



# 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-sixth session (7–25 March 2022)

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

1. As at 25 March 2022, the date on which the twenty-sixth session closed, there were 184 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-sixth session of the Committee

2. The twenty-sixth session opened in a public meeting with welcoming remarks by the Chief, Groups in Focus Section, Human Rights Treaties Branch, 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 delivered opening remarks, in which she stressed the Committee's concern about the situation of persons with disabilities in the context of humanitarian emergencies, in particular in the context of the military attack against Ukraine. The Chair recalled that on 28 February 2022, the Committee had joined with numerous human rights experts to call on the Russian Federation to immediately end its aggression against Ukraine and to call off its unnecessary and unprovoked military attack on that country, and she reiterated the key points of that joint statement.<sup>1</sup> The Chair then provided an oral report on intersessional activities, which is also available on the Committee's website.

4. The Committee reviewed and adopted the provisional agenda and tentative programme of work for the twenty-sixth session.<sup>2</sup>

#### III. Membership of the Committee

5. On 20 October 2021, pursuant to article 34 (9) of the Convention, Morocco appointed Abdelmajid Makni to serve on the Committee until 2024, following the passing of former Committee member, Soumia Amrani, for the remainder of her term. Mr. Makni made a solemn declaration, in accordance with rule 14 of the Committee's rules of procedure, at the opening of the twenty-sixth session, on 7 March 2022.

6. The list of members of the Committee as at 25 March 2022, indicating the duration of their terms of office, is available on the Committee's website.

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<sup>1</sup> CRPD/C/SR.553, paras. 2–3.

<sup>2</sup> CRPD/C/26/1.



## IV. Working methods

7. 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

8. The Committee continued its work to prepare a general comment on article 27 of the Convention, on the right to work and employment. It held three closed meetings for general discussion on the subject and identified matters that had been raised during the broad consultation in 2021. It also identified sections to be updated and amended in the current draft of the general comment. An updated draft would be submitted to the Committee for consideration at its twenty-seventh session.

9. The Committee renewed its partnership with the International Labour Organization and expressed appreciation for the continuous support of that Organization throughout the process of preparing the draft general comment, in compliance with article 38 of the Convention.

10. The Committee considered its draft guidelines on the deinstitutionalization of persons with disabilities, including during emergency situations. The draft guidelines complemented the Committee's general comment No. 5 (2017), on living independently and being included in the community. The Committee also held a dialogue with civil society organizations and organizations of persons with disabilities party to the Global Coalition on Deinstitutionalization. The Committee would issue a public call for submissions on the draft guidelines in May 2022 and would reassume its consideration of the draft guidelines, with a view to their adoption, during its twenty-seventh session.

## VI. Activities related to the Optional Protocol

11. The Committee examined five communications. It found violations of the Convention in two of them: *S.K. v. Finland*,<sup>3</sup> regarding access by a person with physical and intellectual disabilities to care support, and *M.R. i V. v. Spain*,<sup>4</sup> concerning the dismissal of a police officer based on a declaration of disability. The Committee found that the facts before it did not disclose a violation of the Convention in *Köck v. Austria*,<sup>5</sup> concerning the use of Austrian Sign Language as a language of instruction at school. The Committee decided to discontinue its consideration of the other two communications: *J.M. v. Sweden*,<sup>6</sup> as the expulsion decision against the author had become statute-barred and he was no longer at risk of being returned to Afghanistan, and *Ferrer Manils v. Spain*,<sup>7</sup> as the author's death had rendered the communication devoid of purpose.

12. The Views and decisions adopted by the Committee regarding the communications will be made available on the Committee's website.

## VII. Other decisions

13. The Committee and the Committee on the Rights of the Child adopted a joint statement on the rights of children with disabilities, which was the outcome of a three-year project.<sup>8</sup>

<sup>3</sup> CRPD/C/26/D/46/2018.

<sup>4</sup> CRPD/C/26/D/48/2018.

<sup>5</sup> CRPD/C/26/D/50/2018.

<sup>6</sup> CRPD/C/26/D/53/2018.

<sup>7</sup> CRPD/C/26/D/79/2020.

