



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Report of the Committee on the Rights of Persons with Disabilities on its twenty-second session (26 August to 20 September 2019)

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

1. As at 20 September 2019, the date on which the twenty-second session closed, there were 180 States parties to the Convention on the Rights of Persons with Disabilities and 96 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-second session of the Committee

2. The twenty-second session opened in a public meeting with welcoming remarks by the Chair of the Committee. The opening statement of the Office of the United Nations High Commissioner for Human Rights (OHCHR) was delivered by the High Commissioner for Human Rights and is available on the Committee's website. The Chair also delivered a statement, including an oral report on intersessional activities, which is also available on the Committee's website.

3. The Committee reviewed and adopted the provisional agenda and tentative programme of work for the twenty-second session (CRPD/C/22/1).

III. Membership of the Committee

4. The list of members of the Committee as at 20 September 2019, indicating the duration of their terms of office, is available on the Committee's website.

IV. Working methods

5. The Committee discussed various issues related to its working methods and adopted the decisions contained in annex I to the present report.

* Reissued for technical reasons on 10 December 2019.



V. Activities related to general comments

6. The Committee decided to dissolve the working group on drafting a general comment on article 11 of the Convention, on situations of risk and humanitarian emergencies.

7. The Committee discussed the possibility of developing a general comment on article 27 of the Convention, on work and employment, and established a task force.

VI. Activities related to the Optional Protocol

8. The Committee examined six communications. It found violations of the Convention in four of them: *Z v. Tanzania* (CRPD/C/22/D/24/2014), related to torture and degrading treatment suffered by a woman with albinism; *Medina Vela v. Mexico* (CRPD/C/22/D/32/2015), regarding the detention of a person with psychosocial disabilities without due process; and *Leo v. Australia* (CRPD/C/22/D/17/2013) and *Doolan v. Australia* (CRPD/C/22/D/18/2013), regarding the forced institutionalization of persons with psychosocial disabilities. The Committee declared the other two communications inadmissible, for non-exhaustion of domestic remedies in *N.B. and M.W.J. v. United Kingdom of Great Britain and Northern Ireland* (CRPD/C/22/D/43/2017) and for lack of substantiation in *R.I. v. Ecuador* (CRPD/C/22/D/25/2014).

9. The Committee adopted the report of the Special Rapporteur for follow-up on Views (CRPD/C/22/4). In that connection, it decided to continue the follow-up procedure with regard to *Bujdosó et al. v. Hungary* (CRPD/C/10/D/4/2011) and to discontinue the procedure with regard to *F v. Austria* (CRPD/C/14/D/21/2014).

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

VII. Other decisions

11. The Committee adopted the present report on its twenty-second session.

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

VIII. Future sessions

13. The twenty-third session of the Committee is scheduled to be held in Geneva from 9 to 27 March 2020 and will be followed by the thirteenth meeting of the pre-sessional working group, from 30 March to 3 April 2020.

IX. Accessibility of the Committee's meetings

14. Remote captioning was provided by the United Nations in all official public and private meetings, and in three private meetings held outside of the official meeting time. International Sign interpretation was provided during public meetings. National sign language interpretation was provided during the dialogues with five States parties to the Convention, namely Australia, Ecuador, El Salvador, India and Kuwait. Russian sign language interpretation was provided in all public and private meetings. Webcasting was provided during public meetings. Remote captioning was provided during thematic briefings to the Committee by the organizers of the briefings.

X. Cooperation with relevant bodies

A. Cooperation with United Nations organs and specialized agencies

15. At the opening meeting of the session, representatives of the following United Nations agencies, departments and programmes made statements: the International Labour Organization, the Mine Action Service, the Office of the United Nations High Commissioner for Refugees, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Office for Disaster Risk Reduction and the World Intellectual Property Organization. A statement was read out on behalf of the Division for Inclusive Social Development of the Department of Economic and Social Affairs of the Secretariat, and a video message by the Special Envoy of the Secretary-General on Disability and Accessibility was played.

