



Convention on the Rights of Persons with Disabilities

Distr.: General
11 October 2024

Original: English

Committee on the Rights of Persons with Disabilities

Report of the Committee on the Rights of Persons with Disabilities on its thirty-first session (12 August–5 September 2024)

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

1. As at 5 September 2024, the date on which the thirty-first session closed, there were 191 States parties to the Convention on the Rights of Persons with Disabilities and 106 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 thirty-first session of the Committee

2. The thirty-first session opened in a public meeting with welcoming remarks by the representative of the Secretary-General, the Chief of the Groups in Focus Section, Human Rights Treaties Branch, Human Rights Council and Treaty Mechanisms Division, Office of the United Nations High Commissioner for Human Rights. The welcoming remarks are available on the Committee's website.

3. The Committee reviewed and adopted the provisional agenda¹ and programme of work for the thirty-first session.

III. Membership of the Committee

4. The list of members of the Committee as at 5 September 2024, 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 decided to continue updating and streamlining its working methods during the intersessional period. It continued to use task forces for the dialogues with States parties. It also discussed matters related to the implementation of the guidelines on the independence and impartiality of members of the human rights treaty bodies (the Addis Ababa guidelines).

* Reissued for technical reasons on 17 October 2024.

¹ [CRPD/C/31/1](#).



V. Activities related to general comments

6. The Committee continued, in private meetings, its work on drafting a general comment on article 11 of the Convention. It decided to establish a working group to draft a general comment on article 29 of the Convention.

VI. Activities related to the Optional Protocol

7. The Committee examined six communications submitted for its consideration under the Optional Protocol to the Convention. It found violations of the Convention in two of them: *Ruiz Suárez v. Spain*,² concerning failure to provide procedural accommodation for a person with an intellectual disability in criminal proceedings against him, and *E.O.J. et al. v. Sweden*,³ regarding the removal of two children with intellectual and psychosocial disabilities, their sibling and their parents to Nigeria. The Committee found that the facts before it did not disclose a violation of the Convention in *Z.R. v. Sweden*,⁴ concerning the removal of a person with disabilities and her mother to Kosovo.⁵ It decided to discontinue its consideration of the other three communications: *S.Q. v. Sweden*,⁶ concerning the removal of a person with disabilities to Iraq; *M.A.R.G. v. Spain*,⁷ concerning the right to work and right of access to social security of a person who acquired a disability during employment; and *González Otero et al. v. Spain*,⁸ on the right to non-discrimination in obtaining licences to operate lottery games.

8. The Committee adopted its guidelines on third-party interventions with regard to communications submitted under the Optional Protocol to the Convention.⁹

9. The Views and decisions adopted by the Committee regarding the communications were transmitted to the parties as soon as possible and subsequently made available on the Official Document System¹⁰ and the Committee's website. A summary of the Views and decisions adopted at the thirty-first session may be found in annex III to the present report.

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

VII. Future sessions

11. Subject to the availability of funding, the thirty-second session of the Committee is provisionally scheduled to be held in Geneva from 3 to 21 March 2025, and will be followed by the twentieth meeting of the pre-sessional working group, from 24 to 28 March 2025.

VIII. Accessibility of the Committee's meetings

12. The thirty-first session of the Committee was held in Geneva, with Committee members and delegations of States parties participating in person. In the dialogues with Ghana and Mauritius, the State parties requested that some members of their delegations participate online, which was granted by the conference services. Stakeholders including organizations of persons with disabilities, civil society organizations, national human rights institutions, specialized agencies and other United Nations bodies participated in person.

² CRPD/C/31/D/69/2019.

³ CRPD/C/31/D/104/2023.

⁴ CRPD/C/31/D/94/2021.

⁵ References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

⁶ CRPD/C/31/D/62/2019.

⁷ CRPD/C/31/D/63/2019.

⁸ CRPD/C/31/D/91/2021.

⁹ CRPD/C/6.

¹⁰ See <https://documents.un.org/>.

International Sign interpretation, remote national sign language interpretation (during the dialogues with Burkina Faso and Ghana) and remote captioning were available. Public meetings were webcast. No plain language or Easy Read versions of documents were available during the session. The software used for the registration of participants for the meeting was not fully accessible for participants with visual impairments. Current protocols for vehicles entering the Palais des Nations continued to pose barriers for participants with disabilities who required accessible transportation. Reasonable accommodation, including in the organization of travel for Committee members with disabilities, continued to be developed.

