



Ensuring Dignity And Realising Rights

Measuring the Impact of the
United Nations Human Rights System
on the enjoyment of the Rights of
Persons with Disabilities

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PREFACE

The upcoming 20th anniversary of the adoption of the UN Convention on the Rights of Persons with Disabilities (CRPD – 13th December 2006) represents an important milestone. With currently 168 ratifications the convention has been one of the most quickly ratified international human rights treaties. However, signing a convention is not enough. A lot still remains to be done until persons with disabilities have the same rights as others, the same level of employment, educational opportunities, social inclusion, the opportunity to live independently and to find safe spaces in their communities. The CRPD remains a work in progress, and first and foremost, all states who have signed up to the convention have to honor their legal obligations.

Ahead of the Global Disability Summit in Berlin in 2025, the Geneva office of Konrad-Adenauer-Stiftung had joined hands with the Universal Rights Group for a closer look at the implementation of all recommendations generated by the UN human rights system on the rights of persons with disabilities. The focus remained particularly on the implementation and the assistance given to governments in accomplishing their responsibilities, as well as the role the UN can be playing in this.

In the selected case studies, we zoomed into the main topics brought forward in recommendations by Special Procedures, Treaty Bodies and in the Universal Periodic Review:

- International commitments and the necessary legal and institutional frameworks on national level
- Participation in socio-economic affairs, meaningful employment and the right to work
- Education
- Access to healthcare
- Protection from abuse and discrimination, as well as the
- Vulnerable situation of women and girls with disabilities.

Whereas it holds true that the prime responsibility for protection of human rights and the rights of persons with disabilities lies with the states and signatories to the CRPD, we cannot emphasize enough the need for direct engagement with persons with disabilities themselves.

Participation is a theme that runs throughout the Convention on the Rights of Persons with Disabilities. However, and to follow through on the *Leitmotiv* of “Nothing about us without us”, political participation of persons with disabilities constitutes an important element.

Participation in political and public life is not only an objective in itself. It is a precondition for the enjoyment of other rights, and allows persons with disabilities to shape legislation and policies in other most relevant sectors such as, for example, health, education, employment, and access to services and information.

Political participation allows to influence the social environment and the relations within societies. Organisations of persons with disabilities (OPDs) and persons with disabilities have the capacities and opportunities to make their voices heard in the political processes that are still underway and where their needs should be taken into consideration.

However, and like many civil society organisations these days, OPDs are facing the drying up of public funding for their causes. This at a time when more needs to be done and more awareness needs to be created. This is one reason why Konrad-Adenauer-Stiftung as a political foundation addresses the rights of persons with disabilities. We do this in Germany but also via the activities of our over 100 country offices who are cooperating with OPDs or are documenting the respective situation ([Country Reports with a Difference – Konrad-Adenauer-Stiftung](#)). We do this out of our strong Christian belief of solidarity and with the conviction that the rights of persons with disabilities should not only be the concern of OPDs only: THEY HAVE TO BE OF CONCERN TO ALL OF US.

Wishing you an interesting read of
Ensuring Dignity And Realising Rights: Measuring the Impact of the UN Human Rights System on the enjoyment of the Rights of Persons with Disabilities!

Andrea E. Ostheimer

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EXECUTIVE SUMMARY

Since its establishment eight decades ago, the United Nations has played a central role in raising awareness about and advancing the rights of persons with disabilities, who constitute approximately 15 per cent of the world's population and overwhelmingly live in the Global South. In 2006, the combined efforts of the international community and the global disability rights movement culminated in the adoption of the Convention on the Rights of Persons with Disabilities (CRPD), a landmark international treaty codifying the obligations of States to promote, protect and respect the rights of persons living with disabilities.

The central, transformative pledge of the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs) to 'leave no one behind' cannot be achieved without the inclusion of the estimated one billion people around the world living today with a disability. Their heightened vulnerability to multidimensional poverty is compounded by many barriers they face in their daily lives, including a lack of accessibility in physical and virtual environments, stigma and discrimination, a lack of access to energy, assistive technologies, and rehabilitation, and a lack of measures designed to promote independent living. Unless these barriers are dismantled, persons with disabilities will remain disproportionately excluded from full participation in economic, social, cultural, civic, and political life, undermining the realisation of their rights, and the achievement of the SDGs.

The international human rights system, especially the three main compliance mechanisms (the Universal Periodic Review – UPR, Treaty Bodies, and Special Procedures) represents, in principle, a powerful motor of change, driving progress with the fulfilment of States' international human rights obligations and commitments, including obligations under the CRPD, and thereby also accelerating progress towards the SDGs leaving no one behind.

To understand the degree to which the human rights system is fulfilling this role, and helping secure implementation and on the ground impact, Konrad-Adenauer-Stiftung (KAS) and the Universal Rights Group (URG) have, over the past two years, conducted a global analysis to assess and understand the impact of the international human rights system on the enjoyment of the rights of persons with disabilities. The results of that analysis are presented in this report.

The report builds on similar analyses conducted by URG with different UN agencies on the impact of the UN system on the rights of children, the rights of women and girls, environmental rights, and sexual and reproductive health and rights (SRHRs). Those reports demonstrate, with empirical evidence, that the UN has had, and continues to have, a significant positive impact on the enjoyment of human rights, and that where UN agencies, bilateral donors, and others effectively leverage State engagement with the main UN human rights mechanisms, and integrate UN human rights recommendations into country programming, it can be a highly efficient means of driving human rights change and sustainable development.

A key question that the new KAS-URG report seeks to answer is: can the same be said for the rights of persons with disabilities?

In answer to this question, the report finds that while the adoption of the CRPD, the ongoing and related work of the UN human rights machinery, and the cooperation and engagement of States, UN agencies, and others with that machinery, has had an important positive impact on the enjoyment of the rights of persons with disabilities, the level of implementation of recommendations, and thus improvements in the degree of State compliance with their relevant international human rights obligations and commitments, is less pronounced than is the case for other vulnerable or marginalised groups. One key reason for this, evident from the six country case studies profiled in the report, is the absence (unlike, for example, women's rights, SRHRs, and children's rights) of a dedicated UN agency or programme for persons with disabilities. This has a number of consequences including: less data and fewer policy ideas are fed into the UN human rights mechanisms through State and alternative periodic reporting; UN entities are less engaged with the mechanisms (e.g., with members of Treaty Bodies, or States in the UPR Working Group) in order to help shape recommendations during national reviews; UN technical assistance to support the implementation of recommendations is more ad hoc / less systematic; and recommendations are not routinely integrated into dedicated UN country programming documents.

The first part of the report presents the results of KAS-URG's analysis of State cooperation with the three main UN human rights mechanisms since 2007, and, importantly, of the resulting recommendations extended to States. In particular, the analysis sought to identify all those recommendations related to the rights of persons with disabilities, measure their prevalence (both in absolute terms and compared with other group rights), and understand their principal areas of focus.

On the basis of that analysis, this report reveals that between 2007 and 2025, the three main human rights mechanisms extended nearly 16,000 disability rights-related recommendations to member States – 54 per cent by the Treaty Bodies, 41 per cent by the UPR Working Group, and 5 per cent by Special Procedures mandate-holders. In a perhaps illustrative comparison, over broadly the same period (2007 to 2024), the same three mechanisms extended over 44,000 recommendations on gender equality, and women and girls' rights.

KAS-URG then undertook a detailed scrutiny of those roughly 16,000 recommendations to reveal the main thematic clusters. As shown in this report, that analysis identified seven main clusters of disability rights recommendations, namely those addressing issues of: accessibility, reasonable accommodation, and mobility; participation in socio-economic and political affairs; education; protection from violence, exploitation, and abuse; equality and non-discrimination; legal protection and access to justice; and international commitments on the rights of persons with disabilities.

Finally, KAS and URG selected six of the major themes and sub-themes identified in the recommendation analysis (as mentioned above), and tracked those clusters of recommendations down to the national level in six UN Member States, assessing levels of implementation of relevant recommendations, the impact of implementation measures (e.g., new or amended laws, policies, and practices) on the enjoyment of the rights of persons with disabilities, and the degree to which governments, civil society, UN Country Teams and other national stakeholders are succeeding in feeding data on implementation and impact, as well as new policy ideas, back into the UN mechanisms through periodic reports (both national and alternative or 'shadow' reports).

The results of that implementation analysis are presented in the second part of this report in the form of six country case studies. Those case studies represent a pioneering attempt to examine the degree to which State engagement with all three of the main UN mechanisms (in a holistic and integrated manner) has contributed to strengthening the enjoyment of the rights of persons with disabilities. To do so, they seek to identify good practices, lessons learnt, and implementation success stories, as well as implementation gaps, apply statistical indicators to measure the impact of new or amended laws, policies, and practices on the enjoyment of the rights of persons with disabilities, and measure the degree to which government and alternative (i.e., civil society and NHRIs) periodic reporting to the UN compliance mechanisms is promoting accountability and driving deeper progress in the future. The case studies also seek to understand the role and contribution of civil society organisations and national human rights institutions, as well as the degree to which UN entities have sought to leverage State engagement with the UN mechanisms (e.g., through feeding into periodic reports or supporting implementation) to drive deeper and further progress.

The **six country case studies** presented in the report are:

- Reducing the vulnerabilities and intersecting forms of discrimination faced by women and children with disabilities in **Australia**;
- Protecting persons with disabilities from violence, exploitation, and abuse in **Jordan**;
- Improving the physical, mental, and psychosocial health and well-being of persons with disabilities in **Kenya**;
- Ensuring the right to education for persons with disabilities in **Montenegro**;
- Establishing a legal and institutional framework to protect the rights of persons with disabilities in **Timor-Leste**; and
- Promoting the inclusion of persons with disabilities in the labour market in **Peru**.

Notwithstanding the aforementioned challenges posed by the absence of a dedicated UN entity for persons with disabilities, and the generally fragmented nature of UN support, the case studies nevertheless demonstrate that the UN human rights machinery represents an important lever of change, with the potential to exert a positive influence on national law, policy, and practice, and thus to bring important improvements to the lives of persons with disabilities. Where UN Country Teams, civil society, including organisations of persons with disabilities (OPDs), bilateral development partners, and other national stakeholders, are able to support and leverage a State's engagement with the UN human rights mechanisms, it has the potential to create a virtuous circle, with improved reporting leading to improved dialogue and better recommendations – recommendations about which those States feel a sense of ownership. This in turn opens an opportunity for UN Country Teams, bilateral donors, OPDs, NHRIs, and other stakeholders to work in cooperation with the government to implement those recommendations, measure impact, and – completing the cycle – report back on progress.

Yet much more remains to be done. While the international community has made significant strides towards equality for persons with disabilities, progress has been insufficient, uneven, and too slow. This report points inter alia to the value of – and need for – the mechanisms to extend 'more and better [disability rights-related] recommendations' to States so as to provide governments and other national stakeholders with stronger guidance and a more robust framework for action at domestic level.

CHAPTER 1

The United Nations Human Rights System, the Global Implementation Agenda, and the Rights of Persons with Disabilities



Since the establishment of the United Nations (UN) eight decades ago, the international community has invested considerable effort in recognising and protecting the rights of persons with disabilities, who constitute approximately 15 per cent of the world's population.¹ This journey reflects a fundamental transformation in how disability is understood and addressed at the international level, evolving from a medical and charity-based approach to a comprehensive rights-based framework that acknowledges persons with disabilities as full rights-holders capable of making their own decisions and participating actively in society. This paradigm shift is particularly significant given that 80 per cent of persons with disabilities live in developing countries, where they face multiple and intersecting forms of discrimination and barriers to full participation in social, economic, and political life.²

The development of international disability rights standards has progressed through several crucial phases, each marking a significant advance in the international community's approach to disability rights. Early UN initiatives laid the groundwork through various declarations and programmes, including the Declaration on Social Progress and Development (1969), which first acknowledged the need to protect the rights and welfare of persons with disabilities.³ This was followed by the Declaration on the Rights of Disabled Persons (1975), which marked the first explicit recognition of persons with disabilities as rights holders. The World Programme of Action and International Year of Disabled Persons in the 1980s brought unprecedented global attention to disability issues, while the Standard Rules on the Equalisation of Opportunities for Persons

with Disabilities (1993) provided the first comprehensive framework for policymaking aimed at ensuring equal opportunities for persons with disabilities.

A watershed moment in this evolution came with the adoption of the Convention on the Rights of Persons with Disabilities (CRPD) in 2006,⁴ which has since achieved near-universal participation – with 191 State ratifications.⁵ The CRPD represents not merely another international treaty, but a transformative instrument that codifies the shift from viewing persons with disabilities as objects of medical treatment and charity to recognising them as subjects with full human rights and fundamental freedoms. This transformation was driven in large part by the disability rights movement itself, particularly through the International Disability Alliance (IDA), established in 1999 as a network of global and regional organisations of persons with disabilities.

The Global Human Rights Implementation Agenda

The adoption of the CRPD was one important building block in the construction of what is, today, a comprehensive canopy of universal human rights norms and standards, comprising the Universal Declaration of Human Rights, the nine core human rights instruments (international human rights conventions), and myriad resolutions, principles, guidelines, opinions, and general comments. What is more, the past half century has seen the geographic reach of that canopy steadily expand: today, all UN Member States have ratified at least one core international human rights treaty, and 80 per cent have ratified four or more. In lockstep with this normative

- 1 Enable, United Nations. "Factsheet on Persons with Disabilities." United Nations Enable. <https://www.un.org/development/desa/disabilities/resources/factsheet-on-persons-with-disabilities.html>
- 2 UN. "International Day of Persons with Disabilities." <https://www.un.org/en/observances/day-of-persons-with-disabilities/background>
- 3 Enable, UN. "First 50 Years: Chapter IV - The social welfare perspective: 1955 -1970." <https://www.un.org/esa/socdev/enable/dis50y30.htm>
- 4 UN General Assembly, Convention on the Rights of Persons with Disabilities : resolution / adopted by the General Assembly, A/RES/61/106, 24 January 2007, <https://www.refworld.org/legal/resolution/unga/2007/en/49751>
- 5 National Disability Authority. "United Nations Convention on the Rights of Persons with Disabilities."

progress, the international community has, over time, established a range of UN human rights mechanisms, including the Treaty Bodies, the Special Procedures, and – most recently – the Universal Periodic Review (UPR), designed to continuously review States' compliance with their international human rights obligations and commitments, and provide recommendations to bring national laws, policies, and practices into greater alignment with universal standards.

Notwithstanding such progress, throughout this period the international human rights system has come under regular criticism from stakeholders who have questioned the degree to which the system has driven verifiable improvements in the domestic enjoyment of human rights, and thus, the extent to which the UN is capable of delivering on its promise that 'all human beings are born free and equal in dignity and rights'. Such critiques have held that a significant 'implementation gap' has developed between universal values and local realities.

These critiques, and a determination to respond to them, were central to the human rights reforms set out in the-then UN Secretary-General Kofi Annan's landmark 2005 report 'In Larger Freedom.' In an April 2005 address to the UN Commission on Human Rights, Annan set out his vision to 're-make our human rights machinery,' and, in-so-doing, 'renew public confidence in the United Nations itself.'⁶

'The cause of human rights has entered a new era,' he continued. 'For much of the past 60 years, our focus has been on articulating, codifying, and enshrining rights. That effort [has] produced a remarkable frameworks of laws, standards, and mechanisms – the Universal Declaration, the international covenants, and much else.

Such work needs to continue in some areas. But the era of declaration is now giving way, as it should, to an era of implementation.'

Key to that vision was to replace the Commission with a new, stronger, Human Rights Council (Council) – a body that would lead the international community from the aforementioned 'era of declaration' to a new 'era of implementation.'

Taking its lead from these proposals, in March 2006, the General Assembly (GA) adopted resolution 60/251, establishing the Council, and setting out its mandate to *inter alia* 'promote the full implementation of human rights obligations undertaken by States.'⁷ To fulfil this mandate, the GA instructed the Council to develop methods of work that would 'enable genuine dialogue, [be] results-oriented, allow for subsequent follow-up discussions to recommendations and their implementation, and also allow for substantive interaction with Special Procedures and mechanisms.'⁸

6 UN Statement by Secretary-General's Address to the Commission on Human Rights, 7th April 2005, <https://www.un.org/sg/en/content/former-secretary-general/statements/2005-04-07/secretary-generals-address-the-commission-human-rights>

7 United Nations General Assembly, Resolution 60/251 on the Human Rights Council, 3 April 2006, UN Doc A/RES/60/251, para 5(d). Available at: <https://docs.un.org/en/a/res/60/251>

8 Universal Rights Group, The emergence and evolution of National Mechanisms for Implementation, Reporting, and Follow-up, April 2024, <https://www.universal-rights.org/urg-policy-reports/the-emergence-and-evolution-of-national-mechanisms-for-implementation-reporting-and-follow-up>

Notwithstanding this clear direction, for the first decade of its existence, the Council and its mechanisms (the UPR and the Special Procedures), together with the Treaty Bodies, and Office of the High Commissioner for Human Rights (OHCHR), failed to sufficiently prioritise this critical implementation mandate, preferring instead to maintain the Commission on Human Rights' historic focus on debating, clarifying, and setting universal human rights norms. In general terms, there tended to be a lack of systematic follow-up by the Council, the mechanisms, and the wider UN, to track and support implementation, measure impact, and report on and recognise progress.

Fortunately, the past nine years have seen that unpromising situation at last begin to change, as relevant stakeholders (e.g., States, UN entities, civil society organisations, academia) have begun to pay more detailed attention to the 'mechanics' of implementation – i.e., the systems and processes through which States translate universal norms into local reality. One important catalyst for this increased focus has been the emergence, in different parts of the world, of so-called 'national mechanisms for implementation, reporting and follow-up' (NMIRFs).⁹

These single national-level mechanisms, established by law or statute and with set terms of reference (e.g., governing participation), are responsible for receiving, managing (including clustering by theme or objective), and coordinating the implementation of, recommendations extended by all three main human rights mechanisms, as well as reporting back to each of them on progress. In some cases, NMIRFs have also begun measuring changes (using human rights indicators) in the domestic enjoyment of human rights, and in the human rights impact of legal, policy, and other reforms designed to implement recommendations.

Some NMIRFs have also developed software (often in cooperation with OHCHR) to manage recommendations, coordinate their implementation across government, measure the impact of implementation measures using indicators, connect clusters of recommendations and impact indicators with relevant Sustainable Development Goals and targets, and share transparent information on progress with the general public (via websites).

The experience of States that have already established and developed NMIRFs (as shown in relevant research)¹⁰ suggests that these national mechanisms significantly strengthen the capacity of States to implement UN human rights recommendations, facilitate human rights dialogue across society as well as awareness of the State's international human rights obligations and commitments, strengthen cooperation with international partners, and improve the frequency and quality of periodic reporting, thereby strengthening the enjoyment of human rights, and contributing to the attainment of the Sustainable Development Goals (SDGs) leaving no-one behind.

These important developments, powered by individual UN Member States, are, moreover, increasingly being recognised at international level, and are helping catalyse a global human rights 'implementation agenda.' Resolutions clarifying the role, operation, and core characteristics of NMIRFs are now regularly adopted by the Council (e.g., resolutions 42/30, and 51/33), a group of friends of NMIRFs has been established at the Council which inter alia extends UPR recommendations to all States-under-review to establish and/or strengthen NMIRFs, an International Network of NMIRFs has been launched following the adoption of the 2022 Marrakech Declaration, and the 2024 Asunción Declaration, and in October 2024 the Marrakech Guidance

9 *Ibid*

10 For example, see the Uruguay case study in UNICEF and Universal Rights Group, *Realizing Rights, Changing Lives: The Impact of the United Nations Human Rights System on the Enjoyment of Children's Rights*, 2020. Available at: <https://www.universal-rights.org/urg-policy-reports/realizing-rights-changing-lives-the-impact-of-the-united-nations-human-rights-system-on-the-enjoyment-of-childrens-rights-2>

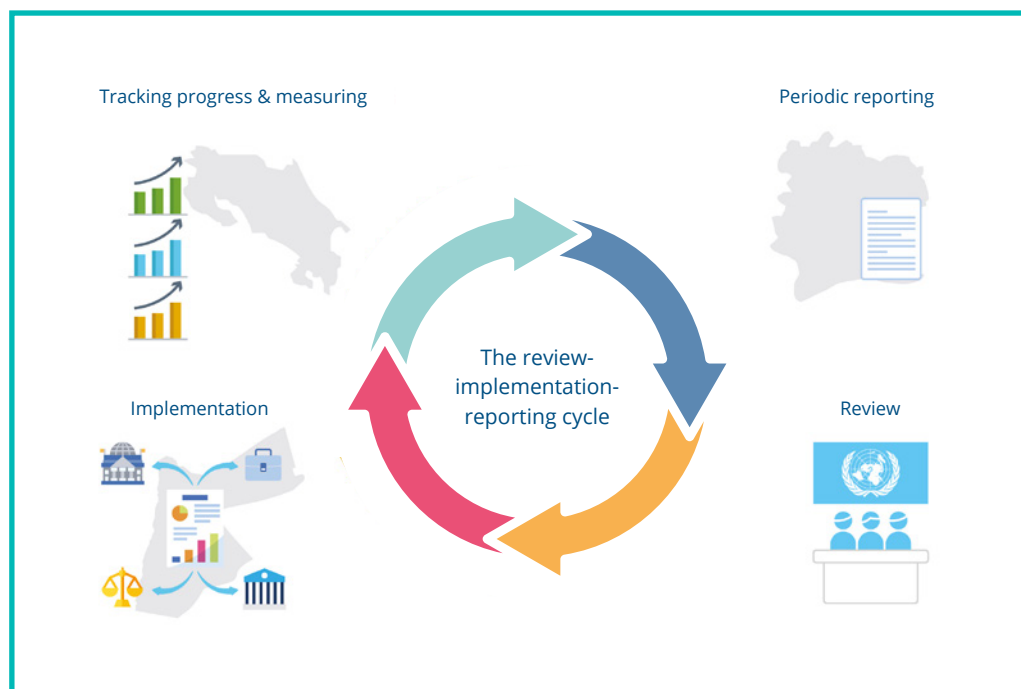
Framework (MGF) was adopted to help guide States in the establishment and/or development of effective NMIRFs, and to help guide UN agencies and other international partners that may wish to support them in that regard.

Related to the emergence of NMIRFs, States have also begun to develop a more comprehensive and inclusive approach to ‘implementation,’ seeing the process not as the responsibility of one or two government ministries, but instead as a ‘whole of government’ or even ‘whole of society’ exercise necessitating the engagement of all relevant parts of government, law enforcement agencies, judges and lawyers, parliamentarians, national human rights institutions (NHRIs), and civil society.

Finally, while the Council is yet to devote sufficient time in its agenda to ‘allow for subsequent follow-up discussions to

recommendations and their implementation,’ and has largely failed to reform its work under agenda item 10 to make technical assistance and capacity-building support more accessible to all States that wish to strengthen compliance, UN agencies and programmes, including UNICEF, UNFPA, UN Women, UNDP, UNEP, and OHCHR, have, over recent years, made significant strides in following up on and supporting the implementation of recommendations at national-level. Their approach, consistent with the UN Secretary-General Antonio Guterres’ UN development system reforms, aims to leverage State engagement with the UN human rights mechanisms (across the full ‘review-implementation-reporting’ cycle – see Figure 1) to generate human rights progress, and thus, progress towards the achievement of the SDGs – leaving no one behind.

Figure 1:
The review-implementation-reporting cycle



Recent pilot projects run by different UN agencies, including UNFPA, UNICEF, and UNEP, alongside the Universal Rights Group offer compelling evidence of the effectiveness of this strategy to leverage State engagement with the UN human rights mechanisms to drive progress with the enjoyment of human rights, and with sustainable development. For example, UNICEF has adopted this approach to support the improved implementation of children's rights recommendations, UNFPA to support the improved implementation of sexual and reproductive health and rights (SRHR) recommendations, UNEP to support the implementation of recommendations related to environmental protection, and UN Women to support the improved implementation of women's rights recommendations.

Implementation of recommendations related to the Rights of Persons with Disabilities

Because there is no dedicated UN agency for persons with disabilities, the UN's approach to delivering technical assistance and capacity-building support for the implementation of recommendations related to the rights of persons with disabilities is somewhat different to that employed, for example, for women's rights, SRHR, and children's rights recommendations.

The implementation support framework for disability rights within the UN system operates through a complex interplay of strategies and mechanisms, with two key initiatives at its core: the UN Disability Inclusion Strategy,¹¹ and the United Nations Partnership on the Rights of Persons with Disabilities (UNPRPD).¹²

Specifically, this is achieved through the following steps:

1. UN agencies and wider UN Country Teams (UNCTs), and bilateral development partners, working in cooperation with governments and other national stakeholders (e.g., civil society), feed human rights information and policy ideas into the UN human rights mechanisms through national and alternative periodic reporting.
2. The UN mechanisms, taking these reports into consideration and in dialogue with national authorities, review States' compliance with their international human rights obligations and commitments, identify gaps, and extend recommendations.
3. UN agencies and wider UN Country Teams, and bilateral development partners, can then work in cooperation with governments and other national stakeholders to support the implementation of those recommendations, including by engaging with NMIRFs, and by integrating important clusters of recommendations into UN country programming documents.
4. UN agencies and wider UN Country Teams, as well as bilateral development partners, may also then work with national authorities (e.g., national statistics offices) to gather data to measure the impact of implementation measures, and to inform new policy proposals that can again be fed into the 'review-implementation-reporting' cycle.

¹¹ <https://www.un.org/en/content/disabilitystrategy>

¹² <https://globaldisabilityfund.org>

The UN Disability Inclusion Strategy, mandated by the Secretary-General, provides the foundation for sustainable and transformative progress on disability inclusion across all pillars of the UN's work: peace and security, human rights, and development. The Strategy is designed to support the implementation of the Convention on the Rights of Persons with Disabilities (CRPD), and other international human rights instruments, while simultaneously advancing the SDGs, the Agenda for Humanity, and the Sendai Framework for Disaster Risk Reduction. Its operational framework includes both policy directives and accountability measures, with specific benchmarks to assess progress and accelerate change in disability inclusion.

The UN Disability Inclusion Strategy provides the foundation for sustainable and transformative progress on disability inclusion across all pillars of the UN's work.

While the Strategy's primary focus is centred on internal UN policies and practices, guided by a specialised team within the Executive Office of the Secretary-General (EOSG), it is premised on the idea that the Strategy's implementation will result in a 'trickle-down' effect – leading to enhanced UN Resident Coordinator, and UNCT support for the domestic implementation of States' obligations and commitments under the CRPD. The UN hopes this 'trickle-down' effect will manifest itself in two ways: first, through the enhancement of disability rights awareness and political prioritisation within UNCTs, leading to increased inclusion of disability-focused projects in UN Sustainable Development Cooperation Frameworks (UNSDCFs); and second, through improved disability data collection and disaggregation

at the national level, facilitated through collaboration between UNCTs and national statistics offices. The Strategy's accountability framework requires annual reporting from 132 UNCTs, and all UN entities, generating valuable longitudinal data on implementation progress since 2020.

Although the Disability Inclusion Strategy has delivered some promising results (for example, the accountability framework has generated valuable data and insights through its comprehensive reporting system, and in some cases, UNCTs are now engaging more closely with OPDs), there remain doubts as to whether the hoped-for 'trickle-down' effect, leading to strengthened domestic implementation of the CRPD, is being realised. For example, while the Strategy is serving to increase awareness about disability rights amongst Resident Coordinators, and within UNCTs, and while this may lead to the inclusion of disability-focused projects in UNSDCFs, according to some UN officials, those projects are often relatively small sub-components (e.g., promoting inclusion or non-discrimination) of large development projects focused on, say, public health, education, or water and sanitation. In other words, Resident Coordinators and UNCTs are unlikely to deliberately and proactively integrate UN human rights recommendations addressing the full range of rights of persons with disabilities into UNSDCFs or other country programming documents (CPDs).

The United Nations Partnership on the Rights of Persons with Disabilities (UNPRPD), established in 2011, represents another critical implementation mechanism, bringing together UN entities, governments, OPDs, and civil society. Operating through a Multi-Partner Trust Fund (MPTF), the Partnership includes key UN entities such as ILO, OHCHR, UNDP, UNICEF, UNESCO, UNFPA, UN Women, and WHO, alongside the International Disability Alliance (IDA), and the International Disability and Development Consortium (IDDC).

The United Nations Partnership on the Rights of Persons with Disabilities (UNPRPD) represents another critical implementation mechanism, bringing together UN entities, governments, OPDs, and civil society.