<sup>8</sup> Available on the Committee's website, at <https://www.ohchr.org/en/treaty-bodies/crpd/statements-declarations-and-observations>.

14. The Committee endorsed the workplan adopted by the working group on women and girls with disabilities. The workplan provides for the Committee's engagement with relevant stakeholders to strengthen the substantive content of documents produced on the rights of women and girls with disabilities and to encourage women and girls with disabilities to actively participate in the work of the Committee.

15. The Committee adopted the present report on its twenty-sixth session.

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

## **VIII. Future sessions**

17. The twenty-seventh session of the Committee is provisionally scheduled to be held in Geneva from 15 August to 9 September 2022 and will be followed by the sixteenth meeting of the pre-sessional working group, from 12 to 16 September 2022. 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.

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

18. The twenty-sixth 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 and online. Stakeholders, including civil society, national human rights institutions and specialized agencies and other United Nations bodies, also participated virtually. Members and participants used an online platform for simultaneous interpretation in the three working languages of the Committee (English, French and Spanish). International Sign interpretation, Mexican Sign Language interpretation, Venezuelan Sign Language interpretation, Jamaican Sign Language interpretation, Braille versions of documents and remote captioning in English were also available. Public meetings were webcast. Despite the online platform being more accessible to persons with disabilities than that used in previous sessions, certain members were still obliged to depend on the support of personal assistants to participate in the meetings on an equal basis with others. OHCHR is making additional efforts to provide reasonable accommodation for members who require it during future hybrid or online sessions. No plain language or Easy Read versions of documents were available during the session.

## **X. Cooperation with relevant bodies**

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

19. At the opening meeting of the session, representatives of the following United Nations agencies, departments and programmes made statements: United Nations Children's Fund, International Labour Organization, Special Rapporteur on the human rights of internally displaced persons, Office of the United Nations High Commissioner for Refugees, International Organization for Migration, United Nations Population Fund, and 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.

20. At its 573rd meeting, held on 21 March 2022, the Committee and the Committee on the Rights of the Child made publicly available their joint statement on the rights of children with disabilities. The statement was aimed at harmonizing issues related to respect for and protection and realization of the rights of children with disabilities, in accordance with the Convention and the Convention on the Rights of the Child. It provided guidance to States parties and stakeholders, including United Nations entities, national human rights institutions,

regional human rights organizations and civil society organizations, including those specialized in children's rights and the rights of persons with disabilities, on interpretation of the obligations derived jointly from both Conventions. The statement was the outcome of a three-year joint project undertaken by the two human rights treaty bodies. The event was webcast.

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

21. At the opening meeting of the session, the Committee was addressed by representatives of the Center for the Human Rights of Users and Survivors of Psychiatry, the Coalición Interamericana para la desinstitucionalización de personas con discapacidad, the European Disability Forum, the European Network on Independent Living, the Global Coalition on Deinstitutionalization, the International Disability Alliance, the Spanish Committee of Representatives of Persons with Disabilities, the Validity Foundation and Women Enabled International.

22. The representatives of the national human rights institutions of Hungary and Mexico participated in the Committee's public review of the initial report of Hungary and Mexico, 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.

23. At the closing meeting of the session, the following organizations and bodies addressed the Committee: Disability Rights International, Inclusion International, the International Disability Alliance, the Office of the Commissioner for Fundamental Rights of Hungary, and the Working Group on the Rights of Persons with Disabilities of the Global Alliance of National Human Rights Institutions.

24. During the session, civil society and other organizations highlighted concerns about the situation of persons with disabilities in the State party of Ukraine, in the context of the military attacks and occupation of territory by a third party. The Committee noted the establishment of a coordination mechanism in Ukraine with the participation of civil society, including organizations of persons with disabilities, humanitarian actors and other stakeholders. The Committee would decide on further ways in which to engage and support coordination efforts.

