



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### Concluding observations on the initial report of Luxembourg\*\*

#### I. Introduction

1. The Committee considered the initial report of Luxembourg (CRPD/C/LUX/1) at its 346th and 347th meetings, held on 22 and 23 August 2017, respectively (CRPD/C/SR.346 and CRPD/C/SR.347), and adopted the following concluding observations at its 354th and 356th meetings, held on 28 and 29 August 2017, respectively.
2. The Committee welcomes the initial report of Luxembourg, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for the written replies (CRPD/C/LUX/Q/1/Add.1) to the list of issues prepared by the Committee (CRPD/C/LUX/Q/1).
3. The Committee appreciates the constructive dialogue held with the large high-level delegation, which included delegates from various ministries and provided further clarifications to the questions posed orally by the Committee. It also acknowledges the additional written information provided to the Committee.

#### II. Positive aspects

4. The Committee takes note of the State party's commitment, as expressed by its delegation, to instigate a reform to its legal framework, including the Constitution, accessibility laws and laws regarding legal capacity, with a view to aligning them with the Convention, and encourages the State party to expedite efforts in that regard.
5. The Committee welcomes the State party's:
  - (a) Initiative for formulating a strategy for the implementation of the Sustainable Development Goals;
  - (b) Endorsement of the Charter on Inclusion of Persons with Disabilities in Humanitarian Action;
  - (c) Endorsement of the Sendai Framework for Disaster Risk Reduction 2015-2030;
  - (d) High levels of development cooperation, including financial aid to non-governmental organizations related to disability rights and efforts to mainstream disability in its humanitarian action.

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\* Reissued for technical reasons on 23 October 2017.

\*\* Adopted by the Committee at its eighteenth session (14-31 August 2017).



### III. Principal areas of concern and recommendations

#### A. General principles and obligations (arts. 1-4)

6. The Committee is concerned that disability continues to be defined in laws, policies and practices using a medical approach. It is also concerned that the different assessment criteria for the eligibility of services continue to focus on the degree of impairment of persons and result in exclusion, particularly of persons with psychosocial or intellectual disabilities. It is further concerned that the national plan of action to implement the Convention comes to an end in 2017 despite the lack of implementation of some of its foreseen measures.

**7. The Committee recommends that the State party revise and amend all laws, policies and practices relating to the provision of services in accordance with the principles enshrined in the Convention, and that it establish criteria, for both social protection measures and access to services, in line with the human rights model of disability. It also recommends that the State party expedite the implementation of the national plan of action.**

8. The Committee is concerned about the lack of a permanent coordinating mechanism equipped with sufficient human and financial resources to ensure coherence in the implementation of the Convention. It is also concerned about the lack of systematic consultations with persons with disabilities through their representative organizations, in the development of policies and decisions that affect them directly.

**9. The Committee recommends that the State party take measures to increase cooperation and coherence on matters related to disability, that it establish a systematic mechanism to effectively and meaningfully consult with persons with disabilities through their representative organizations in the development of all laws, policies and programmes, and that it ensure that a broad range of persons with disabilities, through their representative organizations, participate meaningfully in an inclusive and accessible manner in public decision-making processes that affect them.**

#### B. Specific rights (arts. 5-30)

##### Equality and non-discrimination (art. 5)

10. The Committee is concerned that national legislation lacks a definition of reasonable accommodation in fields other than employment and education. It is also concerned that, apart from the education field, the law does not include an explicit recognition that the denial of reasonable accommodation constitutes disability-based discrimination. The Committee is concerned that other fields, such as employment and accessibility to information and communications technology, lack the enforceable legal provisions to sanction the denial of reasonable accommodation or, alternatively, the enforcement of legal provisions depends on the goodwill of officials and available resources.

