities-risk-un-committee-warns](https://www.ohchr.org/en/statements/2022/04/ukraine-27-million-people-disabilities-risk-un-committee-warns).

## Annex I

### Decisions adopted by the Committee at its twenty-seventh session

1. The Committee adopted concluding observations in relation to the initial reports of Bangladesh, Indonesia, Japan, Lao People's Democratic Republic and Singapore. It also adopted concluding observations in relation to the combined second and third periodic reports of the following: China, including Hong Kong, China, and Macao, China; New Zealand; and Republic of Korea.
2. The Committee considered four individual communications submitted for its consideration under the Optional Protocol to the Convention. It found violations of the Convention in two of them, declared the third inadmissible and decided to discontinue its consideration of the fourth. A summary of the Views and decisions of the Committee may be found in annex III to the present report. The Views and decisions would be transmitted to the parties as soon as possible and would subsequently be made public.
3. The Committee considered matters related to inquiries pursuant to the Optional Protocol.
4. The Committee adopted its general Comment No. 8 (2022) on the right of persons with disabilities to work and employment.
5. The Committee adopted its guidelines on deinstitutionalization, including in emergencies. The guidelines complemented and should be read in conjunction with the Committee's general comment No. 5 (2017) and the Committee's guidelines on the right to liberty and security of persons with disabilities.
6. The Committee adopted a joint statement, with the United Nations Office for Disaster Risk Reduction, on the situation of persons with disabilities affected by flooding in Pakistan.
7. The Committee decided to organize, with the support of its working group on women and girls with disabilities, an online panel on gender-based violence against women and girls with disabilities, to be held during the 16 Days of Activism against Gender-Based Violence campaign in 2022.
8. The Committee decided to establish a working group to prepare a draft general comment on article 11 of the Convention.
9. The Committee decided that its twenty-eighth session would be held in Geneva from 6 to 24 March 2023, subject to confirmation by the Secretariat of the feasibility of an in-person session, and would be followed by the seventeenth meeting of the pre-sessional working group, from 27 to 31 March 2023. The Committee adopted a provisional programme of work for its twenty-eighth session.
10. The Committee decided to continue its work on updating and streamlining its working methods. It expressed concern at the insufficient human resources in the Secretariat, and reiterated that additional resources were required to enable the Committee to fulfil its core mandate and meet its increasing workload.
11. The Committee decided to continue interacting with the United Nations Office in Geneva and the Office of the United Nations High Commissioner for Human Rights, with a view to improving the provision of accessible conference services and reasonable accommodation to members of the Committee and participants with disabilities at its meetings.
12. The Committee decided to implement, on a pilot basis, a database project offered by Fundación Saraki.
13. The Committee adopted the report on its twenty-seventh session, which included a section on the situation of persons with disabilities in Ukraine.

## Annex II

### States parties whose initial reports are more than five years overdue

<i>Party</i>	<i>Due date</i>
Guinea	8 March 2010
San Marino	22 March 2010
Lesotho	2 January 2011
Yemen	26 April 2011
Syrian Arab Republic	10 August 2011
United Republic of Tanzania	10 December 2011
Malaysia	19 August 2012
Saint Vincent and the Grenadines	29 November 2012
Belize	2 July 2013
Cabo Verde	10 November 2013
Nauru	27 July 2014
Eswatini	24 October 2014
Dominica	1 November 2014
Cambodia	20 January 2015
Barbados	27 March 2015
Papua New Guinea	26 October 2015
Côte d'Ivoire	10 February 2016
Grenada	17 September 2016
Congo	2 October 2016
Guyana	10 October 2016
Guinea-Bissau	24 October 2016

## Annex III

### Summary of the Views and decisions adopted by the Committee regarding individual communications submitted under the Optional Protocol

#### *Henley v. Australia*

1. The Committee examined the communication in the case of *Henley v. Australia*.<sup>1</sup> The author claimed to be the victim of violations by the State party of articles 9 (1) (b) and 30 (1) (b), read in conjunction with articles 4 (1) and (2) and 5 (3), of the Convention, as the State party, by not providing audio description on free-to-air television, had failed to enable her, as a person with a disability, to live independently and participate fully in all aspects of life.