The UNPRPD works by selecting and funding (via the Multi-Partner Trust Fund, MPTF) projects, to be delivered by UN agencies, aimed at supporting the realisation of the rights set out in the CRPD. Unfortunately, unlike the approach used by various UN agencies and illustrated in Figure 1, the UNPRPD represents a less focused and context-specific methodology. Instead of a targeted support for the implementation of key clusters of disability rights recommendations from the three main UN mechanisms, which are in-turn based on periodic reports that reflect the views of all relevant national stakeholders, including OPDs, as well as the key disability rights challenges and priorities in a given State, the implementation support under the UNPRPD is driven more by the mandates and priorities of UN agencies, rather than the needs of developing States and the priorities of OPDs. According to those involved, the usual practice under the UNPRPD is for UN entities to bid for projects that correspond to work they are already undertaking – to provide an additional source of funding. What is more, and as already described above in the context of UNSDCFs, disability rights projects funded under the MPTF appear to be mainly non-discrimination sub-components of larger development projects focused on, for example, health (WHO), labour rights (ILO), or education (UNICEF).

Considering its mandate, OHCHR should, in principle, be well-placed to help address these weaknesses in the current system, for example by ensuring the important national clusters of disability rights recommendations are systematically integrated into UN country programming documents. Unfortunately, OHCHR faces severe financial constraints which prevent it from fulfilling this role. In particular, the system of Human Rights Advisors – OHCHR officials in UNCTs who might advise Resident Coordinators on integrating human rights recommendations into CPDs – is under significant strain. According to officials, the negative consequences of this are particularly significant for the enjoyment by persons with disabilities of their civil and political rights.

Another concern raised by officials is that the aforementioned challenges to effective UN support for the implementation of UN human rights recommendations related to the rights of persons with disabilities, including resource challenges, are being exacerbated by a significant contemporary reduction in private funding (e.g., from foundations) for projects in developing countries aimed at realising the rights set out in the CRPD.

Challenges to effective UN support for implementation of UN human rights recommendations related to the rights of persons with disabilities, are being exacerbated by a significant reduction in private funding.

CHAPTER 2

UN Recommendations on the Rights of Persons with Disabilities: Numbers and Patterns



UN Member States are engaged in a continuous and interlinked process of review by the three main human rights mechanisms. Each of the three mechanisms uses a different methodology and plays a distinct but complementary role in the UN human rights system, but their ultimate purpose is the same: to review State progress with the implementation of their human rights obligations and commitments, and to provide recommendations to the State concerned as an outcome of the review. Implementation of those recommendations should lead to improved compliance in the future. This chapter provides a brief analysis of the recommendations produced by the three main UN human rights mechanisms relating to the rights of persons with disabilities.

Characteristics of recommendations

The engagement of States with human rights mechanisms provides an important 'window of opportunity' for UN entities and other development partners to strengthen dialogue and cooperation with the State-under-review on human rights challenges identified by the mechanisms. Because of their direct engagement, States feel a sense of ownership of the process and the resulting recommendations. Hence, recommendations carry significant political as well as technical weight. What is more, the recommendations extended by the three main mechanisms (Universal Periodic Review, Treaty Bodies, and Special Procedures), when clustered by theme or objective, are complementary and mutually reinforcing.¹³

For the purposes of this report, URG has focused on the three main human rights mechanisms: the Universal Periodic Review – UPR, the Treaty Bodies, and the Special

Procedures. All recommendations issued by these three mechanisms regarding the rights of persons with disabilities were identified and analysed. In total, URG identified **15,795 recommendations**. This represents approximately 7.7 per cent of all recommendations (204,668 recommendations) extended by the three mechanisms during the sample period (2007–2025).

Of these 15,795 recommendations, 8,516 (54 per cent) were extended by the Treaty Bodies, 6,491 (41 per cent) under the UPR mechanism, and 788 (5 per cent) by Special Procedures mandates.

Building on this overall analysis, URG then worked to identify major clusters of disability rights recommendations.

1. Accessibility, reasonable accommodation, and mobility:

- Accessibility (built environment, transport, information, health, food);
- Reasonable accommodation;
- Assistive devices and mobility aids.

2. Participation in socio-economic and political affairs:

- Political representation and political rights (right to vote, freedom of association, freedom of expression);
- Employment rights and participation in the economy;
- Social representation and participation.

3. Education:

- Access to inclusive and quality education;
- Provision of vocational training;
- Education for children with disabilities. .../...

¹³ Limon, M and Montoya, M (2019). Clustering and the Integrated Implementation of Recommendations. Available at: <https://www.universal-rights.org/urg-policy-reports/clustering-and-the-integrated-implementation-of-recommendations-the-key-to-unlocking-the-complementary-power-of-the-uns-compliance-mechanisms-2>

4. Protection from violence, exploitation, and abuse:

- Abuse and degrading treatment;
- Violence against persons with disabilities;
- Exploitation.

5. Equality and non-discrimination:

- Discrimination based on disability;
- Segregation, differential treatment and negative social attitudes;
- Hate speech and hate crimes against persons with disabilities.

6. Legal protection and access to justice:

- Legal capacity and legal certification of disability;
- Access to justice, remedy and legal aid;
- Laws, regulations and national plans on disability.

7. International commitments on rights of persons with disability:

- Ratification and accession to the CRPD;
- Respect of international standards and general principles;
- Statistical and disaggregated data on persons with disabilities.

- Cooperation/engagement with UN/ multilateral and regional mechanisms/fora;
- Awareness raising/advocacy; capacity-building; and
- Safeguarding rights more broadly (encompassing recommendations that did not include detailed or concrete calls to action).

The most prominent single theme addressed in UN human rights recommendations (extended by all three main mechanisms) related to the rights of persons with disabilities is their right to accessibility. This was the main theme addressed in 4,296 recommendations (**27.2 per cent** of all relevant recommendations). The second most prominent theme has been participation in socio-economic and political affairs for persons with disabilities, which is the focus of 3,813 recommendations (**24.1 per cent**). This was followed by the theme of international commitments (2,881 recommendations, **18.2 per cent**), education (1,557 recommendations, **9.9 per cent**), legal protection (1,221 recommendations, **7.7 per cent**), protection from abuse (1,071 recommendations, **6.8 per cent**), and discrimination (966 recommendations, **6.1 per cent**).

In addition, each recommendation was also tagged according to the strategic action it calls for (in other words, the intended result of the recommendation). These tags were:

- Develop/repeal/amend legislation/ policy/national action plans;
- Better enforcement of existing legislation/ policy/national action plans (including temporary special measures);
- Funding/allocation of resources (financial, human, or otherwise);

Figure 2:

Number of recommendations on disability rights from UN Human Rights Mechanisms

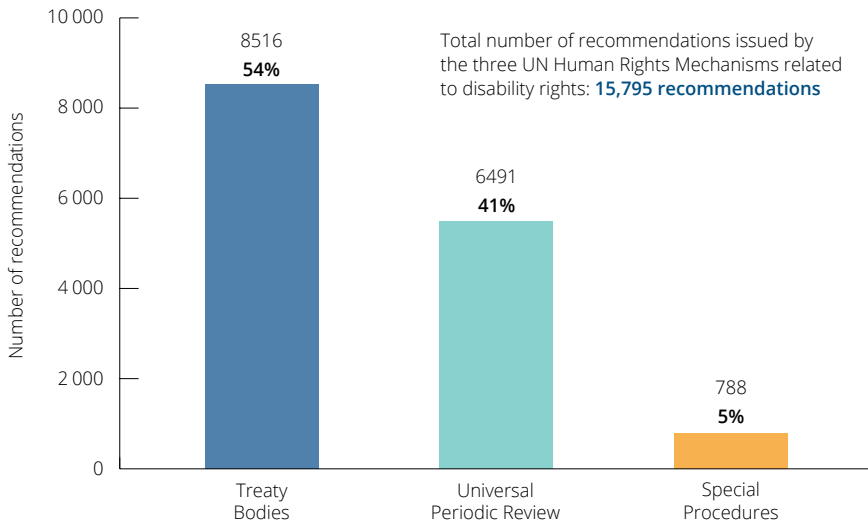
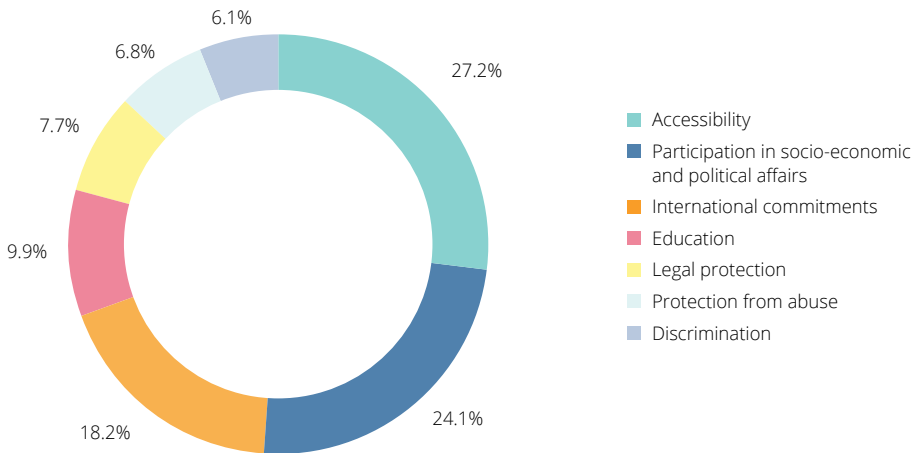


Figure 3:

Overall recommendation themes (all mechanisms)



Universal Periodic Review, Special Procedures, and Treaty Body recommendations

For the purposes of this report, the Universal Rights Group (URG) analysed the outcomes of the UPR reviews for all 193 UN member States for the first cycle (2008-2011), second cycle (2012-2016), and third cycle (2017-2022). Additionally, outcome reports for the 139 States that had completed their fourth cycle (2022 to 2027) up to the cut-off date – the 50th session of the UPR Working Group in November 2025 – have also been included in the analysis.

Over the course of these 50 UPR sessions, reviewing States extended 6,491 recommendations related to persons with disabilities. This accounts for approximately 5.1 per cent of all UPR recommendations issued during this period.

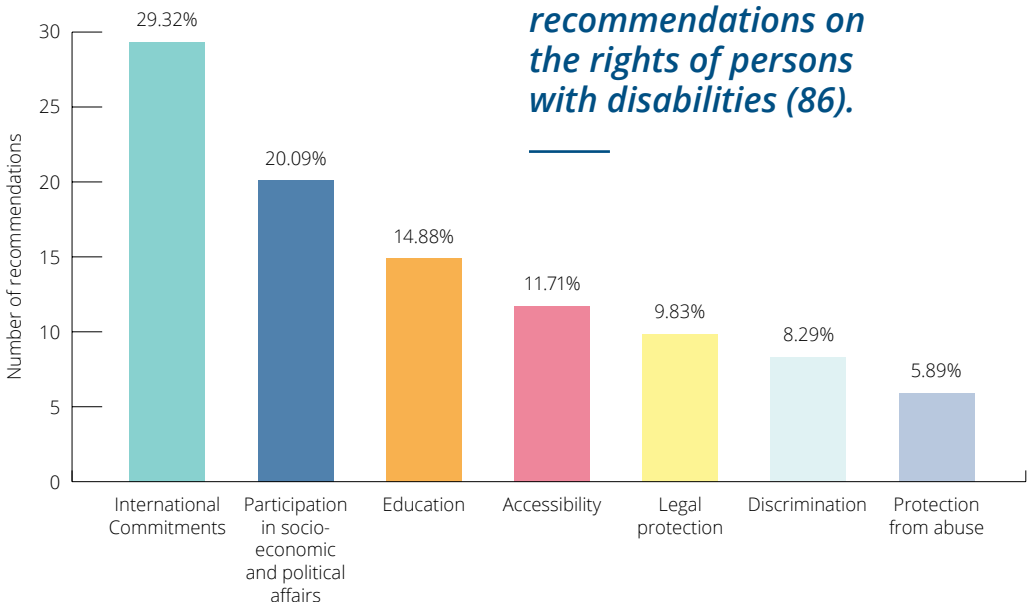
Looking at the main themes addressed in these UPR recommendations, **International commitments** were the most frequently addressed, with 1,903 recommendations (**39.3 per cent**). This was followed by

recommendations focused on the **right to participation in socio-economic and political affairs** with 1,304 recommendations (**20.1 per cent**), **education** (966 recommendations, **14.9 per cent**), **accessibility** (760 recommendations, **11.7 per cent**), **legal protection** (638 recommendations, **9.8 per cent**), **discrimination** (538 recommendations, **8.3 per cent**), and **protection from abuse** (382 recommendations, **5.9 per cent**).

States of the Asia-Pacific region have been the most active in extending UPR recommendations related to the rights of persons with disabilities (**2,049** recommendations), followed by States of the African Group (**1,403**). The States responsible for extending most relevant recommendations are Spain (**198**), Bulgaria (**145**), and Mexico (**131**).

States of the Asia-Pacific Group, followed by those of the African Group, also received most UPR recommendations during the sample period (1,982, and 1,534, respectively). Kazakhstan is the State that received most recommendations on the rights of persons with disabilities (86).

Figure 4:
Main themes in UPR recommendations



Kazakhstan is the State that received most UPR recommendations on the rights of persons with disabilities (86).

Figure 5:
States issuing most UPR recommendations

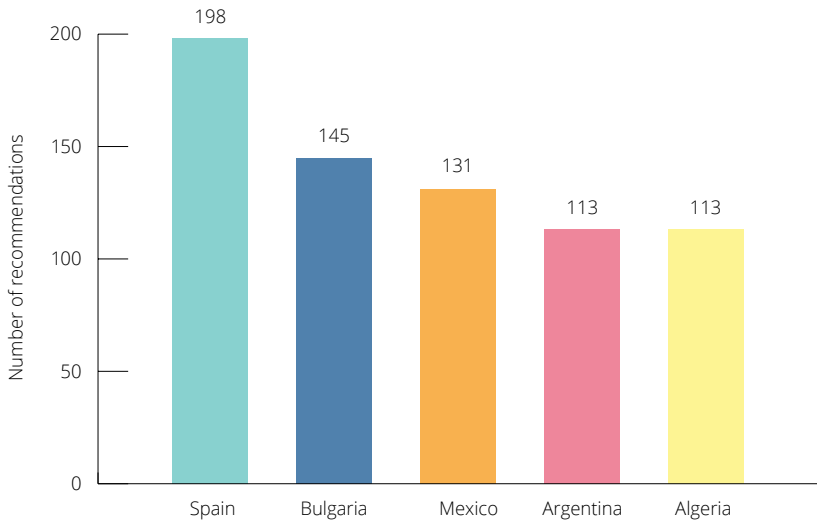


Figure 6:
Regions issuing most UPR recommendations

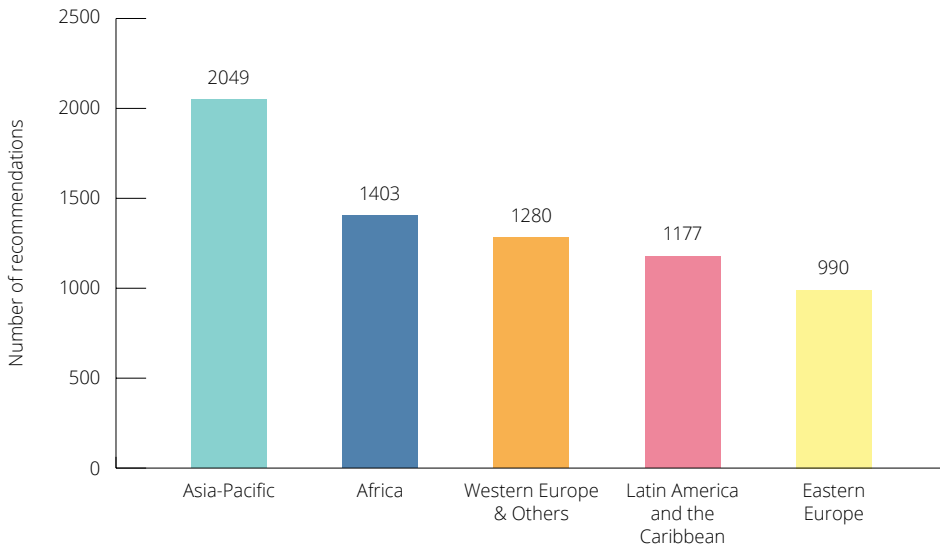


Figure 7:
Regions receiving most UPR recommendations

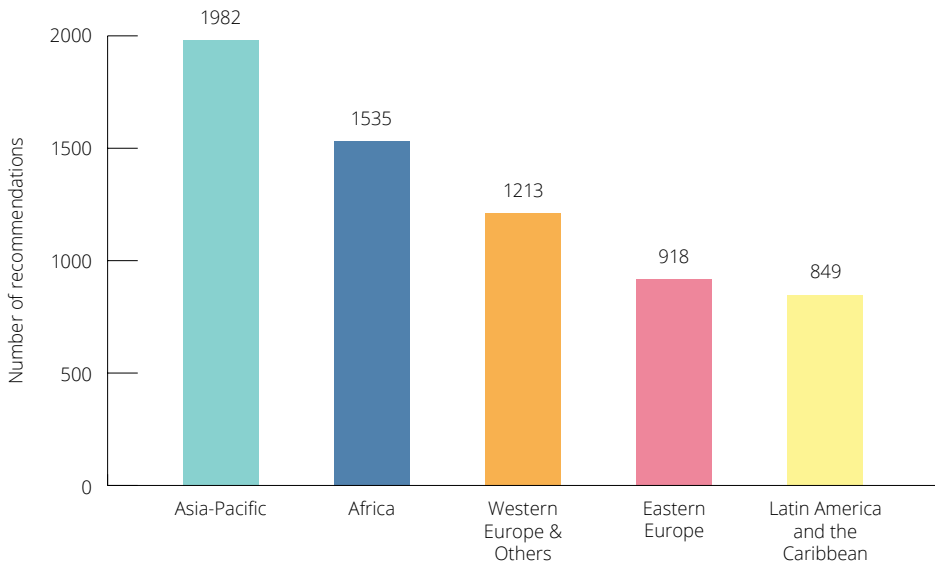
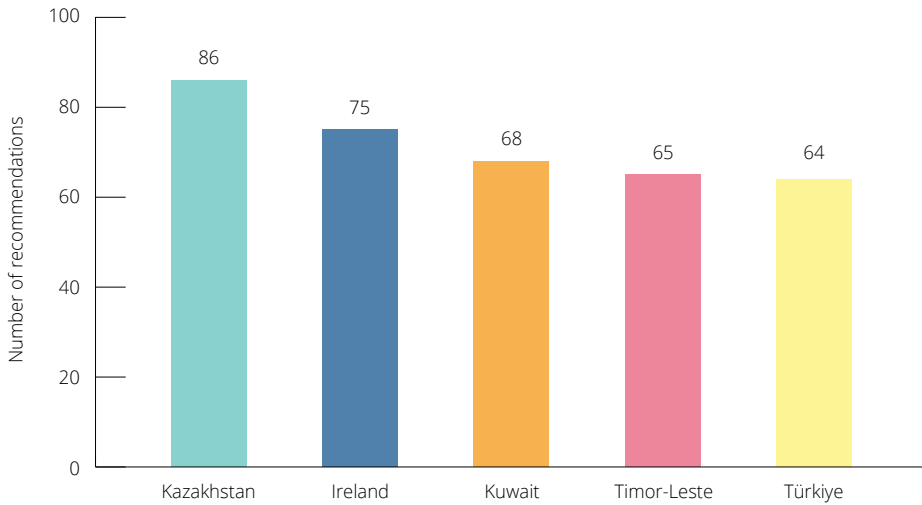


Figure 8:
States receiving most UPR recommendations

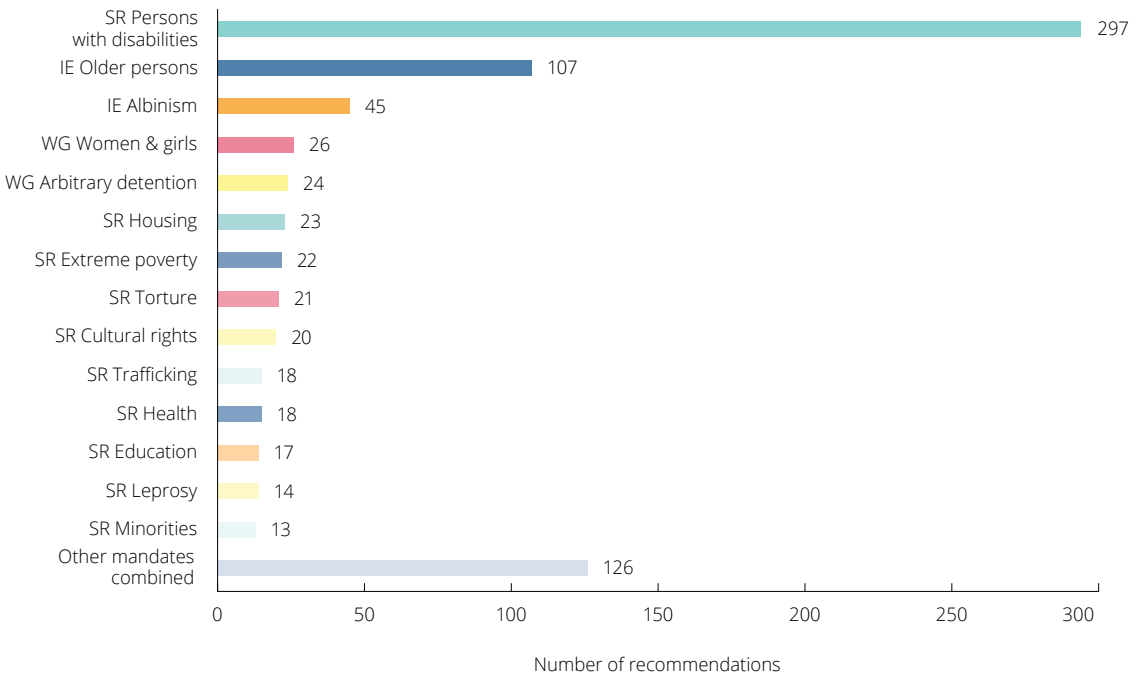


For the purposes of this analysis, URG examined over 896 reports by 57 Special Procedures mandate-holders, covering the period 2007 to 2025. The documents were selected based on their inclusion of recommendations related to the rights of persons with disabilities. As a result, the analysis includes reports from both thematic and country-specific mandate-holders. URG then analysed the focus and objectives of those recommendations.

Between 2007 and 2025, 57 Special Procedures mandate-holders extended approximately 12,670 recommendations to States. Of these, only 788 recommendations (slightly more than 6 per cent) addressed the rights of persons with disabilities.

Only slightly more than 6 per cent of recommendations from Special Procedures mandate-holders addressed the rights of persons with disabilities.

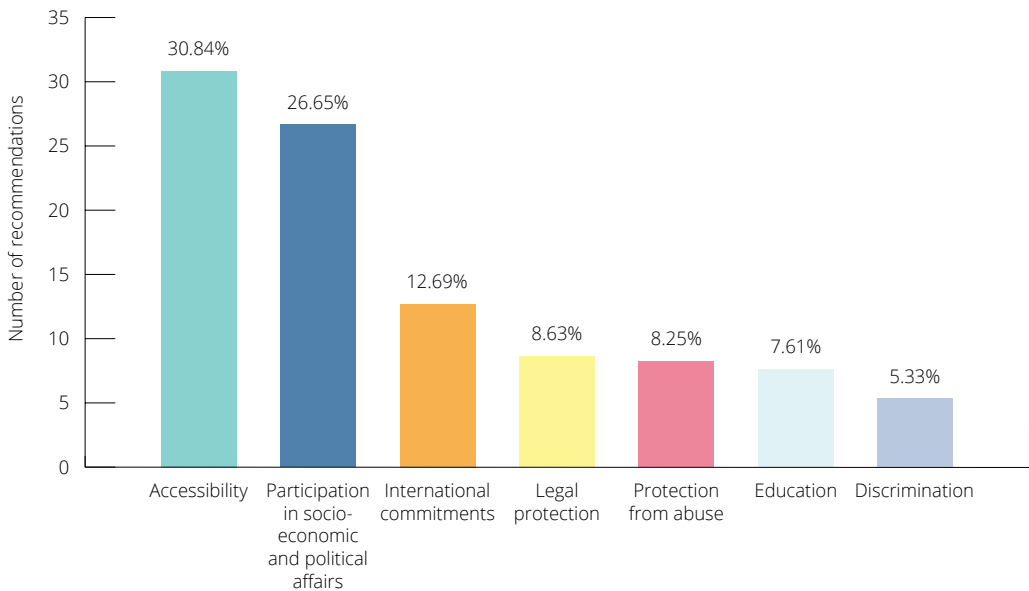
Figure 9:
Special Procedures Mandates issuing disability rights recommendations



Unsurprisingly, the Special Rapporteur on the rights of persons with disabilities extended the highest number of disability rights recommendations (294 recommendations, 37.3 per cent). This was followed by the Independent Expert on the enjoyment of all human rights by older persons, with 107 recommendations (13.6 per cent), and the Independent Expert on the rights of persons with albinism, with 45 recommendations (5.7 per cent).

Turning to the main themes covered by Special Procedures recommendations, accessibility was the most frequently addressed, with 243 recommendations (30.8 per cent). This was followed by participation in socio-economic and political affairs (210 recommendations, 26.7 per cent), international commitments (100 recommendations, 12.7 per cent), legal protection (68 recommendations, 8.6 per cent), protection from abuse (65 recommendations, 8.3 per cent), education (60 recommendations, 7.6 per cent), and discrimination (42 recommendations, 5.3 per cent).

Figure 10:
Main themes in Special Procedures recommendations

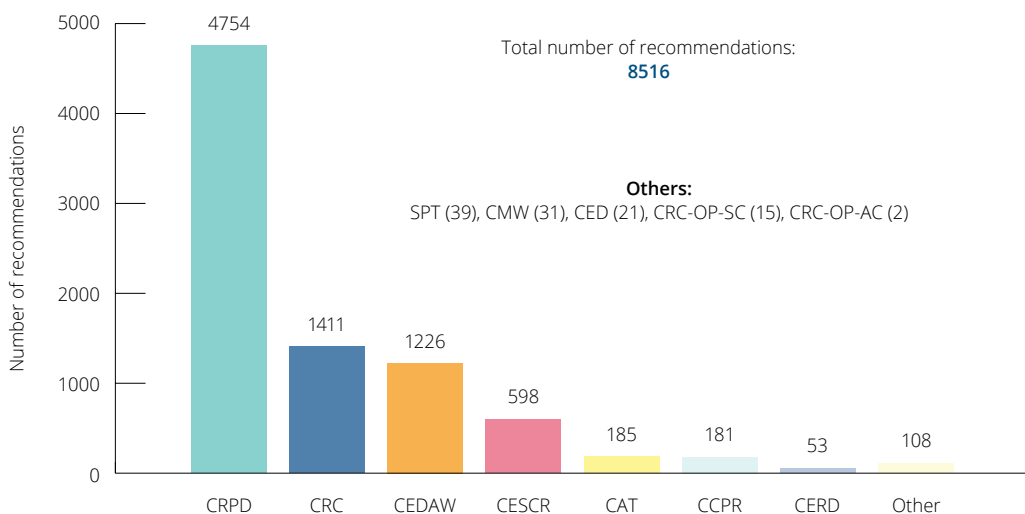


For the purposes of this study, URG analysed the recommendations contained in the concluding observations (issued at the end of State periodic reviews) of all ten Treaty Bodies between 2007 to 2025.¹⁴

States Parties to the nine human rights conventions (plus the Optional Protocol to the Convention against Torture) received a total of 8,516 recommendations related to persons with disabilities over the course of the eighteen-year sample period. This accounted for approximately 13 per cent of all Treaty Bodies recommendations issued during this period.