IX. Cooperation with relevant bodies

A. Cooperation with United Nations organs and specialized agencies

13. At the opening meeting of the session, the Permanent Representative of New Zealand to the United Nations Office and other international organizations in Geneva and a member of the Committee delivered statements in remembrance of Sir Robert Martin, member of the Committee and the first person with an intellectual disability to have been elected as a member of a treaty body, who had passed away on 30 April 2024. The Committee heard statements by the Permanent Representative of Honduras to the United Nations Office and other international organizations in Geneva and Chair of the task force on secretariat services, accessibility for persons with disabilities and use of information technology of the Human Rights Council, the Chair of the Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and a representative of the United Nations High Commissioner for Refugees. The Committee's working group on women and girls with disabilities met in private with representatives of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). At the closing meeting of the session, the Committee was addressed by the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

B. Cooperation with non-governmental organizations and other bodies

14. At the opening meeting of the session, the Committee was addressed by representatives of the International Disability Alliance; the Center for the Human Rights of Users and Survivors of Psychiatry; the Comunidad Mexicana de Hipoacúsicos; the Centro Morpho, of Costa Rica; the judicial authorities of the Province of Buenos Aires; and Privacy International.

15. On 28 August 2024, the Committee held a public meeting to commemorate the second anniversary of its adoption, in 2022, of its guidelines on deinstitutionalization, including in emergencies. The Committee was addressed by representatives of the Global Coalition on Deinstitutionalization, Transforming Communities for Inclusion, the Korean Disability Forum, the Citizens Commission on Human Rights and the Center for the Human Rights of Users and Survivors of Psychiatry.

16. At the closing meeting of the session, the Committee was addressed by a representative of the International Disability Alliance

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

17. The Committee held nine constructive dialogues, all in person. The Committee considered the initial reports of Belarus, Benin, Burkina Faso, Ghana and Netherlands (Kingdom of the),¹¹ and the combined second and third periodic reports of Belgium, Denmark,

¹¹ CRPD/C/BLR/1, CRPD/C/BEN/1, CRPD/C/BFA/1, CRPD/C/GHA/1 and CRPD/C/NLD/1.

Mauritius and Ukraine.¹² It adopted concluding observations in relation to those reports.¹³ A list of States parties whose initial reports are more than five years overdue may be found in annex II to the present report.

XI. Other decisions

18. The Committee adopted the present report on its thirty-first session.
19. The full list of the decisions adopted by the Committee is available in annex I to the present report.

¹² CRPD/C/BEL/2-3, CRPD/C/DNK/2-3, CRPD/C/MUS/2-3 and CRPD/C/UKR/2-3.

¹³ CRPD/C/BLR/CO/1, CRPD/C/BEL/CO/2-3, CRPD/C/BEN/CO/1, CRPD/C/BFA/CO/1, CRPD/C/DNK/CO/2-3, CRPD/C/GHA/CO/1, CRPD/C/MUS/CO/2-3, CRPD/C/NLD/CO/1 and CRPD/C/UKR/CO/2-3.

Annex I

Decisions adopted by the Committee at its thirty-first session

1. The Committee adopted concluding observations in relation to the initial reports of Belarus, Benin, Burkina Faso, Ghana and Netherlands (Kingdom of the) and the combined second and third periodic reports of Belgium, Denmark, Mauritius and Ukraine.
2. The Committee examined six individual communications submitted for its consideration under the Optional Protocol to the Convention. It found violations of the Convention in two of them, found that the facts before it did not disclose a violation in another and decided to discontinue the other three. A summary of the Views and decisions of the Committee may be found in annex III to the present report. The Views and decisions will be transmitted to the parties as soon as possible and will subsequently be made public. The Committee adopted its guidelines on third-party interventions with regard to communications submitted under the Optional Protocol to the Convention.
3. The Committee considered matters related to inquiries pursuant to the Optional Protocol.
4. The Committee continued the process of drafting its general comment No. 9, on article 11 of the Convention. It decided to establish a working group to draft a general comment on article 29 of the Convention.
5. The Committee decided that, subject to the availability of funding, its thirty-second session would be held in Geneva from 3 to 21 March 2025, and would be followed by the twentieth meeting of the pre-sessional working group, from 24 to 28 March 2025.
6. The Committee decided to continue engaging with the United Nations Office at Geneva and the Office of the United Nations High Commissioner for Human Rights (OHCHR), 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.
7. The Committee adopted statements on persons with disabilities affected by disasters and on disability inclusion in the outcome documents of the Summit of the Future.
8. The Committee examined matters and adopted a decision related to the implementation of the guidelines on the independence and impartiality of members of the human rights treaty bodies (the Addis Ababa guidelines).
9. The Committee noted that, with 191 States parties, the Convention is the second most ratified human rights treaty. However, it reiterated its concern that the high rate of ratification was not matched by meeting time and resources allocated to the Committee. The Committee therefore called upon Member States and all competent United Nations bodies to rectify the situation by increasing the meeting time and resources allocated to the Committee with a third session of at least three weeks' meeting time.
10. Remaining concerned about the increasing number of initial and periodic reports pending its consideration, the Committee called upon Member States and the bodies concerned to grant the Committee sufficient meeting time and resources to address the backlog.
11. The Committee called upon States parties with long overdue initial reports, as listed in annex II to the present report, to submit their reports as expeditiously as possible. The Committee decided to engage actively, in coordination with the treaty body capacity-building programme of the OHCHR Human Rights Treaties Branch, with States parties whose initial reports were more than 10 years overdue to build capacity for reporting.
12. The Committee adopted the report on its thirty-first session.