16. The Committee met with the Chair of the Human Rights Council task force on secretariat services, accessibility for persons with disabilities and use of information technology, who provided an update on activities undertaken to promote accessibility in Human Rights Council meetings.

17. The Committee met with the Chief of the Anti-Torture, Coordination and Funds Section of OHCHR to discuss the 2020 treaty body review.

18. The Bureau of the Committee met with the OHCHR Human Rights and Disability Advisor to discuss matters relating to the implementation of the United Nations Disability Inclusion Strategy.

19. The members representing the Committee in the joint working group with the Committee on the Rights of the Child on children with disabilities participated in a meeting on children with disabilities with external experts.

20. The Committee was represented at an expert meeting on bioethics and disability organized by the Special Rapporteur on the rights of persons with disabilities.

21. On 19 September 2019, the Committee co-sponsored the second annual celebration of the International Day of Sign Languages (23 September 2019) to increase awareness and recognition of the importance of sign languages as part of linguistic and cultural diversity and as a precondition to realizing the rights of persons with disabilities.

B. Cooperation with non-governmental organizations and other bodies

22. At the opening meeting of the session, the Committee was addressed by representatives of the International Disability Alliance, the International Federation of Anti-Leprosy Associations and the Center for the Human Rights of Users and Survivors of Psychiatry.

23. Country-specific and thematic side events to brief the Committee were organized by the Center for Human Rights of Users and Survivors of Psychiatry, CREA Delhi, Women with Disabilities India Network, the Shanta Memorial Rehabilitation Centre, and People with Disability Australia.

24. Regarding the participation and engagement of independent monitoring frameworks and national human rights institutions from States parties whose reports were considered by the Committee and those in relation to which the Committee had adopted lists of issues under the simplified reporting procedure during its twenty-second session, institutions from eight States parties submitted alternative reports on the implementation of the Convention: Australia, Canada, Ecuador, Greece, India, Iraq, Myanmar and Ukraine. Of those institutions, those from Australia and Canada have been explicitly designated independent monitoring frameworks under article 33 (2) of the Convention. The institutions from Australia and Canada participated in briefings during private meetings on country situations, and those from Australia, Greece and India participated in the dialogue between the Committee and the State party delegations.

XI. Consideration of reports submitted in accordance with article 35 of the Convention

25. The Committee considered the initial reports of Albania (CRPD/C/ALB/1), Greece (CRPD/C/GRC/1 and Corr.1), India (CRPD/C/IND/1), Iraq (CRPD/C/IRQ/1), Kuwait (CRPD/C/KWT/1) and Myanmar (CRPD/C/MMR/1) and the combined second and third periodic reports of Australia (CRPD/C/AUS/2-3), Ecuador (CRPD/C/ECU/2-3) and El Salvador (CRPD/C/SLV/2-3). The Committee adopted concluding observations on those reports, which are available on its website.

26. The Committee adopted lists of issues under the simplified reporting procedure in relation to Canada (CRPD/C/CAN/QPR/2-3) and Ukraine (CRPD/C/UKR/QPR/2-3).

