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| **Article 7 – Illustrative indicators on children with disabilities** | | | | |
| **Full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children** | | | | |
| **Attributes/**  **Indicators** | **Equality and non-discrimination** | **Survival, development, and preservation of identity** | **Best interests of the child and respect for evolving capacities** | **Respect for the views of the child** |
| **Structure** | 7.1 All legislation relating to children prohibits discrimination on all grounds[[1]](#endnote-1) and ensures the respect, protection and fulfilment of the rights of children with disabilities on an equal basis with other children.[[2]](#endnote-2)  7.2 All legislation, policies and national action plans/strategies[[3]](#endnote-3) concerning children or persons with disabilities[[4]](#endnote-4), should include references to children with disabilities[[5]](#endnote-5), require a consultative process[[6]](#endnote-6) and ensure systematic provision and availability of disability and age-appropriate assistance, in particular for them to express their views. | | | |
| 7.3 Adoption of a moratorium on new admissions to institutions of children with disabilities.  7.4 Adoption of a legal requirement to take into account the evolving capacities of children with disabilities and their right to preserve their identities in all decisions affecting them and with respect to medical and related interventions and treatments which are invasive, painful and irreversible, e.g. sterilization,[[7]](#endnote-7) that contradict the principle of respect for the evolving capacities of children with disabilities and their right to preserve their identities.  7.5 Statistics and data collected across all sectors concerning children are appropriately disaggregated[[8]](#endnote-8) and are publicly available in accessible formats.  7.6 Adoption of a disability marker into budget plans, actual expenditure spending, and internal and external policy and programmatic action lines across all sectors which requires mandatory reporting.[[9]](#endnote-9)  7.7 Legislation must create or address existing complaints mechanisms by assuring that they are effective and accessible to children with disabilities, at all levels, which allow them to bring forward complaints in regards to the enjoyment of all human rights and fundamental freedoms. | | 7.8 Implementing regulations, protocols and guidance for authorities on integrating best interest assessments inclusive of children with disabilities in the design, implementation, monitoring and evaluation of legislation and policies whose purpose is to ensure the full and effective enjoyment of the rights and the holistic development of the child or children concerned.[[10]](#endnote-10) | 7.9 Implementing regulations, protocols and other measures to promote both:  a) the inclusion of children with disabilities in children organizations and initiatives; and  b) the development of and support of organizations and initiatives of children and young persons with disabilities.  7.10 Implementing regulations, protocols and guidance for authorities on the provision of age and disability-appropriate assistance in seeking the views of a child or children and consulting with and actively involving them. |
| **Process** | 7.11 Proportion of legislation, national action plans and strategies, notably those on children, making explicit references to girls and boys with disabilities.  7.12 Proportion of asylum-seeking and refugee children with disabilities who access to national services, child protection systems, and targeted programmes. | 7.13 Proportion of children under 5 years of age whose births have been registered with a civil authority, by age (SDG indicator 16.9.1), sex and disability. | 7.14 Consultation processes undertaken to ensure active involvement of children with disabilities through organizations and initiatives of children and young persons with disabilities, on national policy development, implementation and monitoring of all disability-specific and mainstream laws, policies, and programs and services, including in determination of individual and collective best interest of children with disabilities.[[11]](#endnote-11) | |
| 7.15 Percentage of public expenditure directed to girls and boys with disabilities across sectors.[[12]](#endnote-12)  7.16 Proportion of awareness raising and information campaigns concerning children and/or targeted at children which are fully accessible and inclusive of children with disabilities.  7.17 Proportion of staff involved in the delivery of programs and services related to children, trained on disability.[[13]](#endnote-13)  7.18 Number of received complaints alleging discrimination on the basis of disability or disability in conjunction with one or more additional grounds[[14]](#endnote-14), involving girls and boys with disabilities, investigated and adjudicated in favor of the complainant, disaggregated by kind of mechanism, and the proportion of these complied with by the government or duty bearer. | | | 7.19 Proportion of fully accessible government public awareness and information campaigns concerning the rights and participation of children with disabilities targeted at children with disabilities, among others.[[15]](#endnote-15) |
| **Outcome** | 7.20 Under-five mortality rate (SDG indicator 3.2.1) disaggregated by sex, disability.  7.21 Prevalence of undernourishment of children (SDG indicator 2.1.1) disaggregated by sex, age, and disability.[[16]](#endnote-16)  7.22 Prevalence of malnutrition among children under 5 years of age, by type (wasting and overweight) (SDG indicator 2.2.2), disaggregated by sex, age, and disability.[[17]](#endnote-17)  7.23 Proportion and number of children aged 5-17 years engaged in child labour, by sex and age (SDGs indicator 8.7.1) and disability.  7.24 Enrolment rate of children with disabilities in regular schools, disaggregated by age, sex and disability.  7.25 Number and proportion of children with disabilities living in alternative care different from family settings in the community, disaggregated by age, sex and disability.  7.26 Number of children with disabilities having undergone invasive, painful and irreversible medical and related interventions and treatments, that might amount to ill-treatment and/or torture (See endnote vii). | | | 7.27 Percentage of children with disabilities represented in fora, including within their own organizations,[[18]](#endnote-18) disaggregated by sex, age, and disability.  7.28 Number of current organizations and initiatives of children and young persons with disabilities in the State, disaggregated by kind of disability represented and geographical area or district. |