**11. The Committee recommends that the State party expedite the adoption of a definition of reasonable accommodation aligned with the Convention and enact legislation that explicitly recognizes and sanctions the denial of reasonable accommodation as disability-based discrimination across all areas of life, including within the public and private sectors. It also recommends that the State party set up appropriate monitoring mechanisms to ensure compliance with legislative and other policy measures relating to the denial of reasonable accommodation, including an effective complaint mechanism and appropriate remedies in the event of non-compliance.**

12. The Committee notes with concern that the institutions responsible for the monitoring of discrimination, including the Consultative Council of Human Rights and the Centre for Equal Treatment, lack the requisite legal jurisdiction to deal with complaints relating to discrimination, particularly multiple discrimination or discrimination in the private sector, or the power to remedy complaints. It is also concerned by the insufficient

resources to carry out their mandates, including effective sanctions and remedies. It is further concerned by the absence of cases of discrimination on grounds of disability, which could be partly explained by the lack of awareness by persons with disabilities of existing mechanisms to defend their rights.

**13. The Committee recommends that the State party take into account article 5 of the Convention while implementing targets 10.2 and 10.3 of the Sustainable Development Goals, and that it:**

**(a) Enact appropriate legislation and policies providing the relevant entities with the requisite legal powers to enable them to effectively monitor discrimination, including multiple and intersectional discrimination, and in the private sector;**

**(b) Ensure sufficient human and financial resources and the necessary powers so that they can remedy complaints of disability-based discrimination in a timely and cost-effective manner;**

**(c) Ensure persons with disabilities have information on lodging complaints and seeking remedies;**

**(d) Establish an accurate system of data collection with regard to the number of complaints received and dealt with by the institutions tasked with monitoring discrimination.**

#### **Women with disabilities (art. 6)**

14. The Committee is concerned about the absence of reliable disaggregated data to better understand the human rights situation of women and girls with disabilities. It is concerned about the multiple and intersectional discrimination that women with disabilities face; that women and girls with disabilities are not systematically mainstreamed in the gender equality agenda and disability agenda; and by the inadequacy of programmes for the advancement, development and empowerment of women and girls with disabilities.

**15. With reference to its general comment No. 3 (2016) on women and girls with disabilities, and in view of targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, the Committee recommends that the State party strengthen data collection and publication of the human rights situation of women and girls with disabilities with a view to developing the appropriate policies to combat discrimination. It also recommends that the State party mainstream gender in disability policies and mainstream disability in gender policies, and establish programmes in accordance with article 6 (2) of the Convention. It also recommends that all measures be undertaken in close consultation with women and girls with disabilities and their representative organizations.**

#### **Children with disabilities (art. 7)**

16. The Committee is concerned that some children with disabilities, particularly those with high support requirements, may not have lived with their families or have the access to education and other services within the community, on an equal basis with others, and may sometimes live in residential institutions abroad. It is also concerned that children with disabilities do not participate systematically in decision-making that affects their lives and that they lack opportunities to express their opinion on matters pertaining to them directly, including administrative and judicial procedures.

**17. The Committee recommends that the State party:**

**(a) Adopt measures to appropriately respond to the requirements of children with disabilities at the local, regional and national levels and ensure the equal rights of children with disabilities to life with their families, and have access to education and other services within the community;**

**(b) Adopt measures to fulfil the right of children with disabilities to be consulted on all matters that affect them, and to guarantee that they have disability- and age-appropriate support to realize that right, including in judicial and administrative procedures.**

**Awareness-raising (art. 8)**

18. The Committee is concerned about the lack of awareness about the Convention and the rights of persons with disabilities among the general public. It is also concerned about the lack of systematic public awareness efforts, including campaigns, to promote the human rights of persons with disabilities, and that persons with disabilities, through their representative organizations, are rarely involved. It is also concerned that negative stereotypes of persons with disabilities persist in the media.

**19. The Committee recommends that, in close collaboration with persons with disabilities, including persons with intellectual and/or psychosocial disabilities, through their representative organizations, the State party:**

(a) **Adopt measures to develop, national awareness-raising campaigns targeting, among others, public authorities, private sector service providers, and the general public, to systematically raise public awareness of the rights of persons with disabilities, the Convention and its Optional Protocol;**

(b) **Train media professionals about the importance of portraying the positive contributions made by persons with disabilities;**

(c) **Periodically review and evaluate the impact of any awareness-raising efforts.**

**Accessibility (art. 9)**

20. The Committee is concerned that:

(a) The legal framework on accessibility is not in conformity with the obligations under the Convention and that accessibility guidelines and standards are not mandatory;

(b) Public transport services, including accessible transport services catering to persons with disabilities, are insufficient;

(c) There is a lack of accessible information and communications for persons with psychosocial and/or intellectual disabilities.