Annex I

Decisions adopted by the Committee at its twenty-second session

1. The Committee adopted concluding observations in relation to the initial reports of the following States parties: Albania (CRPD/C/ALB/CO/1), Greece (CRPD/C/GRC/CO/1), India (CRPD/C/IND/CO/1), Iraq (CRPD/C/IRQ/CO/1), Kuwait (CRPD/C/KWT/CO/1) and Myanmar (CRPD/C/MMR/CO/1). It also adopted concluding observations in relation to the combined second and third reports of Australia (CRPD/C/AUS/CO/2-3), Ecuador (CRPD/C/ECU/CO/2-3) and El Salvador (CRPD/C/SLV/CO/2-3).
2. The Committee adopted lists of issues under the simplified reporting procedure in relation to the following States parties: Canada (CRPD/C/CAN/QPR/2-3) and Ukraine (CRPD/C/UKR/QPR/2-3).
3. The Committee considered matters related to its communication procedures and inquiry proceedings pursuant to articles 6 and 7 of the Optional Protocol. The Committee considered six communications. It found violations of the Convention in four of them, and declared the other two inadmissible, for non-exhaustion of domestic remedies and lack of substantiation respectively. A summary of the Views of the Committee can be found in annex II to the present report.
4. With regard to the reports of States parties to be considered at its twenty-third session and country rapporteurs, the Committee decided to consider the reports of the following States parties: Bangladesh (Danlami Umaru Basharu), Djibouti (Samuel Njuguna Kabue and Gertrude Oforiwa Fefoame), Estonia (Jonas Ruskus), Hungary (Mr. Ruskus and Robert George Martin), Lao People's Democratic Republic (Risnawati Utami) and Venezuela (Bolivarian Republic of) (Amalia Eva Gamio Ríos). The Committee instructed its secretariat to inform all concerned permanent missions of those States parties.
5. The Committee decided that its twenty-third session would be held from 9 to 27 March 2020 and would be followed by the thirteenth session of the pre-sessional working group, from 30 March to 3 April 2020. The Committee requested the pre-sessional working group at its thirteenth session to adopt lists of issues in relation to Angola, China, Georgia, Indonesia, Malawi and Mauritania. The Committee also requested the pre-sessional working group to adopt lists of issues under the Committee's simplified reporting procedure in relation to Croatia. The Committee instructed its secretariat to inform all concerned permanent missions of those States parties.
6. The Committee decided to endorse the joint statement by treaty bodies on human rights and climate change.
7. The Committee adopted a follow-up progress report on individual communications (CRPD/C/22/4).
8. The Committee considered matters related to its working methods and decided to establish a working group on working methods, comprising Jun Ishikawa, Rosemary Kayess and Markus Schefer.
9. As part of its efforts to reduce the number of initial reports submitted and pending review, the Committee decided to adopt a temporary policy to give priority to reviewing initial reports, while keeping to a minimum the adoption of lists of issues prior to reporting and the review of periodic reports. That policy would be reassessed at each future session.
10. The Committee decided to follow a new internal time frame for the submission of documents to most adequately reflect the growth of the Committee and its workload. In an effort to ensure that States parties, at the different levels of their administration, had sufficient time to provide adequate and updated written submissions, including replies to the Committee's lists of issues and involving all relevant stakeholders, particularly persons with disabilities through their representative organizations, the Committee decided that its documents should follow a submission pattern of 8-4-4 weeks.

11. The Committee decided to dissolve the working group on drafting a general comment on article 11 of the Convention, on situations of risk and humanitarian emergencies.
12. The Committee decided to establish a task force on article 27 of the Convention, comprising Monthian Buntan, Ms. Fefoame, Mr. Kabue and László Gábor Lovászy.
13. The Committee adopted the report on its twenty-second session.

Annex II

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

Medina Vela v. Mexico

1. The Committee examined the communication in the case of *Medina Vela v. Mexico* (CRPD/C/22/D/32/2015). The author of the communication was Arturo Medina Vela, a national of Mexico. The author claimed to be a victim of violations by the State party of under articles 5, 9, 12, 13, 14 and 19, read in conjunction with article 4, of the Convention.

2. The author claimed that his procedural rights had been violated since he had been considered exempt from criminal liability and unfit to testify. Current criminal legislation and judicial practices in the State party allowed for persons with psychosocial disabilities to be excluded from proceedings on the basis of being considered unfit to stand trial. The author had not been given the opportunity to be tried by a competent impartial court, attend his own trial, present evidence in his defence, designate a defence counsel of his choice or gain access to the usual remedies provided for under criminal law, in particular the remedy of appeal. The author also claimed that the security measure that had been imposed on him was discriminatory. He further claimed that the State failed to discharge its obligation to provide the necessary reasonable accommodation that he had requested and to amend or repeal legislation that encouraged discrimination against persons with disabilities. The author argued that, by denying him early release, the State party had prevented him from gaining access to community services that would have promoted his development and inclusion.