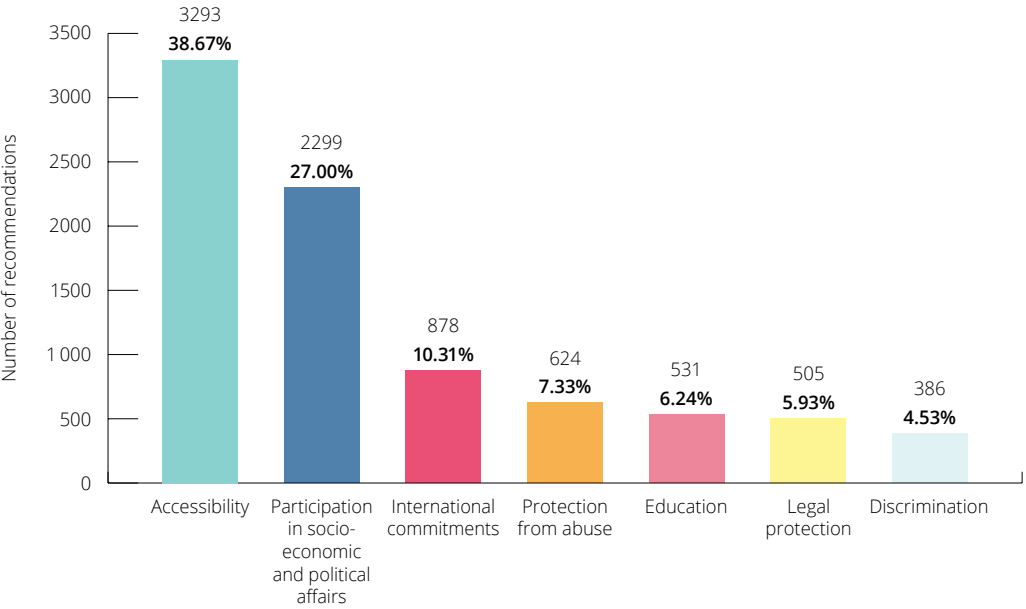
Unsurprisingly, the Committee on the Rights of Persons with Disabilities extended a majority of these **8,631** recommendations (**4,754**, 55.8 per cent). Next were the Committee on the Rights of the Child, with **1,411** recommendations (16.6 per cent), the Committee on the Elimination of All Forms of Discrimination Against Women (**1,226** recommendations, 14.4 per cent), and the Committee on Economic, Social and Cultural Rights (**598** recommendations, 7 per cent).

Figure 11:
Treaty Bodies issuing disability rights-related recommendations



14 Committee on the Elimination of Racial Discrimination (CERD), Committee on Economic, Social and Cultural Rights (CESCR), Human Rights Committee (CCPR), Committee on the Elimination of Discrimination against Women (CEDAW), Committee against Torture (CAT), Committee on the Rights of the Child (CRC), Committee on Migrant Workers (CMW), Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), Committee on the Rights of Persons with Disabilities (CRPD), and Committee on Enforced Disappearances (CED).

Figure 12:
Main themes in Treaty Body recommendations related to disability rights



CHAPTER 3

The Implementation and Impact of UN Recommendations Related to the Rights of Persons with Disabilities: National Experiences



Chapter 3 takes important clusters of disability rights recommendations, as identified and isolated through the analysis undertaken to inform Chapter 2, and tracks these clusters of recommendations down to national level, to analyse levels of implementation across six UN Member States (covering all UN regions), assess progress, identify good practices, and measure impact. These six case studies also consider how UN entities, and UN Country Teams, as well as bilateral development partners, have been able to leverage the concerned State's engagement with the UN human rights mechanisms (as described in Chapter 1) to drive progress with the enjoyment of the rights of persons with disabilities.

For this analysis, six country case studies were selected based on several criteria including geographic/regional balance, coverage of different key clusters of recommendations (and which States received a significant number of those recommendations), coverage of different political and cultural contexts, levels of development, and degrees of UN engagement with host States. Based on these criteria, the selected case study countries are **Australia, Jordan, Kenya, Montenegro, Timor-Leste**, and **Peru**.

Background

Australia has enjoyed a long history of engagement with the UN and its human rights system. It was one of the founding members of the UN, and one of the original signatories of the Universal Declaration of Human Rights. Australia ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2008, as well as its Optional Protocol in 2009. Australia seeks to fulfil its obligations under the CRPD through policies, improved practices, and new or amended legislation including, for example, the Disability Discrimination Act.

According to the Australian Institute of Health and Welfare, 4.4 million Australians are estimated to live with a disability. This represents 18 per cent of the Australian population. 7.6 per cent of children aged between 0-14 live with a disability.¹⁵

Persons with disabilities in Australia are more likely to experience poverty and low levels of education. They are often isolated and enjoy fewer opportunities to take part in community life than their peers. Children with disabilities are less likely to be enrolled in school, and the literacy rate is lower (only 54 per cent of persons with disabilities are literate compared to 77 per cent of people without disabilities). The rate drops further still for women and girls with disabilities.

A quarter of the people who report sexual assault have a disability. Women with disabilities are disproportionately affected – 90 per cent of women with mental disabilities report

sexual abuse. Further, women with disabilities are over-represented in low-income jobs and mostly rely on government payments, which means that they represent one of the poorest demographics.¹⁶

Summary of engagement with the United Nations Human Rights System

- Australia is party to seven of the nine core human rights treaties, including the CRPD (ratified in 2008) (as well as its Optional Protocol-2009).
- The party submitted its initial periodic report to the Committee on the Rights of Persons with Disabilities in 2010, and a combined second and third periodic report in 2018 (the Committee's concluding observations were published in 2019).
- Australia has undergone three reviews under the Universal Periodic Review (UPR) mechanism (in 2010, 2015, and 2020).
- Australia extended a standing invitation to Special Procedures in 2008, which is a testament to its commitment to protecting and promoting human rights. Since 2006, Australia has completed 14 country missions by thematic mandate-holders. This includes the Special Rapporteur on violence against women and girls, in 2017, and the Special Rapporteur on the sale, sexual exploitation, and sexual abuse of children, in 2023.

15 Australian Institute of Health and Welfare, "People with disability in Australia, Prevalence of disability." Available at: <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/people-with-disability/prevalence-of-disability>

16 Disabled People's Organisations Australia (DPO Australia) and the National Women's Alliances, "The Status of Women and Girls with Disability in Australia," November 2019. <https://wwda.org.au/wp-content/uploads/2020/06/The-Status-of-Women-and-Girls-with-Disability-Australia.pdf>

Summary of recommendations

Between 2010 and 2022, Australia received a total of **292** recommendations focused on the rights of persons with disabilities. This includes **213** extended by Treaty Bodies (**122** of which were issued by the Committee on the Rights of Persons with Disabilities), **63** extended by the UPR Working Group, and **16** by the Special Procedures.

The majority of recommendations Australia received by Treaty Bodies relate to the rights of women and children with disabilities.

Of these, **85** recommendations relate specifically to the rights of women and children with disabilities. Nearly all of these (82) were presented in the concluding observations of Treaty Bodies. Amongst the Treaty Bodies, the Committee on the Rights of Persons with Disabilities, the Committee on the Rights of the Child, and the Committee on the Elimination of Discrimination against Women have been notably active. The other three recommendations were issued by Special Procedures mandate-holders following country missions to Australia. Surprisingly, there have been no UPR recommendations focused on the rights of women and children with disabilities in Australia.

The earliest recommendations focused on the intersecting vulnerabilities and discriminations faced by women and children with disabilities emerged in 2010, and were extended by the Treaty Bodies. That year, the Committee on the Rights of Persons with Disabilities raised concerns relating to the systemic exclusion of women with disabilities from political processes relevant to them. For instance, the Committee noted that ‘women with disabilities are almost [entirely] absent from decision-making processes, including in matters that directly affect their lives,’ and urged the State to rectify the matter.¹⁷ This early recommendation framed the problem as one of visibility and participation, drawing attention to the relative invisibility of women with disabilities within broader gender and disability agendas.

This recommendation was complemented by recommendations extended by other Treaty Bodies. For example, in 2010, the Committee on the Elimination of Discrimination against Women recommended that Australia ‘adopt urgent measures to ensure that women with disabilities are better represented in decision-making and leadership positions, including through the adoption of temporary special measures such as quotas and targets.’¹⁸

Women with disabilities are almost [entirely] absent from decision-making processes, including matters that directly affect their lives.

17 Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Australia, adopted by the Committee at its tenth session (2-13 September 2013), 21 October 2013, CRPD/C/AUS/CO/1. Available at: <https://docs.un.org/en/CRPD/C/AUS/CO/1>

18 Committee on the Elimination of Discrimination against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women: Australia, 30 July 2010, CEDAW/C/AUL/CO/7. Available at: <https://docs.un.org/en/CEDAW/C/AUL/CO/7>

A further 2010 recommendation issued by the Committee on the Rights of Persons with Disabilities took a broader, equality and non-discrimination approach, urging Australia to 'adopt targeted measures, including temporary special measures, to accelerate de facto equality [for] women and girls with disabilities.'¹⁹

In 2010, the Committee on the Elimination of Discrimination against Women also drew attention to intersecting vulnerabilities and discrimination, this time in the context of violence against women and girls with disabilities. In this regard, the Committee urged Australia to 'address, as a matter of priority, the abuse and violence experienced by women with disabilities living in institutions or supported accommodation.'²⁰ The Committee also urged Australia to 'enact national legislation prohibiting, except where there is a serious threat to life or health, the use of sterilisation of girls, regardless of whether they have a disability, and of adult women with disabilities in the absence of their fully informed and free consent.'²¹

The Committee on Economic, Social and Cultural Rights has also expressed concern about violence against women with disabilities. In 2017, for example, the Committee requested that the State party 'pay particular attention to ensure that women with disabilities and persons with intellectual disabilities who are victims of domestic violence can claim their rights.'²²

One year later, in 2018, the Special Rapporteur on violence against women added her voice, expressing concern 'that women and girls with disabilities are at a heightened risk of violence and abuse in all settings, including in institutions, and that redress mechanisms remain inadequate.'²³

A further series of Treaty Body recommendations have focused on the need for Australia to improve data collection, especially of disaggregated data. Some of these recommendations were also significant in that they underscored the importance of the enjoyment of economic, social, and cultural rights. For example, in the same 2010 concluding observations, the Committee on the Elimination of Discrimination against Women recommended that Australia 'collect and analyse disaggregated data to better understand the situation of women and girls with disabilities across various sectors, including education, employment, and healthcare.'²⁴ Likewise, in 2017, the Committee on Economic, Social, and Cultural Rights called on Australia to improve data collection, including related to economic, social, and cultural rights, and poverty alleviation, and urged the State to ensure that data be disaggregated by inter alia 'sex, indigenous peoples, age, urban/rural area and disability.'²⁵

19 Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Australia, adopted by the Committee at its tenth session (2-13 September 2013), 21 October 2013, CRPD/C/AUS/CO/1. Available at: <https://docs.un.org/en/CRPD/C/AUS/CO/1>

20 Committee on the Elimination of Discrimination against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women: Australia, 30 July 2010, CEDAW/C/AUL/CO/7. Available at: <https://docs.un.org/en/CEDAW/C/AUL/CO/7>

21 Ibid.

22 Committee on Economic, Social, and Cultural Rights, Concluding observations on the fifth periodic report of Australia, 11 July 2017, E/C.12/AUS/CO/5. Available at: <https://docs.un.org/en/E/C.12/AUS/CO/5>

23 Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Australia, 17 April 2018, A/HRC/38/47/Add.1. Available at: <https://docs.un.org/en/A/HRC/38/47/Add.1>

24 Committee on the Elimination of Discrimination against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women: Australia, 30 July 2010, CEDAW/C/AUL/CO/7. Available at: <https://docs.un.org/en/CEDAW/C/AUL/CO/7>

25 Committee on Economic, Social, and Cultural Rights, Concluding observations on the fifth periodic report of Australia, 11 July 2017, E/C.12/AUS/CO/5. Available at: <https://docs.un.org/en/E/C.12/AUS/CO/5>

Education, including early childhood education and care for children with disabilities, must be made accessible and culturally appropriate, particularly for indigenous children with disabilities.

Unsurprisingly, the Committee on the Rights of the Child has drawn particular attention to the rights of children with disabilities. In 2019, for example, the Committee recommended that Australia 'ensure that inclusive education is prioritised for children with disabilities and that resources are allocated to support full integration into mainstream education systems.'²⁶ The focus on education has been intertwined with a deeper concern for early childhood development. For example, the Committee stated that 'education, including early childhood education and care for children with disabilities, must be made accessible and culturally appropriate, particularly for Indigenous children with disabilities.'

In the same 2019 concluding observations, the Committee also drew attention to the problem of violence against children with disabilities. The Committee noted 'that children with disabilities are more vulnerable to violence, neglect and abuse, including sexual abuse, and, in particular, that girls with disabilities are forced to undergo sterilisation procedures.'²⁷ In line with the Committee on the Elimination of Discrimination against Women's 2013 recommendation on violence against women with disabilities, the Committee on the Rights of the Child noted that children in institutions are at particular risk of maltreatment.

In this regard, the Committee urged Australia to ensure 'adequate training to child protection carers on the rights and needs of children with disabilities to prevent their maltreatment and abuse.'

Implementation and impact

In Australia, disability rights are overseen by several key government bodies. The Department of Social Services (DSS) is the principal organ regarding disability rights. It sets national disability policy and funds organisations providing support services to persons with disabilities. The Australian Human Rights Commission also plays an important role in promoting the implementation of the CRPD and ensuring the implementation of the Disability Discrimination Act. Through the Disability Discrimination Commissioner, the Commission receives complaints pertaining to any discrimination faced by persons with disabilities, and undertakes research on disability rights. It is also responsible for examining policies and action plans introduced by the State to ensure that they are in line with national and international legal obligations. The National Disability Insurance Scheme (NDIS), administered by the National Disability Insurance Agency (NDIA), provides assistance to persons with disabilities in the form of monetary payments. The Australian Institute of Health and Welfare (AIHW) carries out research and disseminates information on service delivery and results, while the Australian Bureau of Statistics (ABS) gathers disability statistics to support evidence-based policymaking.

States and territories also have their own departments delivering State-funded disability assistance programmes.

26 Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Australia, 1 November 2019, CRC/C/AUS/CO/5-6. Available at: <https://docs.un.org/en/CRC/C/AUS/CO/5-6>

27 Ibid.

Finally, Australia has established a Disability Representative Organisations programme to provide organisations for persons with disabilities (OPDs) with greater opportunities to participate in decision-making and policy-making.

In 2010, Australia adopted a National Disability Strategy 2010–2020, a high-level policy framework designed to mainstream disability rights across public policy and service delivery, to strengthen delivery and implementation, and to raise awareness of the situation of persons with disabilities.²⁸

This policy was succeeded by the Australia Disability Strategy (ADS) 2021–2031.²⁹ The new strategy has the same objectives but also incorporates the recommendations of the Royal Commission into Violence, Abuse, Neglect, and Exploitation of People with Disability, which was established in 2019 as a response to the concerns raised that people with disabilities were still facing high levels of violence, abuse, neglect, and exploitation. The ADS contains Targeted Action Plans (TAPs), which are to be closely monitored for better implementation and impact measurement.

The Australia Disability Strategy ensures that all persons with disabilities are consulted and involved throughout the process of implementing the strategy.

As stated above, some of the earliest recommendations extended to Australia concerned the lack of participation for women with disabilities in policymaking and in matters affecting their lives. Partly in response, as noted above, in 2021 the State adopted the aforementioned Australia Disability Strategy, which includes an ‘Engagement Plan.’³⁰ This is designed to ensure that persons with disabilities, including women and children, are consulted and involved throughout the process of implementing the ADS, as well as in monitoring and assessing its impact on their rights. This is done through regular public forums and consultation, and through the establishment of a Disability Advisory Council, which consults OPDs and provides advice to the Government and states on how to strengthen the delivery of the Strategy. ‘Good Practice Guidelines for the Engagement of People with Disability’ have also been published.

Further strengthening the implementation of UN human rights recommendations, and as noted above, Australia has also established a ‘Disability Representative Organisations’ programme. Under the programme, OPDs are consulted in policy development and implementation. One Disability Representative Organisations is ‘People with Disability Australia,’ which is currently undertaking a project called ‘Advancing Women.’ This project aims to improve women with disabilities’ access to political and corporate leadership positions.³¹

28 Council of Australian Governments, 2010-2020 National Disability Strategy.

Available at: <https://www.health.gov.au/sites/default/files/2025-07/national-disability-strategy-2010-2020.pdf>

29 <https://www.ndis.gov.au/understanding/australias-disability-strategy-2021-2031>

30 Ibid.

31 <https://pwd.org.au/projects/advancing-women-project>

Turning to violence against women with disabilities, Australia has taken a number of steps to implement the recommendations of inter alia the Committee on the Elimination of Discrimination against Women's 2013 recommendation, the Committee on Economic, Social and Cultural Rights 2017 recommendation, and the Special Rapporteur on violence against women's 2018 recommendation on the issue.

As noted above, the 2021–2031 Australia Disability Strategy includes various Targeted Action Plans (TAPs). In that regard, Australia recently adopted a 'Safety, Rights, and Justice TAP' covering the period 2025–2027.³² The Plan aims to ensure that laws, policies, and practices concerning persons with disabilities include a 'gender lens' and also serve to promote gender equality, and prevent violence against groups at heightened risk, including women and children.

Moreover, in 2021, Australia adopted a new 'National Plan to End Violence against Women and Children 2022–2032',³³ succeeding a similar plan for the period 2010–2020 that did not, however, include explicit measures for women with disabilities. The new National Plan includes an intersectional analysis of the particular challenges faced by women with disabilities, especially in institutional settings, and includes actions to better protect this group from, for example, forced sterilisation, exclusion, and restrictive practices.

Both of these policies were partly informed by the work of the aforementioned Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. In response to the Commission's 2023 conclusions and recommendations,³⁴ the Government allocated around 39 million Australian dollars to establish a disability advocacy programme, 19 million Australian dollars to support grassroots efforts to change communities' attitudes towards persons with disabilities, and 2 million Australian dollars to improve the safety of women and girls. 2.6 million Australian dollars were also allocated to maintain the 'Disability Abuse and Neglect Hotline' and national complaints and referral services.³⁵

Turning to UN recommendations related to disaggregated data collection (e.g., as extended by the Committee on the Elimination of Discrimination against Women in 2013, and the Committee on Economic, Social, and Cultural Rights in 2017), in 2023, in response to these proposals, the Australian national budget included an allocation of 68.3 million Australian dollars to support the study, investigation, and implementation of a 'National Disability Data Asset'.³⁶ This is expected to improve the collection of data on persons with disabilities, including disaggregated data covering women and children with disabilities, and thus to facilitate evidence-based policymaking.

32 Australian Government Department of Health, Disability and Ageing, 'Safety, Rights and Justice: Targeted Action Plan 2025–2027,' 2025. Available at: <https://www.disabilitygateway.gov.au/document/11476>

33 Commonwealth of Australia (Department of Social Sciences), 'National Plan to End Violence Against Women and Children 2022–2032,' 2022. Available at: <https://www.dss.gov.au/national-plan-end-violence-against-women-and-children>

34 Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 'Executive Summary, Our vision for an inclusive Australia and Recommendations,' September 2023. Available at: <https://disability.royalcommission.gov.au/publications/final-report-executive-summary-our-vision-inclusive-australia-and-recommendations>

35 <https://www.health.gov.au/resources/publications/responding-to-the-disability-royal-commission-html?language=en>

36 <https://ministers.dss.gov.au/media-releases/11431#:~:text=The%20NDDA%20will%20be%20co,their%20specific%20needs%20and%20goals>

Furthermore, Australia supports and participates in the Washington Group on Disability Statistics, formed under the UN Statistical Commission. The Group has developed a range of tools to help States gather more accurate and disaggregated data on persons with disabilities. The tools offer effective new means of tracking the implementation and measuring the impact of the CRPD as well as relevant SDGs and targets.³⁷

With regards to recommendations on inclusive education, the Australian Government has introduced initiatives such as an 'Inclusion Support Programme,' which aims to ensure the inclusion of children with disabilities in early childhood education policies.³⁸

The Government has also developed educational materials to better inform children with disabilities about their rights.

Moreover, to better accommodate children with disabilities in Australia's school system, in 2024 the Government allocated 3.6 billion Australian dollars to an initiative designed to create new resources to promote the inclusion of children with disabilities in the classroom. The Government has also developed educational materials to better inform children with disabilities about their rights. These new resources, which are practical and user-friendly, were created in collaboration with young individuals with disabilities and their families, with support from 'Children and Young People with Disability Australia'.³⁹

Finally, Australia has developed teaching standards that include requirements to support the participation and continued learning of students with disabilities, as well as new resources to help teachers apply those standards.⁴⁰

37 Statistical Commission, The Washington Group on Disability Statistics: Background Document, 1 March 2022, E/CN.3/2022. Available at: <https://unstats.un.org/unsd/statcom/53rd-session/documents/BG-4b-WashingtonGroup-E.pdf>

38 <https://www.education.gov.au/early-childhood/providers/extra-support/inclusion-support-program>

39 (AITSL), The Australian Institute for Teaching and School Leadership. 2022. Australian Professional Standards for Teachers. Available at: <https://www.aitsl.edu.au/docs/default-source/national-policy-framework/australian-professional-standards-for-teachers.pdf>

40 Ibid.

Background

Jordan was an early supporter of the process that led to the adoption of the Convention on the Rights of Persons with Disabilities. Jordan signed the Convention on the day that it opened for signature, 30 March 2007. Ratification soon followed, on 31 March 2008.

In his report to the Human Rights Council following his 2022 mission to Jordan, the Special Rapporteur on the rights of persons with disabilities recognised that ‘Jordan has clearly set itself down the path of disability inclusion on the basis of the rights of persons with disabilities.’⁴¹ The early ratification by Jordan of the Convention has been coupled with law reform measures and policy efforts to advance the rights of persons with disabilities.

Notwithstanding, the Special Rapporteur emphasised that ‘the underlying predicates of this cultural shift – rights, not charity – need to be continually reinforced.’⁴² He also noted that Jordan’s ‘strong political commitment to the rights of persons with disabilities needs to be better reflected in day-to-day implementation. The State has an obligation to ensure that all persons with disabilities throughout the country – urban and rural – have the same opportunities as anyone else in the country. Jordan also has a challenge in reforming its legislation on legal capacity, in ensuring equal access to the exercise of political rights and in ending coercion in the field of mental health.’

Studies show that persons with disabilities are two times more likely to experience physical violence, sexual violence and emotional violence than persons without disabilities.

One area where the UN human rights mechanisms have consistently called for improved implementation is in strengthening measures to prevent violence, abuse and neglect of persons with psychosocial disabilities and mental health conditions. Another is strengthening human rights protections for women with disabilities, as well as their caregivers, especially in relation to gender-based violence (GBV). Studies show that persons with disabilities are three times more likely to experience physical violence, sexual violence, and emotional violence than persons without disabilities.⁴³

41 Human Rights Council, Visit to Jordan: Report of the Special Rapporteur on the rights of persons with disabilities, Gerard Quinn, 28 December 2022, A/HRC/52/32/Add.2. Available at: <https://docs.un.org/en/A/HRC/52/32/Add.2>

42 Ibid.

43 https://jordan.unfpa.org/sites/default/files/pub-pdf/gbvims_2021_report_en.pdf

Summary of engagement with the United Nations Human Rights System

- Jordan is party to seven out of the nine core international human rights treaties, including the Convention on the Rights of the Child, in 1991, the Convention on the Elimination of All Forms of Discrimination against Women, in 1992, and the Convention on the Rights of Persons with Disabilities, in 2008.
- Jordan has reported five times to the Committee on the Rights of the Child (in 1994, 2000, 2006, 2014, and 2023), four times to the Committee on the Elimination of Discrimination against Women (in 2000, 2007, 2012, 2017), and once to the Committee on the Rights of Persons with Disabilities (in 2017).
- Jordan has undergone four review cycles under the Universal Periodic Review (UPR) (in 2009, 2013, 2018, and 2024)
- Jordan extended a standing invitation to Special Procedures in 2006. Since then, seven mandate-holders have undertaken country missions, including the Special Rapporteur on violence against women in 2012, and the Special Rapporteur on the rights of persons with disabilities in 2022.

Summary of recommendations

The UN human rights mechanisms have extended relatively few recommendations to Jordan concerning the protection of persons with disabilities from violence, exploitation, and abuse. This is despite the fact that Jordanian civil society organisations, and the UN Country Team, have regularly drawn attention to the issue in their alternative reports to the mechanisms. Jordan has received 111 recommendations addressing the rights of persons with disabilities generally (53 under the UPR, 42 from the Treaty Bodies, and 16 extended by Special Procedures).

However, of those, only nine have specifically focused on protection from abuse, exploitation, or violence (seven from the Treaty Bodies, two from the UPR Working Group, and one from Special Procedures mandates).

It appears that most of the information on the issue of violence, exploitation, and abuse perpetrated against persons with disabilities has been channelled to the UN human rights mechanisms by civil society organisations.

This may be because the protection of persons with disabilities from violence, exploitation, and abuse is a relatively narrow issue, likely to be (only) addressed by explicitly relevant mechanisms such as the Committee on the Rights of Persons with Disabilities, the Committee on the Elimination of Discrimination against Women (for women with disabilities), the Committee on the Rights of the Child (for children with disabilities), or the Special Rapporteur on the rights of persons with disabilities, but not by other committees or mandates. It may also be because there is no dedicated UN agency or programme explicitly mandated to focus on the rights of persons with disabilities (and thus, within that overall mandate, on the protection of persons with disabilities from violence, exploitation, and abuse), meaning information on this specific challenge has not been regularly included in information transmitted to the UN human rights mechanisms by the UN Country Team in Jordan, via alternative reports.

Indeed, it appears that most of the information on the issue of violence, exploitation, and abuse perpetrated against persons with disabilities has been channelled to the UN human rights mechanisms by civil society

organisations. Where this has happened, it has tended to prompted expressions of interest and concern by those mechanisms, and the extension of recommendations calling on Jordan to take certain actions to better protect the rights of persons with disabilities.

For example, in 2012, the 'International Disability Alliance (IDA)' submitted an alternative or 'shadow' report to the Committee on the Elimination of Discrimination against Women in which it raised the issue of abusive practices against persons with disabilities in the context of sexual and reproductive health and rights.⁴⁴ In it, IDA highlighted the importance of relevant healthcare services being more 'respectful of the dignity and integrity of persons with disabilities based on the free and informed consent of the individual concerned,' and, that all 'non-consensual treatment[s], including th[ose] for which consent is given by a third party, [are] not permitted by law (including *inter alia* forced abortions, forced contraception, and forced sterilisation).'

A review of the Committee on the Elimination of Discrimination against Women's subsequent concluding observations on Jordan suggests that the information and policy guidance submitted by IDA had a clear and tangible influence on the Committee's analysis and recommendations. In its 2012 concluding observations, the Committee identified forced sterilisation as a critical human rights concern in Jordan, noting with concern 'the information

provided from alternative sources on the prevalence of such practices by families who have girls with mental disabilities, and the absence of a comprehensive law protecting women with mental disabilities from forced sterilisation.'⁴⁵ Based on this analysis, Committee members urged Jordan to 'adopt a comprehensive law protecting women [...] from forced sterilisation.'

In 2014, ahead of the Committee on the Rights of the Child's third review of Jordan, NGOs – including 'Global Initiative to End All Corporal Punishment of Children' – submitted a shadow report requesting that the Committee call on the Government of Jordan to ensure that its 'national legal framework explicitly prohibits all corporal punishment, however light, and that the provision for disciplining children according to 'general custom in article 62 of the Penal Code is repealed altogether.'⁴⁶ This represents another example of the critical role played by civil society organisations in feeding information into the UN human rights mechanisms on the issue of violence, exploitation, and abuse perpetrated against persons with disabilities, especially in the absence of substantial contributions of UN Country Teams. As a result, in its 2014 concluding observations, the Committee expressed concern about the high numbers of children 'subjected to violent forms of discipline,' and recommended that Jordan 'repeal without delay article 62 of the Criminal Code and unequivocally prohibit corporal punishment in all settings.'⁴⁷

44 International Disability Alliance (IDA), Suggestions for disability-relevant recommendations to be included in the Concluding Observations CEDAW Committee 51st session (13 February – 2 March 2012). Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FNGO%2FJOR%2F51%2F9261&Lang=en

45 Committee on the Elimination of Discrimination Against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women: Jordan, 23 March 2012, CEDAW/C/JOR/CO/5. Available at: <https://docs.un.org/en/CEDAW/C/JOR/CO/5>

46 Global Initiative to End All Corporal Punishment of Children, Briefing on Jordan for the Committee on the Rights of the Child, Professional Working Group, October 2013. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FNGO%2FJOR%2F51%2F9259&Lang=en

47 Committee on the Rights of the Child, Concluding observations on the combined fourth and fifth periodic reports of Jordan, 8 July 2014, CRC/C/JOR/CO/4-5, p.7. Available at: <https://docs.un.org/en/CRC/C/JOR/CO/4-5>

Article 6, paragraph 5, of the Jordanian Constitution protects persons with disabilities from abuse and exploitation.