**21. The Committee recommends that the State party pay attention to the link between article 9 of the Convention and targets 9 (c), 11.2 and 11.7 of the Sustainable Development Goals and, in line with its general comment No. 2 (2014) on accessibility:**

(a) **Introduce legislation and policy measures on accessibility in line with the Convention, with appropriate enforcement mechanisms, including public and private buildings, access to emergency services, public transport and infrastructure;**

(b) **Ensure that information and communications, including information and communication technologies, are accessible to persons with disabilities, on an equal basis with others;**

(c) **Invest in the promotion of Easy Read and plain language, augmentative and other alternative formats, including sign language and Braille.**

**Situations of risk and humanitarian emergencies (art. 11)**

22. The Committee is concerned about the lack of information about training for personnel of emergency services on the rights of persons with disabilities. It is also concerned about the lack of information on access to appropriate processing facilities and mental health support, including counselling, for asylum seekers and refugees with disabilities arriving in the State party, especially those with psychosocial disabilities.

**23. The Committee recommends that the State party train emergency services personnel on the rights of persons with disabilities. It also recommends that the State party ensure that asylum seekers and refugees with disabilities arriving in the State party have access to facilities on an equal basis with others, beyond physical accessibility, and that persons with psychosocial disabilities have access to appropriate support and rehabilitation.**

**Equal recognition before the law (art. 12)**

24. The Committee notes with concern the discriminatory legal provisions still in place, such as article 490 and Chapter III of the Civil Code and the Guardianship Act of 1982 providing for substitute decision-making regimes. It is concerned by the lack of disaggregated data on the number of persons with disabilities still deprived of their legal capacity and subject to substitute decision-making regimes.

25. **Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee recommends that the State party, in close cooperation with persons with disabilities, through their representative organizations:**

(a) **Repeal and/or amend all discriminatory legal provisions, including article 490 and Chapter III of the Civil Code and the Guardianship Act of 1982, with a view to abolishing substitute decision-making regimes;**

(b) **Restore the full legal capacity of all persons with disabilities and review its guardianship system;**

(c) **Introduce supported decision-making mechanisms that respect the autonomy, will and preferences of persons with disabilities, such as the mechanism of “person of trust” currently existing in the health sector for persons not denied legal capacity;**

(d) **Improve data collection and disaggregation about persons who are still under substituted decision-making regimes, with a view to improving public policies;**

(e) **Adopt professional quality standards for supported decision-making mechanisms;**

(f) **Together with persons with disabilities, particularly persons with psychosocial and/or intellectual disabilities, through their representative organizations, develop and carry out training to all relevant actors at the national and local levels, including civil servants, judges, social workers, health and social services professionals and the wider community on the recognition of the legal capacity of persons with disabilities and on supported decision-making.**

**Access to justice (art. 13)**

26. The Committee is concerned about the lack of information on specific measures and protocols to remove barriers to access to justice and to provide procedural and gender- and age-appropriate accommodation in judicial proceedings for persons with disabilities, including written information and communications that consider the multilingual reality of the State party. It is also concerned about the lack of sufficient systematic and continuous training to members of the judiciary, members of the legal profession, prosecutors and prison officers with regard to the equal rights of persons with disabilities and human rights in general.

27. **The Committee recommends that the State party take into account the multilingual reality of the State party and:**

(a) **Enact appropriate legislation to ensure the removal of barriers to access to justice and to guarantee the provision of procedural and gender- and age-appropriate accommodations based on the free choice and preference of persons with disabilities, and establish related safeguards to enable the participation of persons with disabilities in all legal proceedings on an equal basis with others;**

(b) **Provide mandatory and ongoing capacity-building programmes, including training, on the provisions of the Convention for law enforcement personnel, members of the judiciary and members of the legal profession;**

(c) **Take measures to address the underrepresentation of persons with disabilities in the legal profession;**

(d) **Adopt measures to increase the legal awareness of persons with disabilities;**