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
Madagascar	12 July 2017
Gambia	6 August 2017
Bahamas	28 October 2017
Sao Tome and Principe	5 December 2017
Antigua and Barbuda	7 February 2018
Brunei Darussalam	11 May 2018
Comoros	16 July 2018
Central African Republic	11 November 2018
Samoa	2 January 2019
Suriname	29 April 2019
Fiji	7 July 2019

Annex III

Summary of Views and decisions adopted by the Committee regarding individual communications

Ruiz Suárez v. Spain

1. The Committee examined the communication in the case of *Ruiz Suárez v. Spain*.¹ The author of the communication was Esteban Ruiz Suárez, a national of Spain born on 23 July 1980. He claimed to be the victim of violations by the State party of his rights under article 13, read in conjunction with articles 5, 9, 12, 14 and 21, of the Convention, as the State party had failed to provide procedural accommodation and support during criminal proceedings against him.

2. The author had an intellectual disability. His official disability rating, determined in accordance with Spanish regulations, was 73 per cent. On 5 March 2013, three people in balaclavas had attempted to burgle a home in the town of El Carpio de Tajo in the Province of Toledo. A family of three had been present in the house at the time of the attempted burglary and, in the ensuing struggle, the son and the father had been seriously injured, and the son had later died. On 26 July 2013, the Civil Guard had arrested the author for his alleged involvement in the crime. On 22 and 23 April 2015, the author had been tried by the Provincial Court of Toledo, but no account had been taken of his disability, even though it had been known to the Court. On 5 May 2015, the Provincial Court of Toledo had sentenced the author to 25 years and 8 months in prison for murder aggravated by having been committed while in disguise, attempted murder with the same aggravating factor and attempted robbery in an inhabited dwelling with the aggravating factor of having been committed with dangerous weapons or by dangerous means and while in disguise. The author claimed that the failure to take accessibility measures for him or to provide him with procedural accommodation and support during the criminal proceedings against him had constituted violations of his rights under article 13, read in conjunction with articles 5, 9, 12, 14 and 21, of the Convention. He claimed that his intellectual disability had gone unnoticed by those working in the field of administration of justice during part of the criminal proceedings, although his disability was fairly obvious and should have been noticed. He concluded that the steps taken by those judicial officials clearly revealed their complete lack of training on disability issues. The author argued that all of the above stemmed from deficient legislation. The author noted that, in general, and in particular when it came to persons with intellectual disabilities who were investigated or charged in criminal proceedings, the procedural rules did not meet the requirements of article 13 (1), read in conjunction with articles 5, 9, 12 and 21, of the Convention.

3. The Committee considered that the State party's authorities should have acted ex officio and with due diligence as soon as they had become aware of the author's disability and, by engaging in an effective and multidisciplinary dialogue with him, should have determined what procedural accommodation and support were needed and monitored his needs during the proceedings. The Committee also considered that the State party should have taken into account the author's intellectual disability and ensured that communications, including all the information given to him, were accessible to him. In addition, the Committee found that the State party had not demonstrated that those working in the field of administration of justice had been trained in issues concerning intellectual disability. Lastly, the State party had not demonstrated that it had legislation and policies to ensure that procedural accommodation and support were provided in situations such as the one in which the author had found himself. The Committee therefore concluded that the failure to ensure that information and communications were accessible and the failure to provide the necessary procedural accommodation and support had put the author in a situation in which he could

¹ CRPD/C/31/D/69/2019.

not defend himself, in violation of his rights under article 13, read alone and in conjunction with article 9, of the Convention.