From 2014 onwards, recommendations on the issue of violence, exploitation, and abuse perpetrated against persons with disabilities became more focused and detailed. This appears to reflect a growing recognition and understanding, on the part of the mechanisms, of the intersectional vulnerabilities to which persons with disabilities are exposed.

A key moment, in this regard, was Jordan's first (and, so far, only) periodic report to, and review before, the Committee on the Rights of Persons with Disabilities in 2017. Importantly, both the State's initial report to the Committee, and its reply to the Committee's subsequent 'List of issues,' as well as a significant body of work submitted by civil society organisations, all served to raise awareness and alarm about incidents of violence, exploitation, and abuse perpetrated against persons with disabilities in Jordan. Notably, however, there were, again, no submissions (alternative reports) on the rights of persons with disabilities from UN agencies or programmes, or the UN Country Team.

In its national report to the Committee, the Government of Jordan noted that 'Article 6, paragraph 5, of the Jordanian Constitution protects persons with disabilities from abuse and exploitation.'⁴⁸ The report further notes that this constitutional right is guaranteed through national legislation, including 'articles 334 and 335 of the Jordanian Criminal Code,' which emphasises the 'importance of the protection and safety of persons [in a general

sense] and impose[s] severe penalties for the commission of any act that causes the abuse and victimisation of persons,' as well as, for example, a newly adopted (at the time) 'law on protection from domestic violence,' which 'introduced a set of legal and judicial safeguards for the protection of victims of domestic violence and set up the domestic protection directorate to deal with domestic violence cases.' The Government also informed the Committee that 'the National Childhood Strategy addresses children with disabilities in the themes on health and disability and inclusive education, and prohibits abuse and violence against persons with disabilities.'

The Rights of Persons with Disabilities Act does not contain a provision criminalising violence against persons with disabilities.

Notwithstanding, the aforementioned laws do not explicitly focus on the rights of persons with disabilities, and, moreover, the Government acknowledged that the 'Rights of Persons with Disabilities Act' (in force) 'does not contain a provision criminalising violence against persons with disabilities.' What is more, the Government also acknowledged that the effectiveness of these and other laws relevant to the protection of persons with disabilities from violence and abuse, as well as relevant national strategies and policies, 'is limited because they conflict with traditional societal attitudes that consider the management of family affairs and members to be a private matter supported by personal status laws, traditions and cultural heritage.'⁴⁹

48 Committee on the Rights of Persons with Disabilities, Consideration of reports submitted by States parties under article 35 of the Convention, Initial reports of States parties due in 2010: Jordan, 1 September 2015, CRPD/C/JOR/1. Available at: <https://docs.un.org/en/CRPD/C/JOR/1>

49 Committee on the rights of Persons with Disabilities: Consideration of reports submitted by States parties under article 35 of the Convention. Initial reports of States parties due in 2010: Jordan, 1 September 2015, CRPD/C/JOR/1, p. 26. Available at: <https://docs.un.org/en/CRPD/C/JOR/1>

In addition to the State's 2017 report to the Committee, a wide range of NGOs also submitted alternative or 'shadow' reports. For example, the 'Equal Rights Trust' informed the Committee that through its research it had 'uncovered deeply worrying allegations of abuse and other ill-treatment of persons with mental disabilities in institutions and in accessing healthcare, which are in breach of both article 15 of the Convention on the Rights of Persons with Disabilities in and of itself and in connection with other obligations under the Convention.'⁵⁰ The Trust's shadow report provided information on the institutionalisation of persons with mental disabilities, physical and sexual abuse, the denial of, or lack of adequate medical care, and the failure to obtain the free and informed consent of patients. It concluded that the evidence it had gathered has identified patterns of abuse that 'may constitute – individually or in combination with each other – violations of article 15.' The report also offered policy and legislation proposals to remedy the situation.

The NGO, 'End all Corporal Punishment of Children,' also submitted evidence of patterns of abuse, violence, and exploitation against persons with disabilities. The alternative report concluded by expressing hope that 'the Committee on the Rights of Persons with Disabilities [would]: include the issue of corporal punishment in its list of issues for Jordan, in particular asking what steps have been taken to ensure that children with disabilities are protected in law and practice

from all forms of corporal punishment in all settings, including the home and all alternative care and day care settings.' In addition, it expects that 'in the Committee's concluding observations [...] recommend that corporal punishment of children – including children with disabilities – be clearly prohibited by law in all settings and that the Penal Code provision allowing discipline 'within what is permitted by general custom' be explicitly repealed.'⁵¹

This call, as well as other related civil society submissions, appears to have been effective. In its 'List of issues' to the State (prior to the review), the Committee asked Jordan to 'provide information on the prevalence and trends of different forms of violence against persons with disabilities and the measures taken to implement the pillar in the National Strategy for Persons with Disabilities on combating violence and abuse.'⁵²

In its reply to the Committee (also prior to the in-person review), Jordan noted that a 'draft amendment to the new Criminal Code includes provisions pursuant to which the offences of sexual assault, abuse and fraud perpetrated on grounds of disability constitute aggravating circumstances entailing the imposition of the maximum prescribed penalty on the perpetrator. This step constitutes the first of its kind in the Arab region, in as much as the new amendments contain more than 12 provisions referring specifically to persons with disabilities.'⁵³

50 Equal Rights Trust, Submission to the 17th session of the Committee on the Rights of Persons with Disabilities in relation to the first periodic report of Jordan, March 2017. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FNGO%2FJOR%2F51%2E9258&Lang=en

51 Global Initiative to End All Corporal Punishment of Children, Briefing on Jordan for the Pre-Sessional Working Group of the Committee on the Rights of Persons with Disabilities, 6th session, September 2016.

52 Committee on the Rights of Persons with Disabilities, List of issues in relation to the initial report of Jordan, 29 September 2016, CRPD/C/JOR/Q/1. Available at: <https://docs.un.org/en/CRPD/C/JOR/Q/1>

53 Committee on the Rights of Persons with Disabilities, List of issues in relation to the initial report of Jordan: Replies of Jordan to the list of issues, 9 March 2017, CRPD/C/JOR/Q/1/Add.1. Available at: <https://docs.un.org/en/CRPD/C/JOR/Q/1/Add.1>

Such honest self-reflections, together with the information provided by civil society, led to an important uptick in the number of detailed recommendations extended to Jordan in the Committee's concluding observations.

'Furthermore,' continued Jordan's response, a 'new bill on the rights of persons with disabilities includes several provisions guaranteeing protection against violence and abuse on grounds of disability. The bill is based on a comprehensive concept and definition of violence comprising all practices that constitute a violation of any human right or that are deemed to constitute discrimination on grounds of disability.' The Government also drew attention to 'the second phase (2010-2015) of the National Strategy for Persons with Disabilities,' which, it argued, remedies 'some of the existing policy shortcomings pertaining to the rights of children with disabilities.'⁵⁴

Yet, the State also acknowledged that 'despite these positive policy trends in Jordan, the Government is aware that further action must be taken to achieve maximum integration of the rights of children with disabilities into national policies, strategies and plans.'⁵⁵

Such honest self-reflections, together with the information provided by civil society, led to an important uptick in the number of detailed recommendations extended to Jordan in the Committee's concluding observations (at the end of the review). In those 2017 concluding observations, the Committee:⁵⁶

- **Noted** with concern the reported ill-treatment of persons with disabilities in 'shelters,' including cases of physical and psychological abuse, which amounts to torture and cruel and degrading treatment.
- **Expressed** concern about the reported practice of 'protective custody' as a measure to protect women with disabilities from violence by restricting their liberty of movement.
- **Recommended** that the State party ensures that: 'investigations are launched into reported cases of cruel and degrading treatment of persons with disabilities in 'shelters,' with a view to establishing administrative and criminal responsibility; that persons exposed to torture and ill-treatment have access to independent complaint mechanisms, that victims are legally entitled to and provided with redress and adequate compensation and rehabilitation; and 'that protective custody' arrangements be replaced with 'effective measures for protecting women with disabilities from violence while respecting their liberty of movement.'
- **Expressed** deep concern about 'violence that boys and girls with disabilities reportedly experience in both care homes and the family setting,' and noted 'the absence of a disability perspective in national policies affecting children.'
- **Expressed** concern that articles 8 and 62 of the Criminal Code (Law No. 16 of 1960), which refer to 'discipline and what is permitted by law and allowed by customs,' may be used to justify acts of violence against women, girls and boys with disabilities.
- **Recommended** that the State party: 'repeal articles 8 and 62 of the Criminal Code to fully prohibit corporal punishment; and mainstream a disability rights perspective in the work of the National Taskforce on Protection against Family Violence of

54 Ibid.

55 Ibid.

56 Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Jordan, 15 May 2017, CRPD/C/JOR/CO/1. Available at: <https://docs.un.org/en/CRPD/C/JOR/CO/1>

2016 and in the new draft law on protection against family violence.’

- **Expressed** ‘deep concern about the practice of subjecting persons with disabilities, especially women and girls with intellectual and psychosocial disabilities, to sterilisation, despite its prohibition in the fatwa issued⁵⁷ in Decision No. 194-02 of 2014.’
- **Urged** the State party to: cease the practice of sterilisation in the absence of the individual’s free and informed consent; and adopt the proposed amendments to the Criminal Code, prohibiting forced sterilisation, ensure that perpetrators are prosecuted and sanctioned, as necessary, and provide remedies to persons subjected to forced sterilisation, including adequate compensation and rehabilitation.’

Information provided to the Committee on the Rights of Persons with Disabilities by civil society, as well as Committee recommendations found their way into Jordan’s 2018 UPR review.

In a good example of the complementary and mutually reinforcing nature of the work of the three main UN human rights mechanisms, some of the information provided to the Committee on the Rights of Persons with Disabilities (especially by civil society), as well as the recommendations set out in the concluding observations themselves, found their way into Jordan’s UPR review a year later (through the

‘UN system’ and ‘other stakeholders’ UPR input reports). For example, the UN system’s input report ahead of the 2018 UPR review recalled that ‘the Committee on the Rights of Persons with Disabilities [has] noted with concern the reported ill-treatment of persons with disabilities in ‘shelters,’ including cases of physical and psychological abuse,’ and that the Committee had expressed deep concern ‘about the practice of subjecting persons with disabilities, especially women and girls with intellectual and psychosocial disabilities, to sterilisation, despite its prohibition in the fatwa issued in decision no. 194-02 of 2014, and it urged Jordan to cease the practice of sterilisation in the absence of the individual’s free and informed consent.’⁵⁸ The 2018 ‘UN system’ report included little in the way of input from the UN Country Team in the area of violence, abuse, and exploitation against persons with disabilities, except for a statement that UN agencies and programmes ‘welcomed decision no. 194-02 of 2014 for the Rendering of Formal Islamic Law Opinions which prohibits the forced sterilisation of girls with disabilities.’

These and other contributions led to the UPR Working Group extending clear and robust recommendations to Jordan on the issue of violence, exploitation, and abuse perpetrated against persons with disabilities – recommendations which, moreover, closely tracked those extended by the Committee. For example, Portugal extended a recommendation to Jordan urging it to ‘adopt measures to combat violence, abuse and neglect of persons with psychosocial disabilities and mental health conditions, in particular, those living in ‘shelters,’ to respect their autonomy and free and informed consent while promoting their inclusion in the community and combating institutionalization.’⁵⁹

57 Although not legally binding or enforceable, a fatwa is considered religiously binding for a Muslim.

58 Human Rights Council, Compilation on Jordan: Report of the Office of the United Nations High Commissioner for Human Rights, 24 August 2018, A/HRC/WG.6/31/JOR/2. Available at: <https://docs.un.org/en/A/HRC/WG.6/31/JOR/2>

59 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Jordan, 7 January 2019, A/HRC/40/10, rec. 135.124. Available at: <https://docs.un.org/en/A/HRC/40/10>

Finally, the evolving work of the Treaty Bodies and UPR mechanisms have, in turn, fed into Jordan's cooperation with the third main UN human rights mechanism: the Special Procedures. In 2022, the Special Rapporteur on the rights of persons with disabilities undertook a country mission to Jordan, at the Government's invitation. The mission, which aimed to understand the human rights situation of persons with disabilities, and advise the Government on further steps to improve that situation, was informed by the earlier work of the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination Against Women, the Committee on the Rights of Persons with Disabilities, and the UPR Working Group.

In the Special Rapporteur's report, presented to the Human Rights Council after the mission, the mandate-holder recommended that Jordan 'enact legislation to prohibit all forms of coercion of persons with psychosocial disabilities,' including forced institutionalisation and involuntary treatment, and to 'end the use of coercive interventions for persons with psychosocial disabilities, intellectual disabilities and dementia, including involuntary admissions, shielding and isolation, restraints, forced medication, and outpatient commitment.'⁶⁰ This recommendation is closely aligned with the Committee on the Rights of Persons with Disabilities' 2017 recommendation to 'replace protective custody [arrangements] with effective measures for protecting women with disabilities from violence while respecting their liberty of movement.'

Notwithstanding this positive evolution of UN human rights recommendations on the issue of violence, exploitation, and abuse perpetrated against persons with disabilities, it remains the case that such recommendations are relatively few in number, especially in the case of UPR and Special Procedures recommendations.

These and similar themes were also taken up in recommendations subsequently extended to Jordan by the Committee on the Rights of the Child in its 2023 concluding observations, and by reviewing States (Montenegro) during Jordan's 2024 UPR review (fourth cycle).

Notwithstanding this positive evolution of UN human rights recommendations on the issue of violence, exploitation, and abuse perpetrated against persons with disabilities, it remains the case that such recommendations are relatively few in number, especially in the case of UPR and Special Procedures recommendations. This may be, again, in part because of limited input from the UN Country Team or explicitly mandated UN agencies and programmes. For example, the 'UN system' report submitted ahead of Jordan's 2024 UPR included only two inputs on the rights of persons with disabilities from the UN Country Team (one recommending a relevant constitutional amendment, and one recommending measures to better address stigma and bias). Neither of these inputs focused on violence, abuse, or exploitation.

⁶⁰ Human Rights Council, Visit to Jordan: Report of the Special Rapporteur on the rights of persons with disabilities, Gerard Quinn, 28 December 2022, A/HRC/52/32/Add.2. Available at: <https://docs.un.org/en/A/HRC/52/32/Add.2>

Implementation and impact

Jordan has made steady and oftentimes impressive progress in implementing UN recommendations related to the rights of persons with disabilities, reflecting high-level political will (also reflected in Jordan's leadership on disability rights at international level). In some cases, necessary legislative, policy, and practical reforms have taken place with the support of the UN Country Team in Jordan, as well as with support from bilateral partners such as Ireland, Australia, and the European Union, and civil society organisations such as Lumos Foundation.⁶¹

Responsibility for implementing UN human rights recommendations related to persons with disabilities rests with key line ministries including the Ministry of Social Development, the Ministry of Health, and the Ministry of Justice, as well as with the Higher Council for the Rights of Persons with Disabilities (HCD). The HCD was originally established in 2007, with legal authority (and financial and administrative independence) stemming from the Law on the Rights of Persons with Disabilities (LRPD). The HCD, which is composed of persons with disabilities, representatives of the families of persons with disabilities, and relevant experts, is responsible for monitoring and implementing the LRPD on behalf of the Jordanian Government.

As reflected above, the UN Country Team in Jordan has not provided significant contributions – in its own right – to reviews of the situation of persons with disabilities undertaken by the UN human rights mechanisms. It has, however, worked closely with the Government to help it prepare national periodic reports to the Treaty Bodies and

UPR mechanisms, as well as to assist the State with the implementation of resulting recommendations. It has played a consultation and coordination role with national civil society to support the preparation of alternative or 'shadow' reports to the mechanisms, including in the area of disability rights.

Evidence suggests that cooperation with the UN human rights mechanisms has led to significant improvements in the enjoyment of the rights of persons with disabilities, including protection from abuse, violence, and exploitation. As reflected above, in the years after the establishment of the Human Rights Council, the recommendations extended by those mechanisms were rather general in nature. For example, during Jordan's first UPR cycle in 2009, the UK recommended that the State 'take further steps to address discrimination against [...] disabled people.'⁶² Notwithstanding, Jordan was able to take important steps to realise such proposals.

In 2011, for example, the Constitution was amended to bring it closer into line with international human rights standards, and with Jordan's international obligations, including under the International Convention on the Rights of Persons with Disabilities (ratified in 2008). Article 6 of the amended Constitution affirms that 'the law protects motherhood, childhood, and the elderly and cares for youth and the disabled and protects them from abuse and exploitation.'⁶³ (A further constitutional amendment was completed in 2022, which, *inter alia*, amended article 75 of the Jordanian Constitution to replace the phrase 'whoever was insane or mentally deficient' with the phrase 'whoever does not have the legal capacity.')

61 UNICEF Jordan "Education". Available at: <https://www.unicef.org/jordan/topics/education?page=3%2C%2C%2C%2C>

62 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Jordan, 29 May 2009, A/HRC/11/29, rec. 38. Available at: <https://docs.un.org/en/A/HRC/11/29>

63 The Constitution of the Hashemite Kingdom of Jordan, January 8, 1952 (Up to date as of 2012). Available at: https://constitutionnet.org/sites/default/files/2011_constitution_-_jordan_english_final.pdf

Evidence suggests that cooperation with the UN human rights mechanisms has led to significant improvements in the enjoyment of the rights of persons with disabilities, including protection from abuse, violence, and exploitation.

Further building on ratification of the CRPD in 2008, and the 2011 constitutional amendment, and guided by UN human rights recommendations on the rights of persons with disabilities, in 2017 a revised Law on the Rights of Persons with Disabilities (LRPD) (Law no. 20, 2017) was adopted (replacing Law no. 31, 2007), and the associated Higher Council for the Affairs of Persons with Disabilities was also replaced by a stronger Higher Council for the Rights of Persons with Disabilities (HCD).⁶⁴ The HCD became the first disability-focused government body to formulate policies, follow up on their implementation, and provide technical and knowledge-based support to executive bodies to implement their programmes and plans in accordance with the provisions of Law no. 20, 2017. The LRPD, likewise, marked a major step forward for the promotion and protection of disability rights in Jordan. The revised law, which marked the culmination of a multi-year process legislative reviews and consultations with relevant stakeholders, including persons with disabilities, was the first anti-discrimination law for persons with disabilities adopted in the Arab region. The law requires all ministries and public institutions to include disability

rights and issues within their strategies, plans, and programmes, so that persons with disabilities are guaranteed access to all appropriate services and facilities.

Also in 2017, and again taking forward the implementation of recommendations extended by the UN human rights mechanisms on abuse and exploitation against persons with disabilities, Jordan's Penal Code was amended to clarify that the consequences of committing harm, sexual or physical abuse, or neglect and exploitation in care, on the grounds of disability, shall be considered an aggravating factor in such crimes.⁶⁵ As a result, perpetrators would henceforth be prosecuted to the maximum extent possible.

In order to contribute to better protecting persons with disabilities from abuse and exploitation, Law no. 20, 2017 incorporated exceptionally progressive provisions on deinstitutionalisation.

The LRPD initiated a wave of new laws and strategies in Jordan designed to strengthen the enjoyment of the rights of persons with disabilities. For example, in 2018, the National Building Code was revised to improve accessibility for persons with disabilities to all new public buildings. One year later, this was complemented by the launch of a 'National Plan for Rectifying Existing Buildings and Public Facilities 2019–2029,' by the Ministry of Public Works and Housing in collaboration with the HCD.⁶⁶ In another example, in 2020, Jordan launched

64 The Hashemite Kingdom of Jordan, Law No. (20) for the Year 2017: Law on the Rights of Persons with Disabilities Act. Available at: https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Jordan_Law-No.-20-for-the-year-2017-on-the-Law-on-the-Rights-of-Persons-with-Disabilities.pdf

65 <https://www.ohchr.org/en/press-releases/2017/03/committee-rights-persons-disabilities-considers-initial-report-jordan>

66 https://www.hcd.gov.jo/EN/Pages/The_greatest_accomplishments_within_the_disability_movement_of_Jordan

a new ten-year 'Strategy for Inclusive Education by the Ministry of Education' (again, coordinated by the HCD). In a final example, in 2022, Jordan's Civil Service Statute was revised to eliminate the requirement that civil servants be free of disabilities.⁶⁷

Moreover, the Government has put in place a series of National Strategies for Persons with Disabilities, responding, in part to recommendations issued by reviewing States in the UPR Working Group (for example, a 2009 recommendation extended by Afghanistan), as well as recommendations by the Committee on the Rights of Persons with Disabilities (for example, in its 2017 concluding observations).

Turning to the implementation of recommendations related to violence, abuse, and exploitation perpetrated against persons with disabilities, as already noted, article 6 of the amended (2011) Constitution affirms that 'the law protects motherhood, childhood, and the elderly and cares for youth and the disabled and protects them from abuse and exploitation.'⁶⁸ Building on this, the amended Rights of Persons with Disabilities Act (Law no. 20, 2017), which is closely aligned with international human rights law, including Jordan's obligations under the CRPD, broadened the definition of violence or abuse to include 'any act or a denial that will deprive a person with a disability of a certain right or freedom, or one that will restrict his/her practice of either right or freedom, or will undermine his/her physical integrity, or will inflict mental and/or psychological harm to the person with a disability on the basis of, or because of, disability.'⁶⁹

In order to contribute to better protecting persons with disabilities from abuse and exploitation, Law no. 20, 2017 incorporated exceptionally progressive provisions on deinstitutionalisation.

Upon adoption of the law, the HCD and the Ministry of Social Development began extensive consultations on how to put these provisions into practice. The result was the 'National Strategy on Deinstitutionalisation for People with Disabilities,' adopted in 2019.⁷⁰ The new Strategy presented a road map for reforming systems of care from those premised on placing persons with disabilities into institutions to those premised on caring for persons with disabilities within their families and local communities.

At the time of the Strategy's adoption, Jordan maintained 34 residential institutions, housing nearly 1,500 persons with intellectual disabilities.⁷¹ These institutions were premised on isolating or segregating persons with disabilities. There those persons were not allowed to exercise control over their lives or take day-to-day decisions for themselves. The aim of the Strategy was to realise these individuals' right to choose their place of residence (e.g., with their families) and to take day-to-day decisions for themselves, including by establishing community support services. With this in mind, the Strategy's ultimate objective was to 'end the institutionalisation of people with disabilities in Jordan, to ensure that the best interests of each and every person with a disability are respected, and to provide lasting and sustainable change.'

67 Ibid.

68 The Constitution of the Hashemite Kingdom of Jordan, January 8, 1952 (Up to date as of 2012). Available at: https://constitutionnet.org/sites/default/files/2011_constitution_-_jordan_english_final.pdf

69 The Hashemite Kingdom of Jordan, Law No. (20) for the Year 2017: Law on the Rights of Persons with Disabilities Act. Available at: https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Jordan_Law-No.-20-for-the-year-2017-on-the-Law-on-the-Rights-of-Persons-with-Disabilities.pdf

70 Higher Council for the Rights of Persons with Disabilities and the Ministry of Social Development, The National Strategy on Deinstitutionalisation for People with Disabilities, 2017.

71 Ibid.

The National Strategy on Deinstitutionalisation for People with Disabilities was compiled with the support of the British NGO, Lumos Foundation, and the European Union (i.e., rather than UN agencies or programmes, or the UN Country Team).⁷²

The new National Strategy also aimed to learn lessons from other countries that had pursued similar 'de-institutionalisation' strategies, such as Bulgaria and Moldova. In that sense, the launch event for the Strategy included an intervention from Michaela Ivanova, a young advocate with disabilities, who lived part of her life in a residential institution in Bulgaria. Ms Ivanova explained that since the start of Bulgaria's own national strategy, 124 residential institutions were closed down in 10 years. This approach of learning lessons from other countries responds to various UN human rights recommendations including a 2009 UPR recommendation from Algeria in which it encouraged Jordan to 'share its experience and best practices, with other interested countries, on the protection and consolidation of the right of persons with disabilities and exchange experience with interested countries.'⁷³

Following his visit to Jordan in 2022, the Special Rapporteur on the rights of persons with disabilities [welcomed] the move to deinstitutionalise persons with disabilities and the accompanying strategy to achieve this goal in Jordan.⁷⁴ Further, the Special Rapporteur took note of 'tangible progress in this direction' since 2019.

Jordan has also taken decisive action against forced sterilisation, a concern repeatedly raised in UN recommendations. For example,

article 2 of the amended LRPD (Law no. 20, 2017) stipulates that: 'the consent of persons with disabilities or their legal representative shall be required for any act, conduct or legal proceeding initiated in connection with any of their rights or freedoms, after they have been informed, in a comprehensible manner, of its content, consequences and impact.' Further, article 5(c) states that 'no therapeutic or preventive medical intervention shall be undertaken without the free and informed consent of persons with disabilities.' Additionally, the General Fatwa Department's decision No. 194 (2/2014) prohibits the removal of the uterus of girls with disabilities and affirms society's collective responsibility for their protection.⁷⁵

Due to a lack of disaggregated data, the impact of these laws and decisions on the rights of persons with disabilities remains an open question. Notwithstanding, there are reports that the practice of forced sterilisation persists in Jordan, suggesting that stronger measures, including criminalisation of those who undertake such procedures, and a greater focus on human rights education and awareness-raising, especially at local level, may be necessary.

Regarding the latter point, there is evidence that, more broadly than just forced sterilisation or abuse against children with disabilities, there is a significant need in Jordan to strengthen efforts to shift societal attitudes on the issue of violence against children. For example, in 2021, a joint report by UNICEF and the Jordan River Foundation revealed that violence against children is still prevalent and often accepted by society. According to the research, 98 per cent of children in Jordan have been victims of

72 *Ibid.*

72 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Jordan, 29 May 2009, A/HRC/11/29. Available at: <https://docs.un.org/en/A/HRC/11/29>

73 Human Rights Council, Visit to Jordan: Report of the Special Rapporteur on the rights of persons with disabilities, Gerard Quinn, 28 December 2022, A/HRC/52/32/Add.2. Available at: <https://docs.un.org/en/A/HRC/52/32/Add.2>

75 Zaid, Sarah Abu. 2021. "Violence against children prevalent, despite drop." Last Modified 2021/03/24/00:53:55. <https://jordantimes.com/news/local/%E2%80%98violence-against-children-prevalent-despite-drop%E2%80%99>

75 Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Jordan, 15 May 2017, CRPD/C/JOR/CO/1. Available at: <https://docs.un.org/en/CRPD/C/JOR/CO/1>

abuse, whether psychological or physical.⁷⁶ Additionally, eight out of ten children have experienced violent disciplinary measures, and nearly 60 per cent of children aged 9 to 14 have endured physical punishment at home.

There is a significant need in Jordan to strengthen efforts to shift societal attitudes on violence against children, and children with disabilities.

Beyond shifting societal attitudes, the UN human rights mechanisms have also underscored the importance of strengthening legal protections against violence against children, including in the home, and including persons with disabilities. For example, in 2017 the Committee on the Rights of Persons with Disabilities expressed concern 'that articles 8 and 62 of the Criminal Code (Law No. 16 of 1960), which refer to 'discipline and what is permitted by law and allowed by customs,' may in practice be used to justify acts of violence against women, girls and boys with disabilities.'⁷⁷ The Committee therefore recommended that Jordan 'repeal articles 8 and 62 of the Criminal Code to fully prohibit corporal punishment, and mainstream a disability-rights perspective in the work of the National Taskforce on Protection against Family Violence of 2016, and in the new draft law on protection against family violence.'