(e) **Be guided by article 13 of the Convention in its implementation of target 16.3 of the Sustainable Development Goals.**

**Liberty and security of the person (art. 14)**

28. The Committee is concerned that legislation in place is not in line with the Convention, particularly the 2009 Act on the hospitalization of persons with mental disorders without their consent, which allows the forced internment in a psychiatric establishment and non-consensual psychiatric treatment of persons with disabilities, on the grounds of psychosocial disabilities. The Committee is also concerned that persons with psychosocial and/or intellectual disabilities accused of a criminal offence do not have the right to due process but instead, are subjected to detention in the judicial psychiatric unit within the penitentiary centre (art. 71 of the Penal Code). It is further concerned by the absence of research on the impact on the personal security of persons deprived of their liberty who are either hospitalized or detained in prison, or other secure settings.

29. **The Committee recommends that the State party:**

(a) **Revise and repeal the legal provisions that legitimate forced internment and non-consensual psychiatric treatment on the grounds of disability;**

(b) **Ensure that persons with disabilities accused of an offence are entitled to a fair trial and due process guarantees on an equal basis with others;**

(c) **Carry out research on the impact on the personal security of persons deprived of their liberty who are either hospitalized or detained in prison or other secure settings without their free and informed consent.**

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

30. The Committee is concerned about legal provisions that allow for the use of restraints against persons with disabilities in psychiatric institutions, which may amount to torture, cruel, inhuman or degrading treatment or punishment. It is also concerned that the competence of the mediator, as the mechanism of protection for the rights of persons with disabilities, does not extend to private institutions.

31. **The Committee recommends that the State party take immediate steps to eliminate the use of restraints in medical facilities that may amount to torture, cruel, inhuman or degrading treatment or punishment and to ensure that independent authorities have the competence to monitor all facilities and programmes serving persons with disabilities, including private hospitals and mental health facilities, and communal homes.**

**Freedom from exploitation, violence and abuse (art. 16)**

32. The Committee is concerned that:

(a) Persons with disabilities, in particular women and girls with disabilities, may be subject to violence and abuse, including domestic violence, and that laws in this regard, including the Domestic Violence Act of 2003, lack a disability perspective and lack monitoring mechanisms to detect, prevent and combat violence within and outside the home;

(b) In cases of suspected abuse or violence, persons with disabilities receiving inpatient care in hospitals are not guaranteed legal protection through legal representation;

(c) Statistical data of persons with disabilities victims of violence, sexual abuse or multiple discrimination is lacking.

33. **The Committee recommends that the State party:**

(a) **Review the Domestic Violence Act 2003 to ensure it has a disability perspective;**

(b) **Enact legislation, including monitoring mechanisms, to detect, prevent and combat violence within and outside the home of persons with disabilities, especially for women and children with disabilities. It encourages the State party to expedite the ratification of the Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention);**

(c) **Collect and publish disaggregated statistics on violence;**

(d) **Ensure that all reported cases of abuse or violence are appropriately investigated and perpetrators are prosecuted, and that all persons with disabilities receiving inpatient care in hospitals are guaranteed legal representation;**

(e) **Ensure that members of the police, judiciary, health and social services receive regular and mandatory training on the prevention of violence and abuse of persons with disabilities;**

(f) **Ensure the availability of accessible and inclusive support services to those subjected to violence, including police reporting, complaints mechanisms, shelters and other support measures;**

(g) **Ensure the effective, independent human rights-based monitoring of all remaining residential institutions.**

#### **Protecting the integrity of the person (art. 17)**

34. The Committee is concerned about reports of the forced administration of contraceptives to women with disabilities of reproductive age, particularly of women and girls with disabilities with intellectual disabilities still living in State-funded institutions. It is also concerned that persons with disabilities are still subject to medical treatments without their free and informed consent, particularly persons still under guardianship.