4. The Committee recommended that the State party provide the author with adequate compensation, including for any legal costs that he had incurred in submitting the communication, and ensure that the author was given a fair trial with all safeguards, while providing him with the necessary procedural accommodation and support in accordance with the Committee's Views and the Convention. The Committee also recommended that the State party take measures to prevent similar violations in the future, including: (a) enacting legislation to remove barriers for persons with disabilities to access to justice, guaranteeing the provision of procedural gender- and age-appropriate accommodation and establishing relevant safeguards to enable the participation of persons with disabilities in all legal proceedings on an equal basis with others, while facilitating the use of the communication method of their choice in judicial interactions, including sign language, Braille, Easy Read, captioning, augmentative and alternative communication devices, and all other accessible means, modes and formats of communication; and (b) conducting regular training programmes and awareness-raising campaigns for lawyers, court staff, judges, prosecutors and law enforcement officers, including police and prison officers, on the need to provide access to justice for persons with disabilities.

Z.R. v. Sweden

5. The Committee examined the communication in the case of *Z.R. v. Sweden*.² The authors of the communication were Z.R. and her mother, S.R., nationals of Kosovo³ and members of the Roma minority group. The communication concerned a decision by the State party's authorities to deport the authors to Kosovo after their applications for residence permits had been rejected. Z.R. had severe mental health conditions, including chronic complex post-traumatic stress disorder and resignation syndrome, owing to traumatic experiences in Kosovo, where she and S.R. had been sexually abused. The authors and their family had applied for asylum in the State party in 2012, but the Migration Agency had rejected their application, finding that the authorities in Kosovo were willing and able to protect them. The migration authorities had also rejected their subsequent applications for residence permits based on impediments to the enforcement their deportation, in which the authors had claimed that Z.R. would not receive the required treatment in Kosovo. Z.R. had lost many bodily functions and required diapers. In January 2016, Z.R.'s appendix had ruptured owing to appendicitis. She had undergone surgery in the State party but continued to require reconstructive surgery on her abdominal wall. In February 2018, the authors and their family had been deported to Kosovo, but they had returned to the State party shortly thereafter. In their communication to the Committee, the authors argued that their deportation to Kosovo would result in a real risk of Z.R. being exposed to a serious, rapid and lasting deterioration in her state of health, because she would not have access to or be able to benefit from the required healthcare, in breach of her rights under articles 10 and 15 of the Convention. They argued that the State party had insufficiently verified whether the required medical competence and ability to coordinate between different healthcare providers existed in Kosovo, and what her "actual chances" were of receiving healthcare there as a Roma woman.

6. The State party contended that the communication should be found inadmissible and, on the merits, that its authorities had not breached Z.R.'s rights under the Convention in deciding to deport her and S.R. to Kosovo.

7. The Committee noted the jurisprudence of the European Court of Human Rights in *Paposhvili v. Belgium*,⁴ in which the Court had noted that the removal of a person in need of ongoing medical care could in "very exceptional cases" raise an issue under article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European

² CRPD/C/31/D/94/2021.

³ References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

⁴ European Court of Human Rights, *Paposhvili v. Belgium*, Application No. 41738/10, Judgment, 13 December 2016.

Convention on Human Rights). The Committee noted that according to the Court, such exceptional cases should be understood to be situations involving the removal of a seriously ill person in which substantial grounds had been shown for believing that he or she, although not at imminent risk of dying, would face a real risk, on account of the absence of appropriate treatment in the receiving country or the lack of access to such treatment, of being exposed to a serious, rapid and irreversible decline in his or her state of health resulting in intense suffering or to a significant reduction in life expectancy. In the present case, the Committee noted that the domestic authorities had obtained two reports containing medical information on the country of origin, based on which they had concluded that the required treatment was available and accessible to Z.R. in Kosovo. The Committee considered that the authors had not demonstrated that the assessments by the State party had been clearly arbitrary or amounted to a denial of justice. The Committee therefore considered that it could not conclude that the removal of Z.R. to Kosovo would breach her rights under articles 10 or 15 of the Convention.