Working with the support of UN agencies and programmes, the Government of Jordan has taken a number of steps to implement such recommendations. For example, in 2022, with support from UNICEF and the Government of Australia, Jordan adopted a new 'Child Rights Law,' which contained numerous, strong provisions on violence against children, including those with disabilities, as well as many other provisions on the rights of children with disabilities.⁷⁸

Article 21 of the Child Rights Law, for example, prohibits exposing children, including children with disabilities, 'to any forms of violence, abuse and exploitation,' including neglect.⁷⁹

More broadly, to promote and protect the rights of children with disabilities (and subject to the LRPD), article 25 states that 'any child with disabilities is entitled to receive public education and be enrolled in educational institutions,' article 26 states that 'any child with disabilities is entitled to participate in public, social, educational, and cultural life and all other fields,' and article 28 states that 'the competent authorities shall take all the necessary measures to raise awareness of the rights of children with disabilities, including integration programs that are designed for such purposes.'⁸⁰

UNICEF, alongside UNFPA and UN Women, has also worked with the Government to develop a new 'National Action Plan for Ending Violence against Children in Jordan.' According to UNICEF, the Government of Jordan has begun the development of 'a costed multi-sectoral, inter-ministerial action plan focused on ending violence against children.'⁸¹

76 https://www.ecoi.net/en/file/local/2120485/2024_10_Jordan_Child_domestic_violence.pdf

77 Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Jordan, 15 May 2017, CRPD/C/JOR/CO/1. Available at: <https://docs.un.org/en/CRPD/C/JOR/CO/1>

78 https://www.ecoi.net/en/file/local/2120485/2024_10_Jordan_Child_domestic_violence.pdf

79 *Ibid.*

80 *Ibid.*

81 <https://open.unicef.org/country-info/2340A006883001>

Background

In recent decades, Kenya has taken important steps to promote the health and well-being of persons with disabilities, underpinned by its constitutional and legal commitments to human rights and equality. Despite persistent socioeconomic disparities and infrastructural limitations, the country has demonstrated a growing political will to uphold the dignity of persons with disabilities through inclusive health policies, community outreach, and alignment with international frameworks, including the Convention on the Rights of Persons with Disabilities (CRPD). In line with these efforts, Kenya has adopted the Persons with Disabilities Act (2003), while the Constitution of Kenya (2010) explicitly protects the rights of persons with disabilities, including access to health services. Nonetheless, implementation challenges continue to undermine the full realisation of these rights, particularly for persons living in rural areas and marginalised communities.

Kenya's development trajectory has been characterised by deeply rooted socioeconomic inequalities, with persons with disabilities at particular risk of being left behind.

Kenya's 2019 national census recorded 918,270 persons with disabilities, accounting for around 2.2 per cent of the total population.⁸²

However, disability rights advocates contend that this figure underrepresents the actual prevalence of disability, due to stigma, outdated data collection tools, and inconsistencies in how disability is defined and measured in national surveys. Many people with disabilities remain uncounted, particularly those with invisible or psycho-social disabilities.

Kenya's development trajectory has been characterised by deeply rooted socioeconomic inequalities, with persons with disabilities at particular risk of being left behind. Access to quality healthcare remains uneven, particularly in rural counties where health infrastructure is often inadequate, and transportation barriers limit mobility. Approximately 80 per cent of persons with disabilities live in rural areas where healthcare facilities frequently lack the trained personnel, assistive technologies, and rehabilitation services needed to provide inclusive care. Moreover, negative attitudes and stigma within the health sector often result in discriminatory practices and the neglect of disability-specific needs.

In addition to physical impairments caused by illness, injury, or congenital conditions, many disabilities in Kenya are preventable and closely linked to poverty-related factors such as poor maternal health, malnutrition, and limited access to early childhood healthcare. The prevalence of preventable disabilities is compounded by gaps in public health outreach and inadequate social protection for caregivers, and families of children with disabilities. Furthermore, mental health services remain underdeveloped, with limited investment in psychosocial

82 PAL Network, Policy Brief: Expanding equity and inclusion in education and employment of persons with disabilities, 2022, <https://includeplatform.net/wp-content/uploads/2022/07/Policy-Brief-PAL-Network.pdf>

support and community-based mental healthcare, despite growing awareness of the need to address trauma and stress-related conditions.

The Government, in collaboration with international partners and civil society organisations, has sought to bridge some of these gaps through targeted interventions, including Community-Based Rehabilitation

(CBR) programmes, and inclusive health policies. Nevertheless, challenges in coordination, funding, and enforcement of legal mandates persist. Moving forward, Kenya's efforts to promote the health and well-being of persons with disabilities will require sustained investment in data collection, inclusive service delivery, and the dismantling of structural barriers that hinder equal access to health and social support.

Summary of engagement with the United Nations Human Rights System

- Kenya is party to eight of the nine core human rights treaties. The State ratified the Convention on the Rights of Persons with Disabilities in May 2008, and its Optional Protocol in June 2008, and the Covenant on Economic, Social, and Cultural Rights in May 1972.
- Kenya has only reported once to the Committee on the Rights of Persons with Disabilities – in 2025 (Kenya's combined second, third and fourth periodic reports were initially due in 2022, and then in 2024, but so-far the State has not yet submitted its national report), and three times to the Committee on Economic, Social and Cultural Rights – in 2008, 2016, and 2023.
- The State has undergone four reviews under the Universal Periodic Review (UPR) mechanism (in 2010, 2015, 2020, and 2025).
- Kenya extended a standing invitation to Special Procedures in 2015. In total, 11 mandate-holders have undertaken missions to the country, including the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living in 2004, the Special Rapporteur on the human right to safe drinking water and sanitation in 2014, the Independent Expert on the enjoyment of human rights by persons with albinism in 2017, and the Working Group on business and human rights in 2018.

Summary of recommendations

Between 2007 and 2022, Kenya received a total of 32 health- and well-being-related recommendations concerning persons with disabilities from the three main UN human rights mechanisms. Of these, the majority were extended by the Treaty Bodies. These recommendations reflect an evolving and increasingly nuanced understanding of the rights of persons with disabilities, particularly in relation to health, rehabilitation, and well-being.

The earliest documented recommendation on the health and well-being of persons with disabilities in Kenya was extended by the Committee on the Rights of the Child in 2007. In its 2007 concluding observations, the Committee urged Kenya to 'take fully into account the Committee's General Comment No. 9 on the rights of children with disabilities, and ensure access to health services and early identification and intervention programmes for children with disabilities.'⁸³ This initial framing centred around children's access to general healthcare and early intervention,

⁸³ Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Kenya, 30 September 2015, CRPD/C/KEN/CO/1. Available at: <https://docs.un.org/en/CRPD/C/KEN/CO/1>

disabilities occurred in 2015, when, following its first review of Kenya, the Committee on the Rights of Persons with Disabilities published concluding observations that contained detailed and sector-specific recommendations to the State party.⁸⁴ In those concluding observations, the Committee expressed concern about the 'limited availability and accessibility of healthcare services for persons with disabilities, especially in rural areas.'

This recommendation marked a shift toward emphasising not only access but also quality and geographic equity in healthcare provision.

It recommended that Kenya 'strengthen its efforts to ensure that all health policies, programmes and services, including on sexual and reproductive health, and those related to HIV/AIDS, are fully accessible and incorporate a gender perspective, especially in rural areas and at the community level,' that the State 'adopt measures to establish accessible healthcare facilities and technologies for persons with disabilities in urban and rural areas,' and that it develop 'a wide range of community-based services that respond to the needs of persons with disabilities and respect the person's autonomy, choices, dignity, and privacy, including peer support and other alternatives to the medical model of mental health.' The specificity of this recommendation marked a shift toward emphasising not only access but also quality and geographic equity in healthcare provision. Moreover, the recommendation highlighted, for the first time, the intersection of disability and mental health as a distinct area requiring policy attention.

This important recommendation was informed, in large part, by an alternative report (to the Committee on the Rights of Persons with Disabilities) submitted by the Mental Disability Advocacy Centre (MDAC) and its Kenyan partners.⁸⁵ The report provided detailed information as to how the decision-making rights of people with mental disabilities were being restricted in Kenya, including decision-making in the context of the sexual and reproductive health rights of women with mental disabilities. In addition, the report included requests that the Committee extend recommendations to the Kenyan Government to 'introduce a clear legislative ban on forced sterilisation, and place a specific emphasis on women and girls with disabilities.' 'The Government,' the shadow report continued, must 'develop guidelines and training for healthcare providers (including professionals such as doctors, social workers, and gynaecologists, etc.) to protect the sexual and reproductive rights of women with disabilities, with a specific focus on the requirements to gain informed consent and to conduct public awareness programmes about how and where to report cases of forced sterilization, and provide families of girls and women with disabilities support to access social, health, and rehabilitation services.'

These concerns and policy proposals were echoed in the Committee's 2015 concluding observations, which included recommendations to 'establish a mechanism on the prevention of torture, considering in particular the protection of persons with disabilities,' 'provide support to persons with disabilities, including information in accessible formats, in order to be able to give free and informed consent in relation to medical treatment and scientific experimentation,' and 'train healthcare professionals on the rights of persons with disabilities, specifically on the right to free and informed consent.'⁸⁶

84 Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Kenya, 30 September 2015, CRPD/C/KEN/CO/1. Available at: <https://docs.un.org/en/CRPD/C/KEN/CO/1>

85 Mental Disability Advocacy Centre (MDAC), Users and Survivors of Psychiatry Kenya (USPK), Kenya Association of the Intellectually Handicapped (KAIH) et al., 'Joint response to the List of Issues on Kenya's report to the UN Committee on the Rights of Persons with Disabilities,' August 2015. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCRPD%2FCSS%2FKEN%2F21347&Lang=en

86 Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Kenya, 30 September 2015, CRPD/C/KEN/CO/1. Available at: <https://docs.un.org/en/CRPD/C/KEN/CO/1>

Kenya's third UPR cycle (2019) saw a notable increase in disability-specific health recommendations directed at Kenya by reviewing States. This may be down to the inclusion of important information and recommendations from the Committee on the Rights of Persons with Disabilities' 2015 concluding observations in the 'UN system report' to the UPR Working Group.

Malaysia, for instance, recommended that Kenya 'take additional measures to address [the] lack of access to high-quality healthcare for women, including women with disabilities,'⁸⁷ Saudi Arabia recommended that Kenya 'improve services for persons with disabilities,'⁸⁸ while Sudan encouraged Kenya to 'continue efforts related to the promotion of the rights of persons with disabilities through rehabilitation and reintegration, and provide them with the necessary health services.'⁸⁹ Ecuador similarly urged Kenya to 'finalise the adoption processes of the draft bills on children, mental health, and persons with disabilities, and consider ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities.'⁹⁰

More recently, Treaty Bodies have sharpened their focus on urgent and intersectional challenges affecting health and well-being. In 2022, for example, the Committee against Torture issued critical observations about conditions in mental health institutions, recommending that Kenya 'ensure that psychiatric hospitals are adequately monitored and that effective safeguards are in place to prevent any ill-treatment of persons in such facilities.'⁹¹

Treaty Bodies have sharpened their focus on urgent and intersectional challenges affecting health and well-being.

Furthermore, the Committee made clear that survivors of sexual and gender-based violence with disabilities must have immediate and unimpeded access to healthcare, including psychosocial support and rehabilitation services, and that the Government should 'strengthen its efforts to investigate allegations of involuntary sterilisations or other harmful practices in connection with the reproductive health and rights of HIV-positive women and women with disabilities, identify and punish those involved in such practices and provide adequate remedies for the victims.'

In June 2023, the Committee on the Rights of Persons with Disabilities sent a 'list of issues prior to reporting' to Kenya, to help guide the preparation of its combined second, third, and fourth periodic reports under the Convention (originally due in 2022, and then in 2024, but not yet submitted as of May 2026). The list of issues prior to reporting included important questions to Kenya on the status of the implementation of the Convention, and of previous (2015) recommendations.⁹²

This included questions related to the broad legal and policy framework for persons with disabilities in Kenya, such as a request for information on the 'status of the proposed review of the Persons with Disabilities Act

87 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Kenya, 20 March 2020, A/HRC/44/9, rec. 142.200. Available at: <https://docs.un.org/en/A/HRC/44/9>

88 Ibid., rec. 142.252.

89 Ibid., rec. 142.255.

90 Ibid., rec. 142.27.

91 Committee Against Torture, Concluding observations on the third periodic report of Kenya, 30 May 2022, CAT.C.KEN/CO/3. Available at: <https://docs.un.org/en/CAT/C/KEN/CO/3>

92 Committee on the Rights of Persons with Disabilities, List of issues prior to submission of the combined second to fourth periodic reports of Kenya, 4 October 2023, CRPD/C/KEN/QPR/2-4. Available at: <https://docs.un.org/en/CRPD/C/KEN/QPR/2-4>

(2003), detailing the timeline and process of the review, in order to align its provisions with the Convention.’ It also inquired about ‘the way in which persons with disabilities, through their representative organizations, are involved in the review process,’ and requested information on ‘steps taken to develop and adopt the National Disability Policy to strengthen the promotion and protection of the rights of persons with disabilities.’⁹³

Moreover, the list of issues prior to reporting also included questions specifically focused on access to healthcare for persons with disabilities (article 25 of the CRPD).⁹⁴ In this regard, the Committee asked Kenya to provide information on: the availability of accessible healthcare facilities, services and equipment, and of accessible public health services in urban and remote rural areas for persons with disabilities; measures taken to ensure that persons with disabilities, particularly women and girls with disabilities, have access to comprehensive healthcare services, including services related to sexual and reproductive health rights, on an equal basis with others; steps taken to ensure that the human rights model of disability and respect for the dignity, autonomy, and requirements of persons with disabilities are included in the training curricula of all medical and health professionals, including community health workers.

Implementation and impact

Kenya ratified the Convention on the Rights of Persons with Disabilities in May 2008, creating an obligation upon the State to respect, protect, and fulfil the provisions in the Convention. Ratification builds on – and will further encourage the implementation

of – other important steps to strengthen the rights of persons with disabilities, such as the adoption in 2003 of the ‘Persons with Disability Act,’ and the establishment, that same year, of the ‘National Council for Persons with Disability’ (a semi-autonomous government agency mandated to oversee the implementation of the Act).

Kenya’s 2010 Constitution protects in its Bill of Rights persons with disabilities.

Moreover, in 2010, Kenya adopted a new Constitution which stipulates (in the Bill of Rights) that ‘the State shall not discriminate directly or indirectly against any person on any ground, including race, sex, [...], disability, religion, [...], language or birth.’⁹⁵ The Bill of Rights also contains a section on the rights of persons with disabilities, which makes clear that persons with disabilities shall ‘be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning,’ and have full and equal access to public services (e.g., education services, healthcare services, and public transport).⁹⁶

Finally, in 2016, the Government began preparing a National Disability Policy to better coordinate the legislative, policy, and practical work of the Government in the area of disability rights. Another effort to improve coordination and mainstream the rights of persons with disabilities across government policy is the Inter-Agency Coordination Committee on Disability, convened by the Government and OPDs.

93 *Ibid.*

94 *Ibid.*

95 The Constitution of Kenya, 2010, p. 23.

96 *Ibid.*, p. 36.

Notwithstanding these important steps, and the political will to strengthen the enjoyment of the rights of persons with disabilities that they reflect, Kenyan civil society, including organisations for persons with disabilities (OPDs) contend that Kenya faces significant challenges in turning international and national legal obligations and political commitments into real-world change.

For example, in 2023 the 'United Disabled Persons of Kenya' and the 'Caucus on Disability Rights Advocacy,' together with 44 national and county-level OPDs, submitted an alternative report to the Committee on the Rights of Persons with Disabilities to inform the drafting of the Committee's list of issues prior to reporting. In the report, the NGOs and OPDs drew the Committee's attention to a number of challenges⁹⁷:

- Certain inadequacies with the 2003 Persons with Disabilities Act and the slow process of repealing/replacing that Act. 'The Government [...] has developed the Persons with Disabilities Bill 2023 aimed at repealing the Persons with Disabilities Act of 2003.' However, notwithstanding UN human rights recommendations, such as Ecuador's call in the UPR Working Group to 'finalise the adoption processes of the draft bills on children, mental health, and persons with disabilities,' this process, 'which has been going on since 2009 has been [repeatedly] delayed.' Moreover, according to civil society, 'the definition of disability in the Persons with Disabilities Bill, 2023 is inconsistent with both the Constitution and the CRPD.'
- Despite an attempt to review the Constitution through the 'Building Bridges Initiative,' there have been no specific efforts to review specific articles in the Constitution and laws that refer to persons with psycho-

social disabilities as 'persons of unsound mind,' perpetuating their stigmatisation.

- Devolution introduced under the 2010 Constitution has led to the uneven realisation of the rights enshrined in the CRPD, especially at county-level. What is more, as part of that process, the work (i.e., service delivery) of the National Council for Persons with Disabilities has also been devolved to the counties. Yet, according to NGOs, 'the State does not allocate sufficient resources to the National Council to support it in fulfilling its mandate.'
- Notwithstanding the 2010 Constitution's provisions on access to public services, including healthcare, 'persons with disabilities routinely experience challenges in accessing public services due to various environmental, attitudinal, and institutional barriers.'
- Persistent delays to the finalisation and adoption of the National Disability Policy (which the Government began developing in 2016).
- While the Inter-Agency Coordination Committee on Disability is operational, it has shifted its focus from the implementation of Kenya's *legal obligations* under the CRPD, to the implementation of the State's *political* commitments under Global Disability Summit outcomes.

Turning to the implementation of healthcare and well-being related recommendations, Kenya's stated policy goal is to establish a system of universal health coverage across the country, to ensure quality, affordable, and accessible health services for all, without discrimination (including for persons with disabilities).⁹⁸ The introduction of universal healthcare has been piloted in four counties.

97 United Disabled Persons of Kenya and Caucus on Disability Rights Advocacy, Proposed List of Issues in Advance of the Adoption of the List of Issues Prior to Reporting for the Republic of Kenya by the Committee on the Rights of the Persons with Disabilities, September 2023.

98 Republic of Kenya Ministry of Health, 'Kenya Universal Health Coverage Policy 2020-2030,' December 2020. Available at: http://guidelines.health.go.ke:8000/media/Kenya_Universal_Health_Coverage_Policy_2020_2030.pdf

The cost of healthcare is a major impediment to the realisation of health rights for most persons with disabilities.

However, the Government has faced challenges in rolling out universal health coverage. Healthcare services remain expensive, especially for people who are not covered by insurance through their employers. This is even more serious for persons with disabilities, the majority of whom have no health cover of any sort given that they are not in formal employment. Thus, the cost of healthcare is a major impediment to the realisation of health rights for most persons with disabilities. This is more so for disability-related health issues where specialised services and equipment are needed.

As noted above, in 2008, the Committee on Economic, Social and Cultural Rights recommended that Kenya increases budget allocations for the country's health system.⁹⁹ While the Government has improved budgetary allocations in response, these are still inadequate to meet the needs of the increasing number of people with disabilities.

Also responding to UN human rights recommendations, the Government has adopted various policies and legislative bills on health, including the National Reproductive Health Policy which specifically focuses on access to sexual and reproductive health services for all, including persons with disabilities. The Policy has led to improvements in the provision of access to family planning, safe motherhood, prevention, and management

of sexually transmitted infections, as well as comprehensive health. However, as reported in the 2023 shadow report by United Disabled Persons of Kenya, the Caucus on Disability Rights Advocacy, and 44 national and county-level OPDs, 'the policy does not employ a disability [rights] lens to its approach and hence does not promote the rights of persons with disabilities in relation to sexual and reproductive health services.'¹⁰⁰

A 2025 report by UNDP highlighted that 'only 9.3 per cent of people with disabilities were covered by any form of health insurance, compared to 22 per cent of the general population.'

In 2022, again responding to UN recommendations to improve access to healthcare services for persons with disabilities, including in rural areas, the Government revised the National Health Insurance Fund Act. The revised Act *inter alia* identified the Government as the main contributor to the Fund on behalf of vulnerable persons (including persons with disabilities).¹⁰¹ Moreover, the Government introduced the Health Insurance Subsidy Programme, which is meant to subsidise premiums for older persons and persons with severe disabilities to ensure that they have access to health services.¹⁰² Notwithstanding, a 2025 report by UNDP highlighted that 'only 9.3 per cent of people with disabilities were covered by any form of health insurance, compared to 22 per cent of the general

99 Committee on Economic, Social and Cultural Rights, Kenya: Concluding observations of the Committee on Economic, Social and Cultural Rights, 1 December 2008, E/ C.12/KEN/CO/1. Available at: <https://docs.un.org/C.12/KEN/CO/1>

100 Committee on Economic, Social and Cultural Rights, Kenya: Concluding observations of the Committee on Economic, Social and Cultural Rights, 1 December 2008, E/ C.12/KEN/CO/1. Available at: <https://docs.un.org/C.12/KEN/CO/1>

population.¹⁰³ The situation was found to be especially severe for persons with disabilities living in rural or remote areas. Moreover, a 2024 UN Country Team situational analysis found that ‘high costs associated with disability assessment and related health services create financial barriers for persons with disabilities, particularly those in rural areas, arid and semi-arid land, and informal settlements.’¹⁰⁴

The UN has assisted in improving access to health and well-being for persons with disabilities and vulnerable groups in Kenya through the ‘SDG Partnership Platform.’ The Platform was established under the leadership of the Government of Kenya, and with the support of UN agencies and programmes, bilateral development partners, and partners from the private sector and philanthropy.¹⁰⁵ Led by the UN Resident Coordinator, the Platform has promoted public-private partnerships, identified a \$6 billion investment opportunity in primary healthcare, and mobilised \$120 million with partners like Royal Dutch Philips, the Government of the Netherlands, and the African Medical and Research Foundation. As a result, 200 clinics have been upgraded, and a major effort to expand health insurance coverage in the city of Kisumu was supported, which in turn created an expanded market for health service providers.

The UN has assisted in improving access to health and well-being for persons with disabilities and vulnerable groups in Kenya through the ‘SDG Partnership Platform.’

The UN also launched a ‘Development Impact Bond’ to support reproductive and HIV/AIDS services for 500,000 vulnerable young women and girls, using real-time feedback to drive service improvements.¹⁰⁶

NGOs have also supported the implementation of human rights recommendations extended by the UN human rights mechanisms. For example, the ‘Missing Billion Initiative’ focused on training community health workers to improve disability inclusion in healthcare.¹⁰⁷ The project aimed to improve care delivery for persons with disabilities by equipping community health workers with the knowledge and skills they need to provide inclusive, quality healthcare.

In response to the Committee on the Rights of Persons with Disabilities’ 2015 recommendation that Kenya should strengthen efforts to ensure that all health policies, programmes and services, including on sexual and reproductive health and those related to HIV/AIDS, are fully accessible and incorporate a gender perspective, especially in rural areas and at the community level, in order to improve

101 National Health Insurance Fund Act, section 15(1B).

102 Committee on Economic, Social and Cultural Rights Sixth periodic report submitted by Kenya under articles 16 and 17 of the Covenant, due in 2021 Date received: 7 September 2022. https://digitallibrary.un.org/record/3994102?ln=zh_CN&v=pdf

103 UNDP, “Building an Inclusive Kenya: Disability Inclusion Status Report 2025.” <https://www.undp.org/kenya/publications/building-inclusive-kenya-disability-inclusion-status-report-2025>

104 UNPRPD, Kenya UN Country Team, Situational Analysis of the Rights of Persons with Disabilities in Kenya, April 2024. Available at: <https://unprpd.org/new/wp-content/uploads/2024/04/UNPRPD-Country-Brief-Kenya8.pdf>

105 SDG Partnership Platform “Primary Healthcare.” Available at: <http://sdgpp-kenya.org/about/actions/primary-healthcare>

106 Joint SDG Fund “Kenya Launches a Groundbreaking US\$ 10.1 million Development Impact Bond.” Available at: <https://www.jointsdgfund.org/article/kenya-launches-groundbreaking-us-101-million-development-impact-bond>

disability inclusion in healthcare.¹⁰⁸ UNFPA has supported several initiatives aimed at improving sexual and reproductive health services for persons with disabilities. In collaboration with 'This Ability Trust,' and OPDs, UNFPA facilitated the development of a training course for health workers on sexual and reproductive health for persons with disabilities.¹⁰⁹ Moreover, UNFPA published the 'Our Good Future Manual,' a life skills and reproductive health guide tailored for persons with intellectual disabilities, developed in partnership with Special Olympics Kenya and Lions Clubs International Foundation (LCIF).¹¹⁰ However, despite these efforts, the UN's 2024 situational analysis still noted that maternal and reproductive health services remain lacking for adolescent girls, boys, women, and men with disabilities.¹¹¹

'Specific actions targeting the forced sterilisation of persons with disabilities remain limited, despite international recommendations urging reform.'

Both the Government and the UN human rights mechanisms have expressed concern regarding the forced sterilisation of persons with disabilities, and the State has taken some steps to address the issue. For example, in 2015, the Committee on the Rights of Persons with Disabilities expressed concern over reports of forced sterilisation of women with disabilities in Kenya, and urged the Government to 'adopt measures to prohibit such practices and ensure that all medical procedures are carried out with the free and informed consent of the individuals concerned.'¹¹² In response, the Government proclaimed that sterilisation procedures shall only be conducted with the consent of the individual concerned and that no forced sterilisations be carried out on persons with disabilities. However, civil society organisations have continued to report instances where women with disabilities, particularly those with intellectual disabilities, have undergone sterilisation without proper consent.¹¹³ Specific actions targeting the forced sterilisation of persons with disabilities remain limited, despite international recommendations urging reform.

107 <https://www.themissingbillion.org/health-workers>

108 Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Kenya, 30 September 2015, CRPD/C/KEN/CO/1. Available at: <https://docs.un.org/en/CRPD/C/KEN/CO/1>

109 UNFPA in Kenya, "Healthcare workers trained to address sexual and reproductive health needs of women with disabilities," 23 December 2021. Available at: <https://kenya.unfpa.org/en/news/healthcare-workers-trained-address-sexual-and-reproductive-health-needs-women-disabilities>

110 UNFPA in Kenya, "Empowering young people with intellectual disabilities to access sexual and reproductive health information," 29 July 2022. Available at: <https://kenya.unfpa.org/en/news/empowering-young-people-intellectual-disabilities-access-sexual-and-reproductive-health>

111 UNPRPD, Kenya UN Country Team, Situational Analysis of the Rights of Persons with Disabilities in Kenya, April 2024. Available at: <https://unprpd.org/new/wp-content/uploads/2024/04/UNPRPD-Country-Brief-Kenya8.pdf>

112 Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Kenya, 30 September 2015, CRPD/C/KEN/CO/1. Available at: <https://docs.un.org/en/CRPD/C/KEN/CO/1>

113 Initiative for Strategic Litigation in Africa (ISLA), "LITIGATING FORCED STERILISATION IN AFRICA", July 2022. Available at: <https://www.the-isla.org/wp-content/uploads/2023/02/ISLA-Insights-Issue-6-Forced-Sterilisation-eBook.pdf>

Background

Montenegro, a former Yugoslav republic that regained independence in 2006, and a candidate for European Union membership, ratified the Convention on the Rights of Persons with Disabilities in 2009. Despite constitutional guarantees that international treaties supersede domestic legislation, the right to inclusive education for persons with disabilities, particularly women and children, remains only partially realised. Children with disabilities continue to face systemic barriers, including segregated education, lack of support services, and unequal access to mainstream schools.

According to the most recent national data, during the 2020–2021 academic year, 1,181 children with disabilities attended mainstream primary and secondary schools, while 262 were educated in specialised Resource Centres (RCs), segregated by type of impairment. There is no official data as to how many children with disabilities remain out of school, raising concerns about the full realisation of the right to education for this population group. While legal frameworks exist, implementation remains relatively weak. National strategies often lack definitions for key Convention on the Rights of Persons with Disabilities principles such as reasonable accommodation. Higher education remains largely inaccessible. While public support for inclusive education has grown, with 83 per cent of citizens in favour as of 2021, up from 74 per cent in 2019,¹¹⁴ challenges persist, including insufficient teaching assistants, inadequate infrastructure, and limited access to assistive technologies. The COVID-19 pandemic further exacerbated these issues, disproportionately affecting children with disabilities due to the shift to remote learning.

Summary of engagement with the United Nations Human Rights System

- Montenegro is party to all nine of the core international human rights treaties. Montenegro ratified the Covenant on Economic, Social, and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of Discrimination against Women, all in 2006, and the Convention on the Rights of Persons with Disabilities and its Optional Protocol, in 2009.
- Montenegro has reported once to the Committee on Economic, Social, and Cultural Rights, in 2012 (concluding observations issued in 2014), twice to the Committee on the Rights of the Child, in 2008 (concluding observations issued in 2010) and 2016 (concluding observations issued in 2018), three times to the Committee on the Elimination of Discrimination against Women (completed in 2011, 2017, and 2024), and once to the Committee on the Rights of Persons with Disabilities, also in 2014 (concluding observations issued in 2017).
- Montenegro has undergone four reviews under the Universal Periodic Review (UPR) mechanism (in 2008, 2013, 2018, and 2023).
- The State also extended a standing invitation to Special Procedures in 2005 (as a constituent part of the union of Serbia and Montenegro). Since then, mandate-holders have conducted six country visits, including the Independent Expert on older persons in 2018, and the Special Rapporteur on the independence of judges and lawyers in 2023.

114 UNICEF 'Country Office Annual Report,' 2021.

Summary of recommendations

Between 2007 and the present, Montenegro has received a total of 130 recommendations from UN human rights mechanisms specifically addressing the right to education of persons with disabilities. These include 84 recommendations from Treaty Bodies, 40 under the Universal Periodic Review (UPR), and six from Special Procedures. The evolution of these recommendations over time reflects a growing international emphasis on inclusive education, progressively refined expectations regarding accessibility, quality, and equality, as well as increasing specificity in addressing systemic national challenges.