**ANNEX**

1. The attributes chosen for Article 7 on children with disabilities mirror the guiding principles of the Convention on the Rights of the Child: i.e. non-discrimination; right to life, survival and development; best interests of the child; and respect for the views of the child, as they are applicable to all children, including children with disabilities. The CRC guiding principle “right to life, survival and development” has been amended as “survival, development and preservation of identity” to reflect the CRPD principle enshrined in Article 3(h) for respect for the right of children with disabilities to preserve their identities. Reference to this CRPD principle in the context of survival and development is important as it articulates the concern for decisions taken on the basis of survival and development which may overlook or dismiss the right of children with disabilities to preserve their identities. For example, decisions on treatment purported to correct or fix an impairment which may deny or impact upon a facet of their identity. The attribute on best interest of the child is presented together with respect for the evolving capacities of the child, which features in both the CRC and CRPD, to highlight the need to consider the evolving capacities of the child when determining their best interests; and that as the child matures, their views have increasing weight in the assessment of their best interests (see CRC Committee General Comment no 14, CRC/C/GC/14). Children with disabilities are a group within the general population of children who may face greater barriers in having their evolving capacities recognised and respected.

   Including disability, sex, gender, age, and explicitly recognises multiple & intersecting forms of discrimination and the denial of reasonable accommodation as constituting disability-based discrimination. [↑](#endnote-ref-1)
2. This includes the:

   * Right to be heard and express their views with the provision and availability of disability and age-appropriate assistance;
   * Right to seek and receive information;
   * Right to life and development to one’s full potential;
   * Right to preserve one’s identity;
   * Right to physical and mental integrity, including effective prevention of harmful practices and non-consensual psychiatric interventions;
   * Obligation to actively involve and closely consult them;
   * Application of the principle of the best interest of the child and respect for the evolving legal capacity of the child, as a primary consideration;
   * Right to be informed, trained and educated about their rights;
   * Right to adapted play, sport and education.

   [↑](#endnote-ref-2)
3. Which is designed with the meaningful consultation with organizations of persons with disabilities and contains:

   * clear lines of responsibility, targets and timetable for implementation;
   * mechanisms for cross-ministerial cooperation;
   * allocated budget;
   * clear lines of responsibility, targets and timetable for implementation;
   * monitoring and enforceability mechanism;
   * criteria for requiring physical and informational accessibility.

   [↑](#endnote-ref-3)
4. And/or are relative to sectors concerning, among others, gender equality, health, social protection, combating violence, education, access to information, freedom of expression, participation in public and political life, migrant integration, access to justice, culture and recreation. [↑](#endnote-ref-4)
5. This includes making specific references to children with disabilities with targeted and monitored measures to ensure the enjoyment and exercise of their rights on an equal basis with others. [↑](#endnote-ref-5)
6. This includes:

   * Consultations with and involvement of children with disabilities, through their representative organisations; and
   * Requires the development and delivery of child-rights impact assessments to systematically determine and foresee the impact of any proposed policy, legislation, regulation, budget or other administrative decision which affect children, including children with disabilities, and the enjoyment of their rights which should be carried out in complementarity with ongoing monitoring and evaluation of the impact of measures on the rights of children with disabilities ([GC No. 14, CRC, para. 99](https://www2.ohchr.org/English/bodies/crc/docs/GC/CRC_C_GC_14_ENG.pdf)).