35. **The Committee recommends that the State party adopt all legislative and other measures necessary to prevent and stop non-consensual contraception measures or medical treatment, including when consent is given by a third party.**

#### **Living independently and being included in the community (art. 19)**

36. The Committee is concerned about:

(a) **Laws in place, including the reform to Act 7014 of 8 July 2016, that continue to curtail the right to independent living by setting limits and controls on persons with disabilities;**

(b) **The lack of an action plan for the deinstitutionalization of persons with disabilities with a specific timeline and appropriate funding;**

(c) **The absence of a clear strategy to promote and ensure the transition to full independent living for all persons with disabilities within the community, including with support of a personal assistant, and that future plans and construction projects still contain elements that limit the rights of persons with disabilities under article 19.**

37. **The Committee recommends that the State party take into account its general comment No. 5 (2017) on living independently and being included in the community, and:**

(a) **Adopt the legal and other measures necessary, including repealing Reform Act 7014 and relevant disability insurance systems, replacing them by legislation promoting the right to independent living and being included in the community, providing for, among others, personal assistance and clarifying the responsibilities and resource allocations of central and local authorities;**

(b) **Develop and implement an effective deinstitutionalization plan, with a clear time frame and benchmarks, involving persons with disabilities through their representative organizations in all stages;**

(c) **Adopt the measures necessary to ensure that persons with disabilities have a legal entitlement to a sufficient personal budget for independent living, which**

**takes into account the additional costs related to disability and, at the same time, redirect resources from institutionalization to community-based services, while increasing the availability of personal assistance.**

#### **Freedom of expression and opinion, and access to information (art. 21)**

38. The Committee is concerned about:

(a) The insufficient provision of information and communication in accessible formats and technologies, such as Easy Read, plain language, subtitles, sign language, Braille, and audio-description, particularly in official interactions;

(b) The lack of accessibility of most television live broadcast and mass media;

(c) The lack of official recognition of sign language and the limited number of interpreters;

(d) The insufficient number of Easy Read translators.

39. **The Committee recommends that the State party:**

(a) **Increase the provision of accessible information and communication formats and technologies, which are appropriate for persons with disabilities, including web accessibility, sign language, subtitles, Braille, Easy Read and plain language in relation to all public services;**

(b) **Expedite the enactment of legislation to recognize German sign language with a possibility of using it in official interaction, and promoting other sign languages to respect the multilingual character of the State party;**

(c) **Adopt capacity-building programmes, including the training of Easy Read translators and sign language interpreters, and provide sign language interpretation for services open to the public;**

(d) **Increase accessibility in mass media, particularly in live broadcasting.**

#### **Respect for the home and the family (art. 23)**

40. The Committee is concerned about discriminatory laws and policies that restrict the rights of persons with disabilities relating to marriage, the family, parenthood and relationships.

41. **The Committee recommends that the State party take the measures necessary, including the repeal of legislation, to eliminate discrimination against persons with disabilities, in all matters relating to marriage, family, parenthood and relationships.**

#### **Education (art. 24)**

42. The Committee is concerned that education laws still allow for the segregation of students with disabilities, and that segregated education environments persist, especially for students with intellectual disabilities. It is also concerned about:

(a) The absence of a legally defined procedure for the provision of reasonable accommodation and for assistant support staff in classrooms, in public and private schools;

(b) The misunderstanding of reasonable accommodation as reflected in Act of 15 July 2011, which undermines the process of identifying the response to individual requirements in dialogue with the person concerned and limits reasonable accommodation to existing options set out by the Act;

(c) Negative attitudes towards disability in education and low expectations of students with disabilities;

(e) The insufficient training of teachers, support teachers and non-teaching personnel on inclusive education;

(f) The absence of data and indicators to monitor the quality of education and inclusion of students with disabilities, and accessibility standards of school infrastructures, information and communications, including information and communications technology.

43. **Recalling its general comment No. 4 (2016) on the right to inclusive education and Sustainable Development Goal 4, especially its targets 4.5 and 4.a, the Committee recommends that the State party:**

(a) **Amend the laws on education to ensure that no student is refused admission to mainstream schools on the basis of disability, ensure accessibility and allocate the resources necessary to guarantee reasonable accommodation, including assistant support staff, including pre-school and tertiary education and the private sector;**

(b) **Adopt a legally defined procedure for the provision of reasonable accommodation at all levels of education and allocate the resources necessary to guarantee reasonable accommodation according to individual requirements in consultation with the person concerned;**