The earliest set of recommendations, dating back to 2010, came primarily from Treaty Bodies such as the Committee on the Rights of the Child, and the Committee on Economic, Social and Cultural Rights. These early recommendations generally emphasised the elimination of discrimination and the establishment of inclusive national frameworks.

Such a recommendation laid the groundwork for recognising the importance of mainstreaming education, as opposed to segregated educational models.

In 2010, the United States Department of State released a country report on human rights practices in Montenegro, which noted

that there were several complaints regarding children's rights violations to the Deputy Ombudsman during the year – mainly involving the educational rights of children with disabilities.¹¹⁵ These and other concerns fed into periodic reviews of Montenegro by the UN Treaty Bodies. For example, in 2010, the Committee on the Rights of the Child recommended that Montenegro 'adopt specific legislative and administrative measures to ensure equal access to quality education for children with disabilities, including in mainstream schools.'¹¹⁶

Such a recommendation laid the groundwork for recognising the importance of mainstreaming education, as opposed to segregated educational models.

In 2014, a joint report by the UN Country Team and the Government held that a major obstacle for persons with disabilities to be able to access education, is that most educational tools are inaccessible, even when persons with disabilities are motivated to participate, due to physical barriers and the absence of sign language interpreters.¹¹⁷

Moreover, OPDs have regularly drawn attention to the inaccessibility of educational institutions for people with reduced mobility, and the low prioritisation attached to this issue on the part of local authorities, often under the pretext of a lack of funds.

This latter point has been repeatedly raised in UPR recommendations. For example, in 2013 Slovenia recommended that Montenegro 'improve access to inclusive education for children with disabilities and ensure the necessary support in mainstream schools.'¹¹⁸

115 Bureau of Democracy, Human Rights and Labor, 2009 *Country Reports on Human Rights Practices - Montenegro*, United States Department of State, 11 March 2010. Available at: <https://www.refworld.org/reference/annualreport/usdos/2010/en/72375>

116 Committee on the Rights of the Child, Consideration of reports submitted by states parties under article 44 of the convention, Concluding observations: Montenegro, 21 October 2010, CRC/C/MNE/CO/1. Available at: <https://docs.un.org/en/CRC/C/MNE/CO/1>

117 UN System in Montenegro, 'Participatory Monitoring for Accountability: Second Phase of Post-2015 Consultations,' July 2014. Available at: <https://montenegro.un.org/en/43270-montenegro-i-want-participatory-monitoring-accountability>

118 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Montenegro, 21 March 2013, A/HRC/23/12, rec. 117.44. Available at: <https://docs.un.org/en/A/HRC/23/12>

Around this time, Special Procedures also began to pay attention to education-related issues for persons with disabilities (though in thematic reports, rather than a country mission report on Montenegro). For example, a 2014 report by the Special Rapporteur on the rights of persons with disabilities drew attention to the persistent marginalisation of children with disabilities in mainstream education around the world, arguing that inclusive education should ‘not merely [be] about physical access to buildings, but full participation and achievement in learning.’

Later UPR reviews of Montenegro placed access to education in a wider societal context. For example, in 2018, Slovakia recommended that Montenegro ‘continue its efforts to adopt a comprehensive accessibility strategy in order to promote further the full integration of persons with disabilities into society and back it with adequate resources.’¹¹⁹ In 2023, Sri Lanka called on Montenegro to prioritise the allocation of adequate resources to promote the full integration of persons with disabilities into society.¹²⁰

Inclusive education should not merely be about physical access to buildings, but full participation and achievement in learning.

In 2017, the Committee on the Rights of Persons with Disabilities published its first (and to-date, only) concluding observations on Montenegro. In it, the Committee underscored the importance of general non-discrimination provisions for persons with disabilities in Montenegrin law, especially for women and girls, as well as the importance of introducing legislation to ensure inclusive education.¹²¹

Regarding the former, the concluding observations urged Montenegro to ‘prevent and combat the multiple and intersecting forms of discrimination that women and girls with disabilities face, with a particular focus on access to justice, protection against violence and abuse, education, healthcare, and employment.’¹²²

Regarding the need for comprehensive legislation for inclusive quality education, the Committee expressed concern about: the lack of comparable and comprehensive data on children with disabilities in mainstream education; discrimination against children with disabilities in school enrolment; the absence of affirmative action to enrol children with disabilities in school, as well as of ‘reasonable accommodation provided to students with disabilities in mainstream education;’ and ‘insufficient accessibility of higher education.’¹²³

With these critiques in mind, and recalling its general comment No. 4 (2016) on the right to inclusive education, as well as Sustainable Development Goal 4, especially targets 4.5 and 4.8,¹²⁴ the Committee recommended that the State party:

119 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Montenegro, 18 April 2018, A/HRC/38/13, rec. 106.14. Available at: <https://docs.un.org/en/A/HRC/38/13>

120 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Montenegro, 28 June 2023, A/HRC/54/14, rec. 131.189. Available at: <https://docs.un.org/en/A/HRC/54/14>

121 Ibid.

122 Ibid.

123 Ibid.

124 Sustainable Development Goal 4: Quality Education. Target 4.5: Eliminate all discrimination in education; Target 4.8: Build and upgrade inclusive and safe schools.

- a. **Adopt and implement** a coherent strategy and action plan with clear time frames, indicators, monitoring and evaluation benchmarks on inclusive and quality education in the mainstream education system;
- b. **Collect** data on children with disabilities in mainstream schools and progressively improve the accessibility of mainstream schools and tertiary education with time-bound goals, including the provision of reasonable accommodation and individual support, accessible environments, accessible and adapted school material and inclusive curricula;
- c. **Revise** the system of assessment of children with disabilities for school enrolment and ensure the non-discriminatory access by all children with disabilities to inclusive education;
- d. **Ensure** mandatory pre- and in-service training for all teachers and other education personnel on inclusive quality education, allocating all necessary human, technical and financial resources.¹²⁵

Shortly afterwards, other Treaty Bodies, particularly the Committee on the Rights of the Child (2018), and the Committee on the Elimination of Discrimination against Women (2024), became more active on questions of access to education for persons with disabilities, with a particular focus on the importance of gathering better and disaggregated data in order to inform improved policy- and law-making in the area of access to education.

In the case of the Committee on the Rights of the Child, this may have been due to the publication in 2018 of a UNICEF 'Evaluation Report' assessing the situation of children's rights in Montenegro between 2014 and 2017. The report found inter alia that child rights data collected across government bodies was insufficiently disaggregated by gender, age, ethnicity, rural/urban location, and disability.¹²⁶

Child rights data collected across government bodies was insufficiently disaggregated by gender, age, ethnicity, rural/urban location, and disability.

These same themes were taken up in the most recent concluding observations on Montenegro (2024) issued by the Committee on the Elimination of Discrimination against Women. The Committee inter alia urged the State party to 'continue to promote the importance of girls' education at all levels, including secondary and higher education, as a basis for their empowerment, with a focus on women and girls belonging to ethnic minorities [...], and women and girls with disabilities,' and to 'conduct research in order to identify the root causes of the gap in enrolment between girls and boys with disabilities, and take appropriate measures to address them, including through awareness-raising activities on the importance of ensuring equal access to education for girls with disabilities.'¹²⁷

125 Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Montenegro, 22 September 2017, CRPD/C/MNE/CO/1. Available at: <https://docs.un.org/en/CRPD/C/MNE/CO/1>

126 UNICEF Country Office in Montenegro, 'Programme-Informing Evaluation of the 2014-2017 Child Rights Monitoring System in Montenegro and Planned Approach to Child Rights Monitoring under the 2017-2021 Country Programme,' 28 March 2018. Available at: <https://www.unicef.org/montenegro/media/2556/file/MNE-media-MNEpublication20.pdf>

127 Committee on the Elimination of Discrimination Against Women, Concluding observations on the third periodic report of Montenegro, 6 June 2024, CEDAW/C/MNE/CO/3. Available at: <https://docs.un.org/en/CEDAW/C/MNE/CO/3>

Implementation and impact

The responsibility for implementing inclusive education in Montenegro lies primarily with the Ministry of Education, Science, and Innovation (MESI), supported by the Bureau for Education Services. The Law on Upbringing and Education of Children with Special Educational Needs, and the Law on Higher Education, form the principal legal framework for ensuring access to education for persons with disabilities. Supplementary legislation guarantees the right to be educated in sign language and Braille, though implementation remains partial. In this context, the UN Country Team in Montenegro, particularly UNICEF, have been instrumental in supporting both the development of inclusive education strategies and the delivery of assistive technologies. The European Union and other bilateral donors have also contributed to improving physical infrastructure and training programmes through the IPA (Instrument for Pre-Accession Assistance). Yet, despite these and other positive steps, overall implementation has lagged behind the progressive evolution of UN human rights recommendations.

The earliest recommendations to Montenegro came after the Government had adopted its first of a series of 'Inclusive Education Strategies' (2008). This was followed by an important revision to the Law on Education of Children with Special Educational Needs (originally adopted in 2004, but significantly revised in 2010, and later in 2017 and 2021) following Montenegro's ratification of the Convention on the Rights of the Child in 2006, and the Convention on the Rights of Persons with Disabilities in 2009. The aim of the strategies and revised legislation was – and remains – to move away from a model that saw children with disabilities placed in institutions, and towards a model premised on inclusive education, whereby children with special educational needs would stay

with their families and attend mainstream schools together with their peers. These steps were taken in close cooperation with UNICEF.

In 2019, the Ministry of Education of Montenegro, with support from UNICEF, published the latest iteration of the State's Inclusive Education Strategy, this time for the period 2019–2025.¹²⁸ According to the Strategy, the State sees 'inclusive education in mainstream schools as the first choice and an imperative for children with special needs in education.'

The aim is to move towards inclusive education whereby children with special educational needs and stay with families and attend mainstream schools together with their peers.

To help ensure the smooth integration of children with disabilities into mainstream education, Montenegro, with UN and EU support, has developed a system of 'Individual Development-Education Programmes' (IDEPs). Kindergartens and schools develop IDEPs for each child, setting out the educational and developmental objectives to be achieved.¹²⁹

Finally, while the priority is to enrol children with disabilities into mainstream schooling, some of the former 'institutions' in Montenegro have been reformed into 'Resource Centres.' The purpose of the Resource Centres is early intervention and preparation for inclusive education, support to mainstream schools in providing inclusive education, as well as providing special education for children with disabilities. There are currently three such Centres in the country, one for children with speech and hearing disabilities, one

128 UNICEF Country Office in Montenegro and Ministry of Education of Montenegro, 'Montenegro Inclusive Education Strategy 2019-2025,' 2019. Available at: https://www.unicef.org/montenegro/sites/unicef.org/montenegro/files/2019-05/MONTENEGRO_INCLUSIVE_EDUCATION_STRATEGY_1a-1b-REVISE-6%20eng.pdf

129 Ibid.

for children with intellectual disabilities and autism, and one for children with physical and sight disabilities.¹³⁰

According to data gathered by the UN Partnership on the Rights of Persons with Disabilities (UNPRPD) and the UN Country Team in Montenegro for a 2021 Situation Analysis on the rights of persons with disabilities in the country revealed that 1,181 children with disabilities attended mainstream primary and secondary schools, and 262 children with disabilities attend the primary and secondary school in Resource Centres. According to earlier data from the Ministry of Education,¹³¹ this marks a significant increase in numbers at the turn of the century, when only 67 children with disabilities were enrolled in mainstream education establishments (i.e., schools) – the rest being placed in institutions. UNICEF reports that ‘efforts to ensure that children with disabilities attend mainstream education together with their peers,’ are one of the most important child rights developments in Montenegro in recent years. ‘These efforts,’ according to UNICEF, ‘have resulted in a more than ten-fold increase since 2009 in the number of children with disabilities attending regular schools together with their peers.’ In preschools, the number of enrolled children with disabilities increased year-on-year by 27 per cent, (to 204 children), while for primary education the number increased by 15 per cent (to 1,335 children).¹³² Notwithstanding this improvement, the 2021 Situation Analysis points to an enduring concern – the lack of precise data on the number of children with disabilities, and the number of those children who ‘do not attend school.’¹³³

Responding to UN human rights recommendations (especially the Committee on the Rights of Persons with Disabilities’ 2017 concluding observations that recommended Montenegro to establish mechanisms for the effective inclusion of students with disabilities in regular education to ensure the provision of reasonable accommodation, and to allocate adequate funding),¹³⁴ Montenegro has put in place a number of relevant laws and strategies to promote inclusive education for persons with disabilities. Those interventions have had a positive impact on the rights of children with disabilities, especially their rights to education and to non-discrimination. However, significant challenges remain, especially in relation to the effective implementation of those laws and policies.

There are still insufficient teaching assistants in place to help children with disabilities integrate at school.

For example, in its 2021 Situation Analysis, the UNPRPD and the UN Country Team in Montenegro, expressed concern of the fact that in order to receive necessary support in mainstream educational establishments, children with disabilities must first be assessed by a ‘Commission for Referral of Children with Special Educational Needs.’ As the UNPRPD notes, ‘this is direct disability-based discrimination, as no similar assessment is needed for children without disabilities.’¹³⁵

130 Ibid.

131 UNICEF Montenegro, ‘Inclusive education for children with disabilities,’ 6 February 2012, <https://www.unicef.org/montenegro/en/stories/inclusive-education-children-disabilities>

132 UNICEF Montenegro, Country Office Annual Report 2024, <https://www.unicef.org/montenegro/en/reports/unicef-montenegro-country-office-2024-annual-report>

133 UNPRPD, Montenegro UN Country Office, ‘Situational Analysis on the Rights of Persons with Disabilities in Montenegro,’ November 2022. Available at: https://unprpd.org/new/wp-content/uploads/2023/12/CR_Montenegro_2021-51b.pdf

134 Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Montenegro, 22 September 2017, CRPD/C/MNE/CO/1. Available at: <https://docs.un.org/en/CRPD/C/MNE/CO/1>

135 UNPRPD, Montenegro UN Country Office, ‘Situational Analysis on the Rights of Persons with Disabilities in Montenegro,’ November 2022. Available at: https://unprpd.org/new/wp-content/uploads/2023/12/CR_Montenegro_2021-51b.pdf

In another example, the 2021 Situation Analysis found both that, despite policies launched by the Ministry of Education, Science, Culture and Sports (MESCS), there are still insufficient teaching assistants in place to help children with disabilities integrate at school (only 324 assistants were engaged across all primary and secondary schools – mostly on a voluntary basis). Very few schools (if any – there is little data on this point) have access to didactic resources, equipment, and materials adapted to the needs of persons with disabilities.¹³⁶ Linked with this point, OPDs contend that, notwithstanding legal provisions on this point, most schools and universities continue to lack trained staff in Braille or sign language, leaving students with hearing impairments particularly disadvantaged. Only Resource Centres appear to have access to such resources and expertise.

The low number of teaching assistants trained in Braille and sign language, and low levels of necessary resources, equipment, and materials for children with disabilities in schools, may explain why, according to UNICEF, the share of children with disabilities in residential care (principally in Resource Centres) has increased in recent years, 'now making up 47% of the total number, up from 41% in 2023.'¹³⁷ This is potentially problematic for Montenegro's EU accession ambitions (even if the number of children with disabilities in school also appears to be increasing).

The EU's Chapter 23 benchmarks state that 'Montenegro must implement a de-institutionalisation strategy for persons with disabilities, as well as a strong child protection system grounded in community-based care, with the best interest of the child as the guiding principle.'¹³⁸

The Government, with international partners, is also rolling out policies and programmes to promote the integration of children with disabilities once they are enrolled in school.¹³⁹ For example, children with disabilities in preschool and primary education have been supported through initiatives like the Special Olympics programme 'Young Athletes,' intended to encourage inclusion through sport. Over recent years, this initiative has been expanded to 17 (out of 21) preschool institutions in Montenegro. Additionally, all preschools in Montenegro are now equipped with tablets with the Cboard application (an assistive communication tool designed to support children with speech and language impairments), benefitting over 204 children with disabilities. In another example, the Ministry of Sports and Youth, with UNICEF support, has adopted a new 'Strategy for Sports,' focusing on school sports, inclusion, and new programmes for children with disabilities.

136 Ibid.

137 UNICEF Montenegro, Country Office Annual Report 2024. Available at: <https://www.unicef.org/montenegro/en/reports/unicef-montenegro-country-office-2024-annual-report>

135 UNICEF Montenegro, Results Summary 2024, March 2025. Available at: <https://www.unicef.org/montenegro/en/media/25216/file/UNICEF-Report-2024-FINAL-eng.pdf>

139 UNICEF Montenegro, Country Office Annual Report 2024. Available at: <https://www.unicef.org/montenegro/en/reports/unicef-montenegro-country-office-2024-annual-report>

Background

In 2001, Timor-Leste began its transition to an inclusive democracy, with strong human rights safeguards. Notwithstanding the scars caused by a decades-long independence struggle, the country has made steady progress and demonstrated a strong political will to uphold human dignity and protect vulnerable groups, including persons with disabilities. Over the years, Timor-Leste has steadily strengthened its democratic institutions and embraced international human rights norms by ratifying key human rights treaties, including the Convention on the Rights of Persons with Disabilities. The State has also extended a standing invitation to UN Special Procedures, reflecting its openness to international scrutiny and cooperation. Such engagement with the international human rights system underscores Timor-Leste's commitment to building an inclusive society. However, significant implementation challenges remain, particularly in translating universal human rights norms into practical improvements in the lives of persons with disabilities.

The World Health Organization estimates that approximately 15 per cent of the global population may have a disability. According to 2022 census data, in Timor-Leste there are approximately 17,061 people with disabilities, representing only around 1.6 per cent of the population – suggesting significant under-reporting.¹⁴⁰ OPDs contend that the accuracy

of available statistics is undermined by factors such as stigma, identification challenges, poor data collection methodologies, and inconsistent definitions of disability used in official surveys.

Timor-Leste's post-conflict context presents unique challenges for disability inclusion. The struggle for independence left many with conflict-related disabilities, including physical impairments from violence, and psychosocial disabilities related to trauma. These conflict-related disabilities exist alongside congenital conditions, disease-related impairments, and disabilities resulting from accidents. The country's high rates of malnutrition (47 per cent of children under five experience stunting),¹⁴¹ and limited access to maternal healthcare contribute to higher rates of preventable disabilities.¹⁴²

Poor healthcare infrastructure, particularly in rural areas, compounds these issues, with 70 per cent of persons with disabilities living in remote communities, where access to services remains constrained. Many rural areas lack basic rehabilitation services, assistive devices, and trained healthcare providers, who can identify and address disability-related needs. The mountainous terrain and poor transportation infrastructure further isolate persons with disabilities in rural communities.

140 Remarks by Mr. Soumen Ray, Chief of Social Policy and PME, UNICEF Timor-Leste INETL (National Institute of Statistics Timor-Leste) Office on 12 March 2024. Available at: <https://www.unicef.org/timorleste/media/6231/file/Talking%20Points%20-%20Disability%20Data%20-%20INETL%20-%2012%20March%202024.pdf>

141 Democratic Republic of Timor-Leste, Food Systems Pathway Commitment and Position Statement, 2021. Available at: <https://www.unfoodsystemshub.org/docs/unfoodsystemslibraries/national-pathways/timor-leste/2021-09-22-en-timor-leste-food-systems-national-pathway-september-22-2021.pdf>

142 Mathur, Arvind. "Investing in mother and child health in favor of Timor-Leste's bright future." Available at: <https://timorleste.un.org/en/191816-investing-mother-and-child-health-favor-timor-leste%E2%80%99s-bright-future>

Economic factors create additional barriers. Timor-Leste remains one of the poorest countries in Southeast Asia, with approximately 41.8 per cent of the population living below the national poverty line (according to UNICEF).¹⁴³ Persons with disabilities face even higher rates of poverty due to limited

educational and employment opportunities. Against this backdrop, the Government has made gradual progress in establishing legal and institutional mechanisms to protect the rights of persons with disabilities, supported by UN agencies and other international partners.

Summary of engagement with the United Nations Human Rights System

- Timor-Leste is party to all nine core human rights treaties, including the Convention on the Rights of Persons with Disabilities (CRPD), and its Optional Protocol – both ratified in 2023, the Convention on the Elimination of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC) – both ratified in 2003.
- The State has not yet submitted its initial report to the Committee on the Rights of Persons with Disabilities, though the Government reports that it has initiated its preparation. It has though submitted three periodic reports to the Committee on the Rights of the Child (in 2007 – with the concluding observations issued

in 2008, in 2013 – with the concluding observations issued in 2015, and 2022 – with the date of the review currently pending). It has also submitted three periodic reports to the Committee on the Elimination of Discrimination against Women (with the reviews completed in 2009, 2015, and 2023).

- The State has undergone three reviews under the Universal Periodic Review (UPR) mechanism (in 2011, 2016, and 2021).
- Timor-Leste extended a standing invitation to Special Procedures in 2017.¹⁴⁴ To-date, only two mandate-holders have undertaken missions to the country, namely the UN Special Rapporteur on human rights and extreme poverty (in 2011),¹⁴⁵ and the Special Rapporteur on the rights of Indigenous Peoples (in 2019).¹⁴⁶

Summary of recommendations

The UN human rights system has played a pivotal role in shaping Timor-Leste's approach to disability rights. Through consistent engagement with the UPR Working Group, Treaty Bodies, and Special Procedures, the Government has received and accepted numerous recommendations related to strengthening its legal and institutional framework for disability inclusion.

Between 2008 and 2023, Timor-Leste received 104 recommendations from the three main human rights mechanisms concerning the rights of persons with disabilities. 81 were extended by the UPR Working Group, 20 by the Treaty Bodies, and three by Special Procedures. The focus and content of these recommendations has shifted over the past seventeen years: moving from a strong initial emphasis on treaty ratification to an emphasis on strategic

143 UNICEF Timor-Leste, 'Quality Education.' Available at: <https://www.unicef.org/timorleste/quality-education>

144 OHCHR, Special Procedures Country visits, <https://spinternet.ohchr.org/StandingInvitations.aspx>

145 UNMIT, Report on the Rights of Persons with Disabilities in Timor-Leste, 2011, https://unmit.unmissions.org/sites/default/files/final_unhr_report_2011_eng_for_web_.pdf

146 Human Rights Council, Report of the Special Rapporteur on the rights of indigenous Peoples – Timor Leste, A/HRC/42/37/Add.2, 2019, <https://un.arizona.edu/sites/default/files/2021-11/UNSR%20VTC%20Country%20Visit%20timor%20leste%202019%20%28English%29.pdf>

guidance to the State on how it might improve implementation through better laws, policies, and practices.

The issue of legal and institutional frameworks for persons with disabilities has been a central concern for international human rights mechanisms since their earliest reviews of Timor-Leste. In the early period (2008–2012), recommendations primarily urged Timor-Leste to ratify the Convention on the Rights of Persons with Disabilities. In 2008, for example, the Committee on the Rights of the Child emphasised the need to ‘ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol,’ and called for Timor-Leste to ‘take all necessary measures to collect adequate statistical data on children with disabilities.’¹⁴⁷

In 2011, the United Nations Integrated Mission in Timor-Leste issued a report on the rights of persons with disabilities. In it, the Mission observed that ‘the existing national legal framework requires further development to protect persons with disabilities from discrimination [...],’ and that the ‘monitoring and implementation of government policies on disability needs to be strengthened to comply with the international standards already adopted in national policies.’¹⁴⁸ The report further recommended a ‘national disability policy that promotes non-discrimination, and the accession to and ratification of the Convention on the Rights of Persons with Disabilities.’ A 2011 joint submission by the Office of the Provedor for Human Rights and Justice, and civil society organisations,

to the UPR Working Group ahead of Timor-Leste’s first periodic review, also expressed concern that the State had not ratified the CRPD.¹⁴⁹ These reports proved influential in informing the recommendations extended by reviewing States during the first UPR cycle (2011), with Austria, Argentina, Australia, New Zealand, Slovenia, Spain, and South Africa all urging Timor-Leste to ratify the Convention as soon as possible.¹⁵⁰ South Africa, for example, called upon the State to ‘finalise as soon as possible a national policy to implement the rights for persons with disabilities and the ratification process of the Convention on the Rights of Persons with Disabilities.’¹⁵¹

Recommendations began to call on the State to better implement its obligations under existing national law.

Notwithstanding these recommendations, the CRPD remained unratified. During the period 2015–2016, UN recommendations shifted their focus. While continuing to urge Timor-Leste to become party to the Convention, they also began to call on the State to better implement its obligations under existing national law. In 2015, for example, the Committee on the Elimination of Discrimination against Women remarked that Timor-Leste ‘has a national policy on

147 Committee on the Rights of the Child, Consideration of reports submitted by States parties under Article 44 of the convention, Concluding observations: Timor-Leste, 14 February 2008, CRC/C/TLS/CO/1. Available at: <https://docs.un.org/en/CRC/C/TLS/CO/1>

148 UNMIT, ‘Report on the Rights of Persons with Disabilities in Timor-Leste,’ 2011. Available at: https://www.ohchr.org/sites/default/files/Documents/Countries/TP/UNHR_Report2011_en.pdf

149 Human Rights Council, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15(c) of the annex to Human Rights Council resolution 5/1: Timor-Leste, 22 July 2011, A/HRC/WG.6/12/TLS/3. Available at: <https://docs.un.org/en/A/HRC/WG.6/12/TLS/3>

150 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Timor-Leste, 3 January 2012, A/HRC/19/17. Available at: <https://docs.un.org/en/A/HRC/19/17>

151 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Timor-Leste, 3 January 2012, A/HRC/19/17, rec. 77.6. Available at: <https://docs.un.org/en/A/HRC/19/17>

the rights of people with disabilities,' yet noted with concern 'that it is neither effectively implemented nor monitored.'¹⁵² The Committee further expressed concern that 'the adoption of the national action plan for people with disabilities remains pending.'

Following the lead of the Treaty Bodies, by the time Timor-Leste reported to the UPR Working Group for a second time in 2016, the focus of UPR recommendations had similarly transitioned towards strengthening the implementation of existing national frameworks (in addition and as a complement to ratifying international treaties). Sudan, for example, recommended that Timor-Leste 'consider ratifying the Convention on the Rights of Persons with Disabilities and continue its efforts to implement the National Action Plan on Persons with Disabilities 2014–2018.'¹⁵³ Myanmar similarly urged the country to 'continue [...] efforts to implement effectively the National Action Plan for Persons with Disabilities,'¹⁵⁴ while Indonesia recommended expediting 'the process for ratifying the Convention on the Rights of Persons with Disabilities in line with Timor-Leste's National Action Plan for Persons with Disabilities 2014–2018.'¹⁵⁵

A significant development at this time (2016) was the emergence of recommendations calling upon the State to establish a national council for persons with disabilities. The Maldives, for instance, recommended the reporting State to '[create and facilitate] the functioning of a national council for persons with disabilities,'¹⁵⁶

while Canada suggested that Timor-Leste 'ratify immediately the Convention on the Rights of Persons with Disabilities, and establish the planned national council on disability after, rather than prior to, ratification to ensure a speedy ratification process.'¹⁵⁷ Chile likewise recommended continuing 'consultations aimed at establishing a national disability council and develop a clear and integrated strategy on rehabilitation needs.'¹⁵⁸

By the time of the third UPR cycle in 2022, recommendations had further evolved to call for a range of legislative, policy, and practical responses to strengthen the enjoyment of the rights of persons with disabilities.¹⁵⁹ This included recommendations calling for an improved national action plan, better institutional mechanisms (e.g., a national disability council), improved legislation and data collection, and increased budgetary allocations for measures designed to improve the lives of persons with disabilities.