3. The State party submitted that the communication was inadmissible because the author had not exhausted domestic remedies, despite having had full access to them. It stated that although the author had been subject to a special procedure for persons exempt from criminal liability, the procedure had not been conducted differently because of his disability. On the contrary, he had been provided with the necessary tools to make it easier for him to follow the proceedings, thereby affording him the same rights and legal capacity as any person involved in a judicial procedure. Accordingly, the State party requested the Committee to find the communication inadmissible for non-exhaustion of domestic remedies and for being manifestly unfounded.

4. In accordance with rule 72 (3) of its rules of procedure, the Committee received three third-party interventions.

5. The Committee recalled that discrimination could result from the discriminatory effect of a rule or measure that was not intended to discriminate, but that disproportionately affected persons with disabilities. The application of the special procedure for persons exempt from criminal liability, as provided for in the Code of Criminal Procedure for the Federal District, had led to discriminatory treatment of the author, in violation of article 5, read in conjunction with article 4, of the Convention.

6. The Committee noted that the author had not been included in the proceedings and had not had access to the related information. All the information on the judicial proceedings and procedure had been conveyed to the court-appointed defence lawyer. The author's lack of participation in the proceedings and the refusal to draft a simplified version of the decisions constituted a violation of article 9, read in conjunction with article 4, of the Convention.

7. The Committee considered that author had been denied the possibility of exercising his legal capacity to plead not guilty, challenging the evidence submitted against him, designating a defence lawyer of his choice and contesting any decisions. The Committee recalled that while States parties enjoyed a certain margin of appreciation when determining procedural arrangements intended to enable persons with disabilities to

exercise their legal capacity, they must respect the procedural rights and guarantees of the person concerned. The Committee therefore considered that the author's situation, regarding the decisions taken concerning him, entailed a violation of article 12, read in conjunction with article 4, of the Convention.

8. The Committee recalled that, under article 13 of the Convention, States parties must ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural accommodations, in order to facilitate their effective role as direct and indirect participants in all legal proceedings. In the present case, the judicial authorities repeatedly denied the author the possibility of exercising his rights, in violation of article 13, read in conjunction with article 4, of the Convention.

9. The Committee reaffirmed that all persons with disabilities, and especially persons with intellectual and psychosocial disabilities, are entitled to liberty pursuant to article 14 of the Convention. In the present case, even though the judge who ruled on the author's criminal liability found that the risk that he had posed had been "minimal", a temporary security measure had been imposed on the author from the outset of the proceedings and continued after his conviction. The author's committal had been based solely on medical reports and the potential danger that he would present to society, resulting in a violation of article 14 (1) (b) of the Convention.

10. Regarding the alleged violation of article 19, read in conjunction with article 4, the Committee considered that it had not been sufficiently substantiated and declared it inadmissible under article 2 (e) of the Optional Protocol.

N.B. and M.W.J. v. United Kingdom of Great Britain and Northern Ireland

11. The Committee examined the communication in the case of *N.B. and M.W.J. v. United Kingdom of Great Britain and Northern Ireland* (CRPD/C/22/D/43/2017). The authors of the communication were N.B. and M.W.J., nationals of the United Kingdom of Great Britain and Northern Ireland. They claimed to be victims of violations by the State party of articles 17, 19, 20, 30 and 31 of the Convention.

12. The authors alleged that the closure of the public Independent Living Fund to new applicants in 2010 and its subsequent permanent closure to all applicants in 2015 had resulted in a reduction in the support available to them and, in particular, their ability to live an independent and fulfilling life.

13. The State party submitted that the communication should be found inadmissible for failure to exhaust all available domestic remedies, as the authors had failed to bring proceedings by way of judicial review to challenge the closure of the Fund. In its considerations, the Committee recalled its jurisprudence that, although there was no obligation to exhaust all available domestic remedies if they had no reasonable prospect of being successful, authors of communications must exercise due diligence in the pursuit of available remedies and that mere doubts or assumptions about the effectiveness of domestic remedies did not absolve authors from exhausting them. The Committee found that, by failing to bring proceedings by way of judicial review, the authors had failed to exhaust all available domestic remedies. The Committee therefore concluded that the communication was inadmissible under article 2 (d) of the Optional Protocol.