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

25. The Committee held five constructive dialogues, in a hybrid format to accommodate the requirements of participants who were prevented from travelling, were in quarantine or were self-isolating under the restrictions that remained in place owing to the COVID-19 pandemic. The Committee considered the initial reports of Jamaica, Switzerland and Venezuela (Bolivarian Republic of) and the combined second and third periodic reports of Hungary and Mexico.<sup>9</sup> The Committee adopted concluding observations on those reports.<sup>10</sup>

26. The Committee adopted a list of issues under the simplified reporting procedure in relation to the European Union.<sup>11</sup>

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<sup>9</sup> CRPD/C/JAM/1/Rev.1, CRPD/C/CHE/1, CRPD/C/VEN/1, CRPD/C/HUN/2-3 and CRPD/C/MEX/2-3.

<sup>10</sup> CRPD/C/JAM/CO/1, CRPD/C/CHE/CO/1, CRPD/C/VEN/CO/1, CRPD/C/HUN/CO/2-3 and CRPD/C/MEX/CO/2-3.

<sup>11</sup> CRPD/C/EU/QPR/2-3.

## Annex I

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

1. The Committee adopted concluding observations in relation to the initial reports of Jamaica, Switzerland and Venezuela (Bolivarian Republic of).<sup>1</sup> It also adopted concluding observations in relation to the combined second and third periodic reports of Hungary and Mexico.<sup>2</sup> The Committee adopted a list of issues under the simplified reporting procedure in relation to the European Union.<sup>3</sup>
2. The Committee considered five 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 two. 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, and decided to conduct an inquiry pursuant to article 6 of the Optional Protocol. It instructed the Secretariat to inform to the State party concerned of its decision and to follow the proceedings established in article 6 of the Optional Protocol.
4. The Committee and the Committee on the Rights of the Child adopted and made publicly available a joint statement on the rights of children with disabilities.
5. The Committee endorsed the workplan of the working group on women and girls with disabilities. The workplan included a decision by the Committee to engage with relevant stakeholders, from the United Nations specialized agencies, human rights treaty mechanisms and other human rights mechanisms, and civil society organizations of women and girls with disabilities, to strengthen the substantive content of documents produced by the Committee on the rights of women and girls with disabilities, and to women and girls with disabilities, through their representative organizations, to actively participate in the work of the Committee.
6. The Committee decided to continue its work during the intersessional period to update its draft general comment on the right of persons with disabilities to work and employment, with the support of the International Labour Organization and independent consultants, with a view to submitting the draft to the Committee for consideration at its twenty-seventh session.
7. The Committee decided to publish its draft guidelines on deinstitutionalization and to launch a call for submissions thereon in May 2022. The guidelines would supplement the Committee's general comment No. 5 (2017), on living independently and being included in the community. The working group on deinstitutionalization would continue to work on the draft guidelines.
8. The Committee decided to continue its engagement and cooperation with the World Health Organization (WHO), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Special Rapporteur on the rights of persons with disabilities on the subject of the WHO draft guidance on mental health legislation and human rights.
9. The Committee decided that its twenty-seventh session would be held in Geneva from 15 August to 9 September 2022, subject to confirmation by the Secretary of the feasibility of an in-person session. At that session, the Committee would consider the initial reports of Bangladesh, Indonesia, Japan, the Lao People's Democratic Republic and Singapore and the combined second and third reports of China, New Zealand and the Republic of Korea. In the

<sup>1</sup> CRPD/C/JAM/CO/1, CRPD/C/CHE/CO/1 and CRPD/C/VEN/CO/1.

<sup>2</sup> CRPD/C/HUN/CO/2-3 and CRPD/C/MEX/CO/2-3.

<sup>3</sup> CRPD/C/EU/QPR/2-3.

event that an in-person session was not possible, the Chair of the Committee, with the support of the Secretary, would decide on the appropriate course of action.

10. The Committee decided that the sixteenth session of the pre-sessional working group would be held from 12 to 16 September. The Committee requested the pre-sessional working group to adopt, at that session, lists of issues in relation to the Democratic People's Republic of Korea, Maldives, Palau, Tuvalu and Viet Nam and a list of issues under the Committee's simplified reporting procedure in relation to the United Arab Emirates.

11. 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.