Poland, for instance, urged Timor-Leste to 'improve the protection and promotion of rights of persons with disabilities as well as their access to healthcare, education, and justice by, among other [things], concluding the processes of ratification of the CRPD and approval of the national plan for persons with disabilities for the period 2021–2030,'¹⁶⁰ while Viet Nam recommended that the State 'enhance efforts, including by allocating more resources, to implement the national action plan for the promotion of the rights of persons with disabilities for 2021–2030.'¹⁶¹

152 Committee on the Elimination of Discrimination Against Women, Concluding observations on the combined second and third periodic reports of Timor-Leste, 24 November 2015, CEDAW/C/TLS/CO/2-3. Available at: <https://docs.un.org/en/CEDAW/C/TLS/CO/2-3>

153 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Timor-Leste, 28 December 2016, A/HRC/34/11, rec. 89.12. Available at: <https://docs.un.org/en/A/HRC/34/11>

154 Ibid., rec. 89.62.

155 Ibid., rec. 89.22.

156 Ibid., rec. 89.61.

157 Ibid., rec. 89.18.

158 Ibid., rec. 89.60.

159 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Timor-Leste, 4 April 2022, A/HRC/50/12. Available at: <https://docs.un.org/en/A/HRC/50/12>

160 Ibid., rec. 116.32.

161 Ibid., rec. 116.187.

Other 2022 recommendations repeated earlier proposals that the State establish a national disabilities council. For example, South Sudan urged Timor-Leste to 'redouble efforts to finalise the draft law for a national council for persons with disabilities, and to strengthen the national action plan for persons with disabilities,'¹⁶² Ireland recommended establishing 'a national council for persons with disabilities to provide advice to and support the relevant ministries with responsibility for issues affecting persons with disabilities,'¹⁶³ while Algeria encouraged Timor-Leste to 'pursue its efforts to implement a national council for persons with disabilities in order to strengthen the national action plan for persons with disabilities.'¹⁶⁴

The 2022 UPR review also saw an increased focus on related challenges such as the need to improve data collection.

Other reviewing States (e.g., Lao PDR), meanwhile, extended broader recommendations to Timor-Leste to strengthen its 'national legal framework and strategies for the promotion and protection of the rights of [...] persons with disabilities.'¹⁶⁵

The 2022 UPR review also saw an increased focus on related challenges such as the need to improve data collection. New Zealand, for example, urged Timor-Leste, as a key step towards adopting an effective national plan

for persons with disabilities, to 'improv[e] data collection relating to persons with disabilities.'¹⁶⁶ This emphasis on data collection reflects the importance of disaggregated data for evidence-based policymaking and for the monitoring of implementation and impact.

While the UPR has been by far the most active mechanism in terms of extending recommendations on the rights of persons with disabilities in Timor-Leste, the Special Procedures and Treaty Bodies have also made important interventions.

For example, in 2019, the Special Rapporteur on indigenous peoples noted a lack of appropriate policies and services to promote the rights of persons with disabilities, especially in rural areas. Moreover, according to the mandate-holder 'the situation of persons with disabilities was not adequately recorded in statistics, nor were they adequately addressed by government policies on education, health and access to justice.'¹⁶⁷

Turning to Treaty Bodies: in its 2017 concluding observations on Timor-Leste, the Committee against Torture expressed concern at the limited availability of psychiatric services for persons with intellectual and psychosocial disabilities. The Committee drew attention to reliable reports suggesting that there were many cases of persons with intellectual and psychosocial disabilities being subjected to ill-treatment by family or community members, including being confined and restrained by force in degrading conditions.'¹⁶⁸

The UN Country Team in Timor-Leste has regularly fed into these and other reviews by

162 *Ibid.*, rec. 116.185.

163 *Ibid.*, rec. 116.182.

164 *Ibid.*, rec. 116.188.

165 *Ibid.*, rec. 116.183.

166 *Ibid.*, rec. 116.24.

167 Human Rights Council, Visit to Timor-Leste: Report of the Special Rapporteur on the rights of indigenous peoples, 2 August 2019, A/HRC/42/37/Add.2. Available at: <https://docs.un.org/en/A/HRC/42/37/Add.2>

the UN human rights machinery. Ahead of the State's 2022 UPR review, the Country Team warned that 'persons with disabilities continued to encounter ongoing, day-to-day discrimination and violence, as well as income insecurity,' and that a discriminatory legal provision denying the right to vote to persons 'clearly and publicly known as mentally ill' remained in force in the 'Law on the Election of the President of the Republic' (even though it had been repealed from the 'Law on the Election of the National Parliament').¹⁶⁹ The UN Country Team also welcomed a number of positive developments, including 'a progressive new national policy on inclusive education (2017),' including children with disabilities. The Country Team urged the Government and international partners to 'ensure its effective implementation.'¹⁷⁰

Implementation and impact

Institutional responsibility for disability rights in Timor-Leste is distributed across several government entities. The Ministry of Social Solidarity and Inclusion (MSSI) serves as the primary government body responsible for safeguarding and advancing the rights of vulnerable population groups, including persons with disabilities, through social protection and inclusion policies. Within MSSI, the National Directorate for the Promotion of the Rights of Persons with Disabilities is specifically mandated to oversee the implementation of the Disability National Action Plan (2021–2030).¹⁷¹ It also coordinates with organisations of persons with disabilities (OPDs) and relevant ministries to monitor progress on the National Action Plan for

Persons with Disabilities. To strengthen cross-ministerial coordination, eleven line ministries and state secretariats have each appointed two disability focal points or 'disability ambassadors.'¹⁷² These representatives are tasked with ensuring that disability inclusion is mainstreamed into the policies, programs, and practices of their respective institutions.

The UN Country Team in cooperation with OPDs supported the government of Timor-Leste with the development of the Disability National Action Plan.

In addition to feeding information and policy ideas into the UN human rights mechanisms, in order to inform future recommendations, the UN Country Team in Timor-Leste has also played a vital role, in cooperation with the Government, in supporting the implementation of disability rights recommendations and frameworks in the country. This is mainly done through the UN Partnership on the Rights of Persons with Disabilities (UNPRPD) programme. Working closely with the Government, and the Association of People with Disability in Timor-Leste (ADTL), the UN Country Team has helped shift societal perceptions from charity-based approaches to rights-based empowerment, promoted inclusive policies and services, and strengthened public awareness about the rights of persons with disabilities. For example,

168 Committee Against Torture, Concluding observations on the initial report of Timor-Leste, 15 December 2017, CAT/C/TLS/CO/1. Available at: <https://docs.un.org/en/CAT/C/TLS/CO/1>

169 Human Rights Council, Compilation on Timor-Leste: Report of the United Nations High Commissioner for Human Rights, 2 November 2021, A/HRC/WG.6/40/TLS/2. Available at: <https://docs.un.org/en/A/HRC/WG.6/40/TLS/2>

170 Ibid.

171 RDTL, National Action Plan for People with Disabilities (DNAP) 2021-2030, 2022.

172 UNPRPD, 'Situational Analysis Of The Rights Of Persons With Disabilities Timor-Leste,' June 2024. Available at: https://unprpd.org/new/wp-content/uploads/2024/07/UNPRPD_CB_Timor-Leste20.pdf

the UN Country Team, working with OPDs, played a key role in supporting the Government (specially the MSSl) with the development of the Disability National Action Plan (2021–2030). Furthermore, bilateral donors such as Australia, the US, and the EU have also run projects to support civil society advocacy on the rights of persons with disabilities, and to strengthen relevant policy and institutional frameworks.¹⁷³

As noted above, in the years after 2008, UN human rights recommendations (including the first on the issue of disability rights – extended by the Committee on the Rights of the Child in 2008) mainly focused on calls for Timor-Leste to ratify the Convention on the Rights of Persons with Disabilities. This would eventually happen (along with ratification of the Convention’s optional protocol) in 2023. This step will bring important benefits in terms of regular independent monitoring of compliance with international disability rights standards, and in terms of expert advice on how to bring national laws, policies, and practices into closer alignment with the obligations set out in the Convention.

However, well before 2023, the focus of recommendations had shifted to also include concrete legal, policy, and institutional steps to strengthen the enjoyment of disability rights, even in the absence of ratification of this key treaty. What is more, those recommendations contributed to clear and discernible policy shifts.

For example, in 2012, Timor-Leste adopted the Government’s National Policy for Inclusion and Promotion of the Rights of People with Disabilities.¹⁷⁴ This paved the way for the development of the first Disability National Action Plan (DNAP) (2014–2018),¹⁷⁵ allowing for greater coordination between relevant government ministries and agencies, and for the mainstreaming of disability rights across government policy. These important steps were consistent with South Africa’s 2011 UPR recommendation to ‘finalise, as soon as possible, a national policy to implement the rights for persons with disabilities.’¹⁷⁶

The first Disability National Action Plan allowed for greater coordination and mainstreaming of disability rights across policies.

Notwithstanding, there were significant question marks over the degree to which the DNAP was bringing improvements to the lives and rights of persons with disabilities. This deficit was highlighted by the Committee on the Elimination of Discrimination against Women in its 2015 concluding observations, in which it noted that while Timor-Leste ‘has a national policy on the rights of people with disabilities [...], it is neither effectively implemented nor monitored.’¹⁷⁷ One year later, in 2016, during the State’s second UPR Review, Myanmar also drew attention to insufficient progress with the implementation of the DNAP, and urged the State to continue and accelerate efforts to ‘implement effectively the National Action Plan for Persons with Disabilities.’¹⁷⁸

173 Ibid.

174 RDTL, Government Resolution No. 14/2012 of May 9 Approving the National Policy for Inclusion and Promotion of the Rights of People with Disabilities.

175 Ministry of Social Solidarity, ‘National Action Plan for People with Disabilities 2014-2018,’ May 2012.

176 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Timor-Leste, 3 January 2012, A/HRC/19/17, rec. 77.6. Available at: <https://docs.un.org/en/A/HRC/19/17>

177 Committee on the Elimination of Discrimination Against Women, Concluding observations on the combined second and third periodic reports of Timor-Leste, 24 November 2015, CEDAW/C/TLS/CO/2-3. Available at: <https://docs.un.org/en/CEDAW/C/TLS/CO/2-3>

178 Human Rights Council, Report of the Working Group on the Universal Periodic Review, 28 December 2016, A/HRC/34/11, rec. 89.62. Available at: <https://docs.un.org/en/A/HRC/34/11>

Taking this and other guidance on board, Timor-Leste launched in 2021 a new Disability National Action Plan (2021–2030). The UN Country Team, working with OPDs, provided significant technical support to assist with the preparation of the new Action Plan.

Notwithstanding the adoption of the new DNAP, challenges remained with both the delivery of its objectives, and with independent and effective monitoring of that delivery as the MSSJ was responsible for both. The Committee on the Rights of Disabilities had drawn attention to this issue as far back as 2015. OPDs, citing concerns over oversight and transparency, had long pushed for the establishment of an independent national council on disability. Starting in 2016, the UN mechanisms also began to echo this call (e.g., UPR recommendations extended by Maldives, Canada, and Chile).

Consequently, in its 2021 national report to the UPR Working Group, Timor-Leste informed reviewing States that it was in the process of preparing a draft law for a National Council for Persons with Disabilities, which would be ‘responsible for supporting, monitoring and evaluating the implementation of the national policy for the inclusion and protection of persons with disabilities.’¹⁷⁹

Unfortunately, as of early-2026, the ‘Council has not yet been created due to delays in the consultation and legalisation processes.’¹⁸⁰

With the ratification of the Convention on the Rights of Persons with Disabilities in 2023, the need to gather accurate data on

the effectiveness of existing laws, institutional frameworks and policies relevant to the rights of persons with disabilities became more acute. This includes collecting information through the implementation of the national action plans, and, once established, the National Council for Persons with Disabilities, as well as data on the actual enjoyment of human rights of persons with disabilities so that gaps might be identified.

Starting in 2022, the Government, with the support of UN agencies and programmes (e.g., UNFPA, UNICEF, UNDP, and UN Women), and bilateral partners including the Australian Bureau of Statistics, published a series of in-depth thematic reports on disability.¹⁸¹ One goal of the reports was to gather accurate disaggregated data on the prevalence and characteristics of disabilities in Timor-Leste. This important step was taken inline with relevant UN human rights recommendations extended at the time, such as New Zealand’s 2022 UPR recommendation urging Timor-Leste to ‘improv[e] data collection relating to persons with disabilities’¹⁸² as a key step towards adopting an effective national plan for persons with disabilities.

One year later, in 2023, Timor-Leste took another important step to implement such recommendations, again in full cooperation with the UN Country Team. From March to August, the UN Country Team, and the UN Partnership on the Rights of Persons with Disabilities (PRPD), in coordination with relevant State entities, conducted a comprehensive situational analysis on the rights of persons with disabilities.¹⁸³

179 Human Rights Council, Report of the Working Group on the Universal Periodic Review, 28 December 2016, A/HRC/34/11, rec. 89.62. Available at: <https://docs.un.org/en/A/HRC/34/11>

180 UNPRPD, ‘Situational Analysis Of The Rights Of Persons With Disabilities Timor-Leste,’ June 2024. Available at: https://unprpd.org/new/wp-content/uploads/2024/07/UNPRPD_CB_Timor-Leste20.pdf

181 The Timor-Leste National Institute of Statistics, ‘Timor-Leste Population and Housing Census 2022, Thematic Report on Disability,’ September 2024. Available at: <https://inet-lip.gov.tl/2024/09/20/census-2022-thematic-report-on-disability>

182 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Timor-Leste, 4 April 2022, A/HRC/50/12, rec. 116.24. Available at: <https://docs.un.org/en/A/HRC/50/12>

183 UNPRPD, ‘Situational Analysis Of The Rights Of Persons With Disabilities Timor-Leste,’ June 2024. Available at: https://unprpd.org/new/wp-content/uploads/2024/07/UNPRPD_CB_Timor-Leste20.pdf

Their final report (published in 2024) notes that ‘many countries still struggle to transform the CRPD into concrete policies, systems, programmes and services that uphold the rights of persons with disabilities. It is urgent that governments and their implementation partners deliver on their SDG commitments through CRPD-compliant interventions. To support countries in the most catalytic way requires understanding the main bottlenecks and priorities in each country in relation to the fulfilment of the CRPD. We needed to know who the key stakeholders are, how implementation/monitoring mechanisms are functioning (or not), which capacities stakeholders may need to improve, and which ongoing development processes could be leveraged to become more disability inclusive.’¹⁸⁴

In particular, the situational analysis was designed to:¹⁸⁵

- **Inform** the design of future PRPD funded programmes in Timor-Leste and serve as a baseline for these programmes;
- **Identify** gaps in terms of disability inclusion in ongoing national processes and programmes;
- **Build** a base of mutual understanding and working relationships among UN entities, the Government, OPDs and other civil society organisations, as well as the private sector and academia, as the basis for future co-design of joint programmes;

- **Strengthen** the capacity of national stakeholders to more effectively implement the recommendations of the Committee on the Rights of Persons with Disabilities, as well as other UN human rights mechanisms, track progress, and measure impact; and
- **Serve** as an advocacy tool for OPDs and other civil society partners, both national and international.

Moreover, responding to *inter alia* Viet Nam’s 2022 UPR recommendation,¹⁸⁶ Timor-Leste has made some progress in allocating adequate budgetary resources to measures to strengthen the enjoyment of the rights of persons with disabilities, however, to-date this remains insufficient.

This gap has partly been bridged through disability-inclusive development projects funded by the UN (e.g., the ‘Empower for Change’ and ‘Empower for Inclusion’ projects), and by bilateral development partners (e.g., Australia’s ‘Partnership for Human Development’ project). These and other partners have also allocated resources to strengthen the capacity of OPDs.

Another example of constructive cooperation between the UN and the Government is in the area of children with disabilities. For example, UNICEF has worked with the Ministry of Education to integrate the rights of persons with disabilities into education policies and budgets. The project included

184 Ibid.

185 Ibid.

186 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Timor-Leste, 4 April 2022, A/HRC/50/12, rec. 116.187. Available at: <https://docs.un.org/en/A/HRC/50/12>

gender and disability inclusion training for school leaders, teachers, and mentors. UNICEF also worked with OPDs and the Government to publish nationwide 'Operational Guidance for the Rights to Participation of Adolescents and Youth with Disabilities in Timor-Leste.'¹⁸⁷

Finally, Timor-Leste, often with UN and bilateral support, has made significant progress in engaging civil society, particularly OPDs, in the State's 'review-implementation-reporting' cycle with the UN human rights mechanisms. Through this engagement, OPDs, and other civil society actors have been able, in turn, to increasingly influence Government policy.

For example, ahead of the 2022 third-cycle review of Timor-Leste by the UPR Working Group, a coalition of 18 Timorese NGOs submitted a joint stakeholder report highlighting implementation gaps and priority areas for action. Information and policy proposals in the joint report were subsequently included in the 'other national stakeholders' UPR input report shared with reviewing States.

187 UNICEF Timor-Leste, "Operational Guidance for the Rights to Participation of Adolescents and Youth with Disabilities in Timor-Leste," December 2022. Available at: <https://www.unicef.org/timorleste/reports/operational-guidance-rights-participation-adolescents-and-youth-disabilities>

Background

Around 70 million people live with some form of disability in Latin America.¹⁸⁸ Around 80 per cent of persons with disabilities of working age are unemployed.¹⁸⁹ In ensuring that employment is inclusive to persons with disabilities, and that significant barriers to their right to work can be successfully overcome, States may be guided by their obligations under international human rights law, including the Convention on the Rights of Persons with Disabilities (CRPD).

Peru ratified the CRPD and its Optional Protocol in 2008. Since then, Peru has worked to implement its obligations through new and amended laws and policies, and through improved practice. This includes the adoption in 2012 of a General Law on Persons with Disabilities designed to ensure the full participation of persons with disabilities in Peruvian society, including by promoting their right to employment and work. General Law No. 29973 includes an obligation for both public and private enterprises to meet certain quotas vis-à-vis the employment of persons with disabilities, and to reduce barriers for them to access employment by introducing reasonable accommodation for workers with disabilities.

Peru was also one of the first countries to carry out a statistical analysis on persons with disabilities (the *Encuesta Nacional Especializada sobre Discapacidad*, ENEDIS) – in 2012. According to data provided by ENEDIS, gathered by the Peruvian Institute for Statistics (INEI), over 3.2 million people in Peru have some form of disability, representing over 10 per cent of the population.¹⁹⁰

Persons with disabilities are affected by multisectoral and intersectional discriminations and disparities, including a higher risk of poverty due to barriers to their participation in the formal labour market. Slightly less than 40 per cent of persons with disabilities of working age in Peru are employed, far below the employment rate among the population without disabilities (62 per cent, as of 2017).¹⁹¹ What is more, nearly all persons with disabilities who are employed (87 per cent) work in the informal labour market (10 per cent more than persons living without disabilities), meaning their wages are lower and they receive no social protection.¹⁹²

Employment for persons with disabilities was further affected by the COVID-19 pandemic, after the Peruvian Government allowed

188 Pinilla-Roncancio, M. and Rodríguez Caicedo, N. (2022) 'Legislation on disability and employment: to what extent are employment rights guaranteed for persons with disabilities?' *International journal of environmental research and public health*, 19 (9), p.5654.

189 Ibid.

190 INEI, Primera Ecueta Nacional Especializada sobre discapacidad 2012, Lima, March 2014. Available at: https://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1171/ENEDIS%202012%20-%20COMPLETO.pdf

191 INEI, Perfil Sociodemográfico de la Población con Discapacidad, 2017, Lima, July 2019. Available at: https://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1675/libro.pdf

192 Mesa de Discapacidad y Derechos and allies on the implementation of the Convention on Rights of Persons with Disabilities in Peru (2023), Alternative Report. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCRPD%2FCSS%2FPER%2F51790&Lang=en

employers to suspend employment relationships with workers. Persons with disabilities were particularly badly affected by this decision and it enhanced the overall effects of the pandemic on persons with disabilities.

2021, the Economic Commission for Latin America and the Caribbean published a

report¹⁹³ on those impacts, highlighting the exclusion of persons with disabilities from the formal labour market (e.g., through forced reductions in working hours, redundancies, lack of access to workplaces, and related difficulties with teleworking).

Summary of engagement with the United Nations Human Rights System

- Peru is party to all nine core human rights treaties, including the CRPD (ratified in 2008, along with its Optional Protocol).
- Peru submitted its initial periodic report to the Committee on the Rights of Persons with Disabilities in 2010, and a combined second and third periodic report in 2018 (the Committee's concluding observations were published in 2023).
- Peru has undergone four reviews under the Universal Periodic Review (UPR) mechanism (in 2008, 2012, 2017, and 2023).
- Peru extended a standing invitation to Special Procedures in 2002, among the first forty countries to do so. Since 2002, Peru has completed 17 country missions by thematic mandate-holders. This includes the Working Group on discrimination against women and girls, in 2014, the International Expert on the rights of older persons, in 2024, and the Working Group on business and human rights, in 2017.

Summary of recommendations

Between 2012 and 2025, Peru received 207 recommendations focused on the rights of persons with disabilities. 159 recommendations were extended by Treaty Bodies (114 of which issued by the Committee on the Rights of Persons with Disabilities), 29 were extended by the UPR Working Group, and 19 by Special Procedures mandate-holders. Among the 207 total disability rights recommendations, only 18 were focused on employment rights and the right to work (9 per cent of all recommendations regarding persons with disabilities). Nevertheless, this is in line with the Latin America and Caribbean overall percentage of 7.9 per cent, and indeed the general trend for all regions (between 6.8 per cent and 10 per cent).

The issue of employment and right to work was a central concern of the Committee on the Rights of Persons with Disabilities in its first concluding observations on Peru published in 2012 (following the State party's 2010 review). From the very beginning, the Committee focused on the importance of developing 'new policies that promote the inclusion of persons with disabilities in the labour market.'¹⁹⁴ That same year (2012), the Committee on Economic, Social and

193 Economic Commission for Latin America and the Caribbean (20 January 2021) *Persons with disabilities and their rights In the COVID-19 pandemic: leaving no one behind*. Available at: <https://repositorio.cepal.org/server/api/core/bitstreams/6dc47b59-a123-4cd4-bdf2-eadd96db41dd/content>

194 Committee on the Rights of Persons with Disabilities, Concluding observations on the first periodic report of Peru, CRPD/C/PER/CO/1, 16 May 2012. Available at: <https://docs.un.org/en/CRPD/C/PER/CO/1>

Cultural Rights also recommended that Peru promote the employment of persons with disabilities, calling on the State party to 'ensure effective compliance by public institutions with the 3 per cent quota accorded to persons with disabilities.'¹⁹⁵

Despite the advancement of Peru's normative framework for persons with disabilities (see below), the employment rates and wage gaps for persons with disabilities, and the higher percentage of people working in the informal sector, especially women and girls with disabilities, has remained a consistent area of concern for the UN human rights mechanisms. Those mechanisms have regularly raised concern about discrimination, lack of reasonable accommodation, and social prejudice, as persistent barriers to the labour market.

The issue of employment and right to work was a central concern of the Committee on the Rights of Persons with Disabilities in its first concluding observations on Peru published in 2012.

For example, in its 2023 concluding observations, the Committee on the Rights of Persons with Disabilities recommended Peru to 'revise its strategy, in a coordinated manner, to adopt effective measures to promote the employment of persons with

disabilities in the formal labour market with clear incentives.'¹⁹⁶ In those same concluding observations, the Committee also took note of Peru's inability to fulfil employment quotas for persons with disabilities (which, in Peru, are set at 5 per cent of the workforce for public employment, and 3 per cent for private employment), and recommended that the State party 'enforce compliance with [the] legally established employment quota.'

The following year, the CRPD also addressed the exacerbation of discrimination and access to employment for women with disabilities and Peru's inability to fulfil employment quota in an observation.¹⁹⁷

Other Treaty Bodies, as well as the Universal Periodic Review working group, have also seized upon this issue. For example, in 2022, the Committee on the Elimination of Discrimination against Women recommended to the State party to establish hiring quotas specifically targeting women facing intersecting forms of discrimination to formal employment, including women with disabilities.¹⁹⁸ In an observation made in the report, the Committee highlighted the difficulties women with disabilities face in accessing the full enjoyment of all human rights, stressing that women and girls facing intersecting forms of discrimination, including being a bearer of a disability, and having limited access to employment, and the right to work. In a similar manner, during its fourth UPR review in 2023, Australia recommended that Peru 'continue its efforts to protect the rights of people living with a disability, and consider ways to increase job opportunities, [especially] for rural, women, and elderly people living with a disability.'¹⁹⁹

195 Committee on Economic, Social and Cultural Rights, Concluding observations on the joint second, third and fourth periodic reports of Peru, E/C.12/PER/CO/2-4, 30 May 2012. Available at: <https://docs.un.org/en/CRPD/C/PER/CO/2-3>

196 Committee on the Rights of Persons with Disabilities, Concluding observations on the combined second and third periodic reports of Peru, CRPD/C/PER/CO/2-3, 29 November 2023. Available at: <https://docs.un.org/en/CRPD/C/PER/CO/2-3>

197 *ibid.*

198 Committee on the Elimination of Discrimination against Women, Concluding observations on the ninth periodic report of Peru, 1 March 2022 CEDAW/C/PER/CO/9, Available at: <https://docs.un.org/en/CEDAW/C/PER/CO/9>

199 Human Rights Council, Report on the Working Group of the Universal Periodic Review: Peru, rec. 111.130, 5 April 2023, A/HRC/53/8. Available at: <https://docs.un.org/en/A/HRC/53/8>

Special Procedures have also focused on the right to work for persons with disabilities. For example in 2018, the Working Group on the issue of human rights and transnational corporations and other business enterprises welcomed ‘several innovative measures [...] taken with a view to improving the employment situation of persons with disabilities and addressing the workplace discrimination they suffer,’ noting that ‘only 15 per cent of them are employed, mainly because they lack the educational backgrounds sought by employers.’ Nevertheless, the Working Group recommended that Peru ‘promotes education and learning opportunities for persons with disabilities and take measures to facilitate their access to the labour market.’²⁰⁰

Five years later, the Committee on the Rights of Persons with Disabilities also drew attention to a lack of access to education and learning opportunities as a key driver of unequal access to the labour market. Specifically, the Committee (2023) expressed concern over ‘the wage gap between persons with disabilities and others’ and the ‘lack of inclusiveness and accessibility in educational and vocational training programmes.’ Consequently, members recommended that Peru ‘launch[es] an ongoing vocational education and training programme that provides guidance on employment for persons with disabilities.’²⁰¹ The same year, during Peru’s fourth UPR review, Viet Nam recommended that the reporting State ‘continue efforts to ensure the full inclusion in education of persons with disabilities, girls and women, and minorities,’ and Bangladesh recommended that Peru

‘continue efforts to ensure quality education for all, including persons with disabilities, girls and women, and minorities.’²⁰²

Another barrier to employment for persons with disabilities, identified by the UN human rights mechanisms, relates to social protection programmes, which might inadvertently prevent those with disabilities from accessing the labour market in Peru. For example, in its 2023 concluding observations, the Committee on the Rights of Persons with Disabilities recommended that the State ‘reform contributory and non-contributory social protection programmes,’ giving particular attention to ensure that ‘they do not reproduce inequality and that their eligibility criteria do not prevent persons with disabilities from entering the labour market.’²⁰³

A final cluster of relevant recommendations are those covering discrimination in law and in practice. For example, during its 2017 UPR review, Peru received a recommendation from Nicaragua on combating discrimination and intolerance against marginalised people, including persons with disabilities, ‘paying special attention to the structural elements of discrimination that may affect the effective exercise of rights,’ including the right to decent work.²⁰⁴

Later, in 2022, the issue of discrimination and its effects on the right to work was also taken into consideration by the Committee on Elimination of Discrimination against Women, which recommended that Peru ‘address intersecting

200 Human Rights Council, Report on the Working Group on the issue of human rights and transnational corporations and other business enterprises on its mission to Peru, 9 May 2018, A/HRC/38/48/Add.2. Available at: <https://docs.un.org/en/A/HRC/38/48/Add.2>

201 Human Rights Council, Report on the Working Group of the Universal Periodic Review: Peru, rec. 111.142, 5 April 2023, A/HRC/53/8, available at: <https://docs.un.org/en/A/HRC/53/8>

202 Committee on the Rights of Persons with Disabilities, Concluding observations on the combined second and third periodic reports of Peru, CRPD/C/PER/CO/2-3, 29 November 2023. Available at: <https://docs.un.org/en/CRPD/C/PER/CO/2-3>

203 Human Rights Council, Report of the Working Group of the Universal Periodic Review: Peru, rec. 111.25, 27 December 2017, A/HRC/37/8. Available at: <https://docs.un.org/en/A/HRC/37/8>

204 Committee on the Elimination of Discrimination against Women, concluding observations on the ninth periodic report of Peru, CEDAW/C/PER/CO/9, 1 March 2022, available at: <https://docs.un.org/en/CEDAW/C/PER/CO/9>

forms of discrimination against women and girls with disabilities and ensure their inclusion and enjoyment of all rights', including restriction on access to employment.²⁰⁵

Discrimination, including denial of reasonable accommodation, harassment, and inaccessible workplace, have been identified by the Committee on the Rights of Persons with Disabilities as affecting employment and right to work in its general comment No.8.²⁰⁶ As such, in 2023, the Committee recommended that Peru 'develop a comprehensive anti-discrimination framework for persons with disabilities,' including to ensure 'accessibility in work establishments, access to reasonable accommodation, and support.'²⁰⁷

Implementation and impact

Peru ratified the Convention on the Rights of Persons with Disabilities in 2008, and since expressed strong political commitment to eliminating all physical and attitudinal barriers limiting the full participation of persons with disabilities in Peruvian society. The Constitution of Peru (1993)²⁰⁸ addresses the importance of protecting all individuals and their rights, including persons with disabilities. "More specifically, article 7 states that individuals with physical or mental disabilities have the right to respect for their 'dignity and to a legal regime of protection, care, rehabilitation, and security,' while article 16 establishes equality in education for all individuals, including persons with disabilities. Article 23, meanwhile, states that promoting the right to work is a priority for the State, in the context of which it provides 'special protection for [...] persons with disabilities.'