Leo v. Australia and Doolan v. Australia

14. The Committee examined the communications in the cases of *Leo v. Australia* (CRPD/C/22/D/17/2013) and *Doolan v. Australia* (CRPD/C/22/D/18/2013). The authors of the complaints were Aboriginal nationals of Australia. They each claimed to be victims of violations of articles 5, 12, 13, 14, 15, 19, 25, 26 and 28 of the Convention.

15. The authors had intellectual and psychosocial disabilities. In 2007 and 2008, respectively, they had each been charged with common assault in a circumstance of aggravation. Following arrest, the authors had each been remanded in custody and incarcerated in a high-security section of Alice Springs Correctional Centre. In each case, the Northern Territory Supreme Court had determined that the authors had been unfit to stand trial on the basis of their intellectual and psychosocial impairments. The Court had

also determined that there was no reasonable prospect of the authors becoming fit to be tried for those offences within 12 months. Those determinations had required the Court to conduct a special hearing before a jury, which had found the authors not guilty of the offences with which they had been charged by reason of their intellectual and psychosocial impairments. As a consequence of the verdict, the Court had been required to determine if the authors ought to be released unconditionally, or if they ought to be liable to supervision. The Court had declared that they were liable to supervision, placed them under custodial supervision orders and committed them to custody in prison. The Court had been required to fix a term appropriate for the offence concerned and to specify that term in the order. As the Court would have imposed a sentence of 12 months of imprisonment if the authors had been held guilty for the offences, it had fixed the term of supervision at 12 months. However, the authors had spent in custody, respectively, a total of five times and six times the period of custody that they would have been required to spend had they been convicted. In 2013, the authors had each been transferred to a custodial facility that had been built that year. Eventually, in September 2015 and January 2016 respectively, the authors had been gradually relocated to community residences with full-time assistance.

16. The State party submitted that the communications should be held inadmissible for non-exhaustion of all available domestic remedies, or lack of merit. In particular, the State party insisted that the Northern Territory Criminal Code did not treat persons any differently because of their disabilities, but provided for the differential treatment of people found “unfit to stand trial”.

17. The Committee recalled its general comment No. 6 (2018) on equality and non-discrimination, according to which the term “equal benefit of the law” meant that States parties must eliminate barriers to gaining access to all of the protections of the law and the benefits of equal access to the law and justice to assert rights. It therefore concluded that part II.A of the Criminal Code had resulted in the discriminatory treatment of the authors’ cases, in violation of article 5 (1) and (2) of the Convention. It also considered that confining the authors to live in a special institution on account of their disabilities until they moved to a community residence had amounted to a violation of article 5 of the Convention.

18. The Committee recalled its general comment No. 1 (2014) on equal recognition before the law, according to which a person’s status as a person with disabilities or the existence of an impairment must never be grounds for denying legal capacity or any of the rights provided for in article 12. Under article 13 (1), States parties must ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations. The decisions that the authors were unfit to stand trial because of their intellectual and psychosocial impairments had resulted in a denial of their right to exercise their legal capacity to plead not guilty and to test the evidence against them. The Committee considered that no adequate form of support or accommodation had been provided by the State party’s authorities to enable the authors to stand trial and exercise legal capacity, and that they therefore never had the opportunity to have the criminal charges against them determined, in violation of their rights under articles 12 (2) and (3) and 13 (1) of the Convention.

19. The Committee concluded that the authors’ detention had been decided on the basis of the assessment by the State party’s authorities of potential consequences of their intellectual disability, in the absence of any criminal conviction, thereby converting their disabilities into the core cause of their detention. The Committee therefore considered that the authors’ detention amounted to violations of article 14 (1) (b) of the Convention, according to which the existence of a disability could in no case justify a deprivation of liberty.