   [↑](#endnote-ref-6)
7. These include notably electroconvulsive therapy; psychosurgery; experimental mercury detoxification treatments, harsh behavioural modification regimes and packing for autistic children; conductive education for children with cerebral palsy; and limb-lengthening for children with restricted growth, and alike. [↑](#endnote-ref-7)
8. By age, sex and disability and other prohibited grounds of discrimination. [↑](#endnote-ref-8)
9. The mandatory reporting should include the degree to which programmes have:

   A primary objective of inclusion and empowerment of persons with disabilities;

   Significant activities and mechanisms to support the inclusion and empowerment of persons with disabilities;

   Where there is no focus on the inclusion of persons with disabilities;

   Disaggregated by sex, age, geographical location, and other grounds relating to different layers of identity. [↑](#endnote-ref-9)
10. Which recognise and explicitly include:

    The prohibition of discrimination on the basis of disability and the provision of reasonable accommodation;

    The respect for the rights of the child which includes the child’s right to express his or her views freely and due weight given to said views in all matters affecting the child and the right of the child to preserve their identity as it relates, among others, to their sex, gender, impairment/disability, social, cultural and linguistic identity and their intersections;

    The evolving capacities of the child which should not only assess the physical, emotional, educational and other needs at the specific moment of the decision, but should also consider the possible scenarios of the child’s development;

    The appropriate measures to ensure effective and equal opportunities may require positive measures aimed at redressing a situation of inequality. [↑](#endnote-ref-10)
11. This indicator requires verifying concrete activities undertaken by public authorities to involve children with disabilities in decision-making processes related to issues that directly or indirectly affect them in line with article 4.3 of the CRPD, including consultation meetings, technical briefings, online consultation surveys, calls for comments on draft legislation and policies, among other methods and mechanisms of participation. In this regard, States must

    - ensure that consultation processes are transparent

    - ensure provision of appropriate and accessible information

    - not withhold information, condition or prevent organizations of persons with disabilities from freely expressing their opinions.

    - include both registered and unregistered organizations.

    - ensure early and continuous involvement.

    - cover related expenses of participants (e.g. transport and other expenses to attend meetings and technical briefings). [↑](#endnote-ref-11)
12. Such as education, participation, health, social protection, culture and recreation, among others. [↑](#endnote-ref-12)
13. This includes:

    The awareness and inclusion of children with disabilities;

    Child rights impact assessments inclusive of children with disabilities;

    The obligation to provide reasonable accommodation;

    The best interest of the child;

    The evolving capacities of children with disabilities and their right to preserve their identities;

    Accessible and alternative forms of communication;

    Provision of disability and age-appropriate assistance;

    Involving children with disabilities within the design, implementation and monitoring of training. [↑](#endnote-ref-13)
14. including, sex, age, etc. [↑](#endnote-ref-14)
15. This includes their parents and relatives, staff working for and with children (i.e. teachers, etc.) and the community at large (i.e. including peers, classmates, etc.), girls and boys with disabilities in the design, implementation and monitoring of awareness raising and information programmes. [↑](#endnote-ref-15)
16. The prevalence of undernourishment (PoU) is an estimate of the proportion of the population whose habitual food consumption is insufficient to provide the dietary energy levels that are required to maintain a normal active and healthy life.  [↑](#endnote-ref-16)
17. <https://www.unicef.org/disabilities/files/Stronger-Together_Nutrition_Disability_Groce_Challenger_Kerac.pdf> [↑](#endnote-ref-17)
18. This can include at school, local, regional and national governance level. See Council of Europe, Child participation assessment tool, available at <https://rm.coe.int/16806482d9>. [↑](#endnote-ref-18)