Since 2008, Peru has expressed strong political commitment to eliminating all physical and attitudinal barriers limiting the full participation of persons with disabilities in Peruvian society.

The rights of persons with disabilities are well covered by national legislation. At the end of December 2012 (four years after ratifying the CRPD), Peru adopted law No. 29973 – the General Law on Persons with Disabilities.²⁰⁹ The Law aims to provide a foundational legal basis for the fulfilment of Peru's legal obligations under the Convention, and related international human rights instruments, in particular by promoting and protecting all the rights of persons with disabilities, by ensuring that they are treated well, and by protecting them from discrimination. Chapter 7 of the General Law is dedicated to the right to work and employment. For example, article 47 refers to the incorporation of persons with disabilities in vocational and training programmes, article 50 promotes the employment of all persons with disabilities, articles 53 and 56 refer to the employment quota in the public sector (5 per cent) and in the private sector (3 per cent), and article 57 refers to reasonable accommodation for persons with disabilities.

- 205 Committee on the Rights of Persons with Disabilities, General Comment No.8 (2022) on the right of persons with disabilities to work and employment, CRPD/C/GC/8, 7 October 2022. Available at: <https://docs.un.org/en/CRPD/C/GC/8>
- 206 Committee on the Rights of Persons with Disabilities, Concluding observations on the combined second and third periodic reports of Peru, CRPD/C/PER/CO/2-3, 29 November 2023. Available at: <https://docs.un.org/en/CRPD/C/PER/CO/2-3>
- 207 Presidencia de la República del Perú, Constitución Política del Perú de 1993, 17 September 2018. Available at: <https://cdn.www.gob.pe/uploads/document/file/198518/Constitucion.Politica.del.Peru.1993.pdf?v=1594239946>
- 208 Congreso de La Republica, Ley No. 29973, Ley General de la Persona Con Discapacidad, Lima, 24 December 2012. Available at: <https://www.leyes.congreso.gob.pe/documentos/leyes/29973.pdf>
- 209 Ministerio de Trabajo y Promoción del Empleo, Decreto Supremo que modifica el Reglamento de Organización y Funciones del Ministerio de Trabajo y Promoción del Empleo, Modif ROF DS 020-2017-TR, 17 February 2017, available at: https://cdn.www.gob.pe/uploads/document/file/458368/Modif_ROF_DS_020-2017-TR.pdf?v=1576618104; Ministerio de Trabajo y Promoción del Empleo, Resolución Ministerial No. 208-2019-TR, Lima, 27 December 2019. Available at: https://cdn.www.gob.pe/uploads/document/file/470844/doc04587420191231101351_compressed.pdf?v=1577805947

Furthermore, under the General Directorate for Employment Promotion, the Government of Peru has established a Directorate of Labor Promotion for Persons with Disabilities, which is entrusted with designing measures to promote employment opportunities for persons with disabilities, proposing guidelines for the eradication of discrimination in the workplace, promoting incentives to organisations that employ persons with disabilities and, generally, promoting employment opportunities on equal terms for persons with disabilities and facilitating their integration into the formal labour market.²¹⁰

Other institutions for the protection, promotion, and integration of persons with disabilities in Peru are also referred to in the General Law. Through article 72, for example, the Law establishes the National System for the Integration of Persons with Disabilities (SINAPEDIS), the functional system designed to guarantee the effective implementation of public policies on disability.²¹¹ The SINAPEDIS is a body dedicated to coordinating, organising, and integrating activities to ensure effective implementation of the General Law. The SINAPEDIS National Working Group was created to review policy progress, and coordinate government action.²¹²

Furthermore, article 73 states that a National Council for the Integration of Persons with Disabilities shall act as the governing body of SINAPEDIS. The *Consejo Nacional para la Integración de la Personas con Discapacidad* (CONADIS), which sits under the Ministry of Women and Vulnerable Peoples, oversees the recognition and protection of the rights

of persons with disabilities. The mission of the Council is to guarantee respect for the enjoyment of all rights of persons with disabilities, and ensure their effective integration as full members of society. The CONADIS is entrusted with formulating, planning, coordinating, evaluating, and monitoring national and sectoral disability policies to improve all aspects of the lives of persons with disabilities.²¹³

By 2024, 40 per cent of persons with disabilities were employed in Peru, representing an increase of 5 per cent since the COVID-19 pandemic.

Peru has also adopted different policies to ensure the integration of, and equal opportunities for, persons with disabilities. In 2008, the Equal Opportunities Plan for Persons with Disabilities for the period 2009–2018 was adopted with the intent of promoting and contributing to the improvement of the living situations of persons with disabilities through positive discrimination measures, and the expansion of existing services.²¹⁴ The Plan aims *inter alia* to ensure equal access to the labour market, raise awareness about persons with disabilities in the workplace, develop and promote labour regulations applicable to persons with disabilities, eradicate discrimination, and incentivise the employment of persons with disabilities in both the public and private sectors.

210 Plataforma del Estado Peruano, Sistema nacional para la Integración de la Persona con Discapacidad. Available at: <https://www.gob.pe/30724-sistema-nacional-para-la-integracion-de-la-persona-con-discapacidad-sinapedis>

211 Ministerio de la Mujer y Poblaciones Vulnerables, Consejo Nacional para la Integración de la Persona con Discapacidad, SINAPEDIS. Available at: <https://observatorio.conadisperu.gob.pe/capacitate/sinapedis>

212 Ministerio de la Mujer y Poblaciones Vulnerables, Consejo Nacional para la Integración de la Persona con Discapacidad, Available at: <https://www.gob.pe/institucion/conadis/institucional>

213 Ministerio de la Mujer y Desarrollo Social, Plan de Igualdad de Oportunidades para las Personas con Discapacidad 2009–2018, Lima, 22 December 2008, Decreto Supremo No. 007-2008-MIMDES, Available at: https://www.minedu.gob.pe/normatividad/decretos/ds_007-2008-mimdes.pdf

214 Ministerio de la Mujer y Poblaciones Vulnerables, Política Nacional Multisectorial en Discapacidad para el Desarrollo al 2030, Lima, 5 June 2021, Decreto Supremo No. 007-2021-MIMP. Available at: https://cdn.www.gob.pe/uploads/document/file/1933058/ds_007_2021_mimp.pdf?v=1623072792; Ministerio de la Mujer y Poblaciones Vulnerables, Consejo Nacional para la Integración de la Persona con Discapacidad, Nuestra Política. Available at: <https://observatorio.conadisperu.gob.pe/nuestra-politica>

Upon its conclusion, the Equal Opportunities Plan was followed by the National Multisectoral Policy on Disability for Development (PNMDD).²¹⁵ Today, the PNMDD provides the overarching government framework for promoting and protecting the rights of persons with disabilities, focusing in particular on structural discrimination and barriers to integration.

A second priority objective of the PNMDD is to guarantee the participation of all persons of working age, including persons with disabilities, independent of independent economic activities, with the goal of increasing the working population of persons with disabilities to 47.2 per cent by 2030.²¹⁶ By 2024, 40 per cent of persons with disabilities were employed in Peru, representing an increase of 5 per cent since the COVID-19 pandemic, which saw a rapid decline in employment rates for persons with disabilities.²¹⁷ In 2025, more than 13,000 persons with disabilities were part of the formal labour market.²¹⁸ The PNMDD has established three services and one institutional guideline to achieve its objectives:²¹⁹

1. Job training for persons with disabilities, focused on strengthening employability skills.
2. Guidance and support mechanisms for people with disabilities to facilitate their entry into the workforce.
3. Guidance and advice for persons with disabilities who intend to start their own business or already have one.

4. The creation of inclusive work environments in public administration entities.

Peru was among the first countries to launch a national statistical survey dedicated exclusively to persons with disabilities

Peru has also made progress with the implementation of UN recommendations related to vocational training and education. For example, in 2024, the Government launched its new *Programa Conjunto Fondo de las Naciones Unidas sobre los Derechos de las Personas con Discapacidad* (UNPRPD), (2024–2026), which aims to design vocational training programmes for persons with disabilities, and ensure that those programmes present a pathway to employment.²²⁰

Finally, as mentioned earlier, Peru was among the first countries to launch a national statistical survey dedicated exclusively to persons with disabilities through its statistics and information agency, INEI. This is crucial, given the importance of disaggregated data and impact measurement for policy design and reformulation. Unfortunately, however, and despite regular prompting by the UN human rights mechanisms (for example, the Committee on the Rights of Persons with Disabilities in 2023), no new surveys have been conducted since 2012.²²¹

215 Mujer y Poblaciones Vulnerables, Consejo Nacional para la Integración de la Persona con Discapacidad, *Nuestra Política OP2*, Available at: <https://observatorio.conadisperu.gob.pe/nuestra-politica/nuestra-politica-op2>

216 Mujer y Poblaciones Vulnerables, Consejo Nacional para la Integración de la Persona con Discapacidad, *Discapacidad en cifras*, Available at: <https://observatorio.conadisperu.gob.pe/discapacidad-en-cifras/>.

217 Ministerio de Trabajo y Promoción de Empleo, MTPE impulsa inclusión laboral: más de 13 mil personas con discapacidad accedieron a empleo formal, 16 October 2025. Available at: <https://www.gob.pe/institucion/mtpe/noticias/1265374-mtpe-impulsa-inclusion-laboral-mas-de-13-mil-personas-con-discapacidad-accedieron-a-empleo-formal>

218 Ministerio de la Mujer y Poblaciones Vulnerables, Consejo Nacional para la integración de la Persona con Discapacidad, *Política Nacional Multisectorial en Discapacidad para el Desarrollo al 2030*, 2021. Available at: <https://cdn.www.gob.pe/uploads/document/file/2043068/PNMDD%20-%20Resumen%20Ejecutivo-CONADIS.pdf.pdf?v=1627424236>

219 UNESCO, *Terminos de Referencia, Implementación del programa conjunto para la promoción de los derechos de las personas con discapacidad* (UNPRPF), RFP-352-2024/ED/LIM, Lima, 2024. Available at: https://articles.unesco.org/sites/default/files/medias/fichiers/2024/10/RFP_352_Anexo%20III_TDR%20Implementacion.pdf

220 Committee on the Rights of Persons with Disabilities, *Concluding observations on the combined second and third periodic reports of Peru*, CRPD/C/PER/CO/2-3, 29 November 2023, Available at: <https://docs.un.org/en/CRPD/C/PER/CO/2-3>

221 *ibid.*

CONCLUSIONS AND RECOMMENDATIONS



As recounted in chapter 1 of this report, the international community has invested enormous time and energy in building the international human rights system over the past 80 years. Yet, for as long as the system has existed, commentators have questioned the degree to which it is capable of, and is succeeding in, securing real-world change – i.e., demonstrable improvements in the enjoyment of human rights at national level.

This report, which builds on earlier projects (conducted by UNICEF, UNFPA, UNEP, UN Women, and URG), looking at the implementation of *inter alia* children's rights, SRHR, environmental rights, and women's rights recommendations, represents an important contribution to document and advance the implementation of disability rights recommendations at country level (by identifying and building on existing good practices), while also helping to address areas of potential neglect. Regarding the latter point, the six country case studies presented in the report show that the UN human rights compliance mechanisms, complemented by the wider UN system (including the UNPRPD), have had, and continue to have, a clear and traceable impact on the domestic enjoyment of human rights, in this case the rights of persons with disabilities. Notwithstanding, and as recounted further below, significant challenges and implementation gaps remain. These appear far more acute, in the case of the rights of persons with disabilities, than is the case with other group rights, such as the rights of women, or the rights of children (i.e., areas for which dedicated UN agencies exist to support implementation).

Each case study presents examples of how States' reports, complemented by civil society (and in some case UN Country Teams') alternative reports, have been able to exert significant influence on the analyses and recommendations of the three main human rights mechanisms; how those recommendations have in-turn influenced (and in many cases, shaped) States' laws, policies and

practices in the fields concerned; how the UN and bilateral development partners have been able to work with States to support domestic implementation as well as the measurement of change/impact; and, finally, how information on progress has been fed back into the review–implementation–reporting cycle via periodic national and alternative reports to the mechanisms.

For example, and in response to UN human rights recommendations urging Australia to ensure the participation of persons with disabilities in national policy-legislative planning and delivery, the Government adopted (2021) its new Australia Disability Strategy (ADS), including an 'Engagement Plan' designed to ensure that persons with disabilities, including women and children, are consulted and involved throughout the process of implementing the ADS, as well as in monitoring and assessing its impact on their rights. Australia also established a Disability Advisory Council, which consults OPDs and provides advice to the Government and states on how to strengthen the delivery of the Strategy. Linked with this, Australia has also established a 'Disability Representative Organisations' programme.

In Peru, in 2012 (four years after ratifying the CRPD), and guided by UN human rights recommendations, the Government adopted law No. 29973 – the General Law on Persons with Disabilities. To direct the law's implementation, Peru launched a series of plans, notably the National Multisectoral Policy on Disability for Development (until 2030). These and other laws and policies have led, *inter alia*, to significant improvements in the integration of persons with disabilities into the formal labour force.

The Jordanian case study shows the significant potential of UN Country Teams. Where engaged, they help States design policies and laws to realise their obligations under international human rights law (especially the CRPD), especially with additional support

provided by bilateral donors (in the case of Jordan, especially Ireland, Australia, and the EU). With this support, Jordan was able to establish a Higher Council for the Rights of Persons with Disabilities (HCD), in 2011 (three years after ratifying the CRPD) and amended its Constitution to strengthen disability rights provisions. In 2017, again guided by UN human rights recommendations, Jordan adopted a revised Law on the Rights of Persons with Disabilities (Law no. 20, 2017). As part of that revision, the Higher Council for the Affairs of Persons with Disabilities was replaced by a stronger Higher Council for the Rights of Persons with Disabilities (HCD). In another example of the importance of UN and bilateral donor support, in 2022, with support from UNICEF and the Government of Australia, Jordan adopted a new 'Child Rights Law,' which contained numerous, strong provisions on violence against children, including those with disabilities, as well as many other provisions on the rights of children with disabilities.

Timor-Leste similarly shows the importance of international technical assistance and capacity-building support in order to help developing countries implement UN recommendations on the rights of persons with disabilities – which can often be challenging. For example, the UN Partnership on the Rights of Persons with Disabilities (UNPRPD) programme in cooperation with the Government has helped shift societal perceptions from charity-based approaches to rights-based empowerment, promotes inclusive policies and services, and strengthens public awareness about the rights of persons with disabilities. The UN Country Team, working with OPDs, also played a key role in supporting the Government with the development of the Disability National Action Plan (2021–2030). Further, bilateral donors such as Australia, the US, and the EU have also run projects to support civil society advocacy on the rights of persons with disabilities, and to strengthen relevant policy and institutional frameworks.

Notwithstanding these examples of progress and impact, the analyses and case studies show that in many cases, legal and policy changes have been insufficient, and, in many cases, implementation has fallen behind. Such concerns have been repeatedly raised, for example, by Kenyan civil society, including OPDs, such as those represented under the 'United Disabled Persons of Kenya,' and the 'Caucus on Disability Rights Advocacy.' For example, they note that the process of repealing/replacing the 2003 Persons with Disabilities Act, 'which has been going on since 2009 has been [repeatedly] delayed.' Insufficient national resources have been set aside to support implementation of the CRPD through national laws and policies, especially at county-level. And that notwithstanding the 2010 Constitution's provisions on access to public services, including healthcare, 'persons with disabilities routinely experience challenges in accessing public services due to various environmental, attitudinal, and institutional barriers.' OPDs have also criticised persistent delays to the finalisation and adoption of the National Disability Policy (which the Government began developing in 2016). The foregoing demonstrates that effective national implementation is contingent on political will in the recipient State, and is further reinforced by strong UNCT and bilateral donor support.

Elsewhere, for example in Jordan and Timor-Leste, the case studies show that, even where such support exists (e.g., UNCT support), it is often mainly focused on data collection, and building awareness or changing perceptions in society. While important, developing States covered in this study appear to have received inadequate assistance in drafting – and, especially, in securing the implementation of – national laws in the area of the rights of persons with disabilities.

In particular, the case studies appear to suggest that the absence of a dedicated UN agency or programme for persons with disabilities has meant that both the quantity and quality of recommendations on the rights of persons with disabilities, as well as levels of implementation of those recommendations, is somewhat reduced.

In most of the case studies it is clear that the UN mechanisms are reliant on independent information provided by OPDs and other civil society actors (via alternative reports). What is more, the absence of a dedicated agency or programme also often results in a relative lack of disaggregated data on the situation of persons with disabilities.

Crucially, the case studies also demonstrate that UN support for the implementation of the CRPD, and relevant UN mechanism recommendations, is less systematic for the rights of persons with disabilities than it is for other vulnerable or marginalised groups (e.g., women and children). This report shows that such support tends to be limited to cases where disability rights intersect with other group rights (for example, UNICEF's support for children with disabilities, including their right to education).

A final point on UN support for effective national reporting and for the implementation of resulting recommendations extended by the human rights mechanisms, is that addressing this situation does not necessarily require a new UN entity dedicated to the rights of persons with disabilities. Instead, especially in the current political and financial climate, the UN Secretary-General and Member States may consider giving explicit leadership on this issue to an existing UN agency or programme. For example, in the context of the UN80 reforms, there are ongoing discussions about the mandates of UN Women and UNFPA, including whether to merge the two entities. Perhaps one option would be for women's and girls' rights issues to be the sole purview of UN Women, while

UNFPA, which is after all the UN's 'Population Fund,' to be given responsibility – in addition to sexual and reproductive health and rights – for promoting and protecting the rights of all those population groups not explicitly covered by, for example, UNICEF (children) and UN Women (women and girls), including persons with disabilities. In that regard, it may also be relevant to reflect on synergies with the UN Department of Economic and Social Affairs's division on social development, which includes units on indigenous persons, persons with disabilities, older persons, and youth.

In addition to these broad conclusions, the research presented in this report also reveals several other points with implications for the credibility and effectiveness of the United Nations human rights system:

- A central reason why the system works is that it is premised on the **full involvement and engagement of States** – the primary human rights duty-bearers. It is States themselves that sign and ratify the treaties and that submit periodic reports on compliance. Likewise, it is States that submit national reports to, and appear before, the UPR Working Group and Treaty Bodies, and that solicit and welcome visits by Special Rapporteurs. This is important, as it means that States feel ownership of the process, have a stake in its success and are more likely to implement the mechanisms' recommendations than would otherwise be the case.
- For this reason, the case studies presented in this report underscore the importance of **close cooperation between UNCTs and governments**, especially with relevant line ministries (e.g., UNICEF's cooperation with the Ministry of Education in Montenegro). At one level, this means integrating UN human rights recommendations into UNSDCFs and Country Programming Documents (CPDs), but at another level, close cooperation can lead to recommendations being taken up in relevant laws,

policies and national action plans. Where this happens, it opens the possibility of the UN human rights system having a significant impact on the enjoyment of human rights in the country concerned.

- This basic point also holds true for socially or **culturally sensitive topics** in a given national context. Here, because the work of the United Nations human rights mechanisms is based on cooperation with States themselves (including the State's own reports and its dialogue with Treaty Bodies or the UPR Working Group), the output of those mechanisms (recommendations) can have a powerful influence on national policies and practices.
 - Linked with this, it is important to understand **governments not as unitary entities**, but as a function of different 'moving parts' with different interests and priorities. In other words, even if the government as a whole may be unwilling or unable to implement certain recommendations on the grounds that they touch on culturally or socially sensitive issues, individual ministries may be open to cooperate, or, for example, individual parliamentarians.
 - Where possible, implementation should be seen and pursued as a **democratic rather than a bureaucratic process**, involving parliamentarians, judges, NHRIs, OPDs, and civil society.
 - In this sense, **OPDs can be and often are a powerful agents of change** – both in terms of informing the work of the UN human rights mechanisms, and in terms of pressing and working with the Government to implement those recommendations. OPDs should therefore be consulted and involved in all policy development and roll-out in the area of disability rights.
- Real **human rights change** does not happen overnight. It takes time and is usually based on taking **incremental steps** towards a final objective. The issue of legal and institutional frameworks in Timor-Leste offers a case in point.
 - In addition to domestic stakeholders, the case studies in this report (especially those covering Montenegro and Timor-Leste) reveal the benefits of OPDs, and country offices of United Nations agencies and programs, working with **bilateral donors** present in the country to, for example, promote the integration of children with disabilities in schools (e.g., through sport), or strengthening national statistical authorities.
 - This report also demonstrates the importance of **engaging with all the United Nations human rights mechanisms** (i.e., all relevant Treaty Bodies, Special Procedures mandates, and the UPR), as well as the importance of engaging with **each stage of the review-implementation-reporting cycle**, on a perpetual basis. Regarding the first point, the case studies in this report show that the different mechanisms are complementary and mutually reinforcing. Where States – supported by relevant UN agencies – engage with several different mechanisms on a given subject, those mechanisms tend to share information and analysis, and provide stronger recommendations.

- That said, **each of the mechanisms has different strengths** (and weaknesses). Treaty Body recommendations, being based on a State's human rights obligations, carry greater legal weight, and tend to be more detailed and nuanced. Special Procedures recommendations, being based on country visits (including meetings with government ministers, parliamentarians, and NGOs), tend to be more politically realistic and astute. Meanwhile, UPR recommendations, which are a function of intergovernmental dialogue, tend to carry more political weight.
- Linked with the above points, this study illustrates the **value of generating more and better recommendations** from the mechanisms to States. The quantitative analyses and case studies presented in the report show positive trends in this regard. However, more needs to be done. For example, more reviewing States in the UPR Working Group (and from all regions) should consider extending disability rights recommendations to States-under-review.
- Even where the UN human rights mechanisms have already been active on a given disability rights concern, UN (and national civil society) engagement with a State's periodic reporting processes (for Treaty Bodies or UPR) can have a significant impact on the precision and utility of recommendations – helping, in effect, to **'sharpen' recommendations** by tailoring them to the evolving national context.
- The case studies in this report (e.g., Jordan) suggest that an increasingly effective strategy for UN agencies and programs, as well as national civil society organisations, is to use reporting to Treaty Bodies to influence the content of **'lists of issues prior to reporting.'** These list of issues inform States Parties' dialogues with Treaty Bodies, and can be used to focus those dialogues on, for example, State progress with the implementation of previous recommendations, or new policy ideas to further strengthen implementation.
- The review-implementation-reporting cycle is **ongoing and permanent.** Efforts of government ministries and/or OPDs and civil society, supported by the UNCT, do not stop with the adoption of a new law, but must continue so as to ensure that the law is implemented, and to ensure that progress is not reversed.
- The case studies also showcase the value of **continuously tracking and measuring implementation** of UN human rights recommendations, to accurately report back to the mechanisms, and inform future recommendations.
- Linked with this point (i.e., tracking implementation to inform further recommendations) a number of the case studies highlight the importance of **data collection.** At the outset, to assess the scale and nature of a given human rights challenge, then to feed that information into the mechanisms, and to inform relevant United Nations strategies and plans as well as to evaluate the impacts of human rights implementation measures on the enjoyment of human rights – and in-so-doing inform further interventions.

ANNEX 1

Methodology for country case studies



Based on an analysis of Special Procedures, Treaty Body, and UPR periodic reports, outcome reports, and recommendations to the States concerned, as well as relevant UNDAFs, UNSDCF, CCAs, UNFPA reports, plans and other documentation, and using the theoretical framework of the review–implementation–reporting cycle with its three phases, the analysis covers:

1. The States' national reports to the UPR and relevant Treaty Bodies, as well as OPD/civil society and/or UNCTs so-called shadow reports to these mechanisms (when available). These reports are further complemented by shadow reports submitted to the mechanisms by NHRIs. Taken together these reports provide comprehensive (and objective) information on the contemporary situation of the rights of persons with disabilities in the country concerned, and on the degree to which recommendations issued during previous reviews have been implemented by the State.
2. The degree to which OPD/civil society and UN Country Team engagement with the mechanisms, e.g., the submission of shadow reports, briefings to the mechanisms, and or support to civil society organisations participating in the review process, have influenced the mechanisms' reviews of domestic compliance and progress, and therefore the recommendations that were issued to the State-under-Review (i.e. how closely those recommendations match the country-specific information, needs assessments and proposals presented by independent sources).
3. The level of support provided by UN Country Teams and bilateral development partners to the States concerned to help them implement specific recommendations, and thereby strengthen the enjoyment of human rights at the domestic level. This might be direct support to the government (e.g., capacity building, consultancies, assistance with development of guidelines and national action plans) or indirect support via cooperation with other relevant stakeholders, for example, parliamentarians, civil society organisations, or the media.
4. The impact of implementation measures (e.g., new policies, laws, practices) and the support provided by the UN and bilateral partners in that regard, on human rights, based on the degree to which progress could be tracked and measured (i.e., data).

ACRONYMS AND ABBREVIATIONS



ACRONYMS AND ABBREVIATIONS

ABS	Australian Bureau of Statistics
ADS	Australia Disability Strategy
ADTL	Association of People with Disability in Timor-Leste
AIDS	Acquired Immune Deficiency Syndrome
AIHW	Australian Institute of Health and Welfare
CAT	Convention against Torture
CBR	Community-Based Rehabilitation
CCA	Common Country Assessment
CCPR	International Covenant on Civil and Political Rights
CED	Convention for the Protection of All Persons from Enforced Disappearance
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of Racial Discrimination
CESCR	International Covenant on Economic, Social and Cultural Rights
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of their Families
CONADIS	Consejo Nacional para la Integración de la Persona con Discapacidad
COVID	Corona Virus Disease
CPD	Country Programme Document
CRPD	Convention on the Rights of Persons with Disabilities
CRC	Convention on the Rights of the Child
CRC-OP-AC	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
CRC-OP-SC	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
DNAP	Disability National Action Plan
DSS	Department of Social Services
ENEDIS	Encuesta Nacional Especializada sobre Discapacidad
EOSG	Executive Office of the Secretary-General
EU	European Union

GA	UN General Assembly
GBV	Gender-Based Violence
HCD	Higher Council for the Rights of Persons with Disabilities
HIV	Human Immunodeficiency Virus
HRC	UN Human Rights Council
IDA	International Disability Alliance
IDEP	Individual Development-Education Programme
IDDC	International Disability and Development Consortium
IE	Independent Expert
ILO	International Labour Organization
INEI	Instituto Nacional de Estadística e Informática
IPA	Instrument for Pre-Accession Assistance
KAS	Konrad-Adenauer-Stiftung
LCIF	Lions Club International Foundation
MDAC	Mental Disability Advocacy Centre
MESI	Ministry of Education, Science and Innovation
MDAC	Mental Disability Advocacy Centre
MESCS	Ministry of Education, Science, Culture and Sports
MGF	Marrakech Guidance Framework
MPTF	Multi-Partner Trust Fund
MSSI	Ministry of Social Solidarity and Inclusion
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme
NGO	Non-governmental organization
NHRI	National human rights institution
NMIRF	National mechanism for implementation, reporting and follow-up
PNMDD	Política Nacional Multisectorial en Discapacidad para el Desarrollo al 2030
PRPD	Partnership on the Rights of Persons with Disabilities
OHCHR	Office of the High Commissioner for Human Rights
OPD	Organisation of Persons with Disabilities

RC	Resource Centre
SDG	Sustainable Development Goals
SINAPEDIS	Sistema Nacional para la Integración de la Persona con Discapacidad
SPT	Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
SR	Special Rapporteur
SRHR	Sexual and reproductive health and rights
TAP	Targeted Action Plan
UN	United Nations
UNCT	United Nations Country Team
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNSDCF	United Nations Sustainable Development Cooperation Framework
UNPRPD	United Nations Partnership on the Rights of Persons with Disabilities
UPR	Universal Periodic Review
URG	Universal Rights Group
WG	Working Group
WHO	World Health Organization