20. The Committee considered that, even though the authors had not demonstrated that they had been subjected to violence from other prisoners, the indefinite character of their custody, their detention in a correctional centre without having been convicted of a criminal offence, their periodic isolation, their involuntary treatment and their detention together with convicted offenders amounted to violations of article 15 of the Convention.

21. As to the authors’ submissions under article 19 that they had not been provided with adequate housing in the community, as an alternative to custody in prison or a secure care

facility, the Committee noted the favourable decisions to grant the authors the possibility of living in a community residence. In view thereof, it considered that the issue raised by the authors concerning the alleged violations of article 19 of the Convention had become moot.

22. As to the alleged lack of access to health care and to habilitation and rehabilitation services, and the alleged violations of the authors' right to an adequate standard of living and social protection, the Committee noted that the statements of the authors and of the State party were not consistent and that the information provided did not enable it to conclude that violations of articles 25, 26 and 28 of the Convention had occurred.

Z v. United Republic of Tanzania

23. The Committee examined the communication in the case of *Z v. United Republic of Tanzania* (CRPD/C/22/D/24/2014). The author of the communication was Z, a national of the United Republic of Tanzania. She was a person with albinism. She claimed to be a victim of violations by the State party of articles 5, 6, 8, 10, 14, 15 (1), 16 and 17 of the Convention.

24. In October 2008, while the author had been sleeping with her 2-year-old son, she had been attacked by two men who had cut off one of her arms with machetes and maimed the other. She had managed to see the men: one of them had been her neighbour, and she had not known the other. The men had managed to escape with her arm. The other arm had later been amputated in the hospital. The author had been pregnant at the time, but, and as a result of the attack, she had miscarried. In 2011, the attackers had been arrested and tried, but acquitted for lack of evidence. The perpetrators remained in total impunity more than 11 years after the attack. The author submitted that she had been attacked because of the belief that the body parts of persons with albinism provided wealth and prosperity.

25. The State party submitted that the complaint should be held inadmissible for non-exhaustion of domestic remedies and lack of substantiation.

26. The Committee considered that the domestic remedies had been unduly prolonged in the author's case. The Committee found that the alleged violation of article 10 of the Convention had been insufficiently substantiated and was therefore inadmissible under article 2 (e) of the Optional Protocol. The author's claims under article 14 of the Convention had been found inadmissible *ratione materiae* under article 2 (e) of the Optional Protocol. In regard to articles 5, 15 (1), 16 and 17, the Committee declared the communication admissible.

27. With regard to the author's claims under article 6 of the Convention, the Committee recalled its general comment No. 6, in which it stated that article 6 of the Convention was a cross-cutting article and must be taken into account in relation to all provisions of the Convention. The Committee therefore examined the author's claims based on article 6 in light of the rights invoked under articles 5, 15 (1), 16 and 17 of the Convention. With regard to the author's allegations under article 8 of the Convention, the Committee considered that the provisions of that article set forth a general obligation for States parties and could not give rise, when invoked separately, to a claim in a communication under the Optional Protocol. The Committee noted that the author's allegations under that provision were closely linked to the allegations submitted with regard to articles 5, 15 (1), 16 and 17, and therefore examined those allegations together.

28. The Committee noted that the author had been the victim of a violent crime that had amounted to a practice exclusively affecting persons with albinism. The Committee considered that the State party's failure to prevent and punish such acts had put the author and other persons with albinism in a situation of particular vulnerability and prevented them from living in society on an equal basis with others, in violation of article 5 of the Convention.

29. The Committee also considered that the suffering experienced by the author, owing to the lack of action by the State party in order to allow the effective prosecution of the suspected perpetrators of the crime, had been a cause of revictimization and amounted to psychological torture or ill-treatment, in violation of articles 15 (1) and 16 of the Convention.

30. The Committee considered that the failure by the State party to take all necessary measures to prevent acts of violence similar to those suffered by the author and to efficiently investigate and punish the perpetrators of those acts amounted to a violation of her rights under article 17 of the Convention.