12. The Committee adopted the report on its twenty-sixth session.

## Annex II

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

<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

#### *S.K. v. Finland*

1. The Committee examined the communication in the case of *S.K. v. Finland*.<sup>1</sup> The author of the communication was S.K., a national of Finland. He claimed to be the victim of violations by the State party of articles 5, 14 and 19 of the Convention.

2. The author had physical and intellectual disabilities. He needed assistance in all daily activities. According to medical reports, the author could not be accommodated in a group residence, and for independent living he needed a personal assistant 24 hours a day. In 2014, the author applied for personal assistance for 140 hours per week in accordance with the Disability Services Act, so that he could live independently in his apartment. On 2 October 2015, an official of the Basic Security Division of Kirkkonummi municipality granted the author personal assistance for 60 hours per week, for independent activity outside his home, which was against his plans to live independently with personal assistance in his own home. In a decision of 11 November 2015, the Basic Security Unit of the Basic Security Division of Kirkkonummi municipality upheld the official's decision. On 26 May 2016, Helsinki Administrative Court dismissed the author's complaint against the decision. The Court considered that since the author did not meet the criterion under section 8 c (2) of the Disability Services Act – under which he must have the resources to define the content of the personal assistance and the modalities for providing it – he could not be granted the full 140 hours of personal assistance per week. On 14 June 2017, the Supreme Administrative Court dismissed the author's appeal. Eventually, the author moved back in with his parents, because they were unable to move in with him in his own house to provide him with round-the-clock assistance.

3. In its Views, the Committee declared the communication admissible except insofar as the author's claim of a violation of article 14 of the Convention was concerned. The Committee noted the author's claim that, in the absence of in-home personal assistance, he was unable to exercise his freedom of choice to live independently, and that he therefore depended on his parents' support to avoid entering a specialized health-care institution because the State party did not provide him with suitable personal assistance that would enable him to live independently in the community. In that regard, the Committee recalled that living independently and being included in the community, as reflected under article 19 of the Convention, meant exercising freedom of choice and control over decisions affecting one's life with the maximum level of self-determination and interdependence within society. In the absence of elements that would reveal the practical application of service housing, as proposed by the State party, the Committee considered that the rejection of the author's application for personal assistance had deprived him of access to a practical option that could support his living and inclusion in the community. The Committee therefore concluded that the author's rights under article 19 (b) of the Convention had been violated.

4. Furthermore, the Committee found that the State party had not explained how the intellectual component of the resources criterion – the ability to determine the content of assistance and the modalities for providing it – makes it possible for people who require support to be able to express their choice on an equal basis with others. The Committee therefore concluded that the application of the resources criterion had disproportionately affected the author and amounted to indirect discrimination, as it had the effect of impairing or nullifying his enjoyment and exercise, on an equal basis with others, of the right to live independently and to be included in the community, in violation of his rights under article 5 (1) and (2), read alone and in conjunction with article 19, of the Convention.

5. The Committee recommended, *inter alia*, that the State party reconsider the author's application for personal assistance to ensure that he could exercise his right to live

<sup>1</sup> CRPD/C/26/D/46/2018.

independently, and amend the Disability Services Act to ensure that the resource criterion was not an obstacle to independent living for persons who require support in decision-making.

***M.R. i V. v. Spain***

6. The Committee examined the communication in the case of *M.R. i V. v. Spain*.<sup>2</sup> The author of the communication was M.R. i V., a national of Spain. He claimed to be the victim of violations by the State party of his rights under article 27 (1) (a), (b) and (g)–(i), read alone and in conjunction with article 3 (a)–(d) and article 5 (1) and (2) of the Convention.