2. The author had been completely blind since an injury as a result of a motor vehicle accident in 2006. She claimed that she was unable to access free-to-air television in the State party on an equal basis with other users, because of the lack of audio description, comprising the narration of visual elements in television, film and live performance. During gaps in dialogue, audio description would describe visual elements that appeared on screen, such as scenes, settings, actions, costumes and on-screen text. The provision of audio description would enable access to television programming that was otherwise unavailable to blind persons and persons with visual impairments. She claimed that audio description was also unavailable on free online “catch-up” television services provided by broadcasters in the State party.

3. In its Views, the Committee noted the author’s argument that the measures taken by the State party to provide audio description content on television, including through trials and budget allocations, were insufficient and were inconsistent with the requirement for progressive realization. The Committee also noted the author’s arguments that the State party had provided no evidence of financial constraints, and that, in any case, resource constraints were not an excuse for the State party’s failure to adopt legislation, strategies, plans and monitoring frameworks to ensure that concrete and deliberate progress was made towards the full realization of the rights under the Convention.

4. The Committee recalled that progressive realization meant that States parties had a specific and continuing obligation to move as expeditiously and effectively as possible towards the full realization of rights. The Committee considered that the steps taken towards the full realization of rights should be deliberate, concrete and targeted as clearly as possible towards meeting the obligations recognized in the Convention. The Committee also recalled that, in accordance with the Convention, States parties were not allowed to use austerity measures as an excuse to avoid ensuring gradual accessibility for persons with disabilities, and that the obligation to implement accessibility was unconditional.

5. While giving due regard to the measures taken by the State party to provide audio description to persons with visual impairments, including through research, two trials (in 2012 and 2015) and funding for the main television broadcasters (in 2020), the Committee observed that those measures did not reveal the existence of a strategy to progressively and effectively take the necessary steps to provide audio description in a sustainable manner to persons with visual impairments. The Committee observed, in particular, that the State party had failed to adopt specific legislation, a policy framework, sustainable budget allocations or any other foreseeable measures to demonstrate its commitment to advancing in the provision of audio description to persons with visual impairments in a sustainable manner. The Committee therefore found that the State party had failed to comply with its obligations under articles 9 (1) (b) and 30 (1) (b), read in conjunction with article 4 (1) and (2), of the Convention.

<sup>1</sup> [CRPD/C/27/D/56/2018](#).

*Bellini et al. v. Italy*

6. The Committee examined the communication in the case of *Bellini et al. v. Italy*.<sup>2</sup> The author submitted the communication on her own behalf and on behalf of her daughter and her partner. She claimed that they were victims of violations by the State party of articles 5, 8, 12, 16, 19, 23, 25 and 28 of the Convention.

7. The author was a family caregiver to her daughter and to her partner, both of whom were persons with disabilities. The author claimed that the lack of legal recognition of the status of family caregiver in the State party's legal system and the lack of individualized support provided to the family, including a lack of financial assistance, social support services, care services or respite care, amounted to a violation of her, her daughter's and her partner's rights under the Convention.

8. In its decision on admissibility, the Committee examined the author's claim that she had standing to bring claims on her own behalf in connection with her role as a family caregiver. The Committee recalled that, under article 1 of the Convention, the purpose of the Convention was to promote, protect and ensure the full and equal enjoyment of all human rights of persons with disabilities. However, the Committee was aware of instances in which the rights of persons with disabilities could not be realized without the protection of family caregivers. Article 28 (2) (c) explicitly required States parties to ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care. The Committee therefore concluded that the right of family members of persons with disabilities under article 28 (2) (c) was indivisibly linked to the protection of the rights of the persons with disabilities themselves, and that article 28 (2) (c) conferred on family members who did not have a disability a right to submit a claim on their own behalf under the Convention, under the condition that such a right is a necessary prerequisite for the realization of the rights of the persons with disabilities. The Committee recalled its general comment No. 6 (2018) on equality and non-discrimination, in which it had noted that the reason for the wide scope of article 5 of the Convention, incorporating the concept of "discrimination by association", was to eradicate and combat all discriminatory situations that were linked to disability. The Committee therefore concluded that it was not precluded by article 1 of the Optional Protocol from considering the claims presented by the author on her own behalf under article 28 (2) (c), read in conjunction with article 5 of the Convention.