31. Having found violations of articles 5, 15 (1), 16 and 17 of the Convention, the Committee examined the author's claims under articles 6 and 8, read in conjunction with those articles. The Committee noted that throughout the procedure, the authorities had not taken into account the facts that at the time of the attack, the author had been the single mother of a small child and had been pregnant; that as a direct consequence of the attack, she had suffered a miscarriage; and that, as a woman with albinism, she had suffered isolation from her community. The Committee concluded that the gender discrimination involved in the facts under consideration had not been addressed, and that such "invisibilization" of the specific impacts of the attack suffered by the author as a woman amounted to a violation of the State party's obligations under article 6 of the Convention.

32. Regarding the author's claims under article 8, read in conjunction with articles 5, 15 (1), 16 and 17 of the Convention, the Committee noted that measures taken by the State party had not been systematic or sufficient to meet its duties under article 8 of the Convention to raise awareness throughout society, including at the family level, regarding persons with albinism, and to foster respect for their rights and dignity, and to combat stereotypes, prejudices and harmful practices relating to persons with albinism. The Committee concluded that that lack of an adequate response from the State party amounted to an implicit acceptance of the perpetuation of the heinous crimes committed in its jurisdiction against persons with albinism, and therefore considered that it amounted to a violation of the author's rights under article 8, read in conjunction with articles 5, 15 (1), 16 and 17 of the Convention.

R.I. v. Ecuador

33. The Committee examined the communication in the case of *R.I. v. Ecuador* (CRPD/C/22/D/25/2014). The author of the communication was a national of Ecuador. He was recognized as a person with disabilities following a traffic accident while he was working as an employee in the private banking sector. The author claimed that the monthly amount of the disability cash benefit granted by the Ecuadorian Social Security Institute in February 2008 had been lower than the average amount established in the State party's labour and social security legislation, and insufficient to cover his disability requirements, violating his rights under articles 5, 12, 13, 27 and 28 of the Convention.

34. The author had invoked administrative and judicial remedies concerning the recognition and amount of his disability pension. In 2008, the author had submitted an appeal to the Ecuadorian Social Security Institute against the administrative decision regarding the amount, which had been denied at first and second instance. In 2010, a district administrative court in Guayaquil had accepted the author's claim and increased the monthly amount of the disability pension. However, that decision had been appealed by the Ecuadorian Social Security Institute before the National Court of Justice, which had quashed the district court's decision and upheld the initial administrative decision. The author had then submitted a claim to the Constitutional Court alleging a violation of his constitutional rights. The Constitutional Court had found that there had been no violation of the author's constitutional rights, confirming the ruling of the National Court of Justice that had upheld the administrative decision issued by the Ecuadorian Social Security Institute in 2008.

35. The author submitted that in other similar cases, the National Court of Justice had ruled in favour of the claimants. Further, he recalled the standards established in the Employment Injury Benefits Convention, 1964 (No. 121), of the International Labour Organization on the recognition, quality and quantity of social security benefits related to disability, which the State party had failed to apply in his case.

36. The State party submitted that the complaint should be considered inadmissible *ratione temporis*, since the administrative decision in question had been issued before the

entry into force of the Convention and the Optional Protocol for the State party. It further noted a lack of substantiation of the author's allegations.

37. The Committee considered that it was competent *ratione temporis* to consider the communication: the facts brought to its attention had continued after the entry into force of the Convention and the Optional Protocol for the State party, given that various decisions related to the author's disability pension had been taken after that date. The Committee recalled its jurisprudence indicating that the author's claims under article 4 (general obligations) did not entail separate violations of the Convention. It considered that the information provided did not enable it to assess the merits of the alleged violations under articles 5, 12, 13, 27 and 28 of the Convention, and that there was a lack of information proving a negative impact on the author's rights. The Committee further noted that the author's claims referred mainly to the interpretation of the applicable legislation by national authorities, and that the information provided did not demonstrate that such application was arbitrary or amounted to a denial of justice. The Committee considered that the author's allegations were inadmissible for lack of substantiation under article 2 (e) of the Optional Protocol.