(c) **Design and implement an action plan on inclusive education with sufficient resources, timelines and specific goals;**

(d) **Increase awareness-raising initiatives, including training on inclusive education and its implementation mandatory for teachers, support teachers and non-teaching education personnel;**

(e) **Increase data collection on, among others, the implementation of education laws and policies, and accessibility of school infrastructures, information and communications, including information and communications technology, to inform inclusive education policies.**

#### **Health (art. 25)**

44. The Committee is concerned about insufficient accessible health-care services and facilities in the community for persons with disabilities, particularly those with intellectual disabilities and those that require extensive support. It is also concerned about:

(a) The insufficient training of health personnel on the rights of persons with disabilities and human rights in general;

(b) The inadequate access to information on health-care services and facilities, including about sexual and reproductive health and rights and related services, especially for women with disabilities who are still living in institutions.

45. **The Committee recommends that the State party take measures to ensure the accessibility of health-care services and facilities in the community, particularly persons with intellectual disabilities or psychosocial disabilities and those that require extensive support. Specifically, it recommends that the State party:**

(a) **Raise awareness of the rights of persons with disabilities under the Convention among medical professionals through training and the promulgation of ethical standards;**

(b) **Take measures to provide persons with disabilities, especially women, with information in accessible formats, on accessible health-care services and facilities, including in the area of sexual and reproductive health.**

#### **Work and employment (art. 27)**

46. The Committee is concerned about the low level of employment of persons with disabilities in the public and private sectors and the segregation of persons with disabilities in sheltered workshops. It is also concerned about:

(a) The lack of a designated body for monitoring and sanctioning non-compliance of labour quotas, particularly in the private sector;

(b) The lack of monitoring of the provision of reasonable accommodation.

47. **The Committee recommends that the State party adopt measures to phase out sheltered workshops, with a time-bound schedule and plan for transfer of those currently employed in sheltered workshops into the open labour market, and increase the level of employment of persons with disabilities in the open labour market, in line with the Convention and in view of target 8.5 of the Sustainable Development Goals, and that it ensure the achievement of full and productive employment and decent work for all, including persons with disabilities, and equal pay for work of equal value. It also recommends that the State party:**

(a) **Designate an entity for monitoring and sanctioning non-compliance of labour quotas in both the private and public sectors;**

(b) **Take measures to ensure the effective monitoring of the provision of reasonable accommodation, with appropriate remedies for the denial of requests;**

(c) **Provide vocational and professional training and provide incentives for the self-employment of persons with disabilities, particularly women with disabilities.**

#### **Adequate standard of living and social protection (art. 28)**

48. The Committee is concerned about the absence of data on poverty and disability in the State party and that many persons with disabilities of working age and older persons with disabilities are at higher risk of poverty. It is also concerned that the additional expenses related to disability consequently increase the risk of persons with disabilities being institutionalized. The Committee notes with concern that recent changes to care insurance regulations may lead to a deterioration of the standard of living of persons with disabilities.

49. **The Committee recommends that the State party collect data on the socioeconomic situation of persons with disabilities to design appropriate policies to ensure an adequate standard of living for persons with disabilities and their families. It also recommends that the State party:**

(a) **Ensure that social protection policies and programmes secure income levels by taking into account the additional costs related to disability;**

(b) **Guarantee that persons with disabilities have access to sufficient community-based social services, public housing programmes and support services for living independently respectful of the rights, will and preferences of persons with disabilities;**

(c) **Pay attention to the links between article 28 of the Convention and target 1.3 of the Sustainable Development Goals, which calls upon States to implement appropriate social protection systems and measures for all, including floors.**

#### **Participation in political and public life (art. 29)**

50. The Committee is concerned that the rights of persons with disabilities under guardianship to vote and be elected remain restricted by law. It is also concerned that voting procedures, facilities and materials lack accessibility. The Committee notes with concern the low rates of representation and participation of persons with disabilities in political life and public decision-making.