E.O.J. et al. v. Sweden

8. The Committee examined the communication in the case of *E.O.J. et al. v. Sweden*.⁵ The author of the communication was F.I.J., who submitted the communication on behalf of her children, E.O.J., S.J. and E.J. The author, her children and her husband, O.O.J., all nationals of Nigeria, were subject to a decision by the authorities of the State party to deport them to Nigeria. E.O.J. and E.J. had been diagnosed with autism in 2013 and 2020 respectively and with intellectual disabilities. Furthermore, E.O.J. had attention deficit hyperactivity disorder and E.J. had hearing impairments in both ears. E.J. had no expressive speech, showed no understanding of speech and required extensive support in his daily life. On 18 August 2017, at its eighteenth session, the Committee had examined an earlier communication submitted by the family on behalf of E.O.J., which it had found inadmissible for failure to exhaust domestic remedies.⁶ On 8 July 2019, the Migration Agency had rejected a new application for residence, with reference to a report containing medical information on the country of origin regarding the availability of care for children with autism in Nigeria. The decision was upheld by the Migration Court and the Migration Court of Appeal. The migration authorities also rejected subsequent applications for residence permits filed on behalf of the family. The author claimed that the State party had breached E.O.J.'s and E.J.'s rights under the Convention by deciding to deport them, together with their family, in view of the consequences on their health, well-being, psychological development and life. The author argued that the migration authorities had inadequately considered the lack of availability of and access to healthcare and support for children with autism in Nigeria, and E.O.J.'s and E.J.'s best interests and the strength of their social, cultural and family ties to Sweden, where they had been born.

9. In its observations, the State party argued that the communication was inadmissible or, alternatively, that it was without merit.

10. In its consideration of admissibility, the Committee found the communication inadmissible insofar as it concerned S.J., as the author had not argued that she was a person with disabilities. The Committee noted that the State party's authorities had considered E.O.J.'s and E.J.'s respective situations and had found that psychiatric and psychological care and access to preschool education for children with autism did exist in Nigeria, and that there was no indication that the care and support that E.O.J. and E.J. required could not be provided. The Committee therefore found those claims inadmissible as insufficiently substantiated. However, the Committee found admissible the author's claim that, despite her request, the Migration Court had failed to hear E.O.J.

11. The Committee considered that States parties should grant children with disabilities the right to be heard in any judicial or administrative proceedings affecting the child, either directly, or through a representative. The Committee noted that E.O.J. had not been heard by the migration courts despite the author's request and that, as he had been 7 years old at the start of the domestic proceedings and 12 years old when the communication had been

⁵ CRPD/C/31/D/104/2023.

⁶ *O.O.J. v. Sweden* (CRPD/C/18/D/28/2015).

submitted, he should have been perfectly capable of forming an opinion about his return to Nigeria. The Committee therefore considered that the State party had breached E.O.J.'s rights under article 7 (3) of the Convention.

12. The Committee recommended that the State party provide E.O.J. with an effective remedy, including quashing the current removal order against him and his family, reassess his asylum request after hearing him, provide him with adequate compensation and publish the Committee's Views and circulate them widely in accessible formats so that they were available to all sectors of the population. The Committee also recommended that the State party take measures to prevent similar violations in the future, including guaranteeing respect for the evolving capacities of children with disabilities to ensure that they could form their own views and express them freely in all matters affecting them, including in asylum proceedings, ensuring that their views were given due weight in accordance with their age and maturity and ensuring that they received disability- and age-appropriate support to realize their right to be heard.

S.Q. v. Sweden

13. The Committee decided to discontinue its consideration of the communication in the case of *S.Q. v. Sweden*,⁷ concerning the author's removal to Iraq. The decision to expel the author had become statute-barred and he could apply anew for asylum.

M.A.R.G. v. Spain

14. The Committee decided to discontinue its consideration of the communication in the case of *M.A.R.G. v. Spain*,⁸ regarding the right to non-discrimination in remaining or continuing in employment. The Committee noted that the author had been assigned to a position as a non-police support technician and that he had been awarded compensation. The Committee considered that the measures taken by the State party in favour of the author rendered the communication devoid of purpose.

González Otero et al. v. Spain

15. The Committee decided to discontinue its consideration of the communication in the case of *González Otero et al. v. Spain*,⁹ regarding the right to non-discrimination in obtaining licences to operate lottery games. The Committee considered that the secretariat had lost contact with the author, as he had not provided comments on the State party's request for discontinuance, despite a reminder.

⁷ CRPD/C/31/D/62/2019.

⁸ CRPD/C/31/D/63/2019.

⁹ CRPD/C/31/D/91/2021.