7. The author had an adjustment disorder with interpretative features. In 2004, the State party's National Social Security Institute declared that the author's status was one of permanent total disability for the performance of his occupation within the Mossos d'Esquadra (Catalan autonomous police force). Specifically, according to the medical report, it was inadvisable for him to use weapons. As a result of that declaration, and since there were no regulations allowing for assignment to modified duty at the time, the author had lost his job as a civil servant in the Mossos d'Esquadra. After having been informed by the Ministry of the Interior of the autonomous regional government of Catalonia of the entry into force of Decree No. 246/2008, which regulated the special administrative situation of modified duty in the Mossos d'Esquadra, he applied to be assigned to modified duty in a non-police position with generic support duties. In February 2010, the Ministry of the Interior rejected his application on the basis of a medical report issued by the Health Surveillance Unit, in which the Unit stated that it would not be advisable for the author to perform support tasks within in the Directorate General of the Police, because his health condition might be aggravated by contact with police personnel in the workplace. In October 2011, Barcelona Administrative Court No. 13 dismissed the author's appeal against the decision of the Ministry, ruling that the Decree did not recognize the right to be assigned to modified duty on an absolute basis, as the right remained contingent on the physical and mental ability of the civil servants to perform their duties properly. Moreover, the author had not presented expert evidence in order to discredit the report as he had announced in his appeal that he would, and he also had not contested the fact that there were no jobs that involved no contact or interaction with the police. In March 2013, the High Court of Justice of Catalonia dismissed his appeal against the judgment of Barcelona Administrative Court No. 13, on the basis of the advice in the medical report. In September 2013, the High Court of Justice of Catalonia dismissed his application for annulment of the proceedings on the grounds that it had already ruled that there had been no violation of the constitutional rights invoked in his initial claim. In January 2014, the Constitutional Court dismissed his application for *amparo*, as he had failed to demonstrate its particular constitutional significance.

8. In its Views, the Committee rejected the State party's objection that the communication was inadmissible *ratione temporis*, as the alleged discrimination against the author had occurred after the ratification of the Convention by the State party. Furthermore, the Committee dismissed the State party's contention that the author had failed to exhaust all domestic remedies, because, contrary to the State party's claim, he had in fact specified in his application that he could be reassigned to a post outside the Directorate General of the Police. The Committee also dismissed the State party's argument that the communication constituted an abuse of the right of submission and was manifestly ill-founded. The Committee therefore declared the communication admissible, with the exception of the author's claim under article 27 (1) (h) of the Convention, which it found had not been substantiated.

9. On the merits, the Committee found violations of article 27 (1) (a), (b), (g) and (i), read alone and in conjunction with article 3 (a)–(d) and article 5 (1) and (2), of the Convention. It found that the fact that the State party's authorities had rejected the author's application for assignment to modified duty without seriously examining the possibility of providing reasonable accommodation in his case, through a dialogue with him, constituted discrimination with regard to the continuance of employment. The Committee considered that it was clear that the State party had assessed his application on the basis of the medical

<sup>2</sup> CRPD/C/26/D/48/2018.

model of disability, without examining the possibility of providing reasonable accommodation in genuine dialogue with him.

10. The Committee recommended that the State party take appropriate measures to enter into dialogue with the author with a view to evaluating his potential to undertake modified duties or other complementary activities, including any reasonable accommodation that might be required. It also recommended that the State party to take the necessary measures to align the application of Decree No. 246/2008 with the principles enshrined in the Convention and the recommendations contained in the Committee's Views in the present case, in order to ensure that the possibility of providing reasonable accommodation was examined in dialogue with officers who were requesting assignment to modified duty.

#### ***Köck v. Austria***

11. The Committee examined the communication in the case of *Köck v. Austria*.<sup>3</sup> The author of the communication was M. Köck, a national of Austria. She claimed to be the victim of violations by the State party of her rights under article 5, read in conjunction with articles 7, 12 (3–4), 13 (1), 21 (b) and (e), 24 and 30 (4) of the Convention.