51. **The Committee recommends that the State party, in consultation with organizations of persons with disabilities:**

(a) **Take the legal and other measures necessary to enable the political and public participation of persons with disabilities on an equal basis with others, including the right to vote;**

(b) **Ensure that electoral procedures, facilities and materials are appropriate and accessible for all persons with disabilities, including in sign language, Braille and Easy Read;**

(c) **Promote the participation of persons with disabilities, including women, in political life and public decision-making.**

**Participation in cultural life, recreation, leisure and sport (art. 30)**

52. The Committee is concerned that persons with disabilities face barriers to participate in cultural life, recreation, leisure and sport on an equal basis with others. It is also concerned that the State party has not yet ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

53. **The Committee recommends that the State party itemize a budget to promote and protect the right of persons with disabilities to participate in cultural life, recreation, leisure and sport on an equal basis with others. It encourages the State party to adopt all appropriate measures to ratify and implement the Marrakesh Treaty as soon as possible.**

**C. Specific obligations (arts. 31-33)****Statistics and data collection (art. 31)**

54. The Committee is concerned that data collection on the situation of the rights of persons with disabilities in the State party is fragmented and not disaggregated by gender or age, which makes it difficult for the State party to develop appropriate policies.

55. **In view of target 17.18 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Establish systematic data collection and reporting procedures under the National Institute of Statistics in line with the Convention;**

(b) **Rely on the methodology of the Washington Group on Disability Statistics to collect, analyse and disseminate data on its population disaggregated by sex, age, ethnicity, type of impairment, socioeconomic status, employment, barriers encountered and place of residence, including persons with disabilities who have been placed in institutions abroad with funding by the State party, and data on cases of discrimination or violence against persons with disabilities;**

(c) **Develop evidence-based policies to respond to the situation of persons with disabilities, in collaboration with their representative organizations.**

**International cooperation (art. 32)**

56. The Committee is concerned about the lack of a systematic and institutionalized approach to incorporating the Convention into its development cooperation initiatives, including programmes for the national implementation and monitoring of the 2030 Agenda for Sustainable Development. It is also concerned about the absence of evaluation mechanisms to measure the impact of development cooperation on persons with disabilities and the lack of information about the effective involvement of organizations of persons with disabilities as development cooperation partners.

57. **The Committee recommends that the State party:**

(a) **Adopt a development policy in line with the Convention that incorporates its principles and values into all the State party's development cooperation policies and programmes;**

(b) **Mainstream disability in the national implementation and monitoring of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals;**

(c) **Adopt measures to ensure meaningful participation of persons with disabilities through their representative organizations in the design, implementation, monitoring and evaluation of programmes and projects developed in international cooperation efforts.**

#### **National implementation and monitoring (art. 33)**

58. The Committee is concerned by the insufficient clarity and scope of the mandates, resources and authority of the entities designated under article 33 (2), and that discrimination occurring in the private sector is not covered. It is further concerned about the absence of mechanisms to ensure the participation of persons with disabilities, through their representative organizations, in monitoring processes.

59. Taking into account its draft guidelines on independent monitoring frameworks and their participation in the work of the Committee, the Committee recommends that the State party take the measures necessary to ensure that the independent monitoring mechanism complies fully with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), i.e., that it includes no government representatives, that it has an adequate budget for its functioning and that it operates in close consultation with organizations of persons with disabilities. It also recommends that the independent monitoring mechanism has the mandate to cover cases of discrimination in the public and private sectors to extend its protection.

### **IV. Follow-up**

#### **Dissemination of information**

60. The Committee requests that the State party, within 12 months and in accordance with article 35 (2) of the Convention, provide information on the measures taken to implement the Committee's recommendations as set forth in paragraphs 9 and 25 above.

61. The Committee requests the State party to implement the recommendations of the Committee as contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, architects and engineers, as well as to the media, using modern social communication strategies.

62. The Committee strongly encourages the State party to involve organizations of persons with disabilities in the preparation of its periodic report.

63. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and representative organizations of persons with disabilities, as well as to persons with disabilities themselves and members of their families, in national and minority languages, including sign languages, and in accessible formats including Easy Read, and to make them available on the government website on human rights.

#### **Next report**

64. The Committee requests the State party to submit its combined second and third periodic reports by no later than 26 October 2021 and to include therein information on the implementation of the present concluding observations. The Committee invites the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report/combined reports of a State party. The replies of a State party to such a list of issues constitute its report.