9. As to the merits of the case, the Committee concluded that the lack of individualized support services provided to the author's daughter and partner, the failure by the State party to promote, facilitate and provide appropriate legislative, administrative, budgetary, judicial, programmatic, promotional and other measures to ensure the full realization of the right to live independently and be included in the community, as enshrined in the Convention, and the failure to provide adequate support services to family caregivers so that they in could turn support their relatives to live independently in the community amounted to a violation of the rights of the author's daughter and partner under article 19 of the Convention. The Committee further found that the failure by the State party to provide the family with adequate support to realize their right to respect for home and the family amounted to a violation of the rights of the author's daughter and partner under article 23 of the Convention. Lastly, the Committee found that that the lack of social protection, assistance with disability-related expenses, adequate training, counselling, financial assistance and respite care provided by the State party authorities amounted to a violation of the rights of the author, her daughter and her partner under article 28 (2) (c), read in conjunction with article 5 of the Convention.

10. The Committee therefore noted that the State party was under an obligation, inter alia, to take appropriate measures to ensure that the author's family had access to adequate individualized support services, including respite care services, financial support, counselling services, social support and other adequate support options, in order to ensure their rights under articles 19, 23 and 28 (2) (c) of the Convention; and to ensure, by amending its

<sup>2</sup> [CRPD/C/27/D/51/2018](#).

domestic legislation as necessary, that social protection programmes met the requirements of the diverse range of persons with disabilities on an equal basis with others.

***J.S. v. United Kingdom of Great Britain and Northern Ireland***

11. The Committee examined the communication in the case of *J.S. v. the United Kingdom of Great Britain and Northern Ireland*.<sup>3</sup> The communication was submitted by J.S. on behalf of her son, S.S. The author claimed that her son was the victim of violations by the State party of articles 10, 15, 22 (1) and 25 (f) of the Convention.

12. S.S. had had a heart attack in 2020. He had been deprived of oxygen for at least 45 minutes and had been in a coma ever since. The hospital doctors and a court-appointed expert had assessed him to be in a vegetative state and considered it to be in his best interests to discontinue hydration and nutrition. S.S.'s wife supported discontinuing life support, while the author and S.S.'s sisters opposed it. During the domestic proceedings, the court had concluded, on the basis of the evidence before it, that S.S. would not have wished to be kept alive in his condition. On the basis of that evidence, the court had held that it was lawful and in the best interests of S.S. for nutrition and hydration to be withdrawn.

13. In its decision, the Committee noted that on 7 January 2021, the European Court of Human Rights had dismissed an application submitted to it by the author on behalf of her son as being manifestly ill-founded. It further noted that the Court had clarified that it had found that the author's application did not disclose any appearance of a violation of the rights and freedoms set out in the Convention for the Protection of Human Rights and Fundamental Freedoms or the Protocols thereto, and that the author's claims were accordingly found to be manifestly ill-founded. The Committee noted the State party's argument that the same matter had therefore been considered on the merits by the Court, rather than being dismissed for procedural reasons, and that consequently there was no proper basis for the Committee to reopen the matter.

14. The Committee concluded that the author's application before the European Court of Human Rights had concerned the same matter as the communication before the Committee. The Committee considered that the examination of the author's application by that Court had gone beyond an examination of purely procedural admissibility criteria and that the reasons provided by the Court had indicated a certain consideration of the merits. The Committee therefore found that it was precluded by article 2 (c) of the Optional Protocol from considering the communication, and declared it inadmissible.

---

<sup>3</sup> [CRPD/C/27/D/85/2021](#).