12. The author was deaf and her first language was Austrian Sign Language. In primary school, her education was bilingual, in German and in Austrian Sign Language. However, starting from 2007, through secondary school, upper secondary school and commercial school and during an advanced course for the matriculation examination, she received only interpretation from German into Austrian Sign Language and followed a curriculum for deaf pupils. The lack of bilingual education was disadvantageous to her, as simultaneous interpretation was selective and therefore the information conveyed was not always complete, compounded by the lack of certification of certain interpreters. Moreover, she could not take notes systematically while looking at the interpretation, which affected her performance in mathematics and German. As a result, she had to repeat the 2011/12 school year and had to change schools in 2013. She did not pass the 2016/17 school year and decided to repeat it voluntarily. In October 2014, the Villach Business School Board rejected a request filed by the author's parents to change her language of instruction from German to Austrian Sign Language: it interpreted the request as an invocation of article 18 (12) of the School Instruction Act, which it found was not applicable in the author's case given that no curriculum for Austrian Sign Language as a modern foreign language was in place. In November 2014, the Regional School Board for Carinthia State confirmed the reasoning of the Villach Business School Board and rejected the author's parents' appeal. In March 2015, the Federal Administrative Court rejected their appeal against the decision of the Regional School Board for Carinthia, finding that articles 16 (1) and 18 (2) of the School Instruction Act did not allow for instruction in Austrian Sign Language. In June 2015, the Constitutional Court declared the parents' appeal inadmissible because it had insufficient prospect of success and raised no constitutional questions. In April 2017, the Supreme Administrative Court rejected the author's request to revise the decision of the Federal Administrative Court.

13. In its Views, the Committee declared the communication admissible insofar as it raised issues of concern under articles 5, 7, 21, 24 and 30 (4) of the Convention. The Committee declared the author's claims under articles 12 (3–4) and 13 (1) inadmissible as they had been insufficiently substantiated. It also found the claim of discrimination with regard to other non-German linguistic minorities in the State party inadmissible as it had been insufficiently substantiated, because the author had not demonstrated how the fact that Austrian Sign Language was her first language had placed her in a situation similar to that of the State party's other linguistic minorities with respect to German.

14. On the merits, the Committee noted that the author had been continuously supported by two teachers proficient in Austrian Sign Language and by sign language interpreters, including during oral examinations, that her curriculum had been adapted and that she had received learning support and remedial teaching, including visual teaching material. The Committee also noted that those measures had been coordinated with the author, her parents and relevant institutions and had been tailored to her individual needs. Moreover, an independent sign language expert had supported her in her learning environment, she had received a special education allowance of €11,270 between 2012 and 2016, and her family

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<sup>3</sup> CRPD/C/26/D/50/2018.

had received a family allowance. The Committee noted that, with those measures, the author had progressed through the State party's school system, although she had repeated two years and had changed schools. The Committee concluded that, given the nature and extent of the measures taken to accommodate the author, and her actual development and progression at her schools, the measures taken were not irrelevant, inappropriate or ineffective. The Committee could therefore not conclude that the State party had failed in its obligation to take concrete measures, by providing reasonable accommodation, to achieve de facto equality for the author to ensure that she could enjoy all human rights and fundamental freedoms. Accordingly, the Committee found that the author's rights under article 5, read in conjunction with articles 21 (b) and (e) and 30 (4) had not been violated. The Committee further noted that the author had not provided additional information to show how the treatment of her case by the State party had been affected by the alleged disregard of her interests, and found that the State party had not violated her rights under article 5, read in conjunction with article 7, of the Convention.

#### ***J.M. v. Sweden***

15. The Committee decided to discontinue its consideration of the communication in the case of *J.M. v. Sweden*.<sup>4</sup> The State party's decision to deport the author to Afghanistan had become statute-barred on 7 July 2021. And the author had meanwhile filed a new application for asylum. He therefore no longer faced a risk of being returned to Afghanistan. The State party had requested that the Committee discontinue its consideration of the communication, and the author had agreed to that request.

#### ***Ferrer Manils v. Spain***

16. The Committee decided to discontinue its consideration of the communication in the case of *Ferrer Manils v. Spain*.<sup>5</sup> The communication concerned the eviction of the author, an older man with a disability, without an assessment of the impact of that measure on his health and well-being. On 21 July 2021, the State party informed the Committee of the author's death on 2 November 2020 and the discontinuation of the judicial proceedings before the local courts. In addition, it requested the Committee to discontinue its consideration of the communication since there were no other interested parties. On 3 November 2021, the author's daughter and his representatives requested that the Committee continue its consideration of the case. The Committee decided to discontinue its consideration of the communication, as the author's death had rendered the communication devoid of purpose.

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<sup>4</sup> CRPD/C/26/D/53/2018.

<sup>5</sup> CRPD/C/26/D/79